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| Monday | Tuesday | Wednesday | Thursday | Friday |
|---|---|---|---|---|
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[4810-33]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Administration

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final Amendment.

SUMMARY: This amendment to 12 CFR 9.7, Administration of fiduciary powers, gives regulatory recognition to the established principle of law which prohibits the use of material inside information in connection with the purchase or sale of any security. A national bank may not make trust department decisions or recommendations to purchase or sell any security on the basis of material inside information that is available to their commercial departments, directors, or any other source. The amendment requires written policies and procedures to ensure that the Federal securities laws are complied with in connection with any decision or recommendation to purchase or sell any security.

EFFECTIVE DATE: March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Dean E. Miller, Deputy Comptroller for Trust Operations Comptroller of the Currency, Washington, D.C. 20219, Tele. No. 202-447-1731.

SUPPLEMENTARY INFORMATION: On October 25, 1977, the Comptroller of the Currency published in the FEDERAL REGISTER (42 FR 56338) for comment a proposed amendment to 12 CFR 9.7, Administration of fiduciary powers. The amendment revises paragraph (d) of § 9.7 and evolves from earlier proposals that were published for comment in April 1974 (39 FR 14510) and September 1976 (41 FR 37812). The amendment gives regulatory recognition to the established principle of law which prohibits the use of material inside information in connection with the purchase or sale of any security.

In response to the proposed amendment, ten comments were received. Those commenting included national banks, banking associations, and law firms.

DISCUSSION OF MAJOR COMMENTS

The position of the commentators varied, with most agreeing with the amendment. While certain commentators found the amendment unnecessary, the majority of commentators favored the general and flexible approach of the amendment and felt that the amendment was appropriate.

One commentator suggested that the amendment should require that the written policies and procedures be disclosed to current or potential customers of the trust department. The Comptroller, while agreeing that such a policy may be desirable, has decided not to propose or adopt it as part of 12 CFR 9.7(d). Such a revision would require further proposals and public comment. The Comptroller believes that considering the history of the amendment any further delay in adoption is not warranted. However, the Comptroller does encourage national banks to consider the merit of adopting such a policy.

It was also suggested that the amendment should mention the key aspects to be covered by the written policies and procedures, to save the trust departments from burdensome legal expenses. The Comptroller of the Currency believes that this requirement would diminish the generalized and flexible approach of the amendment. Each bank, regardless of size, will be able to choose those written policies and procedures which best suit it.

A language change was made in response to comments in order to conform the proposal to the language of the Federal securities laws and to avoid possible misinterpretation of the amendment. This change is: The term "any security" is now included throughout the regulation in place of "securities," since this is consistent with the language of the Securities Exchange Commission's Rule 10b-5, 17 CFR 240.10b-5.

DRAFTING INFORMATION

The principal drafter of this document is Ralph Janvey, Attorney, Securities Disclosure Division, Comptroller of the Currency, Washington, D.C. 20219.

FINAL AMENDMENT

12 CFR Part 9 is amended by revising § 9.7(d) to read as follows:

§ 9.7 Administration of fiduciary powers.

* * * * * *

(d) The trust department may utilize personnel and facilities of other departments of the bank, and other departments of the bank may utilize personnel and facilities of the trust department only to the extent not prohibited by law. Every national bank exercising fiduciary powers shall adopt written policies and procedures to ensure that the Federal securities laws are complied with in connection with any decision or recommendation to purchase or sell any security. Such policies and procedures, in particular, shall ensure the national bank trust departments shall not use material inside information in connection with any decision or recommendation to purchase or sell any security.

Dated: February 1, 1978.

JOHN G. HEIMANN,
*Comptroller of the Currency.*

[FR Doc. 78-4250 Filed 2-15-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-WE-2-AD, Amdt. 39-3141]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes Including Military Type C-9A, C9B, and VC-9C

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive (AD) which requires an inspection for proper adjustment of, and a modification to, the cam mechanism on the McDonnell Douglas Model DC-9 Series aileron/spoiler mixer assembly. The AD is prompted by a report that the cam could become disengaged from the cam roller due to misadjustment or a loose shaft bearing, thereby reducing the lateral roll rate available to an unsafe level.

DATES: Effective date—February 21, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESS: Persons affected by this AD may obtain copies of applicable McDonnell Douglas service information cited in this AD by writing to: McDonnell Douglas Aircraft Co. 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, C1-750, 54-60.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: There have been several reported cases of improper adjustment of the aileron/spoiler mixer assembly on McDonnell Douglas Model DC-9 Series airplanes. In one case, the misadjustment caused the cam rollers to be engaged with the cam by only about 1/32 inch. If the cam rollers became disengaged entirely, it could cause a drastic reduction of lateral control, due to improper spoiler deployment. It was also found that there was a possibility that the lower bearing on the cam shaft might not be adequately staked, thereby allowing the cam to move to the extent that it could disengage from the cam rollers.

The manufacturer has issued DC-9 Alert Service Bulletin A27-189 providing for a one-time inspection of the aileron/spoiler mixer assembly and a modification to prevent movement of the cam shaft in a direction which could cause disengagement. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one-time inspection of the aileron/spoiler mixer assembly adjustment, and a modification to prevent unwanted movement of the cam shaft on McDonnell Douglas Model DC-9 Series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Fred C. Woodruff, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS: Applies to Model DC-9 Series airplanes, certificated in all categories, including Military Type C-9A, C-9B, and VC-9C, F/N's 1 through 862.

Compliance required as indicated.

To prevent the aileron/spoiler mixer cam from disengaging from the cam roller, accomplish the following:

(a) Within the next 275 hours time in service after the effective date of this AD, unless already accomplished, inspect and reshim if required as specified in Items 1 through 6 under Accomplishment Instructions in McDonnell Douglas DC-9 Alert Service Bulletin A27-189 dated October 7, 1977, or later FAA approved revision.

(b) Within the next 2,000 hours time in service after the effective date of this AD, unless already accomplished, add washers as specified in Item 7 under Accomplishment Instructions in McDonnell douglas DC-9 Alert Service Bulletin A27-189 dated October 7, 1977, or later FAA approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the inspections and modifications required by this AD.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB circular A-107.

Issued in Los Angeles, Calif. on February 7, 1978.

HERMAN C. BLISS,
*Acting Director,*
*FAA Western Region.*

[FR Doc. 78 4110 filed 2-15-78; 8:45 am]

[4910-13]

[Docket No. 17238, Amdt. 39-3142]

PART 39—AIRWORTHINESS DIRECTIVES

**Societe Nationale Industrielle Aerospatiale (formerly Nord Aviation) Nord 262 Series Airplanes**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the FEDERAL REGISTER and makes effective as to all persons an amendment to an existing airworthiness directive which was previously made effective as to known operators of Societe Nationale Industrielle Aerospatiale (formerly Nord Aviation) Nord 262 airplanes by individual telegrams sent to each operator. The amendment provides a limited extension of time for compliance with the AD under specified conditions that will not adversely affect safety.

DATES: Effective March 2, 1978, except with respect to certain persons specified in the body of the AD. Compliance schedule—As prescribed in the body of the AD.

ADDRESS: The applicable service bulletins may be obtained from Aerospatiale, BP 475, 36003 Chateauroux, France.

A copy of each of the service bulletins is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: Amendment 39-3053 (42 FR 54408), AD 77-21-02, became effective on October 31, 1977, with compliance required within the next 300 hours time in service, unless already accomplished. The AD, in part, requires a fuel tank modification. The FAA has determined that the manufacturer has been unable to deliver a sufficient number of parts necessary to complete the required modification on all Nord 262 airplanes in accordance with the AD. The FAA has also determined that a limited extension of time for compliance with the AD under specified conditions will not adversely affect safety.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the amendment effective immediately as to all known operators of Societe Nationale Industrielle Aerospatiale (formerly Nord Aviation) Nord 262 airplanes by individual telegrams dated December 8, 1977. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. For clarity, the amended AD is published in its entirety.

DRAFTING INFORMATION

The principal authors of this document are F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.





ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3053 (42 FR 54408), AD 77-21-02, to read as follows:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (Formerly Nord Aviation). Applies to all Nord 262 Series airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent interruption of fuel flow to the operating engine as a consequence of failure of one engine, accomplish the following:

(a) Except as provided in paragraph (b) of this AD, within the next 300 hours time in service after October 31, 1977, accomplish the following:

(1) For airplanes not equipped with auxiliary tanks in center wing, install a rigid metal partition inside fuel tank No. 1 (LH and RH) in accordance with paragraph II "Embodiment Instructions" of Nord 262 Fregate Service Bulletin No. 28-18 (Mod. 825), dated June 23, 1977, or an FAA-approved equivalent.

(2) For airplanes equipped with auxiliary tanks in center wing, install a rigid metal partition inside fuel tank No. 1 (LH and RH) in accordance with paragraph II "Embodiment Instructions" of Nord 262 Fregate Service Bulletin No. 28-19 (Mod. 826), dated June 23, 1977, or an FAA-approved equivalent.

(3) After accomplishing paragraph (a)(1) or (a)(2) of this AD, adjust the zero point on the fuel quantity indicator in accordance with paragraph II "Accomplishment Instructions" of Nord—262 Fregate Service Bulletin No. 28-20 (Mod. 828), dated June 23, 1977, or an FAA-approved equivalent.

(b) An airplane may be operated for a period of time not to extend past April 1, 1978, without the airplane being modified in accordance with paragrahp (a) of this AD if—

(1) Modification kits required under paragraph (a) of this AD have been ordered but have not been delivered;

(2) An operating limitation placard is installed in clear view of the pilot that reads, "Warning—in the event of one engine failing, immediate action to correct asymmetrical flight must be taken to prevent loss of the operating engine"; and

(3) The period of time for continued operation without being in compliance with paragraph (a) of this AD must be approved by the FAA District Office having jurisdication over the operator. Requests for approval must substantiate that the modification kits required under paragraph (a) of this AD have been ordered but have not been delivered.

(c) The placard required by paragraph (b) of this AD may be removed upon compliance with paragraph (a) of this AD.

This amendment is effective March 2, 1978, as to all persons except those persons to whom it was made immediately effective by the telegram dated December 8, 1977, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 3, 1978.

J. A. FERRARESE,
*Acting Director,*
*Flight Standards Service.*

[FR Doc. 78-4103 Filed 2-15-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

**Alteration of Transition Area—Neosho, Mo.**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Neosho, Mo., to provide additional controlled airspace for aircraft executing a new instrument procedure to the Neosho, Mo. Memorial Airport which is based on the Neosho, Mo., VOR.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone: 816-374-3408.

SUPPLEMENTRAY INFORMATION: A new straight-in instrument approach procedure to the Neosho, Mo. Memorial Airport has been estalished based on an existing navigational aid, the Neosho, Mo., VOR. The establishment of a new instrument approach procedure based on the navigational aid entails the alteration of the transition area at Neosho, Mo., at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to insure additional adequate controlled airspace for aircraft executing this new straight-in instrument approach procedure.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures, and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On pages 62399 and 62400 of the FEDERAL REGISTER dated December 12, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Neosho, Mo. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.m.t., May 18, 1978, by altering the following transition area:

NEOSHO, Mo.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.) and within 2 miles each side of Neosho, Mo. VOR 310° radial, extending from the 5 mile radius area to 8 miles northwest of the VOR; and within 2½ miles each side of the 012° bearing, from the Neosho Memorial Airport extending from the 5 mile radius area to 6 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69, Federal Aviation Regulations (14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on February 7, 1978.

JOHN E. SHAW,
*Acting Director, Central Region.*

[FR Doc. 78-4109 Filed 2-15-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-05]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

**Redesignation of Control Zone, Pueblo, Colo.**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the effective time for the Pueblo, Colo., control zone from continuous to part-time to establish effective times for this control zone which coincide with the availability of weather re-

porting service at this location. The National Weather Service is reducing their hours of operation at Pueblo, Colo., making this amendment necessary.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph T. Taber, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

The National Weather Service at Pueblo, Colo., currently provides full time weather reporting service supporting the full time control zone at Pueblo, Colo. Beginning March 23, 1978, operational hours for the National Weather Service at Pueblo, Colo., will be changed from full time to the periods from 0430 to 2030 hours local time daily and weather reporting service will not be available for an eight-hour period. Therefore, the present continuous effective period for the Pueblo, Colo., control zone must be revised to establish effective times for this control zone coincidental with the availability of weather reporting service by the National Weather Service.

Furthermore, it is anticipated that the loss of weather reporting service at Pueblo, Colo., will be temporary. Therefore, the revised Pueblo, Colo., control zone designation provides for changes in the effective periods for this control zone by Notice to Airmen with continuous publication of these effective periods in the Airmen's Information Manual.

Since effective periods for the Pueblo, Colo., control zone are contingent on the availability of weather reporting service at that location, it was further determined that issuance of a Notice of Proposed Rule Making for this amendment would be impractical and not within the public interest.

RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) revises the control zone at Pueblo, Colo.

The reduced hours of weather reporting service by the National Weather Service at Pueblo, Colo., necessitates the changing of the effective hours of operation for the Pueblo, Colo., control zone.

DRAFTING INFORMATION

The principal authors of this document are Mr. Joseph T. Taber, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective March 23, 1978 as follows:

By amending Subpart F § 71.171 by adding the following:

PUEBLO, COLO.

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on February 6, 1978.

M. M. MARTIN,
*Director,*
*Rocky Mountain Region.*

[FR Doc. 78-4104 Filed 2-15-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-43]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Special Use Airspace; Correction**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of January 26, 1978, Volume 43, page 3550, the geographical description of Restricted Area R-2901D was incorrectly specified which caused a slight error in the description of this restricted area. This correction specifies the proper description of R-2901D.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8488.

SUPPLEMENTARY INFORMATION: FR Doc, 78-2177 was published on January 26, 1978, (43 FR 3549) and amended the description of several restricted areas in the Avon Park, Fla., complex. A typographical error was made in the description of R-2901D which specified a geographical coordinate as Lat. 27°44'50" N., Long. 81°25'20" W., whereas the geographical coordinate should have been specified as Lat. 27°46'00" N., Long. 81°25'20" W. Action is taken herein to correct this error.

DRAFTING INFORMATION

The principal authors of this document are Mr. Wray McClung, Air Traffc Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, FEDERAL REGISTER Document 78-2177 as published in the FEDERAL REGISTER on January 26, 1978, page 3550, is amended in the description of R-2901D, in the second line of amendatory paragraph number 1.d. by deleting "Lat. 27°44'50" N.," and substituting "Lat. 27°46'00" N.," therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11941, and OMB Circular A-107.

Issued in Washington, D.C., on February 9, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 78-4108 Filed 2-15-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-53]

**PART 73—SPECIAL USE AIRSPACE**

**Amendment of Solid Shield 78 Temporary Restricted Areas in Puerto Rico**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides additional restricted airspace for a major joint service military exercise in Puerto Rico from May 10, 1978, through May 23, 1978. A previous amendment has designated restricted airspace for the exercise. However, the using agency has determined that additional restricted area airspace extending upwards from the surface is required for this exercise. This amendment provides the necessary additional airspace so that the military exercise can be conducted adequately.

EFFECTIVE DATE: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8488.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart B of part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to alter the descriptions of R-7105C, R-7105E and R-7105F in Puerto Rico to provide additional restricted area airspace for a major joint service military exercise called "SOLID SHIELD 78." On December 1, 1977, (42 FR 61049), the FAA proposed to amend Part 73 of the Federal Aviation Regulations (FARs) (14 CFR Part 73) to establish three temporary restricted areas near the southern coast of Puerto Rico to provide the military with special use airspace between the dates of May 10, 1978, and May 23, 1978, to conduct this exercise. Subsequent to the publication of that notice, it was determined that additional restricted area airspace would be needed. Accordingly, on December 15, 1977 (42 FR 63181), a supplemental notice of proposed rulemaking was published to establish a total of six temporary restricted areas for the exercise. Establishment of temporary warning area W-372 was also established south of the temporary restricted areas through nonrulemaking procedures.

It has now been determined by the Commander in Chief, U.S. Atlantic Fleet (CINCLANT) that the successful completion of this exercise requires that R-7105E which extends from the surface to 8,000 feet MSL be revoked and replaced by other surface to 8,000 feet MSL restricted area airspace which underlies R-7105F, and additional restricted area airspace from the surface to FL 280 extending 5 miles north of and parallel to the north boundary of R-7105F as presently described. Such action is taken herein. Also, an amendment to R-7105C is made herein to reduce the effective altitude from "Surface to but not including FL 280, excluding the airspace within R-7105E" to "From 8,000 feet MSL to but not including FL 280."

The military is taking action to procure land lease agreements for the new surface areas that are to be used for maneuvers or troop movements. If land leases or ownership cannot be obtained for certain areas, such areas will not be used for maneuvers or troop movements, and overflying military aircraft will be required to comply with Federal Aviation Regulations § 91.79 pertaining to minimum safe altitudes. Since the affected areas to be used for maneuvers or troop movements will be so used only where land owners agree to such use through execution of land lease agreements, it is considered that such agreements in effect constitute concurrence with the airspace action being taken. Consequently, notice or public procedure under 5 U.S.C. 553(b) is unnecessary. This amendment also corrects a typographical error made in the description of R-7105C. This description included a geographical coordinate position as "Lat. 17°56'00"N," whereas the position should have been described as "Lat. 17°55'00"N." This correction is made herein.

DRAFTING INFORMATION

The principal authors of this document are Mr. Wray McClung, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.71 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 660, 711 and amended 3083) is further amended, effective 0001 local time, May 10, 1978, as follows:

1. In R-7105C Boundaries: "Lat. 17°56'00"N., Long. 66°45'00"W.;" is deleted and "Lat. 17°55'00"N., Long. 66°45'00"W.;" is substituted therefor. Also "Surface to but not including FL 280, excluding the airspace with R-7105E." is deleted and "From 8,000 feet MSL to but not including FL 280." is substituted therefor.

2. R-7105E title and text is deleted.

3. In R-7105F Boundaries: "Lat. 18°05'00"N., Long. 67°15'00"W.; to Lat. 18°05'00"N., Long. 66°45'00"W.;" is deleted and Lat. 18°10'00"N., Long. 67°14'20"W.; to Lat. 18°10'00"N., Long. 66°45'00"W.;" is substituted therefor. Also in Altitudes: "8,000 feet MSL to FL 280." is deleted and "Surface to but not including FL 280." is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69).

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 7, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 78-4105 Filed 2-15-78; 8:45 am]





[6750-01]

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. 8986-O]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**Jim Walter Corp.**

AGENCY: Federal Trade Commission.

ACTION: Final order to cease and desist.

SUMMARY: This order, among other things, requires a Tampa, Fla. manufacturer of shell housing and construction material to divest itself within 1 year of all interests in the Philip Carey Co. and Carey-Canadian Mines, Ltd., divisions of Panacon Corp.; and prohibits the firm from acquiring for a period ot 10 years, any interest in a manufacturer, seller, or distributor of asphalt or tar roofing products without prior Commission approval.

DATES: Complaint issued July 29, 1974. Final order, Dec. 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Arthur J. Salzberg, Attorney, Bureau of Competition, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580, 202-724-1410.

SUPPLEMENTARY INFORMATION: In the Matter of Jim Walter Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

The Final Order to cease and desist, including further order requiring report of compliance therewith, is as follows:

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto and the Commission for the reasons stated in the accompanying opinion having determined to deny the appeal of respondent:

*It is ordered*, That the initial decision of the administrative law judge, pages 1-64 be adopted as the findings of fact and conclusions of law of the

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

Commission, except to the extent inconsistent with, and as indicated in, the accompanying opinion.

*It is further ordered*, That the following order to divest and to cease and desist be, and it hereby is, entered.

I. *It is ordered*, That respondent Jim Walter Corp. (hereinafter "JWC"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, divest all stock, assets, title, properties, interest, rights and privileges, of whatever nature, tangible and intangible, including without limitation all buildings, plants, equipment, machinery, raw material reserves, inventory, customers lists, trade names, trademarks, and other property of whatever description, of the Philip Carey Co. and Carey-Canadian Mines, Ltd., both divisions of Panacon Corp. ("Panacon") acquired by JWC through its wholly-owned subsidiary the Celotex Corp. ("Celotex"), as a result of the acquisition of the stock of Panacon, together with all additions and improvements which have been made thereto. Such divestiture shall be absolute, shall be accomplished no later than one (1) year from the effective date of this order, shall restore the Philip Carey Co. and Carey-Canadian Mines, Ltd. as a going concern and effective competitor in the asphalt and tar roofing industry, and shall be subject to the prior approval of the Federal Trade Commission.

II. *It is further ordered*, That pursuant to the requirements of Paragraph I, none of the stock, assets, properties, rights, privileges and interests of whatever nature, tangible or intangible, acquired or added by Celotex or JWC shall be divested, directly or indirectly, to anyone who is at the time of the divestiture an officer, director, employee or agent of, or under the control, direction or influence of JWC or Celotex or any other subsidiary of JWC of Celotex or anyone who owns or controls, directly or indirectly more than one (1) percent of the outstanding shares of the capital stock of JWC or any of its subsidiaries or anyone who is not approved in advance by the Federal Trade Commission.

III. *It is further ordered*, That pending any divestiture, the assets and business specified in Paragraph I shall be maintained and operated as a separate corporation with separate books of account, separate management, separate assets, and separate personnel.

IV. *It is further ordered*, That pending any divestiture required by this order, JWC shall not cause nor permit any deterioration of the assets and business specified in Paragraph I in a manner that impairs the marketability of any such assets and business.

V. *It is further ordered*, That, for a period commencing on the effective date of this order and continuing for ten (10) years from and after the date of completing the divestiture required by this order, JWC shall cease and desist from acquiring directly or indirectly or through subsidiaries, joint venture, or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets, any interest in or any interest of any domestic concern, corporate or non-corporate, engaged in the manufacture, production, sale or distribution of any asphalt or tar roofing product; nor shall JWC or its subsidiaries enter into any arrangement with any such concern by which JWC or its subsidiaries obtain the market share, in whole or in part, of any such concern in the above described product line.

VI. *It is further ordered*, That, as used in this order, the acquisitions to which Paragraph V pertains include any arrangements by JWC with any other party (1) whereby such other party discontinues the manufacture of any asphalt or tar roofing product under a brand name or label owned by such other party and thereafter distributes any of said products under any JWC, or its subsidiaries' brand names or labels, or (2) whereby such concern discontinues its participation in the asphalt and tar roofing industry and thereafter transfers to JWC, or its subsidiaries, its customer lists or in any other way makes available to JWC its customers or customer accounts.

VII. *It is further ordered*, That on the first anniversary date of the effective date of this order and on each anniversary date thereafter until the expiration of the prohibitions in Paragraph V of this order, JWC shall submit a report in writing to the Federal Trade Commission listing all acquisitions, mergers and agreements to acquire or merge made by JWC or its subsidiaries; the date of each such acquisition, merger or agreement; the products involved and such additional information as may from time to time be required.

VIII. *It is further ordered*, That within thirty (30) days from the effective date of this order and every sixty (60) days thereafter until it has fully complied with Paragraph I of this order, JWC shall submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested, (a) a specification of the steps taken by JWC to make public its desire to divest the interests described in Paragraph I of this order, (b) a list of all persons or organizations to whom notice of divestiture has been given, (c) a summary of all discussions and negotiations together with the identity and address of all interested persons or organizations, and (d) copies of all reports, internal memoranda, offers, counteroffers, communications and correspondence concerning said divestiture.

IX. *It is further ordered*, That JWC shall notify the Commission at least thirty (30) days prior to any proposed changes which may affect compliance obligations arising out of the order, such as dissolution, assignment or sale resulting in the emergence of successor corporations, and that this order shall be binding on any such successor.

By the Commission, Chairman Pertschuk not participating.

CAROL M. THOMAS,
*Secretary.*

[FR Doc. 78-4230 Filed 2-15-78; 8:45 am]

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[6740-02]

**Title 18—Conservation of Power and Water Resources**

**CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY**

[Docket No. RM75-25; Order No. 2]

**PART 2—GENERAL POLICY AND INTERPRETATIONS**

**Amendments to Policy Regarding Certification of Pipeline Transportation Agreements; Corrections**

FEBRUARY 9, 1978.

In FR Doc. 78-3365, issued February 1, 1978, and published at 43 FR 5362, February 8, 1978, on page 5368, 1st column, 3rd full paragraph, last sentence, change "The transportation of consumer-owned gas or reserves-in-place for a period not exceeding two years can be construed as falling within the scope of the policy." to read "Applications for transportation of consumer-owned gas or reserves-in-place made pursuant to § 2.79 for a period not exceeding two years may be construed as falling within the scope of the policy."

Page 5369, 1st column, 1st full paragraph, line 11, change "intrastate" to read "interstate".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4300 Filed 2-15-78; 8:45 am]





[6740-02]

**SUBCHAPTER A—GENERAL RULES**

[Docket No. RM78-5]

**PART 3 ORGANIZATION; OPERATION; INFORMATION AND REQUESTS**

**Organization of the Commission; Establishment of Oil Pipeline Board; Delegation of Authority to Oil Pipeline Board**

AGENCY: Federal Energy Regulatory Commission

ACTION: Final rule.

SUMMARY: The Commission is establishing an employee board to handle several of the functions transferred from the Interstate Commerce Commission concerning the regulation of the transportation of oil and oil by-products by pipeline. This action will expedite the handling of numerous oil pipeline filings and applications.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary 202-275-4166.

FEBRUARY 10, 1978.

Jurisdiction over oil pipelines, as it relates to the establishment of rates or charges for the transportation of oil by pipeline or to the establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission (ICC) to the Federal Energy Regulatory Commission (FERC), pursuant to sections 306 and 402 of the Department of Energy Organization Act (DOE Act), 42 U.S.C. 7155 and 7172, and Executive Order No. 12009, 42 FR 46267 (September 13, 1977).

Section 17(2) of the Interstate Commerce Act (Act) authorizes the FERC to delegate any of its work, business, or functions to a board of employees. The ICC had established six (6) boards of employees to administer, inter alia, its functions related to the regulation of oil pipelines. These are the Suspension and Fourth Section Board, Valuation Board, Special Permission Board, Released Rates Board, Tariff Rules Board and Accounting Board. The FERC likewise believes that a board of employees is necessary for the proper administration of its oil pipeline functions.

However, because of the relatively small percentage of business generated by common carriers by oil pipeline with respect to the ICC boards, compared with the business generated by carriers by other modes, a single board should be able to carry out the FERC's functions in all of these areas.

For the present, practice before the Oil Pipeline Board will be governed by the ICC's rules of practice, 49 CFR Part 1100. See section 705 of the Department of Energy Organization Act, 42 U.S.C. 7295. The FERC will closely monitor Oil Pipeline Board activities and will revise the rules of practice if such action is warranted.

Pursuant to section 17(2) of the Act, the ICC delegated authority to review orders of employee boards to Divisions of the Commission. Exceptions to initial decisions by Administrative Law Judges are reviewed by employee Review Boards. Section 17(a) of the Act, however, requires that a Division consist of three (3) Commissioners. Inasmuch as FERC is comprised of only five (5) Commissioners, establishment of Divisions at this time appears inappropriate. While authorized to do so, the FERC has not yet established employee Review Boards. The authority to review decisions and orders of the Oil Pipeline Board will therefore be vested in the full FERC. In addition, any reference to a Commission "Division" or a "Review Board" in the Act or Rules (49 CFR Part 1100) shall be deemed to refer to the full FERC.

The Oil Pipeline Board shall also be delegated the authority to certify to the full FERC any matter which, in its judgment, should be passed upon by the Commission. Moreover, the Oil Pipeline Board will be given the authority to determine whether a matter should be set for oral hearing or whether it should be handled under the modified procedure pursuant to Rules 43 and 52 of the ICC's rules of practice (49 CFR 1100.43 to 1100.52).[1]

A separate administrative order of the FERC Chairman will designate the Oil Pipeline Board members, specify the chairman, and establish the effective date for implementation of this order and operation of the Board.

The Commission finds: (1) The amendments to the FERC's general rules herein adopted are necessary and appropriate in carrying out the provisions of the Interstate Commerce Act.

(2) The amendments herein adopted will assist the FERC in carrying out its responsibilities under section 4, 6(3), 6(6), 15(7), 19a, and 20(1), 20(2), 20(3), 20(4), 20(5), 20(11) of the Interstate Commerce Act.

(3) Pursuant to section 705 of the Department of Energy Organization Act, the Interstate Commerce Commission's rules of practice contained in 49 CFR Part 1100 will govern proceedings before the Oil Pipeline Board until such rules of practice are amended or revoked by the FERC.

[1] This contrasts with ICC procedure which delegated to the Chairman of a Division the authority to decide whether a matter should be handled under the modified procedure or set for oral hearing.

(4) Any reference to a Commission "Division" or a "Review Board" in the Act or rules of practice (49 CFR Part 1100) should be deemed to refer to the full FERC for purposes of the operation of the Oil Pipeline Board herein established and review of its actions.

(5) Since the amendments herein adopted involve matters of Commission organization and procedure, and good cause exists that they be made effective immediately, compliance with the notice, hearing, and effective date provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to section 17(2) of the Interstate Commerce Act and in accordance with 5 U.S.C. 552, orders:

(A) Paragraph "(d)" of § 3.4 Title 18 of the Code of Federal Regulations is amended by adding thereto subparagraph "(14)" as follows:

§ 3.4 Organization.

* * * * * *

(d) * * *

(14) The Oil Pipeline Board, responsible for carrying out the Commission's functions under sections 4, 6(3), 6(6), 15(7), 19a, and 20(1), 20(2), 20(3), 20(4), 20(5), 20(11) of the Interstate Commerce Act. Any reference to a Commission "Division" or a "Review Board" in the Interstate Commerce Act or rules of practice (49 CFR Part 1100) shall be deemed to refer to the full FERC for purposes of the operation of the Oil Pipeline Board herein established the review of its actions.

(B) Section 3.5 of Title 18 of the Code of Federal Regulations is amended by adding thereto paragraph "(e)", as follows:

§ 3.5 Delegations of final authority.

* * * * * *

(e) The Oil Pipeline Board to:

(1) Act on all matters arising out of Section 15(7) of the Interstate Commerce Act, 49 U.S.C. 15(7), including but not limited to the authority (i) initially to dispose of these matters, by declining to suspend a rate or a classification, rule or practice and ordering an investigation; (ii) to suspend and institute investigations into rates, fares, charges, and practices; and (iii) prior to the submission of evidence, to discontinue any proceeding when the proposed rate, classification, rule or practice has been cancelled.

(2) Issue valuation reports pursuant to Section 19(a) of the Interstate Commerce Act, 49 U.S.C. 19a, in matters which do not involve taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Act on matters arising under section 4 of the Interstate Commerce Act,

49 U.S.C. 4, except proceedings made the subject for formal hearing, or matters arising from general increase proceedings.

(4) Grant special permission or other permissible waivers of rules regarding tariffs or schedules under section 6(3) of the Interstate Commerce Act, 49 U.S.C. 6(3), including authorization for the cancellation of suspended tariffs or schedules that have not involved taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(5) Act on matters arising under section 6(6) of the Interstate Commerce Act, 49 U.S.C. 6(6), related to the prescription of regulations concerning the form and manner in which tariffs required to be filed shall be published, filed, and posted, including the institution of rulemaking proceedings for the purpose of prescribing new or changed regulations, except matters involving taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(6) Act on matters arising under sections 20(1), 20(2), 20(3), 20(4) and 20(5) of the Interstate Commerce Act, 49 U.S.C. 20(1), (2), (3), (4), (5), including prescription of a uniform system of accounts, rates of depreciation for property, and forms for accounts, records, and memoranda kept by oil pipeline carriers.

(7) Act on matters arising under section 20(11) of the Interstate Commerce Act, 49 U.S.C. 20(11), insofar as they relate to applications for authorization to establish released rates and ratings that have not involved taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(8) Determine whether the investigation of suspended tariff schedules should be set for oral hearing before an Administrative Law Judge or handled under the modified procedure as described at 49 CFR 1100.43 to 1100.52.

(9) Certify to the full FERC any matter which the Oil Pipeline Board believes should be passed upon by the Commission.

(C) By separate administrative order the Chairman of the FERC shall designate the Oil Pipeline Board members, specify the Chairman of such Board and establish the effective date for implementation of this order and operation of the Board.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4307 Filed 2-15-78; 8:45 am]

[8120-01]

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 304—APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES

**Amendments to Regulations Governing Approval of Construction and Regulation of Structures in the Tennessee River System; Corrections**

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Corrections.

SUMMARY: This notice is to correct certain typographical errors that appeared in a final rule which promulgated certain amendments to TVA's regulations governing approval of construction and regulation of structures in the Tennessee River System. This final rule appeared at 42 FR 65145 and becomes effective on February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

John S. Rozek, Director of Property and Services, 109 West Cumberland Building, Knoxville, Tenn. 37902, 615-632-3151.

The following corrections should be noted in the final rule as it appears at 42 FR 65145:

1. On page 65146, § 304.206 of the index, the word "approval" should read "approved."

2. On page 65148, § 304.108, the nineteenth line of paragraph (c), the word "enclosed" should be in italic type.

3. On page 65149, § 304.201, the second line of the definition of "pontoon," the word "cyclinder" should read "cylinder."

4. On page 65149, § 304.203, paragraph (c), the fourth line of subparagraph (2), after the word "owner" insert the words "is the owner."

Dated: February 7, 1978.

LYNN SEEBER,
*General Manager.*

[FR Doc. 78-4235 Filed 2-15-78; 8:45 am]

[1505-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7532]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

RESERVES FOR LOSSES ON LOANS TO BANKS

*Correction*

In FR Doc. 78-1704 appearing at page 3107 in the issue for Monday, January 23, 1978, the following changes should be made.

1. On page 3107, second column, last paragraph, line 6 from the bottom, the word, "lessor", should read, "lesser".

2. On page 3108, third column, third line of paragraph (3) should read, "be construed to exclude from the term 'eligible'."

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 880—MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

**Subpart B—Control of Ambulances at Lackland AFB, Tex.**

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a rule which establishes policies and procedures for control of ambulances at the Wilford Hall Medical Center, Lackland Air Force Base, Tex. This rule is intended to inform eligible users (to include retired military personnel and their dependents) of the ambulance procedures.

EFFECTIVE DATE: October 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Joseph B. Gregory, Associate Administrator, Wilford Hall U.S. Air Force Medical Center, Lackland AFB, Tex., 512-671-7797.

SUPPLEMENTARY INFORMATION: The existing Part 880 is designated as Subpart A and the following rule will read as Subpart B of Part 880, Subchapter I, Chapter VII of 32, CFR. This rule tells when Wilford Hall Medical Center ambulances will be used, who may use them, and outlines ambulance driver requirements.

This subpart is issued under the authority of 10 U.S.C. 8012, and will read as follows:

**Subpart B—Control of Ambulances at Lackland AFB, Tex.**

Sec.
880.35 Purpose.
880.36 Use of ambulances.
880.37 Dispatch of ambulances.
880.38 Ambulance driver requirements.

AUTHORITY: 10 U.S.C. 8012.

**Subpart B—Control of Ambulances at Lackland AFB, Tex.**

§ 880.35 Purpose.

This part establishes policies and procedures for control of ambulances at Wilford Hall USAF Medical Center.





§ 880.36 Use of ambulances.

(a) Ambulances will be used only for:
(1) Transportation of patients.
(2) Transportation of personnel, supplies, and equipment in connection with patient care.
(3) Stand-by in hazardous operational areas when USAF medical personnel are in attendance.
(4) Stand-by parades, ceremonies, or other functions where USAF medical personnel are in attendance.
(5) Participation in disaster exercises.
(6) Other purposes specifically authorized by the Director, Hospital Services.

(b) An ambulance should be used only when another government vehicle is not adequate or desirable.

§ 880.37 Dispatch of ambulances.

Ambulances will be dispatched in the following priority:
(a) Priority 1: Emergencies on Lackland AFB and Medina Base.
(b) Priority 2: Emergencies involving active duty military personnel, retired personnel, and their dependents off-base.
(c) Priority 3: Emergencies involving others off-base.
(d) Priority 4: Participation in disaster exercises.
(e) Priority 5: Transportation of non-ambulatory patients to and from WHMC and other medical facilities.
(f) Priority 6: Other requests.

§ 880.38 Ambulance driver requirements.

(a) Individuals being considered for selection as an ambulance driver will be interviewed by the NCOIC or OIC of the duty section where ambulances are assigned. Driver selection will be based on maturity, physical fitness, attitude, previous driving record, initiative, experience, and potential as a medical technician.

(b) Each section OIC/NCOIC is responsible for instructing their ambulance drivers in the proper operation of assigned ambulances, operator's maintenance responsibility, and preparation of forms and reports in connection with his duties. Each driver will be trained to operate all equipment installed or normally carried in the ambulance. In-service training should periodically cover driver responsibilities and vehicle safety.

(c) Each ambulance driver must be familiar with the provisions of this part and of those published in Air Force Manual 77-2, Manual for Wheeled Vehicle Driver.

FRANKIE S. ESTEP,
*Air Force Federal Register Liaison Officer, Directorate of Administration.*

[FR Doc. 78-4229 Filed 2-15-78; 8:45 am]

[3910-01]

SUBCHAPTER S—RECREATION

PART 985—RIDING STABLES

**Final Rule**

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a rule which establishes responsibilities and procedures for the operation and use of the Riding Stables at the U.S. Air Force Academy. The objective of the riding stables program is to encourage Air Force personnel and their dependents to take full advantage of this wholesome recreation activity, to stimulate an interest in saddle horses and to promote good horsemanship.

EFFECTIVE DATE: August 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert L. Bartlett, USAFA/SSR, U.S. Air Force Academy, Colorado 80840, 303-472-2410.

SUPPLEMENTARY INFORMATION: This rule is issued under the authority of 10 U.S.C. 8012.

The Department of the Air Force is adding a new part 985 under Subchapter S, Chapter VII of 32 CFR. This part applies to all personnel having horses stabled at the U.S. Air Force Academy Stables and individuals using Academy stable horses.

The new part will read as follows:

Sec.
985.1 Purpose.
985.2 Operation.
985.3 Eligibility.
985.4 Fees.
985.5 General policies.
985.6 Group rides and special activities.
985.7 Classes.
985.8 Stables advisory committee.
985.9 Stables rules
985.10 Safety rules
985.11 Stable application format.

AUTHORITY: 10 U.S.C. 8012.

NOTE.—Part 808 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the Air Force manuals and regulations that are referenced herein.

§ 985.1 Purpose.

This part establishes responsibilities and procedures for the operation and use of the Riding Stables at the USAF Academy, Colorado. It applies to all personnel having horses stabled at the USAF Academy Stables and individuals using Academy stable horses. The objective of the riding stables program is to encourage Air Force personnel and their dependents to take full advantage of this wholesome recreation activity, to stimulate an interest in saddle horses and to promote good horsemanship.

§ 985.2 Operation.

Operation is the responsibility of the Chief of Recreation Services activities (SSR). Immediate supervision and management are the responsibilities of the Manager.

§ 985.3 Eligibility.

(a) As established in AFR 215-1, Morale, Welfare, and Recreation Programs and Activities, Volume 1, Special Services Program.

(b) Eligible patrons will not be allowed more than three guests a day per family member. Sponsors must accompany their guests at all times.

(c) The military sponsor is responsible for the action of his/her dependents and guests. Adults will not leave children under 12 years of age unattended in the stables area unless they are members of an organized riding activity.

§ 985.4 Fees.

(a) Fees will be established by the USAF Academy Nonappropriated Funds Council, Headquarters U.S. Air Force Academy, Colorado 88040.

(b) Monies due the USAF Academy Consolidated Nonappropriated Fund will be paid no later than the 15th day of each month following the month in which the debt was incurred. Boarders who are delinquent for a period of 30 days are subject to removal from the stables. Delinquent patrons will be promptly notified of their delinquency and notice of removal will be sent in writing.

§ 985.5 General policies.

(a) *Services.* (1) Stall rental to include paddock and full care. The number of stall horses will not exceed 32.

(i) *Paddock-Stall.* Owner takes complete care of horse; food and water; and cleans paddock-stall.

(ii) *Full Care Stall.* The management will stable and feed the horse about dusk each night, release it into a corral after feeding the next morning and keep bedding in suitable condition. The management will feed approximately 20 lbs hay and 6 lbs of grain to the horse each day. This will vary depending upon the appetite of the horse. This meets the standards of the USAF Academy Veterinarjan whose judgment will be final and conclusive.

(iii) *Stalls 10 through 14 will be used as full care stalls.* When not required for full care, these stalls may be utilized for other services until required for full care stall use.

(2) *Pasture Rental.* Horses will be kept in the pasture during the night, brought into the corral by 0900 each day and turned out about dusk each night. The management will feed approximately 20 lbs of hay to the horse each night except when the pasture is

adequate to sustain the horse, then the amount of hay to be fed will be judged by the management. The number of pasture horses will not exceed 20.

(3) Waiting lists will be maintained for each category of eligible patrons and for each type of service offered.

(4) Patrons may be granted permission to move from one stall to another, including movement between barns, providing such change has been approved by the Stable Manager.

(b) *Riding.* (1) Only designated areas will be utilized for riding purposes, except on organized rides that are approved by the Chief of Recreation Services. Personnel are authorized to ride rental horses on any marked trail as indicated by the map posted on the stable wall. Rental horses will not be ridden north of West Monument Creek or south of the boundary fence separating the USAF Academy from Woodmen Valley. Nor will rental horses be ridden in any unauthorized areas without the approval of the Chief of Recreation Services activities. Riders will not ride horses through cultivated land at any time. Also, they will not ride through any restricted or housing areas.

(2) Rental horses will be ridden in accordance with safety rules as stated in § 985.10.

(c) *Equipment.* (1) Personnel utilizing stables equipment will insure that such equipment is properly stored after use.

(2) At no time will anyone remove any equipment, supplies, etc., belonging to the stables without proper authority from the stables manager.

(d) *Medical Care.* The owner is responsible for all required medical care of horses. Arrangements will be made through either private veterinarians or the USAF Academy Veterinarian. Whenever treatment is scheduled, the horse owner or a designated representative will be present to handle the horse.

(1) All new horses will be quarantined for a 10 day period or until released by the USAF Academy Veterinarian.

(2) All boarders must have the following actions completed prior to bringing any horse(s) to the stable or before release from quarantine:

(i) Stable Application Letter approved by the Manager (see § 985.11). Blank stable application letters will be provided by the stables manager. The applicant will prepare the application in one copy where it will be kept on file at the Stables office. Disposition will be in accordance with AFM 12-50, Disposition of Air Force Documentation.

(ii) Recent worm treatment and immunizations against equine influenza, tetanus, rhinopneumonitis, equine encephalomyelitis, and other measures recommended by the USAF Academy Veterinarian.

(iii) Health certificate from private veterinarian.

(e) *Care/Maintenance.* (1) Stalls, paddocks and isolation pen cleanliness is the individual responsibility of the member to whom the stall, paddock or isolation pen is assigned. Horses will be removed daily and the stall will be cleaned and droppings placed in the manure spreader. Isolation pens will be cleaned no less than daily and droppings removed and placed in the manure spreader. Exceptions will be horses on full care. This responsibility will fall upon the management.

(2) When an individual gives up a stall, paddock, or isolation pen, the stall, paddock or pen will be completely raked and cleaned. He/she will spread lime, provided by the management, on the ground in the stall, paddock, or isolation pen. The Manager will inspect the stall, paddock or isolation pen and any discrepancies will be corrected by the patron.

(3) Feed barrels will not be kept in stalls, paddocks or isolation pens.

(4) Patrons are responsible for the following minimal care of their horses:

(i) Daily contact and feeding to insure their wellbeing.

(ii) Veterinary care as necessary for the individual's horse as well as for the protection of other patron's horses.

(iii) Obvious neglect and/or mistreatment of horses by a patron is sufficient cause for removal from the stable.

(iv) Horses will not be left in a stall for a period of more than one day without exercise. The Stable manager will notify the patron when the horse has been left without proper care for more than 24 hours.

### § 985.6 Group rides and special activities.

Group rides and other type of activities may be arranged through the manager. Rates for these events will be established, based on duration, distance and related factors.

### § 985.7 Classes.

(a) Charges for group lessons or private lessons using a stable horse/private horse will be established by the USAF Academy Nonappropriated Funds Council.

(b) Students will be required to notify either the instructor or stables personnel one hour prior to the lesson if they cannot attend that lesson. Failure to do so will require the student to pay for that lesson.

(c) Instructors are required to notify their students at least two hours prior to their lesson of any cancellation. Failure to do so will require the instructor to absorb the cost of instruction, such as, pay for dude horse during period missed and give a free lesson at a later date. This will entitle the student to his or her lesson at the instructor's expense. If the student cannot be contacted prior to lesson, names are to be given to the management to relieve the instructor from being charged.

(d) Lesson fees will be collected the day the lesson is to be given.

### § 985.8 Stables Advisory Committee.

A Stables Advisory Committee has been established to assist the stables manager and the Recreation Services Division in recommending activities, programs, rules, operating hours, etc., and to make the stables a viable, interesting and financially sound operation. The committee will consist of a chairman appointed by the DCS/MWR and seven voting members, five elected by those individuals stabling horses at the stables, the OIC of the cadet Saddle Club, and one member at large appointed by the DCS/MWR. The term of office will be one year. Meetings will be held quarterly or at the call of the chairman and must have at least four members present to have a quorum.

### § 985.9 Stables rules.

(a) Smoking is not allowed in nondesignated areas.

(b) There will be no horseplay in the stables area.

(c) There will be no loitering in the stables area.

(d) Personnel will not be allowed in the stables area barefooted or wearing sandals.

(e) Personnel abusing the riding stables facilities will be restricted from the area.

(f) Clothing and personal items will not be left in the waiting room at any time.

(g) Horses will be walked in the stables area at all times.

(h) Trail rides, fun days, horse shows and other such events will be posted on the stables bulletin board not less than one week prior to scheduled event.

(i) The stables office will be off limits to all personnel unless accompanied by stables personnel.

(j) Personal vehicles will not be allowed in the main stables area except to load or unload feed and/or supplies too heavy to carry from the parking lot.

(k) NAF and appropriated fund vehicles/implements assigned to the stables will not be operated by anyone except assigned stables personnel.

(l) All horses will be under the complete control of their owners at all times. Horses will not be left unattended/loose at any time.

(m) Horses will not be ridden in the main courtyard area at any time.

(n) All personnel utilizing the Hunter-Jumper Course are required to wear the appropriate hard-hat and have an observer at all times.

(o) Dogs must be under control of the owner and on a leash at all times.

(p) The USAF Academy will be absolved of any liabilities and responsibilities for damage or injury occurring to stable members by privately owned animals at the USAF Academy.

(q) The USAF Academy will not be held liable for injuries sustained by any members, dependents or their guests engaged in any stable function or other activities involving the use of horses.

(r) The USAF Academy will be absolved of any liabilities and responsibilities for loss, damage or theft of tack or other personal gear or articles located or stored in the facilities of the stables.

(s) Saddle racks in both tack rooms will be assigned by the manager. These rooms will be used for no other reason than storing tack.

(t) A multi-purpose room is available for patron use upon approval from the manager. This room will be cleaned after all meetings.

(u) The pasture, arena, and all stable facilities are for the benefit of all patrons and will be used accordingly.

(1) The altering of any portion of the facility will not be done without permission of the stable manager.

(2) It is the patron's responsibility to repair any damage caused by the patron, dependents, guests or horses. Damage that cannot be repaired by the patron will be referred to the management for resolution.

(v) Horses which become a nuisance will be reported to the stables manager for review and disposition.

(1) Small horses or ponies that cannot be kept in the existing facilities without creating problems will not be allowed use of the USAF Academy Stables and will be removed immediately.

(2) Stud horses will not be boarded at the USAF Academy Stables. Colts reaching the age of 18 months (or sooner if needed) will be gelded or removed from the stable.

(w) In the interest of safety, the following rules will be observed by all stables patrons, their dependents and guests.

(1) At any time a horse is not within a confined area, either a halter with suitable lead rein or bridle must be used.

(2) Horses will not be herded or otherwise chased except when pastures are being rotated. Such rotation will be accomplished by the Stables Management.

(3) Space has been provided for the parking of horse trailers within the stables area. The manager will be contacted by the patron for instructions as to where and how the trailer(s) will be parked.

### § 985.10 Safety rules.

It will usually be the inexperienced riders attempting horsemanship beyond their abilities who fall from the saddle and are injured. Riders will avoid horses known to be difficult to handle or vicious. While out on the path, riders will walk their mounts over rough, uneven, soft, or muddy ground and through areas with low hanging tree branches and limbs. Additional safety precautions for horseback riding are:

(a) Remember that "good manners" distinguish good horsemen."

(b) Mounts will be selected by stables personnel. Changing mounts without approval of stables personnel is prohibited. Individuals returning on overheated horse will be charged double the normal fee and will be required to walk the horse dry.

(c) Be sure the cinch is tight so the saddle will not slip. Watch for horses which expand to prevent the cinch from being tightened.

(d) Check all saddle and bridle straps before using.

(e) Walk around the front of a horse to avoid startling it, and move quietly. A startled horse may kick or step back.

(f) When mounting, get on from the left side of the horse, keeping the reins taut in the left hand, resting on the withers. Make the horse stand still until seated.

(g) Beginners will sit squarely in the saddle, even when resting at a halt. Slouching to the side is dangerous if the horse should start. It is also difficult for the horse when riders sit off center.

(h) Reins will be held short enough to keep the horse under positive control.

(i) Horses will be walked when on hard pavements; their hooves and shoes may slip, resulting in a fall dangerous to both the horse and the rider. A rider will dismount when crossing unprotected and heavily travelled highways, always waiting until the road is clear before leading the horse across.

(j) When overtaking another horse and rider from behind, the overtaking rider will stay at least 12 feet to the rear and off to one side. The overtaking rider will always signal the rider ahead; a startled horse may kick and injure the approaching rider or horse.

(k) Jerking the reins back sharply will injure the horse's mouth and may cause him to rear. Curb bits will be used only by experienced riders. Light hands are the mark of a good rider.

(l) Jokes will not be played on riders, particularly new riders, or on horses. A buck, a sudden lunge, or a rear may throw and permanently injure a rider for life.

(m) When on a runaway horse, the rider will keep it turning in a circle if possible, making the circle increasingly smaller. A rider will make every effort to stay on a runaway until it can be halted.

(n) A rider will be alert at all times, so if the horse shies, jumps, or changes direction, the man in the saddle will not be thrown.

(o) Beginning riders will take lessons from a good riding master, if possible. This will be helpful for beginners to learn how to keep a good seat, obtain light hands, relax, and gain confidence in the saddle.

(p) Riders will use safe riding trails or bridle paths.

(q) Abuse of animals and equipment will not be tolerated. Riding rental horses double is prohibited.

(r) Rental horses will not be used for jumping at any time unless under supervision of the riding instructor.

### § 985.11 Stable application format.

The text of this application is filed as part of the original document.

FRANKIE S. ESTEP,
*Air Force Federal Register Liaison Officer, Directorate of Administration.*

[FR Doc. 78-4228 Filed 2-15-78; 8:45 am]





[4910-14]

## Title 33—Navigation and Navigable Waters

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-015]

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

### Petaluma River, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations governing the "D" Street Bridge across the Petaluma River, Petaluma, California to require four hours notice at all times. The bridge is presently required to open on six hours notice. This change is being made in order to standardize drawbridge operating regulations in the area, and is done with the approval of the City of Petaluma, the owner of the bridge.

EFFECTIVE DATE: This amendment is effective on March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Since this amendment enhances navigation and has been agreed to by the bridge owner, notice and public proce-

dure are unnecessary under 5 U.S.C. 553, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.712(g)(2) to read as follows:

§ 117.712 Tributaries of San Franscisco Bay and San Pablo Bay, Calif.

* * * * * *

(g) * * *

(2) *City of Petaluma highway bridge at "D" Street.* The draw shall open on signal if at least four hours notice is given.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 9, 1978.

E. L. PERRY,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 78-4333 Filed 2-15-78; 8:45 am]

[4910-14]

[CGD 76-205]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sandusky Bay, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations for the Route 269 highway bridge across Sandusky Bay, mile 8.2, to provide for closed periods from 11 p.m. to 7 a.m. This amendment is being made because of limited requests for openings during this period. The amendment will relieve the bridge owner of the duty to open the bridge on signal at all times.

EFFECTIVE DATE: This amendment is effective on March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On December 9, 1976, the Coast Guard published a proposed rule (41 FR 53823) concerning this amendment. The Commander, Ninth Coast Guard District, also published a public notice on this proposal on January 7, 1977. Interested persons were given until January 12, 1977, and February 7, 1977, respectively, to submit comments.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of marine Environment and Systems, and Edward J. Gill, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

One comment was received which objected to the advance notice requirement for openings from 11 p.m. to 7 a.m. The proposal provided for openings during this period if the advance notice was given prior to 3 p.m. The comment objected on the basis that this requirement was too restrictive. The owner of the bridge agreed to change the advance notice requirement. The bridge will open from 11 p.m. to 7 a.m. if at least two hours notice is given. The Coast Guard feels that this is a satisfactory response to the objection and will not be too restrictive on navigation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.706(b) to read as follows:

§ 117.706 Sandusky Bay, Ohio.

* * * * * *

(b) *Ohio Department of Highways bridge between Martin Point and Danbury.* (1) The owner of or agency controlling this bridge shall provide the necessary drawtender and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels except when ice prevents navigation.

(2) The opening signal and the acknowledging signal shall be those prescribed in paragraph (a) (2) and (3) of this section.

(3) The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw need not open, except when at least two hours notice is given.

(4) Advance notification should be given to the Sandusky Post, State Highway Patrol.

(5) Public vessels of the United States, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw of this bridge as soon as possible at any time even though the close periods may be in effect.

(6) The owner or agency controlling the bridge shall keep a copy of the regulations in this section, together with a notice stating exactly how the Sandusky Post, State Highway patrol, may be reached, conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can be easily read from an approaching vessel at all times.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 8, 1978.

O. W. SILER,
*Admiral, U.S. Coast Guard, Commandant.*

[FR Doc. 78-4334 Filed 2-15-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 856-1]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends regulations concerning air programs to reflect delegation to the State of Delaware of authority to implement and enforce certain Standards of Performance for New Stationary Sources.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen R. Wassersug, Director, Enforcement Division, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pa. 19106, 215-597-4171.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On September 7, 1977, the State of Delaware requested delegation of authority to implement and enforce certain Standards of Performance for New Stationary Sources. The request was reviewed and on September 30, 1977 a letter was sent to Pierre S. DuPont IV, Governor, State of Delaware, approving the delegation and outlining its conditions. The approval letter specified that if Governor DuPont or any other representatives had any objections to the conditions of delegation they were to respond within ten (10) days after receipt of the letter. As of this date, no objections have been received.



II. REGULATIONS AFFECTED BY THIS DOCUMENT

Pursuant to the delegation of authority for certain Standards of Performance for New Stationary Sources to the State of Delaware, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation (was) published on February 15, 1978, in the FEDERAL REGISTER. The amended § 60.4, which adds the address of the Delaware Department of Natural Resources and Environmental Control, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

III. GENERAL

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on September 30, 1977, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: January 31, 1978.

JACK J. SCHRAMM,
*Regional Administrator.*

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (I) to read as follows:

§ 60.4 Address.

* * * * * *

(b) * * *

(A)-(H) * * *

(I) State of Delaware (for fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants only): Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Del. 19901.

[FR Doc. 78-4268 Filed 2-15-78; 8:45 am]

[6560-01]

[FRL 856-2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends regulations concerning air programs to reflect delegation to the State of Delaware of authority to implement and enforce certain National Emission Standards for Hazardous Air Pollutants.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen R. Wassersug, Director, Enforcement Division, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pa. 19106, 215-597-4171.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On September 7, 1977, the State of Delaware requested delegation of authority to implement and enforce certain National Emission Standards for Hazardous Air Pollutants. The request was reviewed and on September 30, 1977, a letter was sent to Pierre S. DuPont IV, Governor, State of Delaware, approving the delegation and outlining its conditions. The approval letter specified that if Governor DuPont or any other representative had any objections to the conditions of delegation they were to respond within ten (10) days after receipt of the letter. As of this date, no objections have been received.

II. REGULATIONS AFFECTED BY THIS DOCUMENT

Pursuant to the delegation of authority for National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Delaware on September 30, 1977, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A Notice announcing this delegation was published on February 15, 1978, in the FEDERAL REGISTER. The amended § 61.04, which adds the address of the Delaware Department of Natural Resources and Environmental Control, to which all reports, requests applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

III. GENERAL

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this Administrative amendment was effective on September 30, 1977, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. § 1857c-7.

Dated: January 31, 1978.

JACK J. SCHRAMM,
*Regional Administrator.*

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b) is amended by revising subparagraph (I) to read as follows:

§ 61.04 Address.

* * * * * *

(b) * * *

(A)-(H) * * *

(I) State of Delaware (for asbestos, beryllium and mercury only): Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

[FR Doc. 78-4267 Filed 2-15-78; 8:45 am]

[4110-12]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY

PART 3-16—PROCUREMENT FORMS

Amendments to Chapter

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: Part 3-16 is being amended to: (1) Correct an administrative error in § 3-16.950-315.

(2) Reestablish the material in § 3-16.5001 as a new Subpart 3-16.51, Standardized Request for Proposal (RFP) Format and Checklist for Solicitation Documents. This action is being initiated to clarify the numbering system, to provide ease of identification of individual segments within the regulations, and to make administrative or editorial revisions to the regulation; and

(3) Reserve Section 3-16.5001 for future use.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

David Sinicrope, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-6347.

SUPPLEMENTARY INFORMATION: It is the general policy of the Department of Health, Education, and Welfare to utilize the rulemaking process and solicit comments from the general public. However, because of the administrative nature of the changes, the issuance of a notice of proposed rulemaking was deemed unnecessary.

The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 1, 1978.

MATTHIAS LASKER,
*Acting Deputy Assistant Secretary for Grants and Procurement.*

1. Item 2 of § 3-16.950-315 is deleted and the following is substituted therefor:

2. DISPUTES

(Text of this clause is set forth in FPR 1-7.102-12).

2. The new Subpart 3-16.51, Standardized Request for Proposal (RFP) Format and Checklist for Solicitation Documents, reads as follows:

Sec.
3-16.5101 Purpose.
3-16.5102 Forms to be used.
3-16.5103 Information requirements.
3-16.5104 Contents of RFP.
3-16.5105 Use of Standard Forms 33 and 33A.
3-16.5106 Format for transmittal letter.
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3-16.5110 Technical proposal instructions.
3-16.5110-1 General requirements.
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3-16.5110-3 Mandatory statement.
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3-16.5111-2 Cost and pricing data.
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3-16.5112 Representations and certifications.
3-16.5113 Noncompetitive procurements.
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3-16.5113-3 General instructions.

**Subpart 3-16.51—Standardized Request for Proposal (RFP) Format and Checklist for Solicitation Documents**

§ 3-16.5101 Purpose.

The purpose of these instructions is to establish the acceptable minimum requirements for the format and content of requests for proposals in order:

(a) To assure that proposals are complete and contain all the essential information required by the Government, and

(b) To assure a degree of uniformity in presentation which will facilitate appraisal of proposals by the Government.

§ 3-16.5102. Forms to be used.

Forms used for requesting proposals on negotiated procurements shall be in accordance with this Subpart, Subpart 3-16.50 and FPR Subpart 1-16.9.

§ 3-16.5103 Information requirements.

Generally, requests for proposals (RFP's) shall be in writing. RFP's shall contain the information necessary to enable a prospective offeror to prepare a proposal and shall contain the information set forth herein, if applicable to the procurement involved.

§ 3-16.5104 Contents of RFP.

The request for proposals shall consist of the following documents:

(a) Transmittal letter.

(b) Proposed contract provisions (including work statement).

(c) Instructions to offeror:

(1) General instructions.

(2) Technical proposal instructions.

(3) Business proposal instructions.

§ 3-16.5105 Use of Standard Forms 33 and 33A.

Standard Forms (SF) 33, Solicitation, Offer, and Award, and 33A, Solicitation Instructions and Conditions, will normally be used for fixed-price type contracts (procurement of hardware and administrative type supplies/services). If the SF 33 and 33A are not utilized, the business proposal instructions must include all the required representations and certifications.

§ 3-16.5106 Format for transmittal letter.

The following format shall be utilized in preparing the transmittal letter for requests for proposals:

Date————

Refer to RFP No.————

LADIES AND GENTLEMEN: You are invited to submit a proposal in accordance with the requirements of request for proposal No.—— for (insert name of the procurement).

Your proposal must be received by the Contracting Officer no later than (insert date) and (time-local prevailing time) at (address to which proposals are to be sent).

Special attention is directed to the "Certification of Nonsegregated Facilities" of this solicitation. You are cautioned that failure to agree to the certification shall render your proposal ineligible for award of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.

Your proposal must be prepared in accordance with the attached "Contract Provisions" and "Instructions to Offerors." However, if you have a basic agreement with the Department and it is applicable to the type of contract to be awarded, the resultant contract will incorporate the basic agreement by reference.

The RFP does not commit the Government to pay any cost for the preparation and submission of a proprosal. It is also brought to your attention that the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with this proposed procurement.

Requests for any information concerning this RFP should be referred only to (Name and title of individual) who may be called on (area code and telephone number).

Sincerely,

————.

§ 3-16.5106-1 Optional statements (transmittal letter).

Include any of the following statements in the transmittal letter when they are applicable to the procurement action:

(a) If the contract is to be conditioned on the availability of funds, a clear statement of such conditions must be added (see HEWPR 3-1.354).

(b) The following is to be used when a preproposal conference is required. The language may be modified to adapt to the particular situation.

A conference will be held with prospective offerors at—— (time) on———— (date) at———— (location) for the purpose of providing information concerning the Government's requirements which may be helpful in the preparation of proposals, and to answer any questions which you have regarding this solicitation.

The success of this type of conference depends largely on the leadtime available to the Government for research in connection with questions submitted by offerors. Therefore, you are requested to mail written questions concerning any areas of uncertainty which, in your opinion, require clarification or correction, in sufficient time to be received on or before————.

Your questions should be submitted to the Contracting Officer————and the envelope should be marked, "Offerors Conference Question, RFP No.——." A set of all questions and answers will be furnished simultaneously to all prospective offerors.

Because of space limitations, prospective contractors shall be limited to a total of—— representatives.

Attendance at the preproposal conference is recommended; however, attendance is neither required nor a prerequisite for proposal submission, and will not be considered a factor in proposal evaluation.

(c) When the procurement involves a set-aside for labor surplus area or small business concerns, insert the following statement.

This is a —— percent set-aside for small business (labor surplus area concerns).

In addition, the prescribed "Notice of Set-Aside" provisions are set forth in FPR 1-1.706-5 and 6; and 1-1.804-2.

(d) If multiple awards may be made, insert the following:

Multiple awards: More than one award may be made under this solicitation.

(e) Insert the following, if the offeror is to be informed of the Government's estimate of the level of effort necessary to accomplish the requirement.

(1) The Government considers the level of effort to perform should take the following approximate man-hours; (Insert a breakdown of the Government's man-hour estimates by categories.) These estimates are furnished for the offeror's information only and are not to be considered restrictive for proposal purposes; or

(2) To assist you in the preparation of your proposal, the Government considers the effort to be performed during this contract to be approximately (insert the total figure) man-hours. This number is furnished for the offeror's information only and is not considered restrictive for proposal purposes.

§ 3-16.5107 Contract provisions (including scope of work).

Each request for proposal shall contain the proposed contract provisions including the scope of work or specifications. In addition to the scope of work or specifications, this element of the request for proposal shall contain such information as the period of performance or delivery schedule, reporting requirements, the general provisions, any additional provisions, and special contract clauses.

§ 3-16.5108 Instructions to offerors.

The instructions to offerors shall consist of three parts. The first will be "General Instructions," the second will be the instructions for preparation of the technical proposal and the third will be the instructions for the preparation of the business proposal.

§ 3-16.5109 General instructions.

§ 3-16.5109-1 Introductory paragraph.

(a) The introductory paragraph to the "General Instructions" shall contain the following statements:

The following instructions will establish the acceptable minimum requirements for the format and contents of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with these instructions.

(b) The following are examples of a statement that must be included in the RFP to reflect the relative weighting of cost or price and the technical proposal.

(1) You are advised that paramount consideration shall be given to the evaluation of technical proposals rather than cost or price.

(2) You are advised that paramount consideration shall be given to cost or price rather than the evaluation of technical proposals.

(3) You are advised that the evaluation of technical proposals and cost or price are of approximately equal value.

NOTE.—Other statements may be developed to reflect the relative weighting of cost or price and the technical proposal.

§ 3-16.5109-2 Mandatory statements for general instructions.

The general instructions must contain the following statements unless otherwise noted:

(a) It is contemplated that a (insert type of contract) will be awarded. In addition to the special provisions of this request for proposal, any resultant contract shall include the general provisions applicable to the selected offeror's organization and type contract awarded. Any additional clauses required by Public Law, Executive order, or procurement regulations, in effect at the time of execution of the proposed contract, will be included.

(b) The following shall be included unless the principal operating component has authorized a different policy regarding the separation of proposals and inclusion of cost information in the technical proposal:

The proposal shall be in two parts: a "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of, and concurrently with, evaluation of the other. The technical proposal shall not contain reference to cost; however, resources information, such as, data concerning labor hours and categories, materials, subcontracts, etc., shall be contained in the technical proposal so that the offeror's understanding of the scope of the work may be evaluated. It must disclose your technical approach in as much detail as possible, including, but not limited to, the requirements of the technical proposal instructions.

(c) The wording set forth below may be modified if the principal operating component has a policy of not requiring the separation of business and technical proposals.

The proposal shall be signed by an official authorized to bind your organization. —— copies of your technical proposal and —— copies of your business proposal shall be submitted to: (Insert complete address as to where the proposal is to be sent and how the RFP is to be marked).

(d) One of the following provisions regarding the receipt and consideration of proposals for award that are received after the exact time set for receipt in the request for proposal shall be included in the General Instructions:

(1) If the procedures set forth in § 3-3.802-1 are utilized, include the provisions in § 3-3.802-1(a).

(2) If the procedures set forth in § 3-3.802-2 are utilized, include the provisions set forth in § 3-3.802-2(b).

(e) You may, at your discretion, submit alternate proposals, or proposals which deviate from the requirements; *Provided*, That you also submit a proposal for performance of the work as specified in the statement of work. Such proposals may be considered if overall performance would be improved or not compromised and if they are in the best interests of the Government. Alternative proposals, or deviations from any requirement of this RFP, shall be clearly identified.

(f) The proposal submitted in response to the request for proposal may contain technical data which the offeror or his subcontractor offeror does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data may be so restricted; *Provided*, The offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:

"Technical data contained in pages —— of this proposal shall not be used or disclosed, except for evaluation purposes; *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction."

The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore is releasable under the Freedom of Information Act (5 U.S.C. 552).

(g) The Government will evaluate technical proposals in accordance with the criteria set forth in the technical proposal instructions.

(h) The Government reserves the right to make an award without further discussion of the proposals received. Therefore, it is important that your proposal be submitted initially on the most favorable terms from both the technical and cost standpoints.

(i) The Government reserves the right to reject any or all proposals received. It is understood that your proposal will become part of the official file.

(j) Unnecessarily elaborate brochures or other presentations beyond that sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive visual and other presentation aids are neither necessary nor wanted.

§ 3-16.5109-3 Optional statements (general instructions).

Include any of the following in the general instructions if the item is applicable to the particular situation:

(a) If the proposed contract will involve performance or services on a Government installation, insert the following paragraph:

*Site visit.* Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will failure to inspect the site constitute grounds for claim after the award of a contract.

(b) The following notice to offerors will be included whenever contract performance is expected to involve risk to human subjects:

NOTICE TO OFFERORS OF REQUIREMENTS FOR ADEQUATE ASSURANCE OF PROTECTION OF HUMAN SUBJECTS

Prospective contractors being considered for award will be required to give acceptable assurance that the project described will be subject to initial and continuing review by an appropriate institutional committee. This review shall assure that the rights and welfare of the individuals involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent will be obtained by methods that are adequate and appropriate.

(c) Where reference material is to be provided for use in preparation of proposals, insert either of the following clauses:

(1) To assist offerors in preparing their proposals, reference material consisting of (insert title or description of publications, specifications, drawings, reports, or other documentation being made available as reference material) will be available for inspection at ————. Offerors are expected to examine all reference material prior to preparation and submission of their proposals. Failure to do so will be at the offeror's risk; or

(2) To assist offerors in preparing their proposals, reference material consisting of (insert title or description of publications, specifications, drawings, reports or other documentation being furnished as reference material) is enclosed (is being forwarded to you under separate cover). Offerors are expected to examine all reference material prior to preparation and submission of their proposal. Failure to do so will be at the offeror's risk.

Include the following statement if the reference material is to be returned to the Government:

All reference material furnished hereunder shall be returned within —— days after the submission of proposals to ————.

(d) A statement regarding discount provisions.

(e) When telegraphic offers are authorized in a solicitation using Standard Form 33 (Solicitation, Offer, and Award), a provision similar to that set forth in FPR 1-2.202-2 can be included.

(f) A statement that, in the event the proposal should contained classified information, the provisions of the HEW Security Staff Manual will apply.

(g) If option provisions are to be included in the request for proposal, see § 3-1.5403 for the appropriate provision.

(h) If an incentive type contract is being considered, a notice to the offeror of the Government's desire as to use of incentives considered applicable, objectives of the incentive performance goals, schedules, milestones, critical delivery parameters and similar information shall be included.

### § 3-16.5110 Technical proposal instructions.

#### § 3-16.5110-1 General requirements.

The technical evaluation criteria and the relative weightings of each factor must be included in the RFP. It should be noted that the RFP evaluation criteria cannot be modified except for a formal modification to the RFP and no factors other than those set forth in the request for proposals shall be used in the evaluation of technical proposals.

#### § 3-16.5110-2 Examples of criteria.

The following are examples of technical evaluation criteria that can be used in the evaluation of technical proposals and the information that can be required. These criteria and their relative importance, or weights, require the exercise of judgment on a case-by-case basis, and since they must be tailored to the requirements of each particular procurement, it is unlikely they would be applicable to every project. Because the evaluation criteria serve as the standard against which all proposals compete, it is important that they be chosen cautiously and with discretion in order to emphasize factors considered to be crucial to the selection of a contractor.

(a) Understanding the problem and technical approach.

(1) Statement and discussion of requirements as analyzed by the offeror.

(2) Offeror's proposed explanation of technical approaches and a detailed outline of the proposed approach for executing the requirements of the technical scope and achieving the objectives of the project.

(3) Preliminary layouts, sketches, diagrams, other graphic representations calculations, curves, and other data as may be necessary for presentation, substantiation, justification or understanding of the proposed approaches and program.

(4) Statement and discussion of anticipated major difficulties and problem areas, together with potential or recommended approaches for their resolution.

(5)(i) Statement of the extent to which the proposed approach and program can be expected to meet or exceed requirements and specifications of the technical scope.

(ii) A differentiation shall be made between the areas of assured compliance, possible but not assured compliance, and noncompliance.

(6) An outline of the phases or segments into which the proposed program can be divided if the offeror wishes to propose phases or segments different from those set forth in the technical scope.

(7) Schedule for the completion of the work and delivery of items specified in the technical scope. Performance or delivery schedules shall be indicated for phases or segments, as applicable, as well as for the overall program. Schedules shall be shown in terms of calendar months from the date of authorization to proceed or, where applicable, from the date of a stated event, as an example, receipt of a required approval by the contracting officer.

(b) Qualifications. (1) *Experience.* General background, experience, and qualifications of the offeror. Special notation should be made of similar or related programs performed for the Government including documentation with reference to the applicable contract numbers and supervising cognizant agencies, giving names, and telephone numbers of the contracting officer and project officer. A discussion of proposed or present facilities which can be devoted to the project may be appropriate.

(2) *Personnel.* (i) Personnel who will be assigned for direct work on this program. Information is required which will show the composition of the task or work group, its general qualifications, and recent experience with similar equipment or programs. Special mention shall be made of direct technical supervisors and key technical personnel, and the approximate percentage of the total time each will be available for this program.

(ii) Resumes are desirable which will indicate education, background, recent experience, and specific scientific or technical accomplishments.

(iii) Additional personnel, if any, who will be required for full-time employment, or on a subcontract or consultant basis. The technical areas, character, and extent of subcontract or consultant activity will be indicated and the anticipated sources will be specified and qualified.

#### § 3-16.5110-3 Mandatory statement.

In addition to the evaluation criteria and the relative weightings, the technical proposal instructions must include the following statement:

Proposals which merely offer to conduct a program in accordance with the requirements of the Government's scope of work will not be eligible for award. The offeror must submit an explanation of the proposed technical approach in conjunction with the tasks to be performed in achieving the project objectives.

### § 3-16.5111 Business proposal instructions.

#### § 3-16.5111-1 Contents of business proposal instructions.

The business proposal instruction will consist of three parts:

(a) Cost and pricing data.

(b) Other administrative data.

(c) Representations and certifications.





#### § 3-16.5111-2 Cost and pricing data.

(a) The forms to be used are Optional Form 59, Contract Pricing Proposal, or Optional Form 60, Contract Pricing Proposal (Research and Development). The forms are illustrated in FPR 1-16.902-OF59 and 1-16.902-OF60, respectively.

(b) The following instructions shall be included in the business proposal instructions of the RFP.

The offeror, as a minimum, must submit cost proposals fully supported by cost and pricing data adequate to establish the reasonableness of the proposed amount. The attached OF59 or 60 must be used in the preparation of proposal, and the offeror must comply with the instructions and footnotes of the form and fill in or check the appropriate boxes. In addition:

(1) The cost for individual elements, such as analytical studies, reports, etc., shall be itemized.

(2) The estimated cost of each phase or segment of the offered performance shall be itemized.

(3) Inasmuch as it may be necessary to authorize performance of the project by phases or a group of phases, the extent that these are severable should be indicated together with the effect, if any, of such severance upon the estimated cost.

#### § 3-16.5111-3 Other administrative data.

The following shall be set forth under the item entitled, "Other Administrative Data":

(a) The proposal shall stipulate that it is predicated upon all the terms and conditions of the RFP. In addition, it shall contain a statement to the effect that it is firm for a period of at least (insert number of days) from the date of receipt thereof by the Government.

(b) The proposal shall list the names and telephone numbers of persons authorized to conduct negotiations.

(c) It is HEW policy that contractors will provide all equipment and facilities necessary for performance of contracts. Exception may be granted to furnish Government-owned property, or to authorize purchase with contract funds, only when approved by the head of the procuring activity. If additional equipment must be acquired, the offeror shall include the description, estimated cost of each item, and whether the prospective offeror will furnish such items with its own funds.

(d) The offeror shall identify Government-owned property in its possession and/or property acquired from Federal funds, and title to which vests in the offeror which they propose to use in the performance of the prospective contract (§§ 3-56.502 and 3-56.503).

(e) The management and control of any Government property shall be in accordance with HEW Publication (OS) 74-115 entitled, "Control of Property in Possession of Contractors," a copy of which will be provided upon request.

(f) If the RFP is to contain bid guarantee, performance bond, and payment bond requirements, the applicable provision set forth in § 1-10.103 must be included.

(g) Other business and administrative information can be requested if it is necessary for the evaluation of proposals.

### § 3-16.5112 Representations and certifications.

The following representations and certifications shall be included as attachments to all RFP's which do not contain the Standard Form 33 or 33A.

(a) The heading of the representations and certifications shall provide that copies of the attachment (Representations and Certifications) must be executed by an official authorized to bind the offeror and made a part of his business proposal.

(b) The heading of the attachment should be as follows:

REPRESENTATIONS AND CERTIFICATIONS

(The offeror makes the following representations and certifications as part of his proposal and must check or complete appropriate boxes or blanks)

(c) The following note should be inserted at the bottom of the first page (separate from the text of any Representation or Certification) of the attachment.

NOTE.—The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

(d) The required Representations and Certifications are as follows:

REPRESENTATIONS AND CERTIFICATIONS

1. SMALL BUSINESS REPRESENTATION

This firm ( ) is, ( ) is not, a small business concern. If the firm is a small business concern and is not the manufacturer of the supplies to be furnished hereunder, the firm also represents that all such supplies ( ) will, ( ) will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico. (A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is contracting and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration). (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed definitions and related procedures.)

2. MINORITY BUSINESS ENTERPRISE

The offeror represents that he ( ) is, ( ) is not, a minority business enterprise. A minority business enterprise is defined as a "business at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American-Aleuts.

3. TYPE OF ORGANIZATION

The offeror operates as an ( ) individual, ( ) state or local agency, ( ) partnership, ( ) joint venture, ( ) nonprofit, ( ) educational institution, ( ) corporation, organized and existing under the laws of the State of ————.

4. REGULAR DEALER-MANUFACTURER REPRESENTATION [1]

(Applicable only to supply contracts exceeding $10,000)

The offeror is a ( ) regular dealer in, ( ) manufacturer of, the supplies covered by this proposal.

5. CONTINGENT FEE REPRESENTATION

(Applicable only to proposals in which the aggregate amount involved exceeds $10,000.)

Offeror represents (a) that he ( ) has, ( ) has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the offeror) to solicit or secure this contract, and (b) that he ( ) has, ( ) has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the offeror) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer.

(NOTE.—for interpretation of representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Chapter 1, Subpart 1-1.5).

6. EMPLOYER'S IDENTIFICATION NUMBER

The proposed Contractor's Internal Revenue Service "Employer's Identification Number" is ————.

7. EQUAL OPPORTUNITY CERTIFICATION

a. Are you participating in any contractual agreement which contains the Equal Employment Opportunity Clause prescribed in Executive Order 11246, as amended? ( ) Yes ( ) No.

b. Name and address of Federal "Compliance Agency", if known:

("The Rules and Regulations of the Office of Federal Contract Compliance Programs, U.S. Department of Labor, define the term "Compliance Agency" as the agency designated by the Director, OFCCP, to conduct compliance reviews and to undertake such other responsibilities assigned)

.....

.....

.....

c. Are you required to maintain a written affirmative action plan according to 41 CFR 60-2 and 60-1.5(a)(4)? ( ) Yes ( ) No.

d. Has the "Compliance Agency" required you to correct deficiencies in your affirmative action plan or your employment policies and practices? ( ) Yes ( ) No.

e. Are you required to submit an annual compliance report as described in 41 CFR 60-17(a)? ( ) Yes ( ) No.

f. If the answer to "e." is yes, enclose a copy of your latest compliance report.

g. Data on Subcontractors. (Use supplementary sheets where required.)

———— (1)[1] (2)[1] (3)[1]
(Subcontractor's Name)
———— ( ) Yes ( ) Yes ( ) Yes
(Street)
———— ( ) No ( ) No ( ) No
(City) (State)

[1](1) Previously held contracts subject to EO 10925, 11114, and 11246, as amended.

(Continued)

———— (1)[1] (2)[2] (3)[3]
(Subcontractor's Name)
———— ( ) Yes ( ) Yes ( ) Yes
(Street)
———— ( ) No ( ) No ( ) No
(City) (State)

8 CERTIFICATION OF NONSEGREGATED FACILITIES

By submission of this offer, the offeror or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The offeror, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification the term "Segregated Facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 FR 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE.—Failure of an offeror to agree to the Certification of Nonsegregated Facilities shall render his offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity Clause.

(Continued)

[2](2) Previously filed certificate of nonsegregated facilities.

[3](3) Previously filed annual (EEO-1, EEO-4, or EEO-6) compliance report.

9 BUY AMERICAN CERTIFICATE

(Applies to proposals involving end products as defined by FPR 1-6.101)

The offeror hereby certifies that each end product, except the end product listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"), and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded end products (show country of origin for each excluded end product).

.....

.....

.....

.....

.....

10. DUPLICATION OF COST

The Contractor represents and certifies that any charges contemplated and included in his estimate of cost for performance are not duplicative of any charges against any other Government contract, subcontract, or other Government source.

11 PLACE OF PERFORMANCE

Following is the name and location of the plant or place of business where the item(s) will be produced or supplied from stock or where the service will be performed.

.....

(Name of plant)

.....

(City and State)

.....

(County and Congressional District)

12. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

a. By submission of this proposal, each offeror certifies and in the case of a joint bid or proposal, each party thereto, certifies as to its own organization, that in connection with this procurement:

(1) The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to award directly or indirectly to any other offeror or to any competitor; and

(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

b. Each person signing this proposal certifies that.

(1) He is the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2) He is not the person in the offeror's organization responsible within that organization for the decision as to prices being offered herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (b) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

c. This certification is not applicable to a foreign offeror submitting a proposal for a contract which requires performance or delivery outside the United States, its possessions and Puerto Rico.

d. A proposal will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the proposal will not be considered for award unless the offeror furnishes with the proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

(Certifications numbered 13, 14, and 15 are not applicable to contracts with (i) Hospitals, (ii) Educational Institutions subject to 41 CFR 1-15.3, and (iii) State and Local Governments subject to 41 CFR 1-15.7, or if this procurement is a partial Labor Surplus Area set-aside, or reserved for Minority Business Enterprises pursuant to Section 8(a) of the Small Business Act (15 U.S.C. 637(a)))

13. DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation except (1) when the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, or (2) contracts which are otherwise exempt (see 4 CFR 331.30(b) and FPR § 1-3.1203(a)(2)), shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror exceeded the monetary exemption in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted but in accordance with the regulations of the Cost Accounting Standards Board, is not required to submit a Disclosure Statement (see (III) below); (iii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (IV) below) or (iv) post award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of a copy of the Disclosure Statement to the Cost Accounting Standards Board.





CAUTION.—A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

( ) I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant Contracting Officer; and (ii) One copy to the cognizant contract auditor.

Date of Disclosure Statement(s): ————.

Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

.....

.....

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

( ) II. CERTIFICATE OF MONETARY EXEMPTIONS

The offeror hereby certifies that he, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated national defense prime contracts subject to cost accounting standards totaling more than $10,000,000 in either Federal Fiscal Year 1974 or 1975 or net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than $10,000,000 in Federal Fiscal Year 1976 or in any subsequent Federal Fiscal Year preceding the year in which this proposal was submitted.

CAUTION.—Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board are not eligible to claim this exemption unless they have received notification of final acceptance of all deliverable items on all of their prime contracts and subcontracts containing the Cost Accounting Standards clause (§ 1-3.1204-1).

( ) III. CERTIFICATE OF INTERIM EXEMPTION

The offeror hereby certifies that (i) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted, and (ii) in accordance with the regulations of the Cost Accounting Standards Board (4 CFR 351.40(f)), he is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made by March 31 of the current Federal Fiscal Year, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I), above, or (IV), below, as appropriate, to verify his submission of a completed Disclosure Statement.

CAUTION.—Offerors may not claim this exemption if they are currently required to disclose because they exceeded monetary thresholds in Federal Fiscal Year prior to fiscal year 1976. Further, the exemption applies only in connection with proposals submitted prior to March 31 of the year immediately following the Federal Fiscal Year in which the monetary exemption was exceeded.

( ) IV. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s): ————.

Name(s) and Address(es) of Cognizant Officer(s) where filed:

.....

.....

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

14. COST ACCOUNTING STANDARDS—EXEMPTION FOR CONTRACTS OF $500,000 OR LESS—CERTIFICATION

If this proposal is expected to result in the award of a contract of $500,000 or less and the offeror is otherwise eligible for an exemption, he shall indicate by checking the box below that the exemption to the Cost Accounting Standards clause (FPR § 1-3.1204) under the provisions of 4 CFR 331.30(b)(8) (see FPR § 1-3.1203(h)) is claimed. Where the offeror fails to check the box, he shall be given the opportunity to make an election in writing to the Contracting Officer prior to award. Failure to check the box below or make such an election shall mean that the offeror cannot claim the exemption to the Cost Accounting Standards clause or that the offeror elects to comply with such clause.

( ) Certificate of Exemption for Contracts of $500,000 or Less

The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 4 CFR 331.30(b)(8) and certifies that he has received notification of final acceptance of all items or work on (i) any prime contract or subcontract in excess of $500,000 which contains the Cost Accounting Standards clause, and (ii) any prime contract or subcontract of $500,000 or less awarded after January 1, 1975, which contain the Cost Accounting Standards clause. The offeror further certifies he will immediately notify the Contracting Officer in writing in the event he is awarded any other contract or subcontract containing the Cost Accounting Standards clause subsequent to the date of this certificate but prior to the date of any award resulting from this proposal.

15. ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS—CERTIFICATION

a. Cost account standards will be applicable and effective as promulgated by the Cost Account Standards Board to any award as provided in the Federal Procurement Regulation Subpart 1-3.12. If the offeror presently has contracts or subcontracts containing the Cost Accounting Standards clause, a new standard becomes applicable to such existing contracts prospectively when a new contract or subcontract containing such clause is awarded on or after the effective date of such new standard. Such new standard may require a change in the offeror's established cost accounting practices, whether or not disclosed. The offeror shall specify by an appropriate entry below, the effect on his cost accounting practice.

b. The offeror hereby certifies that an award under this solicitation ( ) would, ( ) would not, in accordance with paragraph (a)(3) of the Cost Accounting Standards clause, require a change in his established cost accounting practices affecting existing contracts and subcontracts.

NOTE.—If the offeror has checked "would" above, and is awarded the contemplated contract, he will also be required to comply with the clause entitled Administration of Cost Accounting Standards.

16. CLEAN AIR AND WATER CERTIFICATION

(Applicable if the bid or offer exceeds $100,000, or the Contracting Officer has determined that orders under an indefinite quantity contract in any year will exceed $100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857C-8(C)(1)) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA, or is not otherwise exempt).

The bidder or offeror certifies as follows:

a. Any facility to be utilized in the performance of this proposed contract has ( ), has not ( ), been listed on the Environmental Protection Agency List of Violating Facilities.

b. He will promptly notify the Contracting Officer, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that any facility which he proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities.

c. He will include substantially this certification, including this paragraph (c), in every nonexempt subcontract.

17. CERTIFICATE OF CURRENT COST OR PRICING DATA

When a certificate of cost or pricing data is required to be submitted in accordance with Federal Procurement Regulations (FPR) 1-3.807-3, the Contracting Officer will request that the offeror complete, execute, and submit to the Contracting Officer a certification in the format shown in the following Certificate of Current Cost or Pricing Data. The certification shall be submitted only at the time negotiations are concluded. Offerors should complete the certificate set forth below and return it when requested by the Contracting Officer.

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that to the best of my knowledge and belief, cost or pricing data (1)[1] submitted in writing or specifically identified in writing if actual submission of the data is impracticable (see § 1-3.807-3(h)(2)), to the contracting officer or his representative in support of ———— (2)[2] are accurate, complete, and current as of ———— (date) (3).[3]

Firm ————————————————
Name ————————————————
Title ————————————————
(Date of execution)————(4).[4]

[1](1) For definition of "cost or pricing data," see FPR § 1-3.807-3.

[2](2) Describe the proposal, quotation, request for price adjustment, or other submis-

(Continued)

§ 3-16.5113 Noncompetitive procurements.

§ 3-16.5113-1 Contents of RFP.

For noncompetitive procurements, the RFP shall include the transmittal letter, the offeror's representations and certifications, and the instructions relative to cost and pricing data. The following subsections are the minimum instructions that should be included in the RFP.

§ 3-16.5113-2 Instructions to offeror.

The RFP should contain the following paragraph:

INSTRUCTIONS TO OFFEROR

The following instructions establish the acceptable minimum requirements for the format and content of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with instructions herein.

§ 3-16.5113-3 General instructions.

The RFP should contain the following instructions:

GENERAL INSTRUCTIONS

(a) The proposal shall be based on a ———— type of contract. In addition to the special provisions of this solicitation, any ensuing contract will include the general provisions for ————.

Any additional clauses required by public law, Executive Order, or procurement regulations, in effect at the time of execution of the proposed contract, will be included.

(b) The proposal shall be signed by an official authorized to bind your organization. —— copies of your proposal shall be submitted to:

(Insert complete address as to where the proposal is to be sent and mailing instructions)

(c) You may, at your discretion, submit alternate proposals, or proposals which deviate from the requirements, *Provided*, That you also submit a proposal for performance of the work as specified in the statement of work. Such proposals may be considered if overall performance would be improved or not compromised, and if they are in the best interests of the Government. Alternate proposals, or deviations from any requirements of this solicitation, shall be clearly identified.

(d) The proposal submitted in response to the request for proposal may contain technical data which you or your subcontractor(s) do not want used or disclosed for any purpose other than evaluation of your proposal. The use and disclosure of any such data may be so restricted; *Provided*, That you mark the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend.

"Technical data contained in pages —— of this proposal shall not be used or disclosed, except for evaluation purposes; *Provided*, That, if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's rights to use or disclose technical data obtained from another source without restriction."

The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

(e) The Government reserves the right to reject any or all proposals received. It is understood that your proposal will become a part of the official file on this matter without obligation to the Government.

§ 3-16.5001 [Reserved]

3. Section 3-16.5001 Standardized request for proposal (RFP) format and checklist for solicitation documents is deleted and the following above is substituted therefor:

(Continued)

sion involved, giving appropriate identifying number (e.g., RFP No. ——).

(3) This date shall be the date when the price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator if the contractor has information reasonably available (see § 1-3.807-5(a)) at the time of agreement showing that the negotiated price is not based on accurate, complete, and current data.

(4) This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed upon.

[FR Doc. 78-4308 Filed 2-15-78; 8:45 am]

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77 060]

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Temporary Documents Pending Appeal to the National Transportation Safety Board

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations authorize the issuance of a temporary document and/or license, hereinafter referred to as documents, to a merchant seaman pending further action on an appeal to the National Transportation Safety Board (NTSB) from a Commandant's decision affirming that the document should be suspended without probation. Currently a merchant seaman is not entitled to hold a document pending action on an appeal to the Board. The Coast Guard believes that, consistent with the requirements for safety of life and property at sea, a merchant seaman should be able to apply for a temporary document pending action on an appeal. The Coast Guard is also amending the existing section dealing with temporary documents pending an appeal to the Commandant to make it consistent with the requirements of this section.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment is a matter relating to agency procedure it is exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 533(b)(3)(A) and since this amendment relieves a restriction it may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 533(d)(1).

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant Commander Robert J. O'Pezio, Project Manager, Office of Merchant Marine Safety, and Lieutenant William R. Kerivan, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF REGULATIONS

A merchant seaman whose document is suspended without probation by an order of an Administrative Law Judge that is sustained by the Commandant can appeal this decision to the National Transportation Safety Board (NTSB) under 49 CFR Part 825.

Presently the Coast Guard issues a temporary document to a merchant seaman under 46 CFR 5.30-15 pending action on an appeal to the Commandant under 46 CFR Part 5. This temporary document expires in 6 months, or upon service of the decision of the Commandant on Appeal. The document may be renewed pending the receipt of the Decision of the Commandant.

The enactment of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169 (49 U.S.C. 1903(a)(9)(B)) gives a merchant seaman the right to appeal a suspension order affirmed by the Commandant to the NTSB. The Coast Guard believes equity requires that a merchant seaman be permitted to apply for a stay of the effect of the Decision of the Commandant on Appeal pending action on an appeal to the NTSB and, if granted, be issued a temporary document pending completion of the appeal process. These regulations accomplish this purpose. In order to be consistent with this new authorization the Coast Guard is also revising its procedures for granting a temporary document on appeal to the Commandant so they will reflect the same standards of review.

In consideration of the foregoing, Part 5 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising paragraph (a) and (b) of § 5.30-15 as follows:

§ 5.30-15 Temporary documents.

(a) A person who has appealed from a decision suspending or revoking a document and/or license may file a written request for a temporary document and/or license with the Administrative Law Judge who rendered the decision, or with any Officer in Charge, Marine Inspection, for forwarding to such Administrative Law Judge. Action on the request will be taken by the Administrative Law Judge unless the hearing transcript has been forwarded to the Commandant. Granting of the request will depend upon:

(1) The opinion of the Administrative Law Judge as to whether the service of the appellant on board a vessel at that time or for the indefinite future would be compatible with the requirements for safety of life and property at sea; and

(2) The prior record of the appellant.

(b) If the transcript has been forwarded to the Commandant, or if the request is denied by the Administrative Law Judge, the request shall be forwarded by the Administrative Law Judge to the Commandant for final action. Granting of the request will depend upon:

(1) The opinion of the Commandant as to whether the service of the appellant on board a vessel at that time or for the indefinite future would be compatible with the requirements for safety of life and property at sea; and

(2) The prior record of the appellant.

2. By adding a new § 5.30-35 to read as follows:

§ 5.30-35 Stay of effect of Decision of the Commandant on Appeal: Temporary document and/or license pending appeal to National Transportation Safety Board.

(a) A Decision of the Commandant on Appeal affirming an order of suspension that is not placed entirely on probation, which is appealed to the National Transportation Safety Board, may be stayed if:

(1) A notice of appeal is filed under 49 CFR Part 825 within 10 days of service of the Decision of the Commandant on Appeal;

(2) An application for a stay of the effect of the Decison of the Commandant on Appeal is filed with the notice served on the Commandant under paragraph (b) of § 5.30-30;

(3) The appellant had been authorized a temporary document and/or license during the pendency of the appeal to the Commandant.

(b) Granting of a stay of the effect of the Decision of the Commandant on Appeal depends upon:

(1) Whether in the Commandant's opinion the service of the appellant on board a vessel at that time or for the indefinite future would be compatible with the requirements of safety of life and property at sea; and

(2) The prior record of the appellant.

(c) A stay of the effect of the Decision of the Commandant on Appeal is granted by the Commandant, and is transmitted by letter to the appellant.

(d) The stay of the effect of a Decision of the Commandant on Appeal is granted for the period of review by the National Transportation Safety Board.

(e) An Officer in Charge, Marine Inspection, on presentation of an original stay order shall issue a temporary document and/or license as specified in the stay order for a period of 6 months or the period of review, whichever is less.

(f) If the National Transportation Safety Board review has not been completed when the temporary document and/or license expires, it may be renewed by the Officer in Charge, Marine Inspection, after authorization by the commandant.

(R.S. 4450, as amended (46 U.S.C. 239); 49 CFR 1.46 (b) and (n)(3).)

Dated: February 9, 1978.

O. W. SILER,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[FR Doc. 78-4335 Filed 2-15-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21142; FCC 78-70]

POLICE, FIRE AND OTHER PRIVATE LAND MOBILE RADIO SERVICES

Providing for the Use of F3Y Emission (Digital Voice Modulation) in Secure Communications Systems and Eliminating the Low-Pass Filtering Requirements in Digital Voice, Automatic Vehicle Monitoring (AVM) and Other High Bit Rate Digital Applications

AGENCY: Federal Communications Commission.

ACTION: Adoption of certain final and certain interim rules.

SUMMARY: The final rules provide for the use of digital voice modulation in the Police and Fire Radio Services for the purpose of obtaining greater communications security, and non-voice digital modulation in the other private land mobile radio services in order to update the rules to be more in keeping with state-of-the-art communications technology. In conjunction with this effort, which was undertaken by the FCC on its own initiative, interim rules specify a new digital emission limitation standard are adopted. This proceeding is being continued in a Further Notice of Proposed Rulemaking which is published elsewhere in this issue.

EFFECTIVE DATE: March 23, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James E. McNally, Jr., or Neal Pike, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, 202-632-6497.

FIRST REPORT AND ORDER

Adopted: February 2, 1978.

Released: February 9, 1978

In the matter of Amendment of Parts 89, 91, 93, and 95 (General Mobile Radio Service) of the Commission's rules and regulations to provide for the use of F3Y emission (digital voice modulation) in secure communications sytems and to eliminate the low-pass filtering requirements in digital voice, automatic vehicle monitoring (AVM) and other high bit rate digital applications, Docket No. 21142.

1. On March 23, 1977, the Commission released a Notice of Proposed Rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER (42 FR 15930) on March 24, 1977. A list of participants filing comments and reply comments is given in Appendix A below.

2. As the caption indicates, we proposed rules providing for the authorization of F3Y emission in the Police Radio Service in order to allow licensees in that service to take advantage of the additional communications security provided by digital voice processing and scrambling techniques. In addition, we requested that licensees in other services identify their needs in the area of scrambled or secure communications. We also raised the question of the compatibility of digital voice operation with conventional analog systems, both operationally and technically.

3. The comments from our licensees in the Police Radio Service were enthusiastic about our proposals and reflected a consensus of opinion that digital voice modulation could contribute (substantially to the safety of life and property by effectively negating the loss of communications privacy resulting from the widespread availabil-

ity of frequency-programmable monitoring receivers). The International Municipal Signal Association (IMSA) urged that the Commission authorize the use of F3Y emission in the Fire Radio Service, since the communications interception problem and the privacy requirements of licensees in that Service are very similar to those in the Police Radio Service. Having given this matter further consideration, we are inclined to agree, and have made such provision in the rules adopted herein.[1]

4. Representatives of the General Mobile and the various Industrial Radio Services indicated that analog scrambling techniques were sufficient for their privacy requirements and expressed concern that the use of digital voice modulation on heavily shared frequencies could result in some confusion as to the availability of a frequency for use at any given time and could increase the probability of inadvertent cochannel interference.

5. We see no reason to act in a way contrary to these sentiments. Moreover, we believe that considering the untried nature of digital voice modulation, it would be prudent to restrict its authorization to those services where reuse of a frequency in a particular geographic area is at a minimum, or where such use is carefully coordinated among licensees engaged in essentially similar activities. Such conditions generally exist in the Police and Fire Radio Services. Accordingly, in view of the comments of our licensees in the General Mobile and the various Industrial Radio Services, and in view of the absence of any comments from licensees or user-groups in the Land Transportation Radio Services, the authorization of F3Y emission in those services will be deferred until such time as a need for it is identified. The same reasons exist for deferring the authorization of digital voice modulation in the Public Safety Radio Services other than Police or Fire.

6. As previously mentioned, there was some concern expressed by representatives of the Industrial Radio Services over the operational compatibility[2] of digital voice and conventional analog systems; but the comments of the police and fire department interests were largely silent on this question. The two significant (and opposing) views on this matter were advanced by the General Electric Co. (GE) and Motorola, Inc. (Motorola).

7. GE argued that cochannel interference could be a serious problem unless specific action is taken to prevent tranmissions that cannot be distinguished from noise.[3] It might be possible, said GE, to use low level, low frequency audio tones or pulses superimposed on the binary transmission to better enable cochannel signal recognition. Motorola countered this argument by pointing out that if a licensee monitors the channel before transitting (which requires at least momentarily disabling any type of coded squelch which may be provided) the digital voice signal would "open up" the regular carrier squelch system and thus warn the operator that some kind of signal was on the channel. Further, Motorola pointed out that in demonstrating its digital voice system to potential public safety users, none indicated that they felt cochannel digital signal recognition would be a significant problem. This argument would appear to be substantiated by the absence of adverse comment by potential users in the Police and Fire Radio Services. Accordingly, in view of the rather limited implementation of digital voice and other high bit rate digital systems (such as AVM systems) we have under consideration, and in view of the technical difficulties which would be raised if we were to require the superimposition of an identification tone, no such requirement will be imposed at this time.

8. The technical compatibility of digital systems with analog was the subject of greatest controversy in this proceeding. In the Notice, we proposed the elimination of the audio low-pass filtering requirements in digital voice, AVM and other high bit rate digital systems, substituting in lieu thereof a formula for computing the sideband emission envelope. In connection with this, we sought comment on whether or not the emission limitations presently set forth in the rules[4] were sufficient to prevent any increase in the degree of adjacent channel interference.

9. The comments reflected a general consensus of opinion that the present degree of adjacent channel protection was provided by the requirements for audio low-pass filtering rather than by the present emission limitations. There was, accordingly, much concern that high bit rate digital systems (which cannot successfully operate if low-pass filtered) could result in a significant degree of degradation of adjacent channel analog systems. The Commission too, is concerned with this potential problem, and it is our position that digital systems, voice or otherwise, should not be allowed to degrade the performance of adjacent channel analog systems in any substantial way. This fundamental requirement is, we feel, essential to the formulation of rules pertaining to the use of high bit rate digital systems. Thus, we must reject the suggestion of Harris Corp., that spectrum conservation should be sacrificed, if necessary, to insure that digital voice signals are capable of conveying sufficient voice intelligibility, speaker recognition and emotional content in life and death situations. It will be the responsibility of our licensees to decide what degree of intelligibility they will require of their digital voice systems; but we must make it very clear that such systems must be truly "narrow band" and not result in any significant degradation of adjacent channel systems. The same requirement applies to nonvoice digital systems.

10. While no one filing comments was able to suggest a means for computing a maximum permissible digital sideband emission envelope, GE and Motorola did submit alternative proposals based largely on the Electronic Industries Association's (EIA) method of transmitter sideband spectrum measurement. Both agreed that the EIA measurement procedure was a more accurate measure of the absolute protection afforded adjacent channel systems. However, while there was agreement on the method of measuring adjacent channel protection, there was disagreement on how much protection was necessary.

11. GE, in its comments, expressed the view that the adjacent channel protection ratio (i.e., the ratio of the desired cochannel to the undesired adjacent channel signal) should be 36, 72, 80 and 80 dB for channel spacings of 15, 20, 25 and 30 kHz, respectively. Motorola, while agreeing that much state-of-the-art analog equipment is providing such a degree of protection, pointed out that such system performance was obtained only after years of gradual development, and that a similar latitude in development should be given to digital systems. Motorola, therefore, favored Commission adoption of the more liberal standards set forth in EIA Standard RS-152-B.[5] Since that Standard is silent on the protection to be afforded to channels separated by 15 kHz, Motorola concurred with the recommendation of Sachs-Freeman Associates[6] that the protection should be 25 dB. These limits, argued Motorola, were proven to provide sufficient adjacent channel protection in the early days after channels were split as a result of Docket 13847.[7]

12. We have given this matter careful consideration and we have come to the conclusion that the protection ratios set forth in EIA Standard RS-152-B would be a reasonable initial standard for digital systems which cannot be low-pass filtered. However, while we feel that the information before us is sufficient to warrant our adopting an interim standard for the emissions of digital systems, the development of a more precise and conclusive standard may be possible if the matter of the necessary amount of adjacent channel protection is given additional study in a subsequent rulemaking proceeding. Further, while we are inclined to agree that the transmitter emission measurement procedure set forth in EIA Standard RS-152-B would be a more accurate measure of the protection afforded adjacent channel systems, it is, as Motorola points out, a somewhat more difficult measurement than the one required by the present rules.[8] We do not feel that such a departure from existing procedures should be implemented without obtaining the views of other land mobile equipment manufacturers, through a further notice of proposed rulemaking.

13. With the adjacent channel protection ratios suggested by EIA Standard RS-152-B and the previously referenced Sachs-Freeman Report in mind, we have developed the following digital transmitter emission limitation standard which we are adopting for use pending the conclusion of this rulemaking proceeding. It is essentially a "tightened up" version of the emission limitations presently set forth in the rules, with the view of providing the approximate adjacent channel protection previously concluded to be necessary. The power of any sideband emission shall be attenuated below the unmodulated transmitter output power (P) in accordance with the following schedule:

(a) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) between 5 and 10 kHz, the attenuation shall be 83 $\text{Log}_{10}$ ($f_d$/5) dB.

(b) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) over 10 kHz, the attenuation shall be 116 $\text{Log}_{10}$ ($f_d$/6.1) dB, or 50+10 $\text{Log}_{10}$ (P) dB, whichever is less.

Our calculations indicate that this interim standard for digital emissions will provide a minimum of 26, 47, 62 and 67 dB protection for adjacent channel spacings of 15, 20, 25 and 30 kHz, respectively. Since it would be difficult, if not impossible to design a digital system producing the maximum permissible power at each displacement frequency, the actual protection afforded adjacent channels will be somewhat greater than that specified above.

14. The preceeding emission limitations were obtained after analysis of the protection presently being afforded by the required low-pass filters.[9] This analysis was based on plots of the distribution of modulation sidebands for a range of single, low-pass filtered, sinusoidal modulating frequencies between one and twenty kilohertz, as predicted by the mathematical series describing the J, through the $J_8$ components of the Bessel functions of the first kind. The resulting emission envelope can be said to approximate "worst case" analog conditions. This procedure is identical to that referenced by GE in its comments, and our results were virtually identical to their Figure 1 (refer to Appendix B of this First Report and Order). However, we were unable to corroborate GE's comment that "for modulating frequencies less than 3 kHz, sideband spectra can be expected to extend above the Figure 1 curves between the 0 dB intercepts and the upper limit of the authorized bandwidth, 10 kHz." Therefore, we decided to base our interim emission limitations on Figure 1 of the GE comments, rather than Figure 2.[10] This results in a substantial increase in the protection afforded to the adjacent channels. Further, we would point out that frequency modulation (in some instances, perhaps, higher order phase modulation) will be employed almost exclusively in high bit rate digital systems. In this connection it is important to note that Curve A (for a phase modulator) of GE's Figure 1 is identical to the curve of a frequency modulated transmitter employing the 40 Log (f/3) filter. For displacement frequencies between 5 and 10 kHz, the limit derived through analysis of the 40 Log (f/3) filter provides greater sideband attenuation. Since the sideband plots of the 60 Log (f/3) filter did not exceed the limits of the 40 Log (f/3) filter in the 5 to 10 kHz region, we decided to adopt a two-step emission limitation based on the lower limits of Curves A and B. Further analysis, however, revealed that the resulting emission limitation would provide an adjacent channel protection somewhat greater than EIA Standard RS-152-B. For purposes of convenience, therefore, we relaxed the slope of Curve B slightly, and if our interim standard is plotted, it will be found to go from 25 dB at 10 kHz to 60 dB at 20 kHz (assuming a transmitter output power of 10 or more watts).

15. GE, in further comments, recommends that the Commission standardize F3Y emission concurrently with the other needed rule changes. Considering the evolution which will almost certainly take place in the art of digital voice transmission over the next five to fifteen years, we do not see how we can implement any realistic standards at this time. To require the use of four level FSK in lieu of binary would, as Motorola points out, be to require the availability of tomorrow's technology today. At the same time, to implement a standard requiring the use of binary FSK would be tantamount to encouraging a halt in the development of increasingly narrower band digital systems.

16. GE also submits that the national interest would be served by the Commission's standardizing digital voice encryption parameters in order to enable the user to have a choice of several manufacturers from which to purchase compatible equipment. GE points out that the typical user does not purchase his total requirements at one time, but anticipates that he will be able to purchase add-on equipments which are compatible with his original system.

17. We certainly see merit in these suggestions of GE; but in view of the fact that the use of digital voice modulation, whether or not encrypted, is in a relatively developmental stage, we see no method whereby we could effectively require such system compatibility. It is our feeling that as several different digital voice systems are marketed, the various manufacturers will come to a rapid understanding of the technologies used by their competitors, and as time goes by, we would expect to see a gravitation toward those technologies providing the best performance and cost-effectiveness. Once a certain degree of technical

[1] The Fire Radio Service was not included in the Notice because of problems we are having enforcing the regulations pertaining to permissible communications in certain parts of the country. These "problem areas", however, are few in number and we believe that the general circumstances are such as would warrant authorizing F3Y emission in the Fire Radio Service. See also 42 FR 27974, June 1, 1977.

[2] The term, "operational compatibility" refers primarily to the ability of licensees using analog systems to recognize the presence of digial signals. Other operational considerations such as the duty cycle and channel occupancy requirements were not addressed in the comments, from which we conclude that they are not considered significant.

[3] All of the present digital voice systems sound like unsquelched receiver noise to persons using conventional equipment.

[4] The present emission limitations are specified in §§ 89.107(c), 91.104(c), 93.104(c) and 95.617(c).

[5] EIA Standard RS-152-B, "Minimum Standards for Land Mobile Communication FM or PM Transmitters, 25-450 MHz," gives 45, 60 and 60 dB for channel spacings of 20, 25, and 30 kHz, respectively, for base station transmitters with 3 or more watts input power.

[6] The Sachs-Freeman Associates, Inc. recommendation is contained in the report, "A Study of the Digital Uses and Standards for Land Mobile Channels (December 1976) which was developed for the Commission prior to this rulemaking.

[7] The reference here is to the First Report and Order in Docket 13847 (Amendment of Parts 89, 91, 93 and 95 to reduce the separation of assignable frequencies in the 450-470 MHz band), which was released on December 2, 1966.

[8] The rules require the submission of a plot of the low-pass filter response and a measurement of the radiated emission. (The usual procedure is to submit a photograph taken from a spectrum analyzer.)

[9] The rules generally require that transmitters operating on frequencies between 25 and 450 MHz be equipped with a 40 Log (f/3) audio low-pass filter (where "f" is the modulating frequency). Transmitters on frequencies between 450 and 866 MHz must be provided with a 60 Log (f/3) filter.

[10] GE's Figure 2 shows a flat response to 10 kHz, above which the limits are the same as in Figure 1.

compatibility is achieved, it would be in the manufacturers' interest to exchange information on their respective encryption methodologies. A somewhat similar situation exists at the present time where manufacturers cooperate to produce compatible coded tone squelch systems. Concluding, it is simply impractical to adopt standards for F3Y emission or digital voice encryption at this time. Moreover, it is not even certain that such standards are needed.

18. In concluding comments, GE requests that the Commission require clear voice identification by digital voice base stations only and allow licensees to transmit up to two seconds of digital data under the authorization of F3Y emission.

19. We are inclined to agree with GE's belief that if a mobile unit operator is required to switch to the analog mode to transmit station identification, he may forget to switch back to the digital mode and inadvertently compromise critical communications. Accordingly, we have made provision in the rules for waiver of mobile station identification during those periods when F3Y emission is being utilized.

20. The transmission of up to two seconds of digital data is entirely consistent with the intent of this proceeding. It was our initial belief, however, that such operation should require the specific authorization of F9Y emission.[11] After giving this matter additional thought, we have concluded that administrative considerations appear to warrant the action requested. If the data transmissions are limited to two seconds as proposed, there should be little adverse impact on the channel occupancy and both the Commission and its licensees would benefit from not having to process paperwork for what would be a routine authorization based on information of limited value. Accordingly, the rules have been written in such a way that authorization of F3Y emission is construed to include the use of F9Y emission subject to the limitations of the so-called "two second rule".[12] This implicit authorization applies only to stations authorized the use of F3Y emission. If a licensee authorized any other type of emission wishes to use F9Y emission as well, specific authorization must be sought.

21. In view of the foregoing, the Commission has decided to proceed with the routine authorization of F3Y emission in the Police and Fire Radio Services, and with the authorization of high bit rate nonvoice digital systems (F9Y emission) in all of the private land mobile radio services except the General Mobile Radio Service[13]; *Provided*, That such systems comply with the interim digital emission limitation standard specified herein and the operational limitations set forth elsewhere in the rules. Any refinement of the interim digital emission limitation standard which may be necessary and the resolution of any matter raised in the Notice and not addressed in this First Report and Order will be the subject of a concurrently issued Further Notice of Proposed Rulemaking.

22. Accordingly, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended; *It is ordered*, That effective March 23, 1978, Parts 89, 91 and 93 of the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,[14]
WILLIAM J. TRICARICO,
*Secretary.*

APPENDIX A

Comments were filed by:
- American Petroleum Institute
- Arapahoe County (Colorado) Sheriff's Department
- Arizona Department of Public Safety
- Associated Public-Safety Communications Officers, Inc.
- Boeing Wichita Co.
- City of Boston
- City of Fort Lauderdale
- City of Houston
- Corwin D. Moore, Jr.
- Duluth Police Department
- Forest Industries Telecommunications
- General Electric Co.
- Harris Corp. (RF Communications Division)
- International Municipal Signal Association
- Los Angeles County Sheriff's Department
- Marion M. Shipley (Sheriff)
- Motorola, Inc.
- New York City Police Department
- Salt Lake City Corp. (Police Department)
- Special Industrial Radio Service Association

Reply Comments were filed by:
- General Electric Co.
- Motorola, Inc.
- Salt Lake City Corp. (Police Department)
- State of North Dakota (Radio Communications Department)
- Technical Communications Corp.

[11] F9Y emission will be authorized to AVM and other types of nonvoice digital systems.

[12] See § 89.105, subparagraphs (d) (1), (2), (3) and (4).

[13] The General Mobile Radio Service (Part 95) is being excluded because the types of digital systems under discussion here are not authorized in that Service.

[14] Commissioner Washburn concurring in the result.





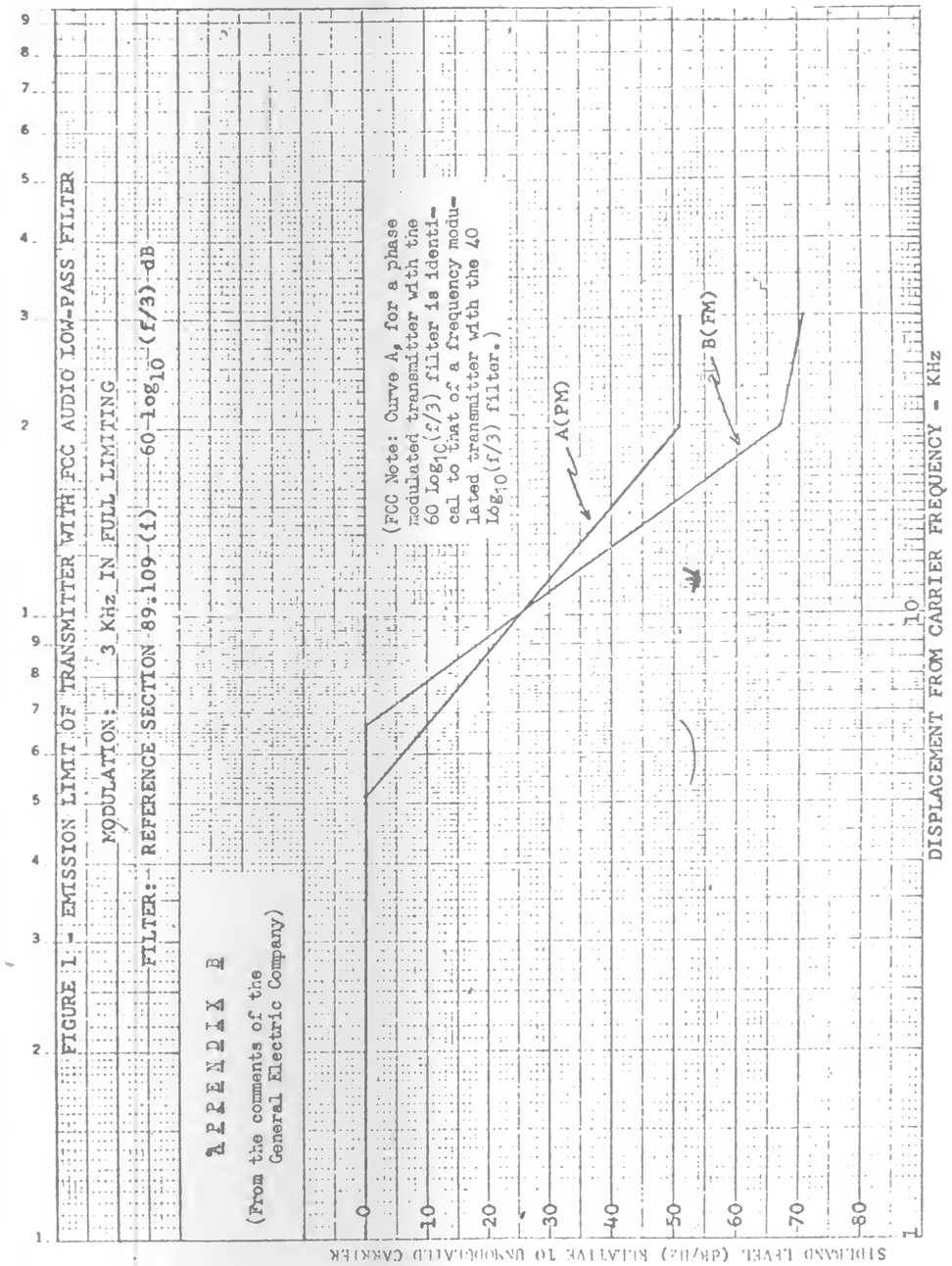
FIGURE 1 - EMISSION LIMIT OF TRANSMITTER WITH FCC AUDIO LOW-PASS FILTER
MODULATION: 3 KHz IN FULL LIMITING
FILTER: REFERENCE SECTION 89.109-(f) ---- 60-log10(f/3) dB
(FCC Note: Curve A, for a phase modulated transmitter with the 60 log10(f/3) filter is identical to that of a frequency modulated transmitter with the 40 log10(f/3) filter.)
A(PM)
B(FM)
APPENDIX B
(From the comments of the General Electric Company)
DISPLACEMENT FROM CARRIER FREQUENCY - KHz
SIDEBAND LEVEL (dB/Hz) RELATIVE TO UNMODULATED CARRIER

### PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 of the Commission's rules and regulations is amended as follows:

1. In § 89.105, paragraphs (a) and (d) are amended, and a new paragraph (f) is added to read as follows:

§ 89.105 Types of emission.

(a) Except as provided in paragraphs (c), (d), (e), and (f) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices the function of which is limited to establishing or maintaining voice communications or to actuate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

(d) Except for tone paging, telemetry, radioteleprinter, radiofacsimile, and automatic vehicle location systems, and except as otherwise provided in this part, use of A2, A9, F2, F9 (audio frequency tone shift or tone phase shift), or F9Y emission by stations in these services may be authorized only in accordance with the following limitations and requirements:

• • • • • •

(f) Stations in the Police and Fire Radio Services utilizing digital voice modulation in either the unscrambled or scrambled mode will be authorized F3Y emission. The authorization to use F3Y emission is construed to include the use of F9Y emission subject to the limitations of paragraphs (d)(1), (2), (3) and (4) of this section.

2. In § 89.107, paragraph (c) is amended and a new paragraph (f) is added to read as follows:

§ 89.107 Emission limitations.

• • • • • •

(c) Except as provided in paragraph (f) of this section, the mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

• • • • • •

(f) Pending the resolution of Docket 21142, the power of any sideband emission of a digital transmitter authorized pursuant to paragraph (j) of § 89.109 shall be attenuated below the unmodulated transmitter output power (P) in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) between 5 and 10 kHz, the attenuation shall be:

$$83 \text{ Log}_{10} (f_d/5) \text{ dB.}$$

(2) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) greater than 10 kHz, the attenuation shall be:

$$116 \text{ Log}_{10} (f_d/6.1) \text{ dB, or } 50 + 10 \text{ Log}_{10} (P) \text{ dB,}$$

whichever is less.

3. In § 89.109, paragraph (d) is amended and a new paragraph (k) is added to read as follows:

§ 89.109 Modulation requirements.

• • • • • •

(d) Except as provided in paragraph (k) of this section, each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz shall be equipped with an audio low pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraphs (h) or (i) of this section. The provisions of this paragraph do not apply to transmitters of licensed radiocommunications systems operated wholly within one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, and 851 to 866 MHz.

• • • • • •

(k) Each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filter requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (f) of § 89.107, when used with the specified digital equipment. When a transmitter is to be type accepted for both digital and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d) of this section.

4. A new § 89.121, is added to read as follows:

§ 89.121 Provisions relating to the use of scrambling devices and digital voice modulation.

(a) Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission, subject to the provision of paragraph (d) of this section.

(b) The use of digital scrambling techniques or digital voice modulation requires the specific authorization of F3Y emission; and this emission will be authorized only to stations in the Police and Fire Radio Services, subject to the provision of paragraph (d) of this section.

(c) The transmission of any non-voice information or data under the authorization of F3Y emission is prohibited. However, stations authorized the use of F3Y emission may also be authorized F9Y emission for non-voice communications purposes, pursuant to paragraph (d) of § 89.105.

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice) in accordance with the provisions of § 89.153.

5. In § 89.153, a new paragraph (i) is added to read as follows:

§ 89.153 Station identification.

• • • • • •

(i) Mobile stations need not transmit station identification during periods when F3Y emission is being utilized.

6. In § 89.655, paragraph (c) is amended as follows:

§ 89.655 Restrictions and limitations on permissible communications, on use, and on mode of operation.

• • • • • •

(c) Notwithstanding any contrary provisions in this subpart, a system licensed for use by a person or entity eligible under either Parts 89, 91, or 93 of this chapter may be employed for any purpose or operated in any manner, including the use of F2, F4, F9, F9Y, and in the Police and Fire Radio Service only, F3Y emission, which is consistent with the regulations governing the service in which the user is eligible: *Provided,* That the loading standard which applies to the system is met and the channel or channels are assigned to that entity, for its exclusive use.

### PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 of the Commission's rules is amended as follows:

1. In § 91.103, paragraph (b) is amended as follows:

§ 91.103 Types of emission.

• • • • • •

(b) Except for tone paging, telemetry, radioteleprinter, radiofacsimile, and automatic vehicle location systems, and except as otherwise provided in this part, use of A2, A9, F2, F9 (audio frequency tone shift or tone phase shift), or F9Y emission by stations in these services may be authorized only in accordance with the following limitations and requirements:

• • • • • •

2. In § 91.104, paragraph (c) is amended and a new paragraph (f) is added to read as follows:

§ 91.104 Emission limitations.

• • • • • •





(c) Except as provided in paragraph (f) of this section, the mean power of emission shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

• • • • • •

(f) Pending the resolution of Docket 21142, the power of any sideband emission of a digital transmitter authorized pursuant to paragraph (f) of Section 91.105 shall be attenuated below the unmodulated transmitter output power (P) in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) between 5 and 10 kHz, the attentuation shall be:

$$83 \text{ Log}_{10} (f_d/5) \text{ dB.}$$

(2) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) greater than 10 kHz, the attenuation shall be:

$$116 \text{ Log}_{10} (f_d/6.1) \text{ dB, or } 50 + 10 \text{ Log}_{10} (P) \text{ dB,}$$

whichever is less.

3. In § 91.105, paragraphs (d), (e), and (f) are amended and a new paragraph (i) is added to read as follows:

§ 91.105 Modulation requirements.

• • • • • •

(d) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the ranges 25 to 50, or 152 to 174 MHz, and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) of this section.

(e) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the range 150.8 to 152 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

(f) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the bands 450 to 512, 806 to 821, and 851 to 866 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

• • • • • •

(i) Each transmitter in the frequency ranges 25 to 50, 150.8 to 174, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filter requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (f) of § 91.104, when used with the specified digital equipment. When a transmitter is to be type accepted for both digital and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d), (e) or (f) of this section.

4. A new § 91.121, is added to read as follows:

§ 91.121 Provisions relating to the use of scrambling devices.

Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission. *Provided,* That station identification is transmitted in the unscrambled mode (clear voice) in accordance with the provisions of § 91.152.

### PART 93—LAND TRANSPORTATION RADIO SERVICES

III. Part 93 of the Commission's rules is amended as follows:

1. In § 91.103, paragraph (b) is amended as follows:

§ 91.103 Types of emission.

• • • • • •

(b) Except for tone paging, telemetry, radioteleprinter, radiofacsimile, and automatic vehicle location systems, and except as otherwise provided in this part, use of A2, A9, F2, F9 (audio frequency tone shift or tone phase shift), or F9Y emission by stations in these services may be authorized only in accordance with the following limitations and requirements:

• • • • • •

2. In § 93.104, paragraph (c) is amended and a new paragraph (f) is added to read as follows:

§ 93.104 Emission limitations.

• • • • • •

(c) Except as provided in paragraph (f) of this section, the mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

• • • • • •

(f) Pending the resolution of Docket 21142, the power of any sideband emission of a digital transmitter authorized pursuant to paragraph (i) of § 93.105 shall be attenuated below the unmodulated transmitter output power (P) in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) between 5 and 10 kHz, the attenuation shall be:

$$83 \text{ Log}_{10} (f_d/5) \text{ dB.}$$

(2) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) greater than 10 kHz, the attenuation shall be:

$$116 \text{ Log}_{10} (f_d/6.1) \text{ dB, or } 50 + 10 \text{ Log}_{10} (P) \text{ dB,}$$

whichever is less.

In § 93.105, paragraphs (d), (e) and (f) are amended and a new paragraph (i) is added to read as follows:

§ 93.105 Modulation requirements.

• • • • • •

(d) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the range 25 to 50, or 152 to 162 MHz, and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) of this section.

(e) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the range 150.8 to 152 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter, in accordance with the provisions of paragraph (g) of this section.

(f) Except as provided in paragraph (i) of this section, each transmitter which is operated on a frequency in the bands 450 to 512, 806 to 821, and 851 to 966 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

• • • • • •

(i) Each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filtering requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (f) of § 93.104, when used with the specified digital equipment. When a transmitter is to be type accepted for both digital

and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d), (e) or (f) of this section.

4. A new § 93.121, is added to read as follows:

§ 93.121 **Provisions relating to the use of scrambling devices.**

Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission, provided that station identification is transmitted in the unscrambled mode (clear voice) in accordance with the provisions of § 93.152.

(FR Doc. 78-4337 Filed 2-15-78; 8:45 am)

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[4910-60]

**Title 49—Transportation**

**CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION**

[Docket No. HM-158, Amdt. No. 173-113]

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

**Empty Canadian Tank Cars**

AGENCY: Materials Transportation Bureau, DOT

ACTION: Final rule.

SUMMARY: This amendment allows empty Canadian tank cars to be returned from the United States to Canada if transported in conformity with Canadian Transport Commission (CTC) regulations. This amendment is needed because of differences between CTC and DOT placarding requirements that result from recent changes to DOT requirements. The amendment provides a minor enlargement of existing DOT recognition of CTC regulations.

DATE: This amendment is effective February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Chief Counsel's Office, Research and Special Programs Directorate, Room 6222, 2100 Second Street SW., Washington, D.C. 20590, phone: 202-755-4972.

SUPPLEMENTARY INFORMATION: A number of Canadian rail shippers of liquefied petroleum gas have notified DOT that they anticipate problems in providing EMPTY placards specified by DOT for tank cars returning to Canada after delivery of liquefied petroleum gas in the United States. EMPTY placards, required for use on tank cars only, are normally printed on the reverse side of placards used for full ladings, and the placard is reversed when the lading is removed.

Shipments of hazardous materials moving from Canada into the United States, or through the United States en route to Canada, are permitted by 49 CFR 173.8 to be placarded in conformity with CTC regulations. However, recent changes to DOT placarding requirements have resulted in differences between the EMPTY placards specified by DOT for use with tank cars and those specified by CTC. This amendment is being made in support of the long-standing DOT recognition of CTC regulations for Canadian shipments to United States consignees.

This rule is a relaxation of existing requirements and the Materials Transportation Bureau finds it is in the public interest to allow empty cars to be returned to Canada in conformity with CTC regulations to avoid possible delays in the movement of propane and other hazardous materials from Canada to the United States. As the new DOT placarding requirements became mandatory for rail shipments on January 1, 1978, immediate action is required. Consequently, public notice is dispensed with and this rule is effective immediately.

This rule will not affect the cost of regulatory enforcement nor impose added costs on industry, consumers or Federal, State or local governments. There will not be any significant environmental or economic impact (E.O. 11821; OMB Circular A-107) associated with this relaxation of existing requirements.

The primary drafters of this document are Alan I. Roberts, Director, Office of Hazardous Materials Operations, and Douglas A. Crockett, Chief Counsel's Office, Research and Special Programs Directorate.

In consideration of the foregoing, Part 173 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 173.8, paragraph (a) is revised to read as follows:

§ 173.8 **Canadian shipments and packagings.**

(a) Shipments of hazardous materials which conform to the regulations of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada), may be transported from the point of entry in the United States to their destination in the United States, or through the United States, en route to a point in Canada. Empty rail tank cars may be transported in conformity with Canadian Transport Commission regulations from point of origin in the United States to point of entry into Canada.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e))

Issued in Washington, D.C., on February 9, 1978.

L. D. SANTMAN,
*Acting Director, Materials Transportation Bureau.*

(FR Doc. 78-4148 Filed 2-15-78; 8:45 am)

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[4910-60]

**SUBCHAPTER D—PIPELINE SAFETY**

[Amdt. 195-13; Docket No. OPSO 77-4]

**PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE CONVERSION OF EXISTING PIPELINES TO LIQUID SERVICE**

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment permits a previously used steel pipeline to qualify for use in liquid service subject to Part 195 without meeting the design and construction requirements applicable to a new pipeline. The need for the amendment arises from changing transportation patterns for oil and gas in pipelines in the United States. For example, as new sources of oil become available and past gas sources decline, significant cost savings and environmental benefits are projected from the use of existing gas lines to carry oil.

At the present time, however, the Federal liquid pipeline safety standards require that any pipeline placed in liquid service after March 31, 1970 (July 31, 1977, in the case of certain offshore lines), must be designed and constructed in accordance with the applicable Federal safety standards. Although appropriate for newly installed liquid lines, this requirement is more stringent than necessary to provide for public or employee safety when applied to steel lines being converted to service subject to Part 195. It imposes an unnecessary regulatory burden on the future use of the nation's pipeline transportation systems.

EFFECTIVE DATE: March 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank E. Fulton, 202-426-2082.

SUPPLEMENTARY INFORMATION: To alleviate the regulatory burden and the similarly undesirable effect of requiring operators of converted pipelines to obtain waivers from design and construction requirements, the Materials Transportation Bureau (MTB) has adopted alternative safety requirements governing the qualification of existing steel pipelines for service under Part 195. Under the new requirements, a carrier prepares and follows a written conversion procedure. The procedure must provide for visual inspection and historical review of the pipeline to identify actual or potential sources of failures. The review must be supplemented with appropriate tests, such as physical or chemical testing, where historical records are insufficient to judge the line's condition. Problem areas must be corrected, normally by repair, replacement, or other alteration. A pressure test must be performed to demonstrate that the structural integrity of the pipeline is sufficient for safe operation. Applicable corrosion control requirements must be met within 12 months after the pipeline is placed in service. Finally, the carrier must keep a record of the investigations, tests, and remedial measures conducted on the pipeline.

This amendment results from a Notice of Proposed Rulemaking (Notice No. 77-3) issued by the Office of Pipeline Safety Operations on April 4, 1977 (42 FR 18412, April 7, 1977). The Notice was based, in part, on a petition by the American Petroleum Institute to establish alternative requirements governing the safety of existing pipelines being converted to service under Part 195. Interested persons were invited to participate in the rulemaking proceeding by submitting written data, views, or arguments by May 13, 1977.

Notice 77-3 proposed that a new Subpart G be established in Part 195 to prescribe safety standards for the conversion of existing steel pipelines to service subject to Part 195. In conjunction with this proposal, the Notice proposed that § 195.402(d) be amended to exempt pipelines converted in accordance with Subpart G from the design and construction requirements of Part 195. In the final rules, however, for organizational simplicity, the substance of the proposed Subpart G relating to written procedures (§ 195.502(c)), recordkeeping (§ 195.502(d)), and structural integrity (§ 195.504(b)) is transferred to a new § 195.5. The substantive proposals relating to operation and maintenance (§ 195.506(a)) and maximum allowable operating pressure (§ 195.508) are deleted as duplicative of current requirements in Part 195 governing those subjects. The current requirements would apply to any existing steel pipeline which qualifies for use under Part 195 in accordance with the new § 195.5. The substance of proposed § 195.506(b), which would have provided a 12-month leadtime for a converted pipeline to meet corrosion control requirements, also is transferred to § 195.5. The remaining provisions in the Notice are deleted as unnecessary as a result of the organizational change.

In adopting the final rules, MTB considered all the written comments received as a result of Notice No. 77-3. A discussion of the significant comments and recommendations and their relation to changes in the final rules follows. Changes intended for clarification of the substance of the proposal and editorial modifications which do not alter the proposal are not discussed.

There were nine persons who submitted written comments to the Notice: Two natural gas pipeline companies; one gas trade association; two petroleum trade associations; one State regulatory commission; one federal agency; and two liquid pipeline companies.

One commenter said that establishing the proposed conversion requirements in the form of a new subpart in Part 195 would create redundancies and be administratively costly for the industry. The organizational changes discussed above are intended to alleviate this problem.

Another commenter suggested that carriers be required to tell MTB when a proposed conversion would take place so the pipeline system could be monitored for compliance. MTB does not believe, however, that a notification requirement is needed at present for enforcement of the conversion procedures. If experience shows that such a requirement would be useful, it will be proposed in a future Notice of Proposed Rulemaking.

Similarly, it was suggested by one commenter that the government assume greater control over conversion projects by requiring that a carrier's procedures be submitted for government review before a project begins. MTB does not favor this regulatory approach which, in effect, would require carriers to obtain a government permit for each conversion project. The approach would create an additional burden on both government and industry that does not appear warranted by the safety problems involved in a steel pipeline conversion project. The safety of a converted pipeline can be provided through the establishment and enforcement of adequate general safety standards covering the full range of identifiable safety problems. The purpose of this rulemaking proceeding is to meet this objective.

A number of commenters were concerned about the proposal under § 195.504(b)(1) in the Notice that a conversion be "consistent" with Part 195. They interpreted this provision as requiring application of the design and construction requirements, although the purpose of Notice 77-3 was to avoid this result. To eliminate any possible confusion on the point, the provision is not included in the final rules for conversion.

Notice 77-3 proposed that pipelines being converted must be pressure tested in accordance with Subpart E of Part 195 except for pipelines tested similarly within the preceding 5 years. Two persons interested in offshore pipelines requested that the exception be broadened to include pipelines satisfactorily tested in accordance with the U.S. Geological Survey's Order No. 9. Another commenter argued that a 5-year time limit on prior testing would be arbitrary and unnecessary in light of the other relevant safety considerations. In contrast, one commenter argued there should be no exception from the testing requirement on grounds that the potential safety benefits would outweigh the additional cost of testing. This comment was adopted in the final rule and a new pressure test is mandatory for all converted pipelines. On further consideration of the issue, MTB decided that a pressure test is the best indicator of defects which may still exist in a pipeline, even though it otherwise appears in satisfactory condition. In other words, harmful damage to a pipeline occurring since it was last tested which might not be discovered by investigations alone probably would be detected by a new pressure test. In addition, a pressure test provides a valuable check on the quality of repairs or alterations made during conversion.

It was proposed that a converted pipeline be allowed 12 months' leadtime to meet the corrosion control requirements of Part 195. One commenter said that 12 months is not needed because the time available between planning and completing a conversion project could be used to meet the requirements. While this may be true for some pipelines, MTB believes the problems involved in corrosion control justify providing the 12-month period for compliance as a general rule. Also, the 12-month leadtime is consistent with the time allowed by § 195.242 for installing a cathodic protection system on newly constructed pipelines.

In proposing the 12 months' leadtime, Notice 77-3 did not discuss how the corrosion control requirements should apply. If the current requirements were applied, a converted pipeline constructed after the applicable date in § 195.402(d) would have to meet the corrosion control requirements of Subpart D, which apply to newly installed pipelines, as well as the applicable corrosion control requirements of Subpart F, which are binding on all pipelines subject to Part 195. Because of the problems of coating and cathodically protecting an existing pipeline, MTB believes that it would be unreasonable in most cases to require that a converted pipeline meet corrosion control requirements specifically applicable to newly in-

stalled pipelines. Thus, for purposes of corrosion control, converted lines should for the most part be treated similarly to pipelines existing when Part 195 was adopted. They should only be required to meet the corrosion control requirements of Subpart F. However, a few exceptions should apply to this rule. Pipeline segments which are replaced, relocated, or substantially altered during the conversion of an existing line can readily comply with requirements applicable to new pipelines. Also, segments which already meet these requirements before being converted to liquid service, such as a steel pipeline constructed in compliance with 49 CFR Part 192, should be required to maintain that level of safety. Of course, any new segment installed in conjunction with a converted pipeline must meet the corrosion control requirements governing a new line even though it is part of an overall conversion project. Accordingly, a new § 195.5(b) is established regarding the applicability of the corrosion control requirements of Part 195 to converted pipelines.

One commenter proposed that sections of converted pipelines located near road crossings, schools, hospitals, other buildings of public assembly, or populated areas should be required to comply with the current burial requirements of Part 195. This proposal was not adopted because in MTB's view and as indicated by accident reports filed under Subpart B of Part 195, the cost of compliance would overcome any possible safety advantages to be gained.

It was proposed by one person that any segment of a pipeline with a leak clamp be replaced to eliminate weak points before the pipeline is converted. This proposal was not adopted because a properly designed and installed leak clamp is not, by itself, an indication of a weak point in a pipeline. Furthermore, the required pressure testing would detect any faulty leak clamps. Under the conversion procedures, clamps of insufficient design or installation must be repaired or replaced before the pipeline is placed in service subject to Part 195.

Commenting on a provision in § 195.500 in the Notice, which provided that the Secretary must grant an approval for conversion of any pipeline not made of steel, one person suggested that State agencies be authorized to approve the conversion of intrastate pipelines. Despite the term "approval," this provision was not intended to establish an independent case-by-case process for qualifying the conversion of nonsteel pipelines to service subject to Part 195. It merely was intended to emphasize that the proposed conversion procedures were not applicable to the conversion of nonsteel pipelines. If uch a pipeline does not meet the design and construction requirements of Part 195, the carrier involved would have to obtain from the Secretary a waiver from compliance with any requirements which are not met before the pipeline may be legally placed in operation. Since Part 195 does not contain any general provision governing waivers, it does not appear necessary to include such a provision specifically for the conversion of nonsteel pipelines. The provision is therefore deleted from the final rules. Moreover, the proposed delegation of authority to State agencies, whether for approvals or waivers, appears to be unauthorized under applicable laws.

The Notice proposed that appropriate visual inspections be conducted to determine the integrity of a pipeline to be converted. One person suggested that visual inspections be limited to pipeline sections located above ground or water so that buried lines would not have to be uncovered and divers would not have to be used. This proposal was not adopted because, indeed, it is necessary to expose pipelines at appropriate locations or employ divers for inspections in order to assure the integrity of a pipeline being converted.

One commenter requested that the final rules be changed to clarify the concept of conversion. This request was made because it could be inferred from § 195.502(a) in the Notice that a carrier would have to carry out conversion procedures each time a pipeline which is designed and built to alternately carry gas and oil in dual service is changed from gas to oil service. Notwithstanding this inference, MTB did not intend that the procedures be mandatory in these situations. A dual service pipeline, having been designed and built for service subject to Part 195 or which qualifies for use under Part 195 because of certain "grandfather" provisions, does not undergo "conversion" within the meaning of Notice 77-3. MTB believes that problem of interpretation is corrected in the final rules where it is clear that the conversion procedures only apply at the time an existing steel pipeline is readied for liquid service subject to Part 195. The procedures do not affect existing dual service lines which either were built in accordance with the design and construction requirements of Part 195 or are not subject to those requirements because they were readied for service Subject to Part 195 before the applicable effective date set forth in § 195.402(d). Also, under the new § 195.5, a carrier may convert an existing gas line to dual service.

PRINCIPAL AUTHORS:

G. L. Mocharko, L. M. Furrow, and R. L. Beauregard.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows, effective March 17, 1978.

1. Section 195.5 is added to read as follows:

§ 195.5 Conversion to service subject to this part.

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the carrier prepares and follows a written procedure to accomplish the following:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

(2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with the Subpart E of this part to substantiate the maximum allowable operating pressure permitted by § 195.406.

(b) A pipeline which qualifies for use under this section need not comply with the corrosion control requirements of this part until 12 months after it is placed in service, notwithstanding any earlier deadlines for compliance. In addition to the requirements of Subpart F of this part, the corrosion control requirements of Subpart D apply to each pipeline which substantially meets those requirements before it is placed in service or which is a segment that is replaced, relocated, or substantially altered.

(c) Each carrier must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

2. Section 195.402(d) is amended to read as follows:

§ 195.402 General requirements.

* * * * *

(d) Except as provided in § 195.5, no carrier may operate any part of a pipeline system upon which contruction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and a carrier's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this part.

3. The table of sections is amended by adding the following new heading:

Sec. 195.5 Conversion to service subject to this part.





(Sec. 6, Pub. L. 89-670, 80 Stat. 437, (49 U.S.C. 1655; 18 U.S.C. 831-835); 49 CFR 1.53.)

Issued in Washington, D.C., on February 10, 1978.

L. D. SANTMAN,
*Acting Director,*
*Materials Transportation Bureau.*

[FR Doc. 78-4302 Filed 2-15-78; 8:45 am]

[7035-01]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-100 (Sub-No. 2)]

### PART 1003—LIST OF FORMS

### SUBCHAPTER B—PRACTICE AND PROCEDURES

### PART 1130—APPLICATIONS FOR MOTOR CARRIER CERTIFICATES AND PERMITS

### PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

**Revision of Procedures Requiring Service of Applications on State Officials**

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final regulations.

SUMMARY: Corrections to the final regulations published on January 26, 1978, (at pages 3564-3565): (1) Change footnotes numbered 3 and 4 to numbers 1 and 2 respectively. (2) Insert the word "written" into the first sentence of revised rule 1134.50 Application for authority to acquire control, as follows: "* * * one copy shall be delivered, upon written request * * *"

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

H. G. HOMME, JR.,
*Acting Secretary.*

[FR Doc. 78-4328 Filed 2-15-78; 8:45 am]

[7035-01]

[Rev. S. O. No. 1299]

### PART 1033—CAR SERVICE

**CONSOLIDATED RAIL CORP. ORDERED TO DELIVER EMPTY BOXCARS TO BOSTON AND MAINE CORP., ROBERT W. MESERVE AND BENJAMIN LACY, TRUSTEES (BM); BM ORDERED TO DELIVER EMPTY BOXCARS TO MAINE CENTRAL RAILROAD CO.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Revised Service Order No. 1299).

SUMMARY: An acute shortage of boxcars for transporting shipments of paper exists on the Maine Central Railroad Co. There is a very large number of 50-ft. plain boxcars located on the lines of Consolidated Rail Corp. Revised Service Order No. 1299 orders CR to deliver to the Boston and Maine Corp. a weekly total of 50 empty plain boxcars, and B&M to deliver to the Maine Central a weekly total of 50 empty plain boxcars.

DATES: Effective February 12, 1978. Expires February 26, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of February, 1978.

Upon further consideration because severe winter storms have made full compliance with all its provisions impossible, Service Order No. 1299 is revised as follows:

An acute shortage of boxcars for transporting shipments of paper exists on the Maine Central Railroad Co. (MeC), in spite of efforts of the Car Service Division of the Association of American Railroads to expedite the return of MeC boxcars to that line. The Consolidated Rail Corp. (CR), by reason of its location and traffic flows, normally has between 28,000 and 30,000 50-ft. plain boxcars of railroad ownership and approximately 2,200 or more similar cars owned by private car companies of railroad ownership and control. The total number of 50-ft. plain boxcars is in excess of twice CR's ownership of approximately 14,000 such cars. Its use of cars owned by other railroads and of railroad controlled private cars exceeds CR's ownership of 50-ft. cars.

In the opinion of the Commission an emergency exists requiring redistribution of a portion of the boxcars located on CR in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

§ 1033.1299 Revised Service Order 1299.

(a) Consolidated Rail Corp. ordered to deliver empty boxcars to Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, trustees (BM); ordered to deliver empty boxcars to Maine Central Railroad Co. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) The Consolidated Rail Corp. (CR) shall deliver to the Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, Trustees (BM), a weekly total of fifty (50) empty plain boxcars listed in the Official Railway Equipment Register, ICC-RER No. 406 issued by the W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" and having inside length 49-ft. 8-in. and less than 59-ft. 8-in., and bearing reporting marks assigned to a railroad or to a railroad controlled private car company. The cars delivered by CR to the BM must be suitable for loading with newsprint paper, the BM to be the judge.

(2) The BM shall deliver to the Maine Central Railroad Co. (MeC) a weekly total of fifty (50) empty plain boxcars of the type described in paragraph (1) of this section. The cars delivered by the BM to the MeC must be suitable for loading with newsprint paper, the MeC to be the judge.

(b) This order shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

(c) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(d) Cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(e) The carriers delivering the empty boxcars as described above must advise Joel E. Burns, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(f) The carriers receiving the cars described above must advise Joel E. Burns, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(g) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(h) *Effective date.* This direction shall become effective at 12:01 a.m., February 12, 1978.

(i) *Expiration date.* This direction shall expire at 11:59 p.m., February 26, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

*It is further ordered,* That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4326 Filed 2-15-78; 8:45 am]

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[4310-55]

**Title 50—Wildlife and Fisheries**

**CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 26—PUBLIC ACCESS, USE, AND RECREATION**

**Opening of Crab Orchard National Wildlife Refuge, Illinois, to Public Access, Use, and Recreation**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public access, use, and recreation of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, and will provide additional recreational opportunity to the public.

DATES: February 16, 1978 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, P.O. Box J, Carterville, Ill. 62918, telephone 618-997-3344.

SUPPLEMENTARY INFORMATION:

**§ 26.34 Special Regulations; public access, use, and recreation; for individual wildlife refuge areas.**

Public access, use and recreation are permitted on the Crab Orchard National Refuge, Illinois, only on the areas designated by signs as being open to public access, use, and recreation. The areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Public access, use, and recreation shall be permitted in accordance with the following special conditions:

1. Swimming is prohibited in the closed portion of Crab Orchard Lake, marina areas, boat docks, boat ramps, spillways, dams, and causeways. Swimming, skin diving, snorkeling, and scuba diving is prohibited in Devils Kitchen Lake, except at the Campground Beach.

2. All personal flotation devices, except those wearable devices approved by the U.S. Coast Guard, are prohibited on refuge waters.

3. Foodstuffs, drink containers, pets, and fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

4. The Carterville Beach, Lookout Point, Crab Orchard Beach, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway Parking Lot and designated picnic areas are closed to unauthorized use from 9 p.m. until 5 a.m., local time, daily.

5. All refuge campgrounds are closed to visitors from 11 p.m. until 7 a.m., local time.

6. Quiet shall be maintained in all refuge campgrounds between 10 p.m. and 6 a.m., local time.

7. The use of boats with motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and Little Grassy Lake.

8. The maximum boat speed limit on Crab Orchard Lake is 40 miles per hour, unless otherwise posted.

9. Visitors must be attired appropriately while on the refuge. Public nudity, or topless attire by females is prohibited.

10. Camping, defined as the use of tents, bedrolls, motorized vehicles, trailers, and other shelters for overnight stays for the purpose of sleeping, is prohibited except at Devils Kitchen, Little Grassy, Crab Orchard Lake, and Crab Orchard Boat and Yacht Club campgrounds.

11. All visitors must comply with all Illinois State laws and Administrative Orders.

12. Special use areas in Area II are regulated, as posted, for hours of use.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreations on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulation, Part 26. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

GERALD H. UPDIKE,
*Acting Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Ill.*

FEBRUARY 7, 1978.

[FR Doc. 78-4232 Filed 2-15-78; 8:45 am]

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[4310-55]

**PART 32—UPLAND GAME HUNTING**

**Opening of Crab Orchard National Wildlife Refuge, Illinois, to Upland Game Hunting**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: June 1, 1978, through March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, P.O. Box J, Carterville, Ill. 62918, telephone 618-997-3344.

SUPPLEMENTARY INFORMATION:

**§ 32.22 Special regulations; upland game hunting for individual wildlife refuges.**

Upland game hunting is permitted on the Crab Orchard National Wildlife Refuge, Illinois, only on the areas designated by signs as being open to hunting. The areas designated as Area I and III, comprising 23,000 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Upland game hunting shall be in accordance with all applicable State of Illinois regulations subject to the following condition:

1. Hunting of upland game is prohibited from sunrise to 12:00 Noon in the refuge controlled goose hunting areas during the goose hunting season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

GERALD H. UPDIKE,
*Acting Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Ill.*

FEBRUARY 7, 1978.

[FR Doc. 78-4233 Filed 2-15-78; 8:45 am]

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[4310-55]

**PART 33—SPORT FISHING**

**Opening of Crab Orchard National Wildlife Refuge, Ill., to Sport Fishing**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, P.O. Box J, Carterville, Ill. 62918, telephone 618-997-3344.

SUPPLEMENTARY INFORMATION:

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

Sport fishing is permitted on the Crab Orchard National Wildlife Refuge, Illinois, only on the areas designated by signs as being open to fishing. These areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

1. The open season for sport fishing on the refuge extends from January 1, 1978, through December 31, 1978, in areas designated as Areas I and III; and from March 15, 1978, through September 30, 1978, daylight hours only, in area designated as Area II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours from January 1, 1978, through December 31, 1978. Boat fishing only is permitted from Wolf Creek Road west to the closed portion boundary line from January 1, 1978, through December 31, 1978.

2. The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devils Kitchen and Little Grassy Lakes.

3. Snagging for carp, buffalo, freshwater drum, paddle fish, bowfin, gar, and carpsucker is permitted from the Crab Orchard Lake Spillway to a point 200 yards downstream.

4. Jug fishing in Crab Orchard lake is authorized east of Wolf Creek Road from March 15, 1978, through September 30, 1978, during daylight hours only.

Jug fishing in Crab Orchard Lake west of Wolf Creek Road to the closed area buoy line is authorized from January 1, 1978, to December 31, 1978.

Jug fishing in Crab Orchard Lake west of the closed area buoy line is authorized from January 1, 1978, through December 31, 1978, except between May 30, 1978, and September 5, 1978, jug fishing is permitted from sunset to sunrise only.

5. Floating trot lines are not permitted in the open portion of the refuge west of the boundary during the hours of daylight from May 31, 1978, through September 6, 1978.

6. Fishing in designated ponds in the closed portion of the refuge is authorized from March 15, 1978, through September 30, 1978, during daylight hours only, or at the discretion of the Project Manager.

7. The minimum legal length for Black Bass (Largemouth) taken from Crab Orchard Lake is 14 inches or 35.56 centimeters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1978.

GERALD H. UPDIKE,
*Acting Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Ill.*

FEBRUARY 7, 1978.

[FR Doc. 78-4231 Filed 2-15-78; 8:45 am]

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[3410-02]

**Title 7—Agriculture**

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Navel Orange Reg. 431]

**PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

**Limitation of Handling**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 17-23, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on February 14, 1978 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is satisfactory and prices remain good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as speci-

fied, and handlers have been apprised of such provisions and the effective time.

§ 907.731 Navel Orange Regulation 431.

*Order.* (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 17, 1978, through February 23, 1978, are established as follows:

(1) District 1: 949,000 cartons;
(2) District 2: 351,000 cartons;
(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-764).)

Dated: February 14, 1978.

CHARLES R. BRADER,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-4497 Filed 2-15-78; 11:11 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 945]

[Docket No. AO-150-A4]

### POTATOES GROWN IN IDAHO-MALHEUR COUNTY, OREG.

### Termination of Proposed Amendment Proceedings AO-150-A4

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination.

SUMMARY: This document terminates proceedings with respect to a proposed Amendment No. 4 to the marketing order program because it was not favored by the required two-thirds majority of growers voting in the referendum. The amendment had been requested by the Idaho-Eastern Oregon Potato Committee, which administers the order locally for USDA. The proposal was to revise the authorized operating reserve and change the committee composition and term of office.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued April 8, 1977; published April 12, 1977 (42 FR 19148) with a minor correction on April 20 (42 FR 20476).

Notice of Recommended Decision—Issued November 9, 1977; published November 14, 1977 (42 FR 58951).

Final Decision—Issued December 30, 1977; published January 6, 1978 (43 FR 1096).

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 945, as amended (7 CFR Part 945), (hereinafter referred to collectively as the "order") regulating the handling of Irish potatoes grown in Idaho and Malheur County, Oreg. The hearing was held at Pocatello, Idaho, on April 28, 1977, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900).

The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on November 9, 1977 (42 FR 58951). On December 30, 1977 (43 FR 1096) the final decision of the Deputy Assistant Secretary was issued, and directed that a referendum be conducted among producers in the production area to determine whether the required percentage of producers favored issuance of the proposed amendment.

It is hereby determined on the basis of the referendum, conducted January 13-23, 1978, that the proposed amendment failed to get the required two-thirds favorable producer vote and therefore the proposed amendment to the order and agreement should not be made effective.

Accordingly, the proceedings with respect to the proposed amendment are hereby terminated.

Signed at Washington, D.C., on February 10, 1978.

JERRY C. HILL,
*Deputy Assistant Secretary.*

[FR Doc. 78-4339 Filed 2-15-78; 8:45 am]

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[3410-02]

[7 CFR Part 989]

### RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Proposed Amendment of Subpart—Quality Control Establishment of Grade Standards for Monukka Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on the establishment of grading requirements for natural condition and packed Monukka raisins under the Federal marketing order for California raisins. The proposed grade standards were recommended by the Raisin Administrative Committee to standardize the quality of Monukka raisins.

DATES: Comments must be received prior to March 10, 1978. Proposed effective dates: Grading requirements for natural condition Monukka raisins—August 1, 1978; grading requirements for packed Monukka raisins—December 1, 1978.

ADDRESSES: Comments should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments should be submitted, and they will be available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This proposal is to amend §§ 989.701 and 989.702 of Subpart—Quality Control (7 CFR 989.701-989.702; 42 FR 52374). This subpart is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 42 FR 37200), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Raisin Administrative Committee is the agency established under the order to administer its terms and provisions.

The minimum grade and condition standards proposed for natural condition Monukka raisins are the same as those currently effective for Natural (sun-dried) Seedless raisins in Category A of § 989.701. The proposed minimum grade standards for packed Monukka raisins are the same as those in § 989.702 for Natural (sun-dried) Seedless raisins except the allowance for moisture is 19 percent rather than 18 percent. This is because Monukka raisins are thin-skinned and absorb moisture more easily than Natural (sun-dried) Seedless raisins.

The proposal is as follows:

1. Section § 989.701 of Subpart—Quality Control is amended by adding a new category "(g) Monukka Raisins" reading as follows:

§ 989.701 **Minimum grade and condition standards for natural condition raisins.**

* * * * *

(g) *Monukka raisins.*—Natural condition Monukka raisins shall meet the requirements set forth for natural

condition Natural (sun-dried) Seedless raisins in Category A of this section.

2. Section 989.702, Minimum standards for packed raisins, of Subpart—Quality Control, is amended by inserting the following sentence immediately before the last sentence reading as follows:

§ 989.702 **Minimum standards for packed raisins.**

• • • (e) With respect to Monukka raisins, the requirements for Natural (sun-dried) Seedless raisins set forth in this section, except that the allowance for moisture shall be 19 percent rather than 18 percent.

Dated: February 10, 1978.

CHARLES R. BRADER,
*Acting Director, Fruit and Vegetable Division.*

[FR Doc. 78-4249 Filed 2-15-78; 8:45 am]

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[3128-01]

## DEPARTMENT OF ENERGY

**Economic Regulatory Administration**

**[10 CFR Part 218]**

**INTERNATIONAL OIL ALLOCATION**

**Proposed Rulemaking**

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed regulation, authorized by section 251 of the Energy Policy and Conservation Act, would establish a new Part 218 to enable the Department of Energy (DOE) to implement the obligations of the United States under Chapters III and IV of the Agreement on an International Energy Program during a severe international energy supply interruption. The proposed regulation provides for the international allocation of oil through issuance of supply orders by the DOE to persons subject to U.S. jurisdiction who are engaged in producing, transporting, refining, distributing, or storing petroleum. Oil covered by supply orders would be subject to a maximum allowable price established in accordance with a formula that includes acquisition cost, transportation costs and an additional amount of $0.25 per barrel. The proposed regulation provides a mechanism to disallow excess oil acquisition cost and transportation costs. Supply orders would not be issued unless the voluntary international allocation of oil contemplated by the International Energy Program was no longer an adequate response to the supply interruption.

Section 251(b)(1) of the Energy Policy and Conservation Act provides that the final version of this proposed regulation cannot take effect until the President—

(1) Has transmitted such rule to Congress;

(2) Has found that putting such rule into effect is required in order to fulfill obligations of the United States under the International Energy Program; and

(3) Has transmitted such finding to the Congress, together with a statement of the effective date and manner for exercise of such rule.

DATES: Comments by March 21, 1978, 4:30 p.m. Requests to speak by March 6, 1978, 9:30 a.m. Hearing date: March 30, 1978, 9:30 a.m.

ADDRESS: All comments to: Public Hearing Management, Room 2313, Department of Energy, Box RV, 2000 M Street NW., Washington, D.C. 20461.

REQUESTS TO SPEAK

Attention: Public Hearing Management, Room 2313, Department of Energy, Box RV, 2000 M Street NW., Washington, D.C. 20461.

HEARING LOCATION

2000 M Street NW., Room 2105, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette, Hearing Procedures, Economic Regulatory Administration, 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

James Morris, Office of International Affairs, 2000 M Street NW., Room 2104, Washington, D.C. 20461, 202-254-5920.

Gerald P. Emmer, Office of Regulations and Emergency Planning, Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Martin S. Kaufman or Robert C. Goodwin, Jr., Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, 202-566-9380.

SUPPLEMENTARY INFORMATION.

I. Background.
II. Discussion.
1. Operative Provisions.
2. Procedural and Enforcement Provisions.
III. Specific Comments Requested.
IV. Comment Procedures.

### I. BACKGROUND

In November, 1974, the United States and 18 other nations entered into the Agreement on an International Energy Program (IEP) (TIAS 8278) which provides a mechanism for the equitable international allocation of oil in case of a severe supply interruption. The international oil allocation system is administered by the International Energy Agency (IEA).

Under the IEP, each member country has agreed to maintain a reserve stockpile of oil for use during a supply interruption and has also agreed to institute demand restraint measures to limit consumption during an interruption. If an interruption does occur, each member country would submit to the IEA an estimate of supplies available during the allocation period. The IEA would then calculate the share of the total available supplies which each IEA member is allocated in accordance with the historic oil consumption of each country. A member country with oil supplies in excess of its fair share, as determined by the IEA, would have an allocation obligation to release some of its oil supplies to other IEA member countries with oil supplies less than their fair share. Under the IEP, the distribution of oil would be accomplished primarily by the 31 reporting companies, which generally are major international or national oil companies, under the direction of the IEA.

In a severe energy supply emergency, the emergency allocation system of the IEP would be implemented in three phases. In Phase I, the IEA would determine each participating nation's allocation right or allocation obligation. These oil supply requirements would be satisfied on a voluntary basis by each of the 31 IEA reporting companies (who collectively account for approximately 90 percent of world oil movement) through appropriate redirection of oil within its own supply and distribution system. Phase II relies on voluntary offers by oil companies to redirect oil shipments through transactions with other companies. The inter-company offers to sell or buy would be coordinated by the Industry Supply Advisory Group, which operates under the direction and supervision of the IEA.

The regulation being proposed is applicable to Phase III, which would be activated if voluntary transactions proved to be an inadequate means of satisfying allocation rights or obligations. In this phase, transactions necessary to fulfill allocation rights or obligations would be accomplished through directives issued by participating countries to companies within their jurisdiction. This proposed regulation is the mechanism by which the United States would order international oil allocation by IEA reporting companies or other persons within its jurisdiction.

Section 251 of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), enacted on December 22, 1975, authorizes the promulgation of a rule that will enable the United States to fulfill its obligations relating to the international allocation of oil during Phase III as established in Chapters III and IV of the IEP. The regulation being proposed would be the vehicle by which the United States would meet those obligations. Under the EPCA, these regulations can only be implemented after a Presidential finding that the rule is required to fulfill U.S. obligations under the IEP.

In accordance with section 251 of the EPCA, the proposed rule would apply to any person engaged in producing, transporting, refining, distributing or storing oil and who also is subject to the jurisdiction of the United States. "Person" is defined, as it is in other Department of Energy (DOE) regulations, to include, inter alia, individuals, companies and government bodies. "Oil" would be defined to mean crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product). The regulations would apply to any oil owned or controlled by persons subject to the rule, including any oil destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States.



### II. DISCUSSION

#### 1. OPERATIVE PROVISIONS

There are three operative aspects of the proposed regulation: (i) Supply orders, (ii) price rule, and (iii) orders disallowing excess oil acquisition or transportation costs.

*Supply orders.* The proposed regulation would operate through DOE's issuance of supply orders. A supply order would specify the action to be taken by the person to whom it is issued. The proposed regulation establishes a method for determining the maximum allowable price at which the oil covered by the supply order could be sold. It is anticipated that supply orders would be issued primarily for the purpose of changing the destination or purchaser of oil within the jurisdiction of the United States in transit to the United States or a foreign country. The language in section 251 of the EPCA and of the proposed regulation is sufficiently broad, however, to permit the issuance of supply orders to accomplish international oil allocation in other ways.

Section 218.10(c) of the proposed regulation provides that a person issued a supply order would not be required to sell, exchange or otherwise provide the oil specified in the order unless the person to whom the oil is to be supplied agrees in advance to submit any dispute to a mutually acceptable arbitration or other dispute settlement procedure.

*Price rules.* The DOE anticipates that the prices charged for oil provided under a supply order would be the result of negotiations between the parties. The price rules proposed, therefore, would set an outer boundary for prices through establishment of a "maximum allowable price." This price is composed of the acquisition cost of the oil that is the subject of a supply order, transportation costs, and an additional amount of $0.25 per barrel. This latter figure is DOE's estimate of the approximate gross profit margin in normal international market transactions. In addition to the requirements of section 251, another objective of the price rule is satisfaction of Article 10, Chapter III of the IEP, which provides that the price of oil during an energy supply interruption is to be based on price conditions prevailing for comparable commercial transactions.

The regulation would define acquisition cost as the per barrel FOB price paid to a producing country or other person at the point of initial loading, net of the value of any rebates and discounts. For these purposes, credit terms would be presumed to be 60 days, calculated from the initial date of loading. Under the price rule described above, the $0.25 additional amount would be added only to the initial acquisition cost, not to the price of each intermediate sale.

In lieu of the system described above, the regulation also allows the DOE to specify the price at which the oil is to be provided in the supply order. Utilization of this authority might be appropriate if petroleum products, rather than crude oil, were the subject of the supply order.

*Order disallowing excess costs.* The DOE recognizes that during a severe energy supply interruption, the acquisition cost of oil may escalate. In general, increased acquisition costs would be an acceptable part of the maximum allowable price. To ensure, however, that abnormal profits are not included in acquisition costs, DOE would monitor these costs and, in certain circumstances, would take action to disallow that portion of the acquisition cost that is attributable to profiteering. The mechanism proposed would utilize a system similar to that now employed by DOE for reviewing the cost of imported oil in sales between affiliates (10 CFR 212.84—"Transfer pricing") and the information presently gathered for the transfer pricing program.

Similarly, transportation costs would be reviewed and, if found to be excessive, disallowed by the DOE. The mechanism employed to make that determination adopts and incorporates the transportation cost calculation method currently stated in § 212.85(d) (AFRA/London Tanker Broker's average freight rate assessment).

Under the proposed regulations, DOE may determine that an excess transportation cost and oil acquisition cost is a violation of the regulation or of a supply order. Remedial action could be initiated through issuance of a Notice of Probable Violation or, if warranted, issuance of an Interim Remedial Order for Immediate Compliance. Subpart D of Part 218 incorporates certain of the violation and remedial order procedures currently stated in Subpart 0 of 10 CFR Part 205.

2. *Procedural and Enforcement Provisions.* Both a supply order and a remedial order could be modified or rescinded. The proposed regulation incorporates a number of the procedures currently in 10 CFR Part 205, including interpretation, stay, modification or recission, and remedial orders. The proposed regulation also provides for the issuance of interim remedial orders for immediate compliance to deal with situations in which immediate enforcement action is needed. Such interim remedial orders for immediate compliance would be final orders of DOE of which judicial review could be sought.

Section 218.42, as proposed, incorporates the criminal and civil sanctions made specifically applicable to section 251 rules by sections 524 and 525 of the EPCA. There would be a civil penalty of $5,000 for each violation of Part 218 or any order issued thereunder, with fines of up to $10,000 for each willful violation of Part 218 or any order issued thereunder.

Sections 218.40, 218.41, and 218.43, regarding investigations, violations and injunctions parallel the language of 10 CFR 205.201, 205.202 and 205.204, respectively.

### III. SPECIFIC COMMENT REQUESTED

In addition to comments requested generally in Section IV of this preamble, you are requested to comment on the following matters:

*Resolution of Disputes.* Is the procedure proposed, including the requirement that there be agreement to a dispute settlement procedure prior to delivery under a supply order, an adequate and practicable means to resolve disputes? Are there alternative approaches which would be preferable?

*Disallowance Orders.* Will a disallowance order accomplish the intended purpose of restraining profiteering? Do the procedures prescribed provide an adequate mechanism to accomplish that objective? If not, what are the alternatives?

*Interim Remedial Orders for Immediate Compliance.* Does the procedure provided afford an expeditious and equitable method for compelling compliance in situations where quick resolution of disputes or controversies is deemed necessary?

*Price Rule.* You are specifically requested to comment on the proposed

price rule, (a) as to the $0.25 per barrel additional amount allowed above the acquisition cost and transportation cost; (b) whether any additional costs should be allowed to be passed through by the person supplying the oil; and (c) as to other practicable methods of ensuring that prices are not artifically inflated by intermediate transactions.

## IV. Comment Procedures

### A. WRITTEN COMMENTS

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the issues set forth in, or raised by, this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "International Oil Allocation". Fifteen copies should be submitted. All comments received by DOE will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

If you consider information or data to be confidential you must so identify it and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

### B. PUBLIC HEARING

1. *Request Procedure.* The time and place for the hearing are indicated in the "DATES" section of this notice. If necessary to hear all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation at the hearing. You should be prepared to describe the interest concerned, if appropriate to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of your proposed oral presentation and a phone number where you may be contacted until the day before the hearing.

If you are selected to be heard you will be so notified by the DOE one week prior to the hearing and you must bring 100 copies of your statement to the location of the hearing on the day testimony is presented.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary hearing. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement may, if time permits, be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person masking a statement at the hearing. Such questions must be submitted to the address indicated above for requests to speak three days prior to the hearing. If you wish to have a question asked at the hearing you may submit the question, in writing, to the presiding officer. The presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be posed.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the DOE and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 and 4:30 p.m., Monday through Friday. Copies of the transcript of the hearing may be purchased from the reporter.

In the event that it becomes necessary for us to cancel a hearing, we will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, we will notify all persons scheduled to testify at the hearing of the cancellation. However, it is not possible for us to give actual notice of cancellations or changes to persons not identified as participants. Accordingly, if you plan to attend the hearing you should contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comment on this proposal.

NOTE.—We have determined that this proposed rule does not constitute a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., on February 10, 70941978.

DAVID J. BARDIN,
*Administrator, Economic Regulatory Administration.*

Part 218 is added to Title 10, Chapter II of the Code of Federal Regulations, to read as follows:

## PART 218—INTERNATIONAL OIL ALLOCATION

### Subpart A—General Provisions

Sec.
218.1 Purpose and scope.
218.2 Definitions.

### Subpart B—Allocation Rule and Supply Orders

218.10 Rule.
218.11 Supply orders.

### Subpart C—Price Rule

218.20 Purpose and scope.
218.21 Rule.
218.22 Maximum allowable price.
218.23 Disallowance of excess costs.

### Subpart D—Procedures

218.30 Purpose and scope.
218.31 Incorporated Procedures.
218.32 Addresses.
218.33 Violations.
218.34 Appeals of denials of modifications or rescissions.

### Subpart E—Investigations, Violations, Sanctions and Judicial Actions

218.40 Investigations.
218.41 Violations.
218.42 Sanctions.
218.43 Injunctions.

### Subpart A—General Provisions

§ 218.1 Purpose and scope.

(a) This part implements section 251 of the Energy Policy and Conservation Act (Pub. L. 94-163) (42 U.S.C. 6271), which authorizes the President to take such action as he determines to be necessary for performance of the obligations of the United States under Chapter III and IV of the Agreement on an International Energy Program (TIAS 8278) (Chapters I through IV of the IEP are attached as Appendix A) insofar as such obligations relate to the international allocation of oil. The authority described in this part shall be exercised only if the Secretary of Energy determines that the international allocation of oil contemplated by the International Energy Program cannot be effected through voluntary transactions by persons participating in the Voluntary Agreement and Plan of Action to Implement the International Energy Program (41 FR 16041, April 8, 1975).

(b) *Applicability.* This part applies to any person engaged in producing, transporting, refining, distributing or storing oil who is subject to the jurisdiction of the United States.





§ 218.2 Definitions.

"DOE" means the Department of Energy established by the Department of Energy Organization Act (Pub. L. 95-91), and includes the Secretary of DOE or his delegate.

"EPCA" means the Energy Policy and Conservation Act (Pub. L. 94-163).

"IEA" means the International Energy Agency established by Decision of the Council of the Organization for Economic Cooperation and Development, dated November 15, 1974.

"IEP" means the International Energy Program established pursuant to the Agreement on an International Energy Program signed at Paris on November 18, 1974, (TIAS 8278) including (a) the Annex entitled "Emergency Reserves," (b) any amendment to such Agreement that includes another nation as a Party to such Agreement, and (c) any technical or clerical amendment to such Agreement.

"Person" means any association; firm; company; corporation; estate; individual; joint venture; partnership; sole proprietorship; or any other entity, however organized, including charitable, educational, or other eleemosynary institutions; the Federal Government and State and local governments, including corporations, departments, agencies, and other instrumentalities thereof; and includes any officer, director, owner or duly authorized representative of such person.

The DOE may, in regulations and in any forms issued pursuant to this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls;

(b) A parent and its consolidated entities;

(c) An unconsolidated entity; or

(d) Any part of a person.

"International energy supply emergency" means any period (1) beginning on any date that the President determines allocation of petroleum products to nations participating in the IEP is required by Chapters III and IV of the IEP and (2) ending on a date on which he determines such allocation is no longer required.

"Oil" means crude oil, residual fuel oil, unfinished oil, or any refined petroleum product (including any natural gas liquid and any natural gas liquid product), which is owned or controlled by a person, including any petroleum product destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States.

"Supply order" means a written directive or a verbal communication of a written directive, if promptly confirmed in writing, issued by the DOE pursuant to Subpart B of this Part.

"United States" when used in the geographic sense means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States, and the Outer Continental Shelf.

### Subpart B—Allocation Rule and Supply Orders

§ 218.10 Rule.

(a) Upon the determination by the President of an international energy supply emergency, persons engaged in producing, transporting, refining, distributing, or storing oil shall take such actions as are determined by the DOE to be necessary for implementation of the obligations of the United States under Chapters III and IV of the IEP that relate to the international allocation of oil.

(b) Any actions required in accordance with paragraph (a) of this section shall be stated in supply orders issued by DOE in accordance with this subpart.

(c) No person to whom a supply order is issued shall be required to comply with such order unless the person to whom the oil is to be provided in accordance with such supply order has agreed to a procedure for the resolution of any dispute related to the terms and conditions of the sale undertaken pursuant to the supply order. The means for resolving any such disputes may include any procedures that are mutually acceptable to the parties, including arbitration before the IEA, if the IEA has established arbitration procedures, arbitration or adjudication before an appropriate body, or any other similar procedure.

§ 218.11 Supply orders.

(a) A supply order shall require that persons to whom it is issued take actions specified therein relating to producing, transporting, refining, distributing or storing oil, including, but not limited to, redirection of oil in transit. A supply order shall include a concise statement of the pertinent facts and of the legal basis on which it is issued, and shall describe the action to be taken. The rules in Subpart C shall govern the price of any oil which is the subject of a supply order, except that DOE may specify in the supply order the price of the oil to be provided, or requirements for arriving at the price which may augment or supersede Subpart C. No requirement in Subpart C shall be deemed to be superseded by any direction in a supply order unless the supply order specifically so provides.

(b) The DOE shall serve a copy of the supply order on the persons directed to act as stated therein.

(c) The DOE may modify or rescind a supply order on its own motion or pursuant to an application filed in accordance with Subpart J of Part 205 of this chapter, as applicable.

(d) A supply order shall be effective in accordance with its terms, and when served upon a person directed to act thereunder, except that a supply order shall not remain in effect (1) after the expiration of an international energy supply emergency or (2) 12 months after the regulations stated in this Part have been transmitted to the Congress (whichever occurs first), or (3) to the extent that DOE or a court of competent jurisdiction directs that it be stayed, modified, or rescinded.

(e) Any person aggrieved by a supply order issued pursuant to this subpart may seek modification or recission of the supply orders in accordance with the procedures provided in Subpart J of Part 205 of this chapter.

### Subpart C—Price Rule

§ 218.20 Purpose and scope.

(a) This subpart is intended to insure, to the maximum extent practicable, that the sale price of any oil which is the subject of a supply order shall be based on price conditions prevailing for comparable commerical transactions, and that no person to whom a supply order is issued will experience abnormal profits or losses.

(b) The price rule stated in this subpart shall not apply to any sales which are subject to the DOE Mandatory Petroleum Price Regulations stated in Part 212 of this chapter.

§ 218.21 Rule.

No person issued a supply order shall charge a price for the oil that is the subject of the supply order in excess of the maximum allowable price as determined in accordance with § 218.22 or the price stated in the supply order, if the supply order prescribes a price, or the price determined by the method of calculating a price stated in the supply order, if that method is different from the method stated in § 218.22 of this chapter.

218.22 Maximum Allowable price.

(a) (1) The maximum allowable price of any oil that is the subject of a supply order shall be the sum of the acquisition cost of the oil, the transportation costs (as determined in accordance with paragraph (b) of this section) and an additional amount of $0.25 per barrel.

(2) For purposes of this subpart, the term "acquisition cost" means the per barrel FOB price paid to a producing country or any person at the point of initial loading, net of any rebates and discounts. Credit terms for computation of acquisition costs shall be presumed to be 60 days, calculated from the date of loading.

(b) A person to whom a supply order is issued shall use the AFRA Method

described in § 212.85(d) of this chapter to determine transportation costs.

§ 218.23 Disallowance of excess costs.

(a) (1) The DOE may disallow part or all of the price charged by a person in applying the rule set forth in this subpart, or in implementing any requirement as to price specified in a supply order, where the price charged reflects unjustified costs.

(2) The DOE may disallow:

(i) Oil acquisition costs that exceed that person's average acquisition cost of that same type of oil for the monthly reporting period in which such oil was acquired; the average acquisition cost shall be computed by multiplying the quantity of oil involved in each transaction during the monthly reporting period by the unit cost of the oil involved in each transaction and dividing the resulting total by the number of transactions during the monthly reporting period; if the person to whom a supply order issued has not acquired the same type of oil as is the subject of the supply order in the monthly reporting period during which the supply order is issued, the DOE may calculate the allowable price by using the average acquisition cost of oil of a similar type incurred by the person to whom the supply order was issued during the relevant reporting period, with appropriate adjustments for quality and location differentials; the DOE may use such other relevant cost data which it deems appropriate in computing the acquisition cost;

(ii) Any transportation cost in excess of costs allowable under § 218.22(b).

(b) (1) When the DOE determines that any excess cost shall be disallowed, it may issue an interim remedial order for immediate compliance in accordance with § 205.199D, which order shall direct the person to whom it is issued to make appropriate refunds directly to the purchasers involved, and to take such other action as may be necessary to compensate for the effects of the disallowed costs, or it may commence other compliance proceedings in accordance with Subpart O of Part 205.

(2) An interim remedial order for immediate compliance issued pursuant to this section shall be a final order of the DOE of which an aggrieved party may seek judicial review.

Subpart D—Procedures

§ 218.30 Purpose and scope.

This subpart establishes the administrative procedures applicable to supply orders and remedial orders.

§ 218.31 Incorporated procedures.

(a) (1) The following subparts of Part 205 of this chapter are, as appropriate, and except as provided in paragraph (b), hereby made applicable to this part:

(i) *Subpart A* (General Provisions): *Provided,* That § 205.11 shall not apply: *And provided further,* That in addition to the methods of service specified in § 205.7 of this chapter, service shall be effective if a supply order is transmitted by telex, telecopier or other similar means of electronic transmission of a writing and received by the person to whom the supply order is addressed.

(ii) *Subpart F* (Interpretations);

(iii) *Subpart I* (Stay), but only for the purpose of staying an order pending judicial review;

(iv) *Subpart J* (Modification or Rescission); except that the period specified in § 205.135 shall be five days;

(v) *Subpart K* (Rulings);

(vi) *Subpart M* (Conferences, Hearings, and Public Hearings);

(vii) *Subpart O* (Notice of probable violation, remedial order, notice of proposed disallowance, and order of disallowance), except that § 205.199D (d), (f), (g), (h), (i) and (j) shall not apply, and the procedures prescribed in §§ 218.23(b) and 218.33 shall apply.

(b) When an international energy supply emergency is in effect, the time periods specified in any incorporated subpart may be modified by the DOE by notice published in the FEDERAL REGISTER.

§ 218.32 Addresses.

All correspondence, petitions, and any information required by this part (except where required to be directed to the Federal Energy Regulatory Commission), shall be submitted to: Administrator, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6001, Washington, D.C. 20461.

§ 218.33 Violations.

(a) Where the DOE determines that a violation of this Part, as defined in § 218.41 (and not otherwise subject to § 218.23) exists, it may commence administrative proceedings in accordance with § 218.31(a)(vii) or it may issue an interim remedial order for immediate compliance in accordance with § 205.199D, or seek injunctive relief in accordance with § 218.43.

(b) An interim remedial order for immediate compliance issued pursuant to § 218.33(a) shall be a final order of the DOE of which an aggrieved party may seek judicial review.

§ 218.34 Appeals of denials of modification or rescissions.

Any person aggrieved by the denial of a request for a modification or rescission may request review of such denial by the Federal Energy Regulatory Commission (the Commission) in accordance with regulations adopted by the Commission pursuant to section 504 of the Department of Energy Organization Act (Pub. L. 95-91). Such person shall not have exhausted his administrative remedies until a petition for review has been filed and the Commission has granted or denied relief.

Subpart E—Investigations, Violations, Sanctions and Judicial Actions

§ 218.40 Investigations.

(a) *General.* The DOE may, at its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the DOE under the authority of section 251 of the EPCA, or any decree of court relating thereto. The DOE encourages voluntary cooperation with its investigations. When the circumstances warrant, however, the DOE may issue subpoenas in accordance with, and subject to § 205.8, of this chapter. The DOE may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart M of Part 205 of this chapter, which determination is within the DOE's discretion.

(b) *Investigations.* Investigations will be conducted by representatives of the DOE who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the DOE.

(c) *Notification.* Any person who is under investigation by the DOE in accordance with this section and who is requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted, the investigative file will be closed without prejudice to further investigation by the DOE at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and the identitiy of any other person who provides information during the investigation, shall, unless otherwise determined by the DOE, remain confidential to the extent that it is determined to be appropriate to apply one or more portions of the investigatory file exemption from public disclosure contained in 5 U.S.C. 552.

§ 218.41 Violations.

Any practice that circumvents, contravenes or results in the circumvention or contravention of the requirements of any provision of this Part 218 or any order issued pursuant thereto is a violation of the DOE regulations stated in this part and is unlawful.





§ 218.42 Sanctions.

(a) *General.* Any person who violates any provision of this Part 218 or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this Part 218 or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this part relating to fines and civil penalties.

(b) *Penalties.* (1) Any person who violates any provision of Part 218 of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $5,000 for each violation.

(2) Any person who willfully violates any provision of this Part 218 or any order issued pursuant thereto shall be subject to a fine of not more than $10,000 for each violation.

(3) Any person who knowingly and willfully violates any provision of this Part 218 or any order issued pursuant thereto with respect to the sale, offer of sale, or distribution in commerce of oil after having been subject to a civil penalty under subparagraphs (1) or (2) of this paragraph (b) for a prior violation of the provisions of this Part 218 or any order issued pursuant thereto with respect to the sale, offer of sale, or distribution in commerce of oil shall be subject to a fine of not more $50,000 or imprisonment for not more than six months, or both, for each violation.

(4) Actions for penalties under this section are prosecuted by the Department of Justice upon referral by the DOE.

(5) When the DOE considers it to be appropriate or advisable, the DOE may compromise and settle any action under this paragraph, and collect civil penalties.

(c) *Other Penalties.* Willful concealment of material facts, or making of false, fictitious or fraudulent statements or representations, or submission of a document containing false, fictitious or fraudulent statements pertaining to matters within the scope of this Part 218 by any person shall subject such person to the criminal penalties provided in 18 U.S.C. 1001 (1970).

§ 218.43 Injunctions.

Whenever it appears to the DOE that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any regulation or order issued under this Part 218, the DOE may request the Attorney General to bring a civil action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such order or regulation, the violation of which is prohibited by section 524 of the EPCA.

AGREEMENT ON AN INTERNATIONAL ENERGY PROGRAM

The Governments of the Republic of Austria, the Kingdom of Belgium, Canada, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, Japan, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, Spain, the Kingdom of Sweden, the Swiss Confederation, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to promote secure oil supplies on reasonable and equitable terms,

Determined to take common effective measures to meet oil supply emergencies by developing an emergency self-sufficiency in oil supplies, restraining demand and allocating available oil among their countries on an equitable basis,

Desiring to promote co-operative relations with oil producing countries and with other oil consuming countries, including those of the developing world, through a purposeful dialogue, as well as through other forms of co-operation, to further the opportunities for a better understanding between consumer and producer countries,

Mindful of the interests of other oil consuming countries, including those of the developing world,

Desiring to play a more active role in relation to the oil industry by establishing a comprehensive international information system and a permanent framework for consultation with oil companies,

Determined to reduce their dependence on imported oil by undertaking long-term co-operative efforts on conservation of energy, on accelerated development of alternative sources of energy, on research and development in the energy field and on uranium enrichment,

Convinced that these objectives can only be reached through continued co-operative efforts within effective organs,

Expressing the intention that such organs be created within the framework of the Organisation for Economic Co-operation and Development,

Recognising that other Member countries of the Organisation for Economic Co-operation and Development may desire to join in their efforts,

Considering the special responsibility of governments for energy supply,

Conclude that it is necessary to establish an International Energy Program to be implemented through an International Energy Agency, and to that end,

Have agreed as follows:

ARTICLE 1

1. The Participating Countries shall implement the International Energy Program as provided for in this Agreement through the International Energy Agency, described in Chapter IX, hereinafter referred to as the "Agency".

2. The term "Participating Countries" means States to which this Agreement applies provisionally and States for which the Agreement has entered into and remains in force.

3. The term "group" means the Participating Countries as a group.

CHAPTER I.—EMERGENCY SELF-SUFFICIENCY

ARTICLE 2

1. The Participating Countries shall establish a common emergency self-sufficiency in oil supplies. To this end, each Participating Country shall maintain emergency reserves sufficient to sustain consumption for at least 60 days with no net oil imports. Both consumption and net oil imports shall be reckoned at the average daily level of the previous calendar year.

2. The Governing Board shall, acting by special majority, not later than 1st July, 1975, decide the date from which the emergency reserve commitment of each Participating Country shall, for the purpose of calculating its supply right referred to in Article 7, be deemed to be raised to a level of 90 days. Each Participating Country shall increase its actual level of emergency reserves to 90 days and shall endeavour to do so by the date so decided.

3. The term "emergency reserve commitment" means the emergency reserves equivalent to 60 days of net oil imports as set out in paragraph 1 and, from the date to be decided according to paragraph 2, to 90 days of net oil imports as set out in paragraph 2.

ARTICLE 3

1. The emergency reserve commitment set out in Article 2 may be satisfied by: Oil stocks, fuel switching capacity, stand-by oil production, in accordance with the provisions of the Annex which forms an integral part of this Agreement.

2. The Governing Board shall, acting by majority, not later than 1st July, 1975, decide the extent to which the emergency reserve commitment may be satisfied by the elements mentioned in paragraph 1.

ARTICLE 4

1. The Standing Group on Emergency Questions shall, on a continuing basis, review the effectiveness of the measures taken by each Participating Country to meet its emergency reserve commitment.

2. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

CHAPTER II.—DEMAND RESTRAINT

ARTICLE 5

1. Each Participating Country shall at all times have ready a program of contingent oil demand restraint measures enabling it to reduce its rate of final consumption in accordance with Chapter IV.

2. The Standing Group on Emergency Questions shall, on a continuing basis, review and assess: each Participating Country's program of demand restraint measures, the effectiveness of measures actually taken by each Participating Country.

3. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

CHAPTER III.—ALLOCATION

ARTICLE 6

1. Each Participating Country shall take the necessary measures in order that allocation of oil will be carried out pursuant to this Chapter and Chapter IV.

2. The Standing Group on Emergency Questions shall, on a continuing basis, review and assess: each Participating Country's measures in order that allocation of oil will be carried out pursuant to this Chapter and Chapter IV, the effectiveness of measures actually taken by each Participating Country.

3. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

4. The Governing Board shall, acting by majority, decide promptly on the practical procedures for the allocation of oil and on the procedures and modalities for the participation of oil companies therein within the framework of this Agreement.

ARTICLE 7

1. When allocation of oil is carried out pursuant to Article 13, 14, or 15, each Participating Country shall have a supply right equal to its permissible consumption less its emergency reserve drawdown obligation.

2. A Participating Country whose supply right exceeds the sum of its normal domestic production and actual net imports available during an emergency shall have an allocation right which entitles it to additional net imports equal to that excess.

3. A Participating Country in which the sum of normal domestic production and actual net imports available during an emergency exceeds its supply right shall have an allocation obligation which requires it to supply, directly or indirectly, the quantity of oil equal to that excess to other Participating Countries. This would not preclude any Participating Country from maintaining exports of oil to non-participating countries.

4. The term "permissible consumption" means the average daily rate of final consumption allowed when emergency demand restraint at the applicable level has been activated; possible further voluntary demand restraint by any Participating Country shall not affect its allocation right or obligation.

5. The term "emergency reserve drawdown obligation" means the emergency reserve commitment of any Participating Country divided by the total emergency reserve commitment of the group and multiplied by the group supply shortfall.

6. The term "group supply shortfall" means the shortfall for the group as measured by the aggregate permissible consumption for the group minus the daily rate of oil supplies available to the group during an emergency.

7. The term "oil supplies available to the group" means: all crude oil available to the group, all petroleum products imported from outside the group, and all finished products and refinery feedstocks which are produced in association with natural gas and crude oil and are available to the group.

8. The term "final consumption" means total domestic consumption of all finished petroleum products.

ARTICLE 8

1. When allocation of oil to a Participating Country is carried out pursuant to Article 17, that Participating Country shall: sustain from its final consumption the reduction in its oil supplies up to a level equal to 7 percent of its final consumption during the base period, have an allocation right equal to the reduction in its oil supplies which results in a reduction of its final consumption over and above that level.

2. The obligation to allocate this amount of oil is shared among the other Participating Countries on the basis of their final consumption during the base period.

3. The Participating Countries may meet their allocation obligations by any measures of their own choosing, including demand restraint measures or use of emergency reserves.

ARTICLE 9

1. For purposes of satisfying allocation rights and allocation obligations, the following elements will be included: all crude oil, all petroleum products, all refinery feedstocks, and all finished products produced in association with natural gas and crude oil.

2. To calculate a Participating Country's allocation right, petroleum products normally imported by that Participating Country, whether from other Participating Countries or from non-participating countries, shall be expressed in crude oil equivalent and treated as though they were imports of crude oil to that Participating Country.

3. Insofar as possible, normal channels of supply will be maintained as well as the normal supply proportions between crude oil and products and among different categories of crude oil and products.

4. When allocation takes place, an objective of the Program shall be that available crude oil and products shall, insofar as possible, be shared within the refining and distributing industries as well as between refining and distributing companies in accordance with historical supply patterns.

ARTICLE 10

1. The objectives of the Program shall include ensuring fair treatment for all Participating Countries and basing the price for allocated oil on the price conditions prevailing for comparable commercial transactions.

2. Questions relating to the price of oil allocated during an emergency shall be examined by the Standing Group on Emergency Questions.

ARTICLE 11

1. It is not an objective of the Program to seek to increase, in an emergency, the share of world oil supply that the group had under normal market conditions. Historical oil trade patterns should be preserved as far as is reasonable, and due account should be taken of the position of individual non-participating countries.

2. In order to maintain the principles set out in paragraph 1, the Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, shall decide on such proposals.

CHAPTER IV.—ACTIVATION

ACTIVATION

ARTICLE 12

Whenever the group as a whole or any Participating Country sustains or can reasonably be expected to sustain a reduction in its oil supplies, the emergency measures, which are the mandatory demand restraint referred to in Chapter II and the allocation of available oil referred to in Chapter III, shall be activated in accordance with this Chapter.

ARTICLE 13

Whenever the group sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies at least equal to 7 percent of the average daily rate of its final consumption during the base period, each Participating Country shall implement demand restraint measures sufficient to reduce its final consumption by an amount equal to 7 percent of its final consumption during the base period, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

ARTICLE 14

Whenever the group sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies at least equal to 12 percent of the average daily rate of its final consumption during the base period, each Participating Country shall implement demand restraint measures sufficient to reduce its final consumption by an amount equal to 10 percent of its final consumption during the base period, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

ARTICLE 15

When cumulative daily emergency reserve drawdown obligations as defined in Article 7 have reached 50 percent of emergency reserve commitments and a decision has been taken in accordance with Article 20, each Participating Country shall take the measures so decided, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

ARTICLE 16

When demand restraint is activated in accordance with this Chapter, a Participating Country may substitute for demand restraint measures use of emergency reserves held in excess of its emergency reserve commitment as provided in the Program.

ARTICLE 17

1. Whenever any Participating Country sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies which results in a reduction of the daily rate of its final consumption by an amount exceeding 7 percent of the average daily rate of its final consumption during the base period, allocation of available oil to that Participating Country shall take place in accordance with Articles 8 to 11.

2. Allocation of available oil shall also take place when the conditions in paragraph 1 are fulfilled in a major region of a Participating Country whose oil market is incompletely integrated. In this case, the allocation obligation of other Participating Countries shall be reduced by the theoretical allocation obligation of any other major region or regions of the Participating Country concerned.

ARTICLE 18

1. The term "base period" means the most recent four quarters with a delay of one-





quarter necessary to collect information. While emergency measures are applied with regard to the group or to a Participating Country, the base period shall remain fixed.

2. The Standing Group on Emergency Questions shall examine the base period set out in paragraph 1, taking into account in particular such factors as growth, seasonal variations in consumption and cyclical changes and shall, not later than 1st April, 1975, report to the Management Committee. The Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, shall decide on these proposals not later than 1st July, 1975.

ARTICLE 19

1. The Secretariat shall make a finding when a reductiuon of oil supplies as mentioned in Article 13, 14 or 17 has occurred or can reasonably be expected to occur, and shall establish the amount of the reduction or expected reduction for each Participating Country and for the group. The Secretariat shall keep the Management Committee informed of its deliberations, and shall immediately report its finding to the members of the Committee and inform the Participating Countries thereof. The report shall include information on the nature of the reduction.

2. Within 48 hours of the Secretariat's reporting a finding, the Committee shall meet to review the accuracy of the data compiled and the information provided. The Committee shall report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee, including any views regarding the handling of the emergency.

3. Within 48 hours of receiving the Management Committee's report, the Governing Board shall meet to review the finding of the Secretariat in the light of that report. The activation of emergency measures shall be considered confirmed and Participating Countries shall implement such measures within 15 days of such confirmation unless the Governing Board, acting by special majority, decides within a further 48 hours not to active the emergency measures, to activate them only in part or to fix another time limit for their implementation.

4. If, according to the finding of the Secretariat, the conditions of more than one of the Articles 14, 13 and 17 are fulfilled, any decision not to activate emergency measures shall be taken separately for each Article and in the above order. If the conditions in Article 17 are fulfilled with regard to more than one Participating Country any decision not to activate allocation shall be taken separately with respect to each Country.

5. Decisions pursuant to paragraphs 3 and 4 may at any time be reversed by the Governing Board, acting by majority.

6. In making its finding under this Article, the Secretariat shall consult with oil companies to obtain their views regarding the situation and the appropriateness of the measures to be taken.

7. An international advisory board from the oil industry shall be convened, not later than the activation of emergency measures, to assist the Agency in ensuring the effective operation of such measures.

ARTICLE 20

1. The Secretariat shall make a finding when cumulative daily emergency reserve drawdown obligations have reached or can reasonably be expected to reach 50 percent of emergency reserve commitments. The Secretariat shall immediately report its finding to the members of the Management Committee and inform the Participating Countries thereof. The report shall include information on the oil situation.

2. Within 72 hours of the Secretariat's reporting such a finding, the Management Committee shall meet to review the data compiled and the information provided. On the basis of available information the Committee shall report to the Governing Board within a further 48 hours proposing measures required for meeting the necessities of the situation, including the increase in the level of mandatory demand restraint that may be necessary. The report shall set out the views expressed by the members of the Committee.

3. The Governing Board shall meet within 48 hours of receiving the Committee's report and proposal. The Governing Board shall review the finding of the Secretariat and the report of the Management Committee and shall witnin a further 48 hours, acting by special majority, decide on the measures required for meeting the necessities of the situation, including the increase in the level of mandatory demand restraint that may be necessary.

ARTICLE 21

1. Any Participating Country may request the Secretariat to make a finding under Article 19 or 20.

2. If, within 72 hours of such request, the Secretariat does not make such a finding, the Participating Country may request the Management Committee to meet and consider the situation in accordance with the provisions of this Agreement.

3. The Management Committee shall meet within 48 hours of such request in order to consider the situation. It shall, at the request of any Participating Country, report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee and by the Secretariat, including any views regarding the handling of the situation.

4. The Governing Board shall meet within 48 hours of receiving the Management Committee's report. If it finds, acting by majority, that the conditions set out in Article 13, 14, 15 or 17 are fulfilled, emergency measures shall be activated accordingly.

ARTICLE 22

The Governing Board may at any time decide by unanimity to activate any appropriate emergency measures not provided for in this Agreement, if the situation so requires.

DEACTIVATION

ARTICLE 23

1. The Secretariat shall make a finding when a reduction of supplies as mentioned in Article 13, 14 or 17 has decreased or can reasonably be expected to decrease below the level referred to in the relevant Article. The Secretariat shall keep the Management Committee informed of its deliberations and shall immediately report its finding to the members of the Committee and inform the Participating Countries thereof.

2. Within 72 hours of the Secretariat's reporting a finding, the Management Committee shall meet to review the data compiled and the information provided. It shall report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee, including any views regarding the handling of the emergency.

3. Within 48 hours of receiving the Committee's report, the Governing Board shall meet to review the finding of the Secretariat in the light of the report from the Management Committee. The deactivation of emergency measures or the applicable reduction of the demand restraint level shall be considered confirmed unless the Governing Board, acting by special majority, decides within a further 48 hours to maintain the emergency measures or to deactivate them only in part.

4. In making its finding under this Article, the Secretariat shall consult with the international advisory board, mentioned in Article 19, paragraph 7, to obtain its views regarding the situation and the appropriateness of the measures to be taken.

5. Any Participating Country may request the Secretariat to make a finding under this Article.

ARTICLE 24

When emergency measures are in force, and the Secretariat has not made a finding under Article 23, the Governing Board, acting by special majority, may at any time decide to deactivate the measures either wholly or in part.

[FR Doc. 78-4244 Filed 2-13-78; 11:39 am]

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[4810-33]

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

[12 CFR Part 7]

### LOANS SECURED BY REAL ESTATE

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would revise selected Interpretive Rulings issued by the Comptroller relating to loans by national banks which are secured by real estate. The revisions are necessary in order to conform the rulings with the governing statute under which national banks may make real estate loans (12 U.S.C. 371, as amended). The proposed amendment would contain no substantive requirements which are not embodied in the statute.

DATES: Written comments must be received on or before March 20, 1978.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

SUPPLEMENTARY INFORMATION: On August 22, 1974, the Housing and Community Development Act of 1974, Pub. L. 93-383, became effective. Sec-

tion 711 of that Act made significant liberalizing changes in the laws governing the terms on which national banks may make loans secured by real estate. On September 9, 1974, by Banking Bulletin 74-4, the Comptroller of the Currency provided each national bank with a summary of the legislative changes made by the Act to 12 U.S.C. 371, the governing statute under which national banks may make real estate loans.

The Comptroller's Interpretive Rulings relating to real estate loans are contained in 12 CFR §§ 7.2000 through 7.2600. Those rulings which would be revised by this proposed amendment are §§ 7.2000 through 7.2145, 7.2155, 7.2190, 7.2200, 7.2400, 7.2410, and 7.2600. Those rulings which would remain unchanged and not affected by this proposed amendment are §§ 7.2146, 7.2148, 7.2150, 7.2160, 7.2195, and 7.2405.

### SYNOPSIS OF CHANGES

1. Paragraph (a) in §§ 7.2000, 7.2020, 7.2040, 7.2120, 7.2155, 7.2200, 7.2400, and 7.2600, and paragraph (c)(1) in § 7.2000 would be deleted since they merely repeat the statutory language of 12 U.S.C. 371. Paragraphs following such deletions would all be redesignated.

2. *Section 7.2000.* The phrase in paragraph (c) "to prevent loss on a loan previously made" would be changed to "to secure a loan previously made." This more clearly reflects the statutory purpose set forth in 12 U.S.C. 29. Paragraph (f) entitled "Home improvement loans" would be deleted since under 12 U.S.C. 371, as amended, a bank may now make certain loans secured by junior liens even though relying on real estate as security. The heading to paragraph (i) would be changed from "Interim financing and mortgage warehousing" to "Interim financing." Paragraph (i) would be revised to reflect a statutory change to 12 U.S.C. 371, a change which may affect situations other than the warehousing of real estate loans.

3. *Section 7.2005.* would be revised and shortened for the purpose of clarification.

4. *Section 7.2020.* Paragraph (f) would be deleted since the changes to 12 U.S.C. 371 now specifically set forth requirements for loans secured by undeveloped property.

5. *Section 7.2040.* The reference to § 7.2000(d) in paragraph (b) would be changed to § 7.2000(c). Paragraph (f) would be revised to reflect a statutory change and to clarify the wording thereof. Paragraph (g) would be revised to make it clear that loans secured by a cover-all or open-end mortgage, where the bank is relying primarily on the real estate as security, must be combined to determine if the requirements of 12 U.S.C. 371 have been met.

6. *Section 7.2100.* would be deleted since the conditions under which national banks may make real estate loans are set forth in 12 U.S.C. 371.

7. *Section 7.2120.* Paragraph (b) would be revised to reflect statutory changes with no substantial change from the current ruling.

8. *Section 7.2125.* Paragraph (a) would be revised to include the sentence, "The period between payments cannot exceed one year." This change would incorporate a portion of the requirement currently contained in paragraph (d) which would be deleted. Paragraphs (b) and (c) would be revised to reflect the new amortization requirement of 12 U.S.C. 371 which is basically a relaxation of the previous amortization requirement.

9. *Sections 7.2145.* Paragraph (e) would be deleted since leasehold loans are treated separately in § 7.2200. Paragraph (f) would be deleted since guarantees of a state or political subdivision are dealt with in 12 U.S.C. 371 (a)(2).

10. *Section 7.2155.* Paragraph (b) would be revised to reflect the statutory changes which provide for a less restrictive limitation on the maximum permissable aggregate of real estate loans.

11. *Section 7.2170.* Would be deleted and national banks should refer to the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income of National Banking Associations" for the proper treatment of mortgages which are purchased at a premium or discount.

12. *Section 7.2190.* Would be revised to reflect the statutory changes which provide for less restrictive amortization requirements.

13. *Section 7.2200.* Paragraph (b) would be revised to conform the amortization of real estate loans secured by leaseholds with the requirement of § 7.2125.

14. *Section 7.2400.* Paragraph (b) would be deleted since the statutory changes make interpretation unnecessary. Paragraph (c) would be revised and redesignated as § 7.2400. The intent of the proposed change is to make clear that a building primarily used for residential purposes, although partially used for commercial purposes, is still considered a residential building under 12 U.S.C. 371(c).

15. *Section 7.2410* would be revised to reflect statutory changes with no substantial change from the current ruling.

### DRAFTING INFORMATION

The principal drafters of this document were Mr. John M. Miller, Deputy Chief Counsel and Mr. Richard H. Neiman, Attorney.

### PROPOSED AMENDMENT

The Comptroller proposes to amend 12 CFR Part 7 by revising §§ 7.2000 through 7.2145, 7.2155, 7.2170, 7.2190, 7.2200, 7.2400, 7.2410, and 7.2600 to read as follows:

**§ 7.2000 Real estate loans.**

(a) *General definition.* A real estate loan within the meaning of 12 U.S.C. 371 is any loan secured by real estate where the bank relies upon such real estate as the primary security for the loan. Where the bank in its judgment relies substantially upon other factors, such as the general credit standing of the borrower, guaranties, or security other than real estate, the loan does not constitute a real estate loan within the meaning of 12 U.S.C. 371, although as a matter of prudent banking practice it may also be secured by real estate.

(b) *Mortgage taken as security for debt previously contracted.* Where a real estate mortgage is taken in good faith to secure a loan previously made, the loan so secured is not a real estate loan within the meaning of 12 U.S.C. 371.

*Land contracts.* Where real estate is sold under a contract which provides that legal title thereto is not to be conveyed to the purchaser until all or a specified portion of the purchase price is paid, but remains in the seller (or in a trustee) as security for such payment, the contract plus the security title retained by the seller constitute a loan secured by real estate which may be a real estate loan within the meaning of 12 U.S.C. 371.

*Loan secured by building and machinery.* Machinery and equipment in a building which are adapted to the use being made of the land and building, and which are intended to be permanent additions thereto, in general will constitute a portion of the real estate and may be taken into account in calculating the maximum permissible loan for purposes of 12 U.S.C. 371. This standard governs the application of 12 U.S.C. 371 to national banks throughout the country, notwithstanding that the law of the particular state is otherwise for tax or other special purposes.

(e) *Perfecting personal property security interest.* A loan made in reliance upon the security of a mobile home will not be considered a real estate loan, although as a prudent banking practice the security interest is recorded or otherwise perfected as if the mobile home were real estate.

(f) *Reliance on rentals.* A loan made to a lessor of real estate in substantial reliance upon the creditworthiness of the lessee, including an assignment of rentals to be due from the lessee following completion and occupancy of the leased premises, is not a real estate loan, although as a matter of prudent banking practice the loan may also be secured by a mortgage upon the real estate.

(g) *Interim financing.* A loan secured by a real estate mortgage is not a real estate loan if there is a valid and binding agreement by a financially responsible third party to purchase the loan within 60 months from the date of the making of the loan.

**§ 7.2005 Loans secured by real estate mortgages of others.**

Where the borrower pledges or assigns a real estate mortgage of another to secure a loan for his own account, the loan is not a real estate loan within the meaning of 12 U.S.C. 371.

**§ 7.2020 Improved real estate.**

(a) *General requirements.* Generally, real estate is improved within the meaning of 12 U.S.C. 371 when substantial and permanent construction or development has contributed substantially to its value.

(b) *Improved farm land.* Farm land is improved when it is useful for agricultural purposes without further substantial improvements. Agricultural purposes include animal husbandry as well as the growing of crops. Usefulness for such purposes may be demonstrated either by actual past or present use, by the appraisal of persons familiar with the value of agricultural land or by both. The appraised value of improved farm land for the purpose of the limitations contained in 12 U.S.C. 371 is its value for agricultural purposes.

(c) *Improved business and residential property.* Business and residential property is improved when substantial and permanent improvements have been constructed or developed on the property, or when its value has been enhanced by such improvements in its immediate vicinity. Examples are:

(1) Land upon which a shell home has been placed on a permanent foundation and connected with the usual utilities.

(2) A commercial recreation area which includes 75 campsites with picnic tables, tent bases, toilet facilities, fireplaces, dockage, and a beach.

(3) A trailer park consisting of 30 sites with facilities for sewage, running water, and electricity.

(d) *Off-site improvements.* Whether off-site improvements have enhanced the value of property is a question of fact to be determined in each case. Examples of real estate improved by off-site improvements:

(1) Property which is valuable because the improvements of a developed urban area are immediately available to it.

(2) Lots in a housing subdivision for which substantial improvements such as streets, water, sewer, and other utilities have been provided.

(3) Prime industrial property enhanced in value because it is located on a paved street with utilities and transportation facilities available.

(4) An undeveloped residential tract almost completely surrounded by developed and rapidly developing residential property, and which is adjacent to a major university campus in the process of development.

**§ 7.2040 First liens.**

(a) *General definition.* A first lien on real estate within the meaning of 12 U.S.C. 371 is any lien which grants to the holder thereof a claim against the property so secured which is prior to the rights of all others with respect thereto. Such a lien will normally be created by an instrument in the form of a mortgage or deed of trust but may also consist of a judgment which by operation of law creates a lien against certain property of the judgment debtor or a land contract such as that described in § 7.2000(c).

(b) *Effect of life estates and similar claims.* A mortgage on the fee simple interest in real estate which is subject to an existing life tenancy or other existing or potential claim whereby under local law the interest of the life tenant or other claimant may vest in whole or in part in a third party free of the mortgage is not an eligible first lien under 12 U.S.C. 371 unless said third party joins in the mortgage or otherwise agrees to subordinate his interest in the mortgaged property.

(c) *Effect of certain permitted liens.* (1) A mortgage on real estate will be subject from time to time to various liens, charges and encumbrances which, although they may be paramount to the bank's security claim in the form of a mortgage, do not substantially affect the value or use of the real estate. Liens for taxes and assessments imposed by a governmental body for the current year, zoning laws and ordinances, construction liens not yet filed or relating to obligations not overdue, permits, rights-of-way, easements, leases and encumbrances will not prevent such mortgage from constituting a first lien within the meaning of 12 U.S.C. 371.

(2) A mortgage on real estate may be a first lien within the meaning of 12 U.S.C. 371 although subordinate to another lien if the bank (i) holds funds pledged by or on behalf of the borrower in an amount sufficient to cover at all times the prior lien and (ii) may at any time effect payment of the prior lien.

(d) *Exclusion of oil, gas, or mineral rights from lien of mortgage.* A mortgage on the fee title to realty is a first lien thereon despite the fact that the mortgage may expressly provide that it does not cover oil, gas or mineral rights. This is true regardless of whether the mortgagor has already transferred or mortgaged such rights to a third person or simply retains such rights by excluding them from the lien of the mortgage given to the bank.

(e) *Merger of first and second liens.* If a national bank holds a first and a junior mortgage on real estate and there is no intervening lien, the combined mortgages will be regarded as merged into one qualifying first lien. A lien which arises only upon the bank's election of its remedy under mortgage insurance or guaranty, applicable to the first lien, is not an intervening lien. The combined indebtedness will be considered a single loan when applying the provisions of 12 U.S.C. 371.

(f) *"Cover-all" or "open-end" mortgages.* Mortgages sometimes contain a provision that the mortgaged properties shall secure both the loan for which it is given as well as all other present and future indebtedness of the borrower to the bank, i.e., a "cover-all clause", such mortgage being frequently termed an "open-end" mortgage. In such case, the amount of all loans made by the bank in primary reliance upon the security of the real estate must be added together to determine if the requirements of 12 U.S.C. 371 have been met.

(g) *Personal liability of mortgagor.* The requirement of 12 U.S.C. 371 that a real estate loan shall be secured by a lien on real estate does not require that the mortgagor have personal liability for the mortgage loan.

**§ 7.2100 [Deleted].**

**§ 7.2120 Participation in real estate loans.**

(a) A national bank may not invest in real estate bonds in the guise of purchasing a participation in real estate loans. Purchase of such bonds shall be in compliance with the Investment Securities Regulations (12 CFR Part 1).

(b) However, a national bank may participate in the making of a real estate loan and may purchase or sell a participation in an existing real estate loan if the participation interest of the bank is adequately protected by the terms of the participation agreement.

**§ 7.2125 Amortization of real estate loans.**

(a) *Amortization.* Amortization requires that there be reduction of the principal of the debt during the life of the loan. This ordinarily comtemplates a regular schedule of payments. Any deviation from a regular schedule of such payments should be based on prudent banking judgment. The period between payments cannot exceed one year.

(b) *When amortization is required.* A real estate loan must be amortized when the amount of the loan exceeds 75 percent of the appraised value of the property which secures it, or the

real estate is improved with a one-to-four family dwelling.

(c) *Amortization requirements of 12 U.S.C. 371.* When amortization is required, payments may be based on an amortization schedule of not more than 30 years, even though the term of the loan may be less than 30 years.

**§ 7.2145 Real estate loans insured or guaranteed.**

(a) *Government-insured loans.* Where the bank in its judgment relies substantially on the insurance or guaranty of a governmental agency in making a loan, it does not constitute a real estate loan within the meaning of 12 U.S.C. 371. See § 7.2000.

(b) *Veterans Administration guaranteed loans.* Any loan at least 20 percent of which is guaranteed or insured by the Administrator of Veterans Affairs, is not a real estate loan within the meaning of 12 U.S.C. 371 and, therefore, not subject to the restrictions thereof.

(c) *Private mortgage insurance or guaranty.* Where a national bank makes a loan in substantial reliance upon private company mortgage insurance or guaranty, the loan does not constitute a real estate loan within the meaning of 12 U.S.C. 371, to the extent of the guaranty. Appropriate evidence to demonstrate justification for such reliance should be retained in the bank's files.

(d) *Real estate as additional security.* Where the bank in its judgment makes a loan in substantial reliance on the insurance or guaranty of a governmental agency, private company mortgage insurance or guaranty, the creditworthiness of the borrower, or collateral other than real estate, the loan may also be secured by real estate as a matter of prudent banking practice or because such security is required by the insurer or guarantor.

**§ 7.2155 Maximum aggregate of real estate loans.**

(a) *In general.* The aggregate outstanding balance of real estate loans made or purchased may not exceed at the time of making a real estate loan the unimparied capital plus the unimparied surplus of the bank or 100 percent of the time and savings deposits of the bank, whichever is greater. Up to ten percent of the total permissible amount of real estate loans need not comply with the individual loan restrictions of 12 U.S.C. 371.

(b) *Existing commitment.* An existing commitment to make a real estate loan is not includable in the aggregate amount of real estate loans which a bank is permitted to make under 12 U.S.C. 371, however, once funds are extended, they would be included.

**§ 7.2170 [Deleted].**

**§ 7.2190 Demand and short-term real estate and construction loans.**

(a) A real estate loan which is required to be amortized may be made on a demand basis if provision in writing is made whereby in the absence of demand the entire principal of the loan will be liquidated in accordance with the requirements of § 7.2125.

(b) Loans made to finance the construction of industrial or commercial buildings or of residential or farm properties may come within paragraph (c) of 12 U.S.C. 371, even though they are made payable on demand instead of having a stated maturity of not more than 60 months, provided that the parties intend that the loan be paid off or refinanced within the 60 month period, and provided that demand is made or the loan paid within such period.

**§ 7.2200 Real estate loans secured by leaseholds.**

Any real estate loan secured by a leasehold within the meaning of 12 U.S.C. 371 must comply with the following conditions:

(a) The leasehold must be on improved real estate. See § 7.2020.

(b) The security must be a first lien on the leasehold. In order to qualify as an acceptable leasehold for security for a real estate loan made by a national bank, the covenants and restrictions contained in the lease which provide for forfeiture or reversion in the event of a breach must not be more onerous or burdensome than those contained in leases in general use in the area in which such bank is located, and the lease should permit acquisition of the leasehold by the lending bank by voluntary conveyance or assignment by the lessee, and acquisition and sale under judicial process, without being subject to such restrictions as would jeopardize recovery of the security value of such leasehold.

(c) The security instrument must be a mortgage, trust deed, or similar instrument.

(d) The loan must mature at least ten years before the date on which the lease is due to expire. This requirement may be met by an option to renew the lease for a period of ten years beyond the term of the mortgage.

(e) The loan must be amortized in accordance with § 7.2125.

The "appraised value" of a leasehold, for the purpose of 12 U.S.C. 371, shall be determined by the use of accepted and reliable methods of appraising leasehold values including, in areas where such information is available, a consideration of the sales prices of comparable leaseholds.

**§ 7.2400 Construction loans.**

Loans made to finance the construction of buildings intended primarily for residential purposes, even though some commercial use may be made of a part of the building, are considered loans to finance construction of residential buildings under paragragh (c) of 12 U.S.C. 371.

**§ 7.2410 Construction loans held beyond the permissible period.**

Construction loans which have been held by a bank for a period exceeding 60 months and which are secured by liens on realty are to be considered real estate loans subject to 12 U.S.C. 371. The total amount of such loans must be taken into account in determining whether the bank can make additional real estate loans within the aggregate limit prescribed by 12 U.S.C. 371.

**§ 7.2600 Loans on forest tracts.**

Where the laws of a state permit a valid chattel mortgage on standing timber, a loan so secured is not a real estate loan under the second paragraph of 12 U.S.C. 371.

Dated: January 13, 1978.

JOHN G. HEIMANN,
*Comptroller of the Currency.*

[FR Doc. 78-4338 Filed 2-15-78; 8:45 am]

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[6705-01]

## FARM CREDIT ADMINISTRATION

**[12 CFR Part 613]**

**BANKS AND BANKING**

**Eligibility and Scope of Financing**

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations which set forth the eligibility requirements for obtaining Federal land bank and production credit association loans. The amendments to these regulations are being made to clarify that aliens admitted lawfully into the United States for permanent residency qualify for Farm Credit loans. Although it has been the Farm Credit Administration's position that such aliens are eligible to borrow from Federal land banks and production credit associations, it has now been concluded that this issue should be addressed specifically in the regulations. Also clarified is the eligibility of legal entities of which essentially all of the voting control is held by citizens or eligible aliens and which are established under the laws of the United States, any state, Puerto Rico or the District of Columbia.

DATE: Written comments must be received on or before March 15, 1978.





ADDRESSES: Submit any comments or suggestions in writing (10 copies) to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578, 202-755-2181.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations which would: (1) Redefine "person" to include a permanent resident alien; (2) clarify that, to be eligible for Farm Credit financing, essentially all of the stock of a legal entity must be owned by United States citizens or by permanent resident aliens and such entity must have been established under the laws of the United States or any state, Puerto Rico or the District of Columbia; (3) adds May 17, 1972, as the original effective date of the regulations to clarify that legal entities which were borrowers prior to that time and which do not change materially in structure or control and ownership will continue to be eligible for further borrowing; and (4) clarify the word "individual" as it is used to define "rural resident" to include a permanent resident alien. In addition, § 613.3040 (a), (b), and (c) has been restructured for clarity. Chapter VI of Title 12 of the Code of Federal Regulations is proposed to be amended by revising §§ 613.3010, 613.3020(f); adding § 613.3030(d); and revising § 613.3040, as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

**§ 613.3010 Person defined.**

For the purposes of determining eligibility under these regulations, a "person" means (a) an individual who is a citizen of the United States or who has been lawfully admitted into the United States for permanent residence and is so domiciled; or (b) a legal entity in which essentially all of the outstanding stock or equity and voting control is directly or indirectly owned by, or held for the benefit of, such individual(s). A "legal entity" means any partnership, corporation, estate, trust or other entity which is established pursuant to the laws of the United States, or any State thereof, including the Commonwealth of Puerto Rico or the District of Columbia, and which is legally vested with the authority to conduct a business.

**§ 613.3020 Farmers and ranchers.**

. . . . . .

(f) A legal entity which was a borrower otherwise eligible to borrow on May 17, 1972, the original effective date of these regulations and does not change materially its entity structure or control and ownership will continue to be eligible for further borrowing.

. . . . . .

**§ 613.3030 Producers or harvesters of aquatic products.**

. . . . . .

(d) A legal entity which was a borrower otherwise eligible to borrow on May 17, 1972, the original effective date of these regulations and does not change materially its entity structure or control and ownership will continue to be eligible for further borrowing.

. . . . . .

**§ 613.3040 Rural residents.**

(a) *Definitions.* For the purposes of nonfarm lending only, the following definitions shall apply:

(1) A rural resident is an individual residing in a rural area who is a citizen of the United States or who has been lawfully admitted into the United States for permanent residence and is so domiciled.

(2) A rural residence is a single-family, moderate-priced dwelling with appropriate appurtenances, which is or will be used as a permanent, year-round home by the applicant and which is located on an appropriate site in a rural area. Rural residences may include conventional housing, modular housing, or mobile homes which are related to a specific real estate site. A moderate-priced dwelling is one which provides adequate housing not in excess of the living standards of persons in the middle range of income, and not inconsistent with the general quality and standards of housing existing in, or planned for, that area of the Farm Credit district. Due to the wide variations in housing costs, income levels and area standards for housing the value of moderate-priced housing will vary.

(3) A rural area is open country which may include any city or village with a population not exceeding 2,500 persons or any rural subdivision whose design is determined to encourage orderly development pursuant to policies adopted by the bank board for such subdivisions. A rural area does not include cities, subdivisions, or villages associated with a larger population center. The intent is to avoid lending in concentrated, high density, residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center. Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political boundaries, including "towns" exceeding 2,500 persons when so designated by the district board and approved by the Farm Credit Administration.

(b) *Eligibility.* To be eligible to borrow as a rural resident, the applicant shall establish as part of his application for credit that he is, or will become, an owner-occupant of the rural residence for which financing is being sought. He shall not have rural home loans on more than one rural residence at any time.

(c) *Scope of financing.* Loans may be made to rural residents for the purpose of buying, building, remodeling, improving, repairing rural residences, and refinancing existing indebtedness thereon. No loan shall be made to purchase or construct a rural residence for the express purpose of rental or resale. The total amount of credit that may be extended by Farm Credit institutions for eligible purposes shall not exceed 85 percent of the appraised value of the rural residence securing the loan.

. . . . . .

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
*Governor,*
*Farm Credit Administration.*

[FR Doc. 78-4303 Filed 2-15-78; 8:45 am]

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[4910-13]

## DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration**

**[14 CFR Part 39]**

[Docket No. 78-CE-1-AD]

**AIRWORTHINESS DIRECTIVES. Cessna 337/1337 Series Airplanes Advance Notice of Proposed Rulemaking**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The FAA is considering rulemaking action with respect to Cessna 337/T337 series airplanes. The contemplated action would supplement previous rulemaking actions (ADs 71-17-8 and 77-08-05) which dealt with the initiation of a takeoff of these airplanes with the rear engine inoperative. This action deals with a problem which may result from the pilot's inability to immediately detect and respond to a rear engine power loss during any phase of the takeoff and the initial climb. Since possible al-

ternative actions available to the FAA may be directed toward either the aircraft or the operator, the agency is seeking comments from interested persons regarding the feasibility of additional action to that already taken in order to correct this problem.

DATES: Comments must be received on or before April 16, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 E. 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION:

INVITATION FOR COMMENTS

This advance notice of proposed rulemaking is being issued in accordance with the FAA's policy for the early institution of public rulemaking proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the agency do not yield a sufficient basis to identify and select a tentative or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rulemaking problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the formulation of the FAA action by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above will be considered by the Administrator before taking additional action. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Central Region, FAA, for examination by interested persons. If it is determined to be in the public interest to proceed with regulatory action, after consideration of the available data and comments, a notice of proposed rulemaking will be issued.

SCOPE OF PROBLEM

Because of the engine arrangement on the Model 337 series airplanes, the pilots of these airplanes do not experience the asymmetrical thrust yaw present on conventional twin-engine airplanes when an engine loses power.

The absence of this cue may delay the pilot's recognition of an engine failure especially if he is engaged in some phase of operation demanding his attention. Also the lack of asymmetrical yaw under single engine operation may have encouraged some pilots to assume that single engine operation is not critical and consequently they have become less alert to and concerned about the indications of an engine power failure presently given by the airplane.

The FAA believes that some accidents have happened that would not have occurred had the pilots been more informed on the performance capabilities of the airplane with an inoperative engine and recognized that an engine was not operating during takeoff.

The FAA has issued ADs 71-17-8 and 77-08-05 requiring installation of placards in the cockpit which are designed to notify the pilot of operating procedures to detect an engine failure at the beginning of the takeoff and to advise him that he should not initiate a single engine takeoff.

The FAA is now concerned that the average pilot may not immediately detect the change in cabin noise level, reduction in aircraft acceleration, and drop in fuel flow and RPM which accompany the loss of power on one engine.

Data from a 1977 337G Pilot's Operating Handbook shows that at maximum weight on a standard day at sea level with the gear and flaps up and the rear engine feathered, the airplane can climb at a rate of 300 fpm (feet per minute). If the rear engine is windmilling, this performance is reduced by approximately 230 fpm. If the landing gear is not retracted, it is reduced an additional 110 fpm. The airplane performance is also decreased an additional 130 fpm by the landing gear door drag during the retraction cycle. Thus, with the front engine at maximum power, the rear engine windmilling, and the landing gear down, a rate of sink of 40 fpm may be expected at standard sea level conditions. Should the pilot decide to raise the gear, this rate of sink could increase momentarily to as much as 170 fpm during the retraction cycle. This performance will depreciate as altitude and temperature increase. Although this decrease in performance is similar to that of other light twins, FAA inquiries prior to issuance of AD 77-08-05 have disclosed that a significant number of 337/T337 pilots were under the impression that takeoff in these airplanes with an inoperative engine was possible and not significantly dangerous.

TOPICS OF INQUIRY

The FAA believes that existing actions have reduced the probability of rear engine power loss accidents. However, since the question of pilot recognition of rear engine power failure during the takeoff roll and initial climb in Cessna 337/T337 series airplanes has not been resolved, the FAA is considering the necessity for additional rule making or other action which would improve the probability that the pilot will detect rear engine power loss and take appropriate action. In this regard, the agency is especially interested in field comments and viewpoints on the following:

1. Have you experienced an engine power loss?
(a) During what phase of operation did it occur?
(b) Was it immediately recognized?
(c) How was it recognized?
2. Do you monitor the engine gauges during initial ground roll and takeoff or rely on noise level, acceleration, or some other means (specify) of detecting engine power loss?
3. If you use the engine gauges, on which power plant instrument(s) do you primarily rely for first indication of engine malfunction or power loss?
4. Using the technique you have adopted, how many seconds do you estimate would elapse between engine failure and detection?
5. Should the response to this Advance Notice indicate that action to increase the level of safety in the operation of the airplanes is warranted, which of the following actions in your opinion would be most effective:
(a) Modification of existing or installation of additional power plant instrumentation to provide more definite and pronounced warning of engine malfunction or power loss.
(b) Requirement of a specific type rating for pilots of centerline thrust twin-engine airplanes.
6. Would additional nonregulatory action by the FAA, such as increased emphasis on this problem in our accident prevention program and during the biannual flight review, raise the pilot's awareness of this problem and cause him to operate so that he would detect an engine failure during takeoff?
7. Do you have suggestions other than those addressed above for reducing the possibility of takeoff accidents on this airplane resulting from undetected power loss?

DRAFTING INFORMATION

The principal authors of this document are Donald L. Page, Flight Standards Division, Central Region and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.





Issued in Kansas City, Mo. on February 1, 1978.

C. R. MELUGIN, Jr.,
*Director, Central Region.*

[FR Doc. 78-4106 Filed 2-15-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 77-WE- 27-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to McDonnell Douglas Model DC-8 Series airplanes to require that a specific pre-takeoff operational procedure be used by operators to detect and prevent jamming of the elevator, pending incorporation of an elevator position indicator system.

DATES: Comments must be received on or before March 13, 1978.

ADDRESSES: Send comments on the proposal to:

Department of Transportation,
Federal Aviation Administration,
Western Region; Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

Persons affected by this AD may obtain copies of applicable McDonnell Douglas service information cited in this AD by writing to:

McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif., 90846.
Attention: L. A. Eisenberg, CI-750-60.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received before the closing date will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

This notice proposes to amend Amendment 39-3118 (43 FR 1219), AD 78-01-15, which currently requires the installation of an elevator position indicator system and modifications to improve clearances on McDonnell Douglas Model DC-8 Series airplanes. After issuing Amendment 39-3118, the Federal Aviation Administration (FAA) has determined that a preflight elevator operational check procedure should be instituted as an interim safeguard to detect jamming until such time as the elevator position indicator system is installed. Therefore, the FAA is considering amending Amendment 39-3118 by requiring a specific preflight elevator operational check procedure on McDonnell Douglas Model DC-8 Series airplanes.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-3118, (43 FR 1299), AD 78-01-15, by adding the following new Paragraph (a), redesignating the remaining paragraphs as (b) through (f), and changing the reference in new Paragraph (f) to read "• • • in accordance with Paragraph (c) • • •".

(a) Within 30 days after the effective date of this AD, unless already accomplished, and until Paragraph (c) of this AD is accomplished, install the following placard in full view of both pilots.

PRIOR TO EACH TAKEOFF, PERFORM AN ELEVATOR CONTROL SYSTEM CHECK IN ACCORDANCE WITH DC-8 SERVICE BULLETIN A27-264.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on February 1, 1978.

HERMAN C. BLISS,
*Acting Director,*
*FAA Western Region.*

[FR Doc. 78-4111 Filed 2-15-78; 8:45 am]

[1505-01]

[14 CFR Part 71]

[Airspace Docket No. 78-AEA-6]

CONTROL ZONE: CALDWELL, N.J.

Proposed Alteration

*Correction*

In FR Doc 78-3106 appearing at page 4868 in the issue of Monday, February 6, 1978, in the twelfth line, middle column, the phone number should be corrected to read, "212-995-3391".

[4910-13]

[14 CFR Part 75]

[Airspace Docket No. 77-WA-25]

AREA HIGH ROUTES

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amendment proposes to designate two area high 600 series (J630R and J632R) area navigation routes as area high 800/900 series regulatory area high routes. This action is necessary to convert these routes from nonregulatory to Federal Aviation Regulations Part 75 routes.

DATES: Comments must be received on or before March 16, 1978.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Alaskan Region,
Attention: Chief, Air Traffic Division,
Docket No. 77-WA-25,
Federal Aviation Administration,
632 Sixth Avenue,
Anchorage, Alaska 99501.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel,
Rules Docket, (AGC-24), Room 916,
800 Independence Avenue, SW.,
Washington, D C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone, 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before March 16, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to designate J630R and J632R series routes as series 800/900 area high regulatory routes. These routes are currently established and published on the en route high altitude Alaska Chart and are in operational use. These routes are expected to be in frequent use by more than one user operating to and from Anchorage, Alaska, and the agency believes it is in the public interest to convert these routes to area high routes designated in Federal Aviation Regulations Part 75.

DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 730) as follows:

In § 75.400 the following is added:

1. J888R AMOTT-RHODE

| | | |
|---|---|---|
| AMOTT | 60°54'04"N., | 151°17'12"W. Anchorage, Alaska |
| MALOS | 60°49'00"N., | 155°00'00"W. King Salmon, Alaska |
| MOUSY | 60°44'00"N., | 157°00'00"W. Bethel, Alaska |
| KULIK | 60°29'15"N., | 161°44'30"W. Bethel, Alaska |
| RHODE | 60°19'10"N., | 164°09'46"W. Bethel, Alaska |

2. J996R CAPE NEWENHAM-AMOTT

| | | |
|---|---|---|
| Cape Newenham | 58°39'24"N., | 162°04'25"W. King Salmon, Alaska |
| NERKA | 59°26'00"N., | 158°55'00"W. King Salmon, Alaska |
| CLARK | 60°15'30"N., | 154°58'00"W. King Salmon, Alaska |
| AMOTT | 60°54'04 N., | 151°17'12"W. Anchorage, Alaska |

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 9, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc 78-4107 Filed 2-15-78; 8:45 am]

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[6320-01]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 371, 378a]

[SPDR-61; Docket No. 31520; Dated: October 14, 1977]

### INTERIM LIBERALIZATION OF CHARTER RULES

**Proposed Rulemaking; Correction**

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

SUMMARY: The Board instituted this proceeding to liberalize its charter rules on an interim basis in response to recent discounts of scheduled airline fares. The Board is now issuing an erratum to correct an inadvertent omission in the preamble to the notice.

FOR FURTHER INFORMATION CONTACT:

Robert Kneisley, Office of the General Counsel, Civil Aeronautics Board, 202-673-5442.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-30647 published at 42 FR 55823, October 19, 1977 the following correction should be made: On page 55824, in the third column, lines 8 and 9 in footnote 9 should read as follows: "NACA (Docket 31317), and Council on International Educational Exchange (Docket 31399), will be addressed in that proceeding".

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

FEBRUARY 9, 1978.

[FR Doc. 78-4365 Filed 2-15-78; 8:45 am]

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[6750-01]

## FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 762 3040]

### TOWNSMAN-CENCO INTERNATIONAL, LTD., ET AL.

**Consent Agreement with Analysis To Aid Public Comment**

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a New York City importer, manufacturer and distributor of clothing products to cease misrepresenting or failing to properly identify the wool and fiber content of their products.

DATE: Comments must be received on or before April 17, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580

FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal





Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

In the matter of Townsman-Cenco International, Ltd., a corporation, and Newcastle Imports, Ltd., a corporation, and Seymour Hertling, and George Center, individually and as officers of said corporations. File No. 762 3040 Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Townsman-Cenco International, Ltd., and Newcastle Imports, Ltd., corporations, and Seymour Hertling and George Center, individually and as officers of said corporations, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated;

It is hereby agreed by and between Townsman-Cenco International, Ltd., and Newcastle Imports, Ltd., corporations, by their duly authorized officers, and Seymour Hertling and George Center, individually and as officers of said corporations, and counsel for the Federal Trade Commission that:

1. Proposed respondent Townsman-Cenco International, Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 105 Fifth Avenue, New York, N.Y. 10011.

Proposed respondent Newcastle Imports, Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 276 Park Avenue South, New York, N.Y. 10010.

Proposed respondents Seymour Hertling and George Center are officers of said corporations. They formulate, direct and control the policies, acts and practices of said corporations, and their address is 105 Fifth Avenue, New York, N.Y. 10011.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents: (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to-order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

*It is ordered,* That respondents Townsman-Cenco International, Ltd., a corporation, Newcastle Imports, Ltd., a corporation, their successors and assigns, and their officers, and Seymour Hertling and George Center, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered,* That respondents Townsman-Cenco International, Ltd., a corporation, Newcastle Imports, Ltd., a corporation, their successors and assigns, and their officers, and Seymour Hertling and George Center, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the importing, advertising, offering for sale, sale or distribution of clothing in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from misrepresenting such products on invoices or shipping memoranda applicable thereto, or in any other manner.

*It is further ordered,* That respondents mail a copy of this order by registered mail to each of their customers that purchased the wool products described in this complaint.

*It is further ordered,* That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

*It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change

in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of succesor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

*It is further ordered*, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for period of ten years from the effective date of this order, each respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

TOWNSMAN-CENCO INTERNATIONAL, LTD., ET AL.

[File No. 762 3040]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Townsman-Cenco International, Ltd., Newcastle Imports, Ltd., and Seymour Hertling and George Center, officers of the corporations.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Townsman-Cenco International, Ltd., and Newcastle Imports, Ltd., are New York corporations and are importers, manufacturers and distributors of clothing. Seymour Hertling is President and George Center is Secretary of the corporations. They control and are responsible for their acts and practices.

The complaint alleges that the corporations imported and manufactured wool blend clothing falsely represented to be composed of a substantially greater percentage of woolen fibers than were present therein and sold the clothing with labels and invoices misrepresenting the wool content.

The consent order in this matter prohibits Townsman-Cenco International, Ltd., Newcastle Imports, Ltd., and Seymour Hertling and George Center from misrepresenting the wool and other fiber content of their wool blend clothing and requires that they mail a copy of the order to their customers.

The order is generally designed to prevent deception as to the wool content of clothing and to protect the corporations' competitors from unfair competition.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
*Secretary.*

[FR Doc. 78 4200 Filed 2 15-78; 8 45 am]

[6750-01]

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

**Publication of Presiding Officer's Report Regarding Proposed Amendment To Trade Regulation Rule**

AGENCY: Federal Trade Commission.

ACTION: Publication of presiding officer's report.

SUMMARY: On February 5, 1976 the presiding officer published in the FEDERAL REGISTER (41 FR 5305) final notice of the proposed trade regulation rule amendment proceeding. The presiding officer's report, required by the Commission's rules of practice for rulemaking (16 CFR 1.13(f)), consisting of his summary, findings and conclusions with regard to the proposed amendment, has been made public and placed on Public Record No. 215-31. When completed, the staff's report on the rulemaking record and its recommendations to the Commission also will be made public and notice thereof published in the FEDERAL REGISTER. The presiding officer's report has not been adopted or reviewed by the Bureau of Consumer Protection or reviewed or adopted by the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

DATE: The sixty-day period which the rules of practice for rulemaking (16 CFR 1.13(g)) provide for public comment on both the presiding officer's report and the staff's report will not commence until the staff's report has been made public and placed on the public record. Therefore, comment on the presiding officer's report alone would be considered premature at this time.

FOR FURTHER INFORMATION CONTACT:

Christopher W. Keller, Presiding Officer, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1037.

Issued: February 13, 1978.

CHRISTOPHER W. KELLER,
*Presiding Officer,*
*Bureau of Consumer Protection.*

[FR Doc. 78-4276 Filed 2-15-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5905, 34-14451, 35 20409; File No. S7-715]

ACCOUNTING PRACTICES—OIL AND GAS PRODUCERS

**Public Hearing**

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Order of Hearing.

SUMMARY: This release is a notice of an order specifying procedures for a public hearing on proposed rules relating to accounting practices for persons engaged in the production of crude oil or natural gas. The Commission announced its intention to hold this hearing in Release No. 33-5892 dated December 22, 1977. The proposed rules would be applicable to persons subject to the filing requirements of the Federal securities laws and to persons engaged in petroleum production in filing reports which include financial information with the Department of Energy.

DATES: Comments in response to Release No. 33-5892 and detailed statements and position papers on or before February 24, 1978. Request to make presentation at the hearing on or before March 3, 1978. Text or outline of presentation to be made at the hearing on or before March 22, 1978. Additional comments on (1) matters discussed at the public hearing, (2) material placed in Public File S7-715, or (3) matters otherwise pertinent to these proceedings may be submitted no later than May 19, 1978.

ADDRESS: All submissions should refer to File S7-715 and should be sent to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters, position papers, and statements should be submitted in triplicate. Twenty-five copies of the text or outline of presentation to be made at the hearing should be submitted. Hearing participants are encouraged to provide additional copies of their text or outline at the hearing for the press and the audience. All submissions will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1671.

SUPPLEMENTARY INFORMATION: The Commission has outstanding two rulemaking proposals relating to accounting practices for oil and gas producers. In Release No. 33-5861 dated August 31, 1977 (42 FR 44927), the Commission proposed rules pertaining to accounting measurement standards; and in Release No. 33-5877 dated October 26, 1977 (42 FR 57661), the Commission proposed rules for disclosure of related financial and operating data by persons engaged in oil and gas producing activities.

These proposed rules, if adopted, would apply both (1) to the preparation and presentation of financial statements to be included in filings with the Commission pursuant to the Federal securities laws; and (2) to the compilation of financial and related operating data for reporting to the Department of Energy (the "DOE") by persons subject to the reporting requirements of the Energy Policy and Conservation Act of 1975, Pub. L. 94-163 (the "EPCA"). The EPCA requires the Commission, for purposes of developing a reliable energy data base, to assure the development and observance of accounting practices to be followed by persons engaged in the production of crude oil or natural gas in the United States. The Federal securities laws provide the Commission broad authority over and responsibility for the form and content of financial statements to be included in filings with the Commission required of publicly owned companies.

On December 5, 1977, the Financial Accounting Standards Board (the "FASB") issued Statement of Financial Accounting Standards No. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies." Statement No. 19, which becomes effective initially for financial statements covering fiscal years beginning after December 15, 1978, requires all companies engaged in oil and gas producing activities to adopt retroactively a form of the successful efforts method of accounting for costs incurred in exploring for and developing oil and gas reserves. Generally, the provisions of Statement No. 19 require, among other things, that exploration costs which cannot be directly related to oil and gas properties proved commercial by drilling operations be charged against earnings as incurred.

In accordance with the policies expressed in Accounting Series Release Nos. 4 dated April 25, 1938 (11 FR 10913), and 150 dated December 20, 1973 (39 FR 1260), companies, unless the Commission determines otherwise, will be required to adhere to the provisions of Statement No. 19 in preparing and presenting financial statements included in filings pursuant to the Federal securities laws. The Commission expects to conclude the proceedings described in this release prior to December 15, 1978.

The Commission in Release No. 33-5892 dated December 22, 1977 (42 FR 887), solicited further public comment on its outstanding rulemaking proposals issued in Release Nos. 33-5861 and 33-5877. The EPCA authorizes the Commission to recognize or otherwise rely on accounting practices developed by the FASB in lieu of prescribing such practices by rule. The Commission solicited written comments on whether it should so rely on the FASB in Release No. 33-5892. In that release, the Commission also announced its intention to conduct a public hearing relating to its proceedings. Procedures for this hearing are presented below.

As stated in Release No. 33-5892, the objectives of soliciting written comments and conducting a public hearing on these matters are to determine whether the Commission should adopt, with any appropriate revisions, the rules proposed in Release Nos. 33-5861 and 33-5877. Specifically, in light of the issuance of FASB Statement No. 19, these proceedings are expected to provide information to the Commission concerning the following questions:

1. What are the most appropriate financial accounting and reporting standards for oil and gas producing activities for purposes of reporting to the DOE pursuant to the EPCA?

2. What are the most appropriate such standards for purposes of the preparation of financial statements to be included in filings with the Commission under the Federal securities laws?

Interested persons are directed to Release Nos. 33-5861, 33-5877, and 33-5892 for additional discussions relating to the Commission's proceedings.

PROCEDURE FOR PUBLIC HEARING

The Commission has ordered a public hearing in connection with its informal rulemaking proceedings initiated in Release Nos. 33-5861 and 33-5877. This hearing is being conducted to provide an opportunity for the Commission and its staff to direct inquiries to participants in the hearing concerning their positions and to provide interested persons an opportunity for oral presentations of their views.

The hearing will commence in Washington, D.C., at Georgetown University Law Center, 600 New Jersey Avenue NW., at 9 a.m., on Wednesday, March 29, 1978, and continue, if necessary, on each week day through Friday, April 7, 1978. The hearing will commence in Houston, Tex., at the Albert Thomas Convention Center, Room 106, 612 Smith Street, at 9 a.m., on Tuesday, April 11, 1978, and continue, if necessary, through Friday, April 14, 1978. A schedule of the presentations to be made each day of the hearing will be published in the SEC News Digest.

The hearing will be conducted for the Commission by the Office of the Chief Accountant. A. Clarence Sampson, Acting Chief Accountant; Richard M. Hewitt, Administrator of the Fort Worth Regional Office; Richard C. Adkerson; and Gretta Powers have been designated as hearing officers of the Commission. The Commission will issue orders designating additional hearing officers as necessary.

Any person or group wishing to make an oral presentation at the public hearing must notify Richard C. Adkerson of the Office of the Chief Accountant at the address set forth above no later than March 3, 1978. Persons who previously notified the Commission of their intention to make an oral presentation at the hearing are requested to confirm their intention in writing. Presentations at the hearing will be limited generally to 20 minutes for each person or group and its representatives. Requests for additional time, if desired, should be submitted to Richard C. Adkerson no later than March 3, 1978. Additional time may be granted and the 20 minute limit extended at the sole discretion of the hearing officer.

Participants in the hearing are urged to limit oral presentations to a summation or elaboration of their positions and to comments on the written or oral positions of other commentators, as opposed to a reading of comments previously submitted. Participants are encouraged to limit oral presentations to no more than 10 minutes. All participants should be prepared to respond to specific inquiries from the Commission and its staff. Interested persons may submit to the hearing officer prior to the hearing written suggested questions to be directed to specific participants in the hearing. The hearing officer will determine in his sole discretion whether and to what extent to direct such questions to the participants.

A text or outline of the presentation to be made at the hearing should be

submitted (25 copies) not later than March 22, 1978. Failure to submit a text or outline may result, at the discretion of the hearing officer, in prohibition from participation in the hearing. Those making presentations are encouraged to provide additional copies of their text or outline at the hearing for the press and the audience. As indicated in Release No. 33-5892, detailed statements, position papers, or comments should be sumitted to the Secretary of the Commission no later than February 24, 1978, for consideration by the Commission and its staff prior to the hearing.

More than 90 requests to make oral presentations at the hearing have been received in response to the Commission's previously announced intention to conduct this hearing. A list of those who have already indicated a desire to make an oral presentation is available in File S7-715. Because of this response, it may be necessary to limit the number of oral presentations to be made and to require that persons or groups with similar views make joint presentations or appear as a panel Persons or groups with an interest in voluntarily participating in a joint presentation or panel should contact Richard C. Adkerson if they wish more than 20 minutes to make a joint presentation.

A transcript of the hearing will be prepared and made available in Public File S7-715 for public inspection. As indicated previously, participants in the hearing and other interested persons may provide additional written comments after the hearing through May 19, 1978.

MATERIAL PLACED IN PUBLIC FILE

A copy of a research report, entitled "Full Cost vs. Successful Efforts: A Study of a Proposed Accounting Change's Competitive Impact," which was prepared by the staff of the Commission has been placed in Public File S7-715. The staff's study, using a market model, investigated whether the issuance of the exposure draft of a proposed statement on oil and gas accounting by the FASB in July 1977 adversely affected the prices of the common stock of full-cost companies relative to successful effort companies. The provisions of the exposure draft, with certain modifications, were subsequently embodied in FASB Statement No. 19. The staff's study concluded, in summary, that the evidence revealed an initial adverse impact on the trading prices of full cost companies; however, a relative price recovery for the affected group of companies was indicated. Interested persons are encouraged to examine this research report and provide comments to the Commission on the research techniques used and the findings of the study.

In addition, copies of three reports on research undertaken or sponsored by the FASB have also been placed in Public File S7-715: (1) An interview to ascertain how investment and credit decisions regarding oil and gas producing companies are reached; (2) a telephone interview survey of senior executive officers of 27 relatively small and medium sized, publicly traded, oil and gas producing companies which follow the successful efforts method of accounting to ascertain whether, in the judgment of those interviewed, the use of successful efforts accounting adversely affected the ability of their companies to raise capital to finance their operations; and (3) a study of the effect on the market prices of common stock issued by oil and gas producing companies resulting from the issuance of the FASB's July 1977 exposure draft on oil and gas accounting.

Public File S7-715 also contains copies of certain articles, publications, etc. (or references to publicly available documents of this nature) which relate to issues under consideration by the Commission in these proceedings and correspondence involving the Commission and its staff pertaining to this proceeding.

File S7-715 is available for public inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Persons wishing to provide other information for the Commission's consideration or to comment on the information in the public file are encouraged to do so. Submissions should be made at the earliest date practicable but no later than May 19, 1978. Copies of all submissions will be placed in File S7-715 and made available for public inspection.

This hearing has been ordered by the Commission in connection with its rulemaking proceedings pursuant to sections 6, 7, 8, 10 and 19(a), and 21 (15 U.S.C. 77f, 77g, 77h, 77j, 77s(a) and 77u) of the Securities Act of 1933, sections 12, 13, 14, 15(d), 21(a), 22 and 23 (15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78u(a), 78v, 78w) of the Securities Exchange Act of 1934; sections 5(b), 14, 18, 19, and 20(a) (15 U.S.C. 79e(b), 79n, 79r, 79s, 79t(a)) of the Public Utility Holding Company Act of 1935; and sections 503 (Pub. L. 94-163) of the Energy Policy and Conservation Act of 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 10, 1978.

[FR Doc. 78-4234 Filed 2-15-78; 8:45 am]

[1505-01]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[26 CFR Part 301]

[LR-265-74]

### ANNUAL REGISTRATION FOR EMPLOYEE RETIREMENT BENEFIT PLANS

### Proposed Rulemaking

*Correction*

In FR Doc. 78-1407 appearing at page 2892 in the issue for Friday, January 20, 1978, the following changes should be made:

1. On page 2895, in the second column, the eighth line of the first incomplete paragraph should read "quired by section 6057(e) and paragraph (d) of".

2. On Page 2896, in the second column, the third line of § 301.6690-1 should read "§ 301.6057-1(d) to furnish a statement".

[4810-35]

### Bureau of Government Financial Operations

[31 CFR Part 223]

### SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

### Revision of Regulations Relating to Application and Renewal Fees

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Proposed rule.

SUMMARY: The Department of the Treasury proposes to amend its regulations relating to surety companies doing business with the United States in order to delete references to fee amounts. Fees charged to surety companies applying for, or seeking renewal of, certificates of authority to do business with the United States usually change annually and associated rulemaking requirements have been found to significantly impede agency operations. The proposed rule is intended to improve the timeliness of agency actions relating to surety company certificates of authority.

DATES: Comments on this proposal must be received on or before March 8, 1978. The proposed effective date will be March 20, 1978.

ADDRESSES: Comments on the proposed rule should be addressed to Mr. John Newell, Audit Staff (Surety), Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

Mr. John Newell, 202-634-5978.





SUPPLEMENTARY INFORMATION: Pursuant to authority contained in 31 U.S.C. 483a, fees are charged by the Treasury to recover costs related to services performed for, and special benefits conferred upon surety companies. Such services and benefits consist of review of financial and other data submitted by surety companies in order to determine whether to issue to such companies certificates of authority to do business with the United States as sureties on, or reinsurers of recognizances, stipulations, bonds and undertakings under 6 U.S.C. 6-13. The amounts of such fees are determined in accordance with OMB Circular A-25, as amended.

Deletion of fee amounts from Treasury regulations will enable the Department to make normal fee changes without engaging in formal rulemaking procedures. The time necessary for such rulemaking has resulted in shortening of the time between surety company receipt of annual instructions for preparing data needed to assess whether renewal of such companies' certificates of authority is warranted, and the deadline for submission of such data to the Treasury. Information on fee amounts will remain available from the Assistant Comptroller for Auditing and, in addition, notice of changes in fee amounts will be published in the FEDERAL REGISTER as they occur.

In consideration of the foregoing, it is proposed to amend Part 223 of 31 CFR Chapter II as follows:

1. By revising the third sentence of § 223.2 to read as follows:

**§ 223.2 Application for certificate of authority.**

* * * A fee shall be transmitted with the application in accordance with the provisions of § 223.22(a)(1).

2. By revising the second sentence of paragraph (a) of § 223.3 to read as follows:

**§ 223.3 Issuance of certificates of authority.**

(a) * * * A new certificate of authority shall be issued annually on the 1st day of July, so long as the company remains qualified under the law and the regulations in this part, and transmits to the Assistant Comptroller for Auditing by March 1 each year the fee in accordance with the provisions of § 223.22(a)(3).

3. By revising § 223.12 to read as follows:

**§ 223.12 Recognition as reinsurer.**

(a) *Application by U.S. company.* Any company organized under the laws of the United States or of any State thereof, wishing to apply for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States, shall file the following data with the Assistant Comptroller for Auditing and shall transmit therewith the fee in accordance with the provisions of § 223.22(a)(2).

* * * * *

(b) *Application by a U.S. branch.* A U.S. branch of an alien company applying for such recognition shall file the following data with the Assistant Comptroller for Auditing and shall transmit therewith the fee in accordance with the provisions of § 223.22(a)(2).

* * * * *

(c) * * * A fee shall be transmitted with the foregoing data, in accordance with the provisions of § 223.22(a)(4).

4. By amending § 223.22 to read as follows:

**§ 223.22 Fees for services of the Treasury Department.**

(a) Fees shall be imposed and collected, for the services listed in paragraphs (a)(1)-(a)(4) of this section which are performed by the Treasury Department, regardless of whether the action requested is granted or denied. The payee of the check or other instrument shall be the Bureau of Government Financial Operations, Treasury Department. The amount of the fee will be based on which of the following categories of service is requested:

(1) Examination of a company's application for a certificate of authority as an acceptable surety on Federal bonds for a certificate of authority as an acceptable reinsuring company on such bonds (see § 223.2);

(2) Examination of a company's application for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States (see § 223.12 (a) and (b));

(3) Determination of a company's continuing qualifications for annual renewal of its certificate of authority (see § 223.3); or

(4) Determination of a company's continuing qualifications for annual renewal of its authority as an admitted reinsurer (see § 223.12(c)).

(b) In a given year a uniform fee will be collected from every company requesting a particular category of service, e.g., determination of a company's continuing qualifications for annual renewal of its certificate of authority. However, the Treasury Department reserves the right to redetermine the amounts of fees annually. Fees are determined in accordance with Office of Management and Budget Circular A-25, as amended.

(c) Specific fee information may be obtained from the Assistant Comptroller for Auditing at the address shown in § 223.2. In addition, a notice of the amount of a fee referred to in § 223.22(a)(1)-(a)(4) will be published in the FEDERAL REGISTER as each change in such fee is made.

Dated: February 10, 1978.

D. A. PAGLIAI,
*Commissioner, Bureau of Government Financial Operations.*

[FR Doc. 78-4278 Filed 2-15-78; 8:45 am]

[3910-01]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

[32 CFR Part 806b]

[AF Reg 12-35]

### AIR FORCE PRIVACY ACT PROGRAM

### Review of Initial Refusals

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The AF proposes to amend its Privacy Act Procedures.

The proposed change would give individuals who have been denied access to their records a way to appeal that denial to the Secretary of the Air Force. This procedure would parallel one that currently exists for appealing denials to amend records. The intent of the change is to offer individuals an internal appeal process they can use instead of litigating an initial refusal to grant access.

DATE: All material received on or before March 20, 1978, will be considered.

ADDRESS: Send comments to: Director of Administration, Headquarters United States Air Force, Room 5A266, Pentagon Building, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT:

Captain Robert N. Veeder, Chief, Air Force Privacy Act Office, HQ USAF/DADMP, Washington, D.C. 20330, phone: 202-767-4545.

SUPPLEMENTARY INFORMATION: On September 28, 1977, the AF republished its Privacy Act Program (42 FR 51528). The specific sections of the Air Force Privacy Act Program to be amended are § 806b.13 of Subpart B (42 FR 51532); and § 806b.18 of Subpart B (42 FR 51533). Publications errors in § 806b.18 printed in 42 FR 51533 were corrected in 42 FR 56814, October 28, 1977. This rule is proposed under the authority of the Privacy Act of 1974 (Pub. L. 93-579, sec. 3(f) of 5 U.S.C. 552a).

1. It is proposed to revise § 806b.13 as follows:

**§ 806b.13 Denial of access.**

If, in the judgment of the Systems Manager, a legitimate purpose exists for denying access, within five workdays from receipt (not counting Saturday, Sunday, and legal holidays), the manager will forward a copy of the request together with a copy of the record involved and the reason(s) for recommending denials, to the appropriate Denial Authority identified in § 806b.5(b). The Systems Manager will promptly notify the requesting individual of the referral. Only a Denial Authority is authorized to deny access. A Denial Authority who decides to deny access will:

(a) Promptly notify the requesting individual that the request has been denied and give the reasons for the denial.

(b) Tell the individual that he or she may ask for a review of the decision by sending an appeal, through the Denial Authority, to the Secretary of the Air Force.

(c) Send a copy of the refusal letter to the Systems Manager who has the records.

2. It is proposed to revise § 806b.18 as follows:

**§ 806b.18 Review of initial refusals of access or amendment.**

(a) An individual may request a review of the initial refusal in writing from the Office of the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Secretary of the Air Force, Washington, D.C. 20330, and sent through the Denial Authority. The Denial Authority will forward to HQ USAF/DA, Washington, D.C. 20330, a complete file consisting of: (1) The request for review and any reasons in support; (2) The request for access or amendment; (3) The initial refusal; (4) A copy of the record or portions involved; (5) Any records or coordination actions that relate to the initial refusal; (6) Denial Authority comments on any statements of reasons, arguments, or evidence submitted by the requester.

(b) The Chairman, who will be a representative of the directorate of Administration (HQ USAF/DA), or another official designated by the Vice Chief of Staff (HQ USAF/CV), will convene the Air Force Privacy Board to review the initial denial. Other members of the Board will be a representative from the office of The Judge Advocate General (HQ USAF/JA), and from an Air Staff function not having primary responsibility for the record in question. If the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, the Vice Chief of Staff will designate a member from another Air Staff organization to substitute on the Board. The Chairman may, when deemed appropriate, request the assistance of subject matter experts to advise the Board.

(c) Functions of the Board include: (1) Reviewing requests submitted in accordance with § 806.18(a); and (2) Providing recommendations to the Office of the Vice Chief of Staff of the Air Force.

(d) If the Office of the Vice Chief of Staff of the Air Force determines that:

(1) Access should be granted, the individual will be notified promptly, and the appropriate Systems Manager will be directed, through the Denial Authority, to grant the individual access.

(2) The record should be amended, the individual will be advised promptly, and the appropriate Systems Manager will be directed, through the Denial Authority, to amend the record and direct previous recipients to amend their copies (§ 806b.17(b)).

(e) If the Office of the Vice Chief of Staff determines that a denial of either access or amendment is appropriate, the request will be forwarded through the Office of the Air Force General Counsel (SAF/GC) to the Office of the Administrative Assistant to the Secretary of the Air Force (SAF/AA) for a final decision.

(f) If SAF/AA determines that:

(1) Access should be granted, the individual will be notified promptly and the appropriate Systems Manager will be directed, through the Denial Authority, to grant the individual access to his or her records.

(2) The record should be amended, the individual will be advised promptly, and the appropriate Systems Manager will be directed, through the Denial Authority, to amend the record and direct previous recipients to amend their copies (§ 806b.17(b)).

(g) If, after conducting the review, SAF/AA upholds the Denial Authority's refusal to grant access or amend the record, SAF/AA will notify the individual that:

(1) The access or amendment request has been refused after review, with reasons for the refusal.

(2) For refusals of amendment only: that the individual has a right to file with the Systems Manager, a concise statement of why he or she disagrees with the Air Force's decision, and

(3) The disagreement statement will become a part of the record and will, thus, be available to anyone who subsequently uses the record, and

(4) Known prior recipients of the disputed record will be given a copy of the disagreement statement.

(h) A final determination of an individual's request for review of an initial refusal of access or amendment must be completed within 30 workdays (except Saturdays, Sundays, and legal holidays) after receipt by HQ USAF/DA, unless it is determined that a fair and equitable review cannot be completed in that time: If additional time is required, the individual will be told in writing the reasons for the delay and a date when he or she may expect the results of the review.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 13, 1978.

[FR Doc. 78-4310 Filed 2-15-78; 8:45 am]

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[4910-14]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 76-168]

[33 CFR Part 117]

### ATCHAFALAYA RIVER, LA.

### Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana & Arkansas Railway Company, the Coast Guard is considering revising the regulations for its bridge across the Atchafalaya River, mile 133.1, to require at least three hours notice at all times. This change is being considered because of limited requests for opening of the draw and will relieve the owner of the obligation of opening the draw on signal at all times.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans La. 70130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Eighth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The Coast Guard published a notice of proposed rulemaking concerning this bridge on August 30, 1976 (41 FR 36510). It proposed that the draw open on signal from 8 a.m. to 4 p.m., Monday through Friday, and after at least six hours notice at all other times. Numerous objections to the proposal were received from users of the waterway. The proposal in this document reflects a compromise offered by the owner of the bridge after discussions with the users of the waterway. In order to facilitate the giving of the advance notice, the bridge owner has agreed to install a radio telephone. It should provide for the reasonable needs of navigation.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.570 immediately after § 117.560 to read as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

**§ 117.560 Atchafalaya River, La., bridges.**

The swing span of the Louisiana and Arkansas railroad bridge, mile 133.1, shall open on signal if at least three hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 8, 1978.

O. W. SILER,
*Admiral, U.S. Coast Guard, Commandant.*

[FR Doc. 78-4329 Filed 2-15-78; 8:45 am]





[4910-14]

[33 CFR Part 117]

[CGD 77-184]

### DRAWBRDIGE OPERATION REGULATIONS

### Jamaica Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Supplemental proposed rule.

SUMMARY: At the request of the Triborough Bridge and Tunnel Authority, the Coast Guard issued a proposal concerning the Marine Parkway drawbridge across Jamaica Bay, Queens, N.Y. (43 FR 982). It was proposed that the bridge open on signal from 8 a.m. to 4 p.m. and on signal after at least eight hours notice from 4 p.m. to 8 a.m. This proposal modifies the original proposal by limiting the 8 a.m. to 4 p.m. open on signal provision to Monday through Friday. This proposal is being made because of a steady decrease in requests for openings of the draw, and will relieve the owwner of the bridge of the obligation of opeing the bridge on signal at all times.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulation may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.175(d) to read as follows:

### PART 117—DRAWBRDIGE OPERATION REGULATIONS

§ 117.175 Jamaica Bay and Connecting Waterways, N.Y.

* * * * *

(d) *Marine Parkway Drawbridge.* The draw shall open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times, the draw shall open on signal if at least eight hours notice is given, except the draw shall open for U.S. Navy, and National Oceanic and Atmospheric Administration vessels, in the event of an emergency, if one hour notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 9, 1978.

E. L. PERRY,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 78-4330 Filed 2-15-78; 8:45 am]

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[4910-14]

[33 CFR Part 117]

[CGD 77-205]

### DRAWBRIDGE OPERATION REGULATIONS

### Lake Champlain, Vt.

AGENCY: Coast Guard, DOT.

ACTION: Supplemental proposed rule.

SUMMARY: In the February 2, 1978 issue of the FEDERAL REGISTER (43 FR 4440), the Coast Guard published proposed regulations for the Central Vermont Railway drawbridge across Missisquoi Bay, Lake Champlain, Vt. The proposal did not provide regulations for the period 11 p.m. to 9 a.m., from June 15 through September 15. It is proposed that during this period the bridge open on signal if at least 24 hours notice is given. Presently, the bridge opens on signal if at least 24 hours notice is given for the period 11 p.m. to 7 a.m., from June 1 through September 30. There have been very few requests for openings from 11 p.m. to 9 a.m.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

### Drafting Information

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

### Discussion of Proposal

The entire proposal is being republished in this document in order to clarify the placement of the specific regulations for the 11 p.m. to 9 a.m. period.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.191(b) to read as follows:

**§ 117.191 Navigable waters in the State of Vermont and their tributaries; bridges where constant attendance of draw tenders is not required.**

• • • • •

(b) Lake Champlain; Missisquoi Bay, Central Vermont railroad bridge, mile 105.6.

(1) The draw shall open on signal from 9 a.m. to 5 p.m. from June 15 through September 15.

(2) The draw shall open on signal from 5 p.m. to 11 p.m. from June 15 through September 15 if at least 4 hours notice is given.

(3) The draw shall open on signal from 11 p.m. to 9 a.m. from June 15 through September 15 if at least 24 hours notice is given.

(4) The draw shall open on signal from September 16 through June 14 if at least 24 hours notice is given.

(5) Public vessels of the United States and Vermont Fish and Game vessels shall be passed through the closed draw as soon as possible at any time.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 9, 1978.

E. L. PERRY,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 78-4331 Filed 2-15-78; 8:45 am]

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[4910-14]

**[33 CFR Part 117]**

[CGD 78-013]

## DRAWBRIDGE OPERATION REGULATIONS

**Waccamaw River, Conway, S.C.**

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Seaboard Coast Line Railroad Company the Coast Buard will consider revising the regulations for the railroad bridge across the Waccamaw River, mile 44.4, Conway, S.C. Presently, the draw is required to open on signal. The proposed revision will require that the draw open on signal from 9 a.m. to 6 p.m. From 6 p.m. to 9 a.m., the draw will open on signal if at least 24 hours notice is given. This change is being considered because of infrequent openings from 6 p.m. to 9 a.m., and would relieve the bridge owner of the obligation of maintaining a full-time draw tender.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 SW. First Avenue, Miami, Fla. 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

### Drafting Information

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

### Discussion of the Proposed Regulations

This change is being considered because the records submitted show that from 6 p.m. to 9 a.m. infrequent openings were required: 1975—3. 1976—3, 1977—1.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.245(g)(11) to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

• • • • •

(g) • • •

(11) Seaboard Coast Line Railroad bridge across the Waccamaw River, mile 44.4, Conway, S.C. The draw shall open on signal from 9 a.m. to 6 p.m. From 6 p.m. to 9 a.m. the draw shall open on signal if at least 24 hours notice is given.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)





NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 9, 1978.

E. L. PERRY,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 78-4332 Filed 2-15-78; 8:45 am]

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[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

**[40 CFR Part 600]**

[FRL-848-7]

## FUEL ECONOMY OF MOTOR VEHICLES

**Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles**

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking and public meetings.

SUMMARY: From mail received by EPA, and from media reports, it is clear that many new-car buyers expect to achieve the EPA mileage estimates, that in many cases this expectation is not realized, and that, as a result, there is widespread doubt about the validity and usefulness of the EPA mileage estimates in making new car purchasing decisions. To deal with this, EPA is proposing in this notice alternative means for improving the way fuel economy information is provided to the public. This notice also provides additional background material and technical information that may be of use to the reader in evaluating and commenting on the proposed alternatives. In addition, this notice announces that the Environmental Protection Agency will hold three public meetings to discuss this Notice of Proposed Rulemaking.

DATE: Comments should be received on or before (45 days after publication).

### Public Meetings

March 2, 1978; Chicago, Ill.
March 9, 1978; Boston, Mass.
March 10, 1978; Atlanta, Ga.

ADDRESS: Send comments to: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460.

The meetings will be held from 9 a.m. to 12 noon at the following locations and dates:

MARCH 2, 1978

Environmental Protection Agency, Room 1365, 230 South Dearborn Street, Chicago, Ill.

MARCH 9, 1978

Federal McCormack Building, Post Office Square, Room 208, Devonshire Street, Boston, Mass.

MARCH 10, 1978

Environmental Protection Agency, Room 105, 345 Courtland Street NE., Atlanta, Ga.

FOR FURTHER INFORMATION CONTACT:

Paula Machlin, Staff Analyst, Regulatory Management Staff, AW-455, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0596.

SUPPLEMENTARY INFORMATION: The EPA first published mileage information for model year 1973, at the direction of the President. Beginning with model year 1974, manufacturers were encouraged to label new cars with fuel economy information on a voluntary basis. The mileage information was intended to provide potential new-car buyers with information on the relative fuel economy performance of new models so that they could more effectively consider fuel economy in purchasing new vehicles. EPA cautioned vehicle owners against expecting to achieve the absolute mpg estimate indicated for each vehicle in view of the wide range of conditions in the country that can affect vehicle fuel economy.

With the passage of the Energy Policy and Conservation Act[1] by Congress, fuel economy labeling and publication of the Gas Mileage Guide were required by law, effective in mid-model year 1976. In the Gas Mileage Guide, a booklet issued jointly by EPA and the Federal Energy Administration (now in the Department of Energy), a compilation of mileage and fuel cost estimates for various makes available for sale are published. Dealers are required to make the Guide available in showrooms, and each new car must display mileage information on a label attached to the vehicle.

The Act establishes average fuel economy standards that must be met by each manufacturer on the basis of his fleet-wide, sales-weighted average fuel economy. In the event that a manufacturer does not comply, he is subject to civil penalties levied by the Secretary of Transportation. Section 2003 of 15 U.S.C. requires that the EPA establish the fuel economy testing and calculation procedures for determining the fleet average fuel economy value for a manufacturer on which the Secretary will base enforcement decisions. The procedure is required to be comparable to that used for the voluntary program in model year 1975.

Under Section 2006 of 15 U.S.C., the EPA is required to develop and provide mileage and fuel cost information to the public in the Mileage Guide and on the labels for individual vehicles. Measurement of fuel economy is required to be done in conjunction with emissions testing to the maximum extent possible for the purposes of both sections 2003 and 2006 of 15 U.S.C. There is no express requirement that fuel economy testing for developing mileage information and for compliance be conducted at the same time. However, doing so results in large savings in terms of costs to the taxpayer, as well as in savings to the new-car buyer.

### The Problem

From letters received by EPA and from media reports, it appears that there is widespread public disbelief of the validity of the EPA estimates. While it is not possible to quantify the problem in terms of how many new-car buyers actually are dissatisfied with the information provided by the EPA estimates, it appears that the estimates are generally believed to be unrealistically high in comparison to fuel economy performance actually achieved on the road. This may result (and perhaps already has resulted), in reduced reliance on the EPA estimates in making new car purchasing decisions, in that those who believe that the Federal government is providing inaccurate information are not likely to use the information in making their new car purchases.

EPA, in conjunction with the Department of Energy (DOE), the Federal Trade Commission (FTC), and the Department of Transportation (DOT), is considering ways to improve the usefulness of the EPA estimates to prospective car buyers. This notice proposes several alternative means for changing the way fuel economy information is provided to the public and requests comments on those alternatives. This notice also provides additional background material and technical information that may be of use to the reader in evaluating the proposed alternatives.

EPA recognizes that the problem being addressed by this rulemaking has two separate components: (1) There are some technical issues related to fuel economy testing which suggest that, in some cases, the fuel economy measured by the test may not be fully representative of the fuel econo-

[1] Throughout the rest of this notice, the Energy Policy and Conservation Act's fuel economy provisions will be referred to as "the Act." Section numbers referred to will be to the provisions of the United States Code added by the Act. Section 301 of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 901, added a new Title V to the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001 et seq.

my experienced on the model type vehicle in actual use; and (2) regardless of the technical accuracy of the testing program itself for the driving conditions represented by the test, there are significant difficulties in communicating the fuel economy information to the public in a form which can be readily used without being misinterpreted. This rulemaking proposes action on only the second of these problems, and in that sense is an interim measure intended to improve the manner in which the fuel economy information is communicated to the public, for the next model year. EPA is continuing to study various means for improving the technical aspects of the testing program, and will propose changes in the actual testing protocols as technical solutions to specific problems are identified. In the discussion that follows, however, both of these subject areas are explored, even though there no longer is enough time to make changes for the 1979 model year in any part of the fuel economy program other than the manner in which the results of the program are communicated to the public.

### Issues Related to Technical Aspects of Program

The EPA fuel economy test is described in Appendix I. The values measured on the EPA test and published in the Guide and on labels provide prospective new-car buyers with a means for considering the fuel economy performance potential of new models available for sale in making purchasing decisions.

In considering fuel economy performance of new models, a prospective new-car buyer can best use the Mileage Guide estimates to compare the relative fuel economy performance potential of new models available for sale. In this manner, he is able to use the estimates to choose the most fuel efficient vehicle that otherwise meets his needs. However, for small mpg differences among cars, technical considerations limit the degree to which the rankings established by the Guide can be interpreted as providing reasonable assurance that in-use performance will rank the same. For example, the relative ranking established in the Guide for a 20 mpg car as compared to a 21 mpg car is not highly significant because of the confounding effect that both production variability and test-to-test variability tend to have on the precision of the measured value. Neither of these factors can be readily controlled by any testing organization, and as such represent technical limitations to the applicability of the data. However, for larger differences in estimated mpg, there is proportionally increasing confidence that the higher ranked car will provide the potential car buyer with better mileage then would the lower ranked car.

The EPA estimates do not provide the new-car buyer with a reliable predictor of the absolute mileage he will achieve with his car under all conditions for a variety of reasons discussed briefly below. Since the EPA test—like any standard test—measures the mileage achieved by a test vehicle under a specified and (and repeatable) set of conditions, the mileage measured on the EPA test provides a measurement of the fuel economy performance of that vehicle and for those conditions. To the extent that an in-use vehicle is driven under conditions that differ from those reflected by the test (i.e., quality of road surface, precipitation, ambient temperature, wind, trip length, state of tune, tire pressure, driver habits, etc.), in-use mileage can be expected to vary from that measured on the test. Thus, a wide range of fuel economy performance in the field is to be expected. Due to his own habits, vehicle condition and traffic conditions, a driver may get significantly poorer mileage than that measured on the test. Some drivers may, however, get better mileage (particularly in the case of the city test) and many get about the same as one of the EPA estimates.

It should also be noted that the owner's car may differ in some respects from the vehicle(s) tested to develop the Gas Mileage Guide value. Some variations between nominally identical vehicles are inevitably introduced in the production process. As noted previously, factors such as production variability and test-to-test variability cannot be readily controlled by the testing organization, so that in-use performance will vary even for two nominally identical vehicles driven under similar conditions.

In addition, for most makes sold, a potential car buyer can choose among a large variety of different options, the effect of which may not be fully reflected by the Mileage Guide value, since in developing Mileage Guide values only a limited sample of the vehicles available for sale are tested. (It would not be feasible to test each of the combinations of model, transmission, equipment, weight, etc. available due to the costs of testing tens of thousands of vehicles.) To some extent, this factor will be minimized beginning in model year 1979 at which time a separate Mileage Guide estimate will be provided for each type of transmission (different number of forward gears) rather than solely by automatic or manual as is currently done. This change to the fuel economy information program has already been issued as a final rule effective in model year 1979.

Another factor that could affect the degree to which the Guide values indicate absolute in-use fuel economy performance is the accuracy with which the test procedures reflect real world effects. For example, some lack of precise specification of details of test procedures in the current regulations has been identified that may permit those manufacturers who choose to do so to gain an advantage on the test which drivers are not likely to experience on the road. For example, past testing procedures have provided for testing of manual vehicles at the shift points recommended in the owners manual. There have been some cases where shift patterns have been used that would not be likely to be used by most drivers but which would improve fuel economy. EPA is now considering the best means to correct this for model year 1979. Similarly, it appears that some manufacturers may have been testing a limited number of vehicles under conditions which give them credit for better aerodynamic characteristics than the vehicles actually have; this practice will be eliminated in model year 1979. Such factors can also impact the validity of the ranking for particular vehicles, since a vehicle which is tested in a way that gives it an unrealistic advantage may be ranked higher in the Mileage Guide than its in-use performance may warrant.

It should also be noted that there has been some concern that the penalties associated with noncompliance with the fleet average fuel economy standards ($5 per car sold per each 0.1 mpg below the standard) may prompt manufacturers in future years to discover and to exploit new test procedure loopholes, the result of which would be a trend towards exaggerating the fuel economy improvement of vehicles on the test over that which is really achievable by the production cars in actual use. The EPA has a continuing program to monitor the industry to determine whether such trends are developing, to prevent such practices from occurring, to develop improved methods for providing mileage information to the consumer and facilitating its interpretation.

It is of interest to consider how the EPA estimate compares to mean in-use fuel economy performance or, similarly, where the estimate falls in the expected range of in-use mileage. As part of an overall program to monitor in-use vehicles, EPA gathered information that may be used to answer that question. EPA measured the mileage of 842 consumer-owned model year 1975-76 vehicles using the EPA test procedure.

EPA also asked car owners[1] to estimate the mileage which they perceived was achieved by their vehicles in both city and highway driving. The data were analyzed to compare owner-perceived mileage to the mileage measured on the EPA test of the owner's vehicle, and to compare the latter to the Mileage Guide estimate. By combining the results, a comparison of owner-perceived mileage to the Mileage Guide estimate can be made. The results of the analysis are provided in Table 1.

[1]Model year 1974 vehicles were also included—the sample size was 565 cars.





As shown in Table 1, the data indicate that on the average the Mileage Guide estimates tend to be somewhat higher than mean owner-reported in-use mileage, specifically 7 percent high for the city test and 16 percent for the highway. The data suggests that two separate components contribute to the discrepancy: The first is differences between test cars and production cars, and the second is differences between the conditions under which the EPA tests cars and those under which an owner measures mileage (including conditions related to where he lives and where and why he drives and his personal driving habits).

Table 1

Comparison of Average Owner-Reported, Average EPA-Measured, and Mileage Guide Fuel Economy

| Owner-reported mileage as percent of EPA-measured mileage | EPA-measured mileage as percent of Guide value (MY 1976 vehicles) | Owner-reported mileage as percent of Guide value |
|---|---|---|
| City 98 pct (MY 1974-76) | 95 | 93 |
| Highway 89 pct (MY 1976) | 94 | 84 |

When a comparison is made (as shown in Table 2) between the mileage measured on the EPA test of in-use cars and the corresponding Mileage Guide estimates, it appears that the correlation is fairly good for the city mileage estimate and less so for the highway mileage estimate. Specifically, almost 90 percent of all in-use cars achieve within 2 mpg of their Mileage Guide value on the city test while only about 70 percent achieve within 2 mpg of their Mileage Guide value on the EPA highway test. These data raise questions about the similarity of the cars tested for fuel economy by EPA, and the cars built and sold by manufacturers, especially insofar as the highway fuel economy characteristics of those cars are concerned. EPA will continue to seek means to eliminate such discrepancies as more comparative data become available that can be used for the purpose of identifying causes for such discrepancies.

Table 2

Percentage of in-use cars tested with EPA-Measured Mileage less than, nearly equal to, and above Guide value

| More than 2 mpg below guide value | Within 2 mpg of guide value | More than 2 mpg above guide value |
|---|---|---|
| City, 10 pct | 88 | 2 |
| Highway, 28 | 68 | 7 |

### Issues Related to Consumer Use and Perception of Fuel Economy Information

The primary concern addressed in this notice is the question of how to communicate the values and limitations of the mileage data to the car-buying public effectively so that the information will be useful and not easily subject to misleading interpretations.

It is hoped that information developed from responses to this notice, and through the public meetings announced at the beginning of this notice, will provide insight into this issue so that an improved manner for providing fuel economy information to the public can be adopted for model year 1979. The DOE is also conducting a study independently to evaluate consumer-related issues in energy conservation programs, the results of which are expected to be of use in this rulemaking. In addition, technical improvements to various aspects of fuel economy measurement will continue to be made in the longer term.

EPA is interested in receiving comments and copies of available studies (particularly quantitative) related to the following questions on consumer use of the mileage estimates:

1. How do the potential car buyers use mileage information in making buying decisions?

2. What kind of fuel economy and fuel cost information do potential car buyers consider most useful? How close to his or her perceived mileage would a published value need to be in order for the car owner to consider that value to be reasonably close to in-use performance?

3. To the extent that the information which potential car buyers consider most useful can technically be developed, how can it best be communicated?

Because of the range of fuel economies experienced in the field, it is clear that less than all new-car buyers can expect to achieve mileage in-use with their cars that is reasonably close (say, within 2 mpg) under all conditions to any reasonable, standard mpg value provided. Some of the people who will not achieve within 2 mpg or so of the published value with their cars may have actually based their decision on whether to buy a particular model ("can I afford the fuel costs?") or whether to trade in their current car for a new one ("will I save money on fuel by buying a more fuel efficient car?") on the published mpg figure. Understandably, these people might feel that the mpg estimates led them to make an improper decision. Thus, unless the limitations to the data when presented in terms of absolute mpg's can be effectively communicated to the car-buying public, it appears likely that for some percent of that public, decisions made on the basis of the absolute value of the mpg estimates will be incorrect. The EPA is particularly interested in receiving comments on how this concept may best be communicated to the public when mileage information is presented in terms of absolute mpg's.

4. At what point in the buying process does the potential car buyer first learn about the mileage estimates (advertising, dealer's showroom)? How does that impact on the manner in which he perceives and uses that information?

5. What percent of the car-buying population is aware of the Mileage Guide? Of those, how many use it?

A closely related issue is that of the role that manufacturer's advertising may have in formulating the car-buying public's perception and understanding of the EPA/DOE mileage information. EPA's regulations and authority under the Act do not extend to manufacturer's claims in advertising relating to fuel economy. Fuel economy claims are subject to the strictures relating to advertising in the Federal Trade Commission guide (16 CFR Part 259 (1975)) which provides that any advertisement containing a claim related to fuel economy estimates must also contain an explanation that fuel economy may vary due to driving conditions, state of tune, etc.

### Proposed Alternatives

Alternative means of publishing fuel economy information are proposed below. Alternative bases for estimating fuel cost are also proposed. The currently applicable regulations were published on November 10, 1976 (41 FR 49752) and amended on September 12, 1977 (42 FR 45668). In the case of each proposed alternative, the mileage information is based on the city and highway test values which are required by section 2003(d) of 15 U.S.C. to be measured and used in determining manufacturers' average fuel economy for compliance purposes. Fuel costs' estimates would be based on either the EPA city, highway or combined estimate or on an absolute mpg value that appears on the label as appropriate.

Currently annual fuel cost information is based on the combined estimate, assuming that a vehicle is driven 15,000 miles in a year and that gaso-

line costs 70 cents per gallon (60 cents per gallon for Diesel fuel). Fuel cost estimates would continue to be based on 15,000 miles traveled per year and on a gasoline cost of 70 cents per gallon (60 cents per gallon for Diesel fuel).

The Agency is interested in receiving comments on the relative merits of each of the proposals discussed below as well as any additional suggestions or information deemed to be relevant. Three general alternatives have been identified for better communicating to the public. A variety of modifications to or combinations of these proposals may also be desirable, and will be considered as appropriate on the basis of responses to this notice. The three general alternatives are:

1. Publish only a single-value miles-per-gallon fuel economy rating.

2. Publish 3 miles-per-gallon values, as at present, but adjust the values to account for driving conditions more adverse to fuel economy than those included in the current EPA tests, and represent the estimates as low, mid-range, and high fuel economy for the car.

3. Publish only a relative fuel economy performance index, in which the measured results from each car are compared to a common base, without providing miles-per-gallon values as such.

Each of these alternatives is described below. A discussion of the relative merits of the proposed alternatives as compared to the current means for publishing mileage information is provided. a final rule will be developed on the basis of comments received in response to this notice and other additional information that becomes available. It is expected that final rulemaking will proceed in time to apply to model year 1979. However, should the record be considered inadequate for the purpose of determining whether a proposed alternative or a variation thereof is appropriate, then final rulemaking may not proceed until such information is available. In that event, the effectiveness of the rule will be delayed until a subsequent model year.

ALTERNATIVE ONE—PUBLISH ONLY A SINGLE-VALUE MPG FUEL ECONOMY RATING.

Under this alternative, a single-value mpg estimate would be used for labeling and for the Mileage Guide. (Any effect of this alternative on advertising would be subject to a separate FTC proceeding.) The single value would be represented as the EPA Fuel Economy Comparison Rating, and could be either the city value, the combined value, or a modification thereof that is generated from the current fuel economy testing program. (As indicated by the data in previous sections, in-use fuel economy performance does not correspond as closely or as frequently to the highway value as to the city or the combined value, so that highway value is not considered here. The fuel cost estimate would be based on that single mpg estimate.

The advantage of using the city value instead of the combined value is that from available data, the city value appears to most closely correspond to the mileage which a high proportion of in-use vehicles are perceived to achieve by their drivers. However, the combined value is the basis for determining compliance with the fuel economy standards, and thus for that reason has an advantage over the city value to the extent that consistency between the mileage information published for the public and that used in determining compliance is desirable.

Publication of a single mpg value appears to have an advantage over the current three estimate approach in that (assuming that use of the highway estimate in advertising is precluded) it eliminates the problem of the car-buyer who focuses only on the optimum number, and provides only that estimate which is more likely to reflect the in-use mileage achieved by the largest portion of the population.

ALTERNATIVE TWO—PUBLISH LOW, MID-RANGE, AND HIGH FUEL ECONOMY ESTIMATES FOR EACH CAR

Under this alternative, the general appearance of the label and Mileage Guide would be about the same as they are at present. However, the definition of each value would change from the present (city, highway, and combined) to low, mid-range, and high, and the numerical values for each of the new categories would be the result of an adjustment to the measured city and highway values. These adjustments would be made on the basis of a pro-rata factor to represent the impact on fuel economy of the adverse conditions that are not included in the EPA tests, i.e., cold weather, poor roads, higher-than-legal speeds, and less-than-optimum maintenance of cars. Such a factor would be based on data availabale on the impact on fuel economy of such variables.

For example, the low value could represent a combination of:

1. City driving with shorter average trip length (e.g., 3 miles) and proportionally more idling than the 18% idle on the 7.5 mile EPA city cycle.
2. Driving in cold (33°F.) rather than warm weather.
3. Higher-than-legal driving speeds.
4. Less-than-optimum maintenance.
5. Driving in a cross wind.

In the aggregate, it is estimated that the combination of these factors would tend to reduce the measured EPA city fuel economy by 10 to 25 percent. Obviously, even larger fuel economy losses could be incurred from even shorter trips, even colder weather, even more congested traffic (more idling), etc., and thus the low estimate could not represent the lowest possible fuel economy that it is possible to achieve. Additions, deletions, or changes to these categories will be considered on the basis of comments received.

Comments are requested in particular on the validity of the following loss factors, the first six of which are based on data published by EPA in a booklet entitled "Factors Affecting Automotive Fuel Economy," September, 1975, and the last of which was determined in the EPA fiscal year 1976 Restorative Maintenance Program:

| FE loss (compared to FTP conditions) from: | *Typical amount of loss, percent* |
|---|---|
| Driving in 33° weather | 8 |
| Tires underinflated by 35 pct | 7 |
| Driving at average highway speed of 58 mi/h | [1]10 |
| Average cross wind of 18 mi/h | [2]2 |
| Heavier load by 250 lbs | [2]3 |
| Average trip length of 3 miles (from cold start) | [1]15 |
| Less-than-optimum maintenance | 3 |

[1] Highway cycle only.
[2] Urban cycle only.

The mid-range value would represent the mean fule economy for all in-use driving. According to several surveys, it appears that the measured EPA city fuel economy, without adjustment, is already close to the mean. For that reason, the measured city value would be used to represent mid-range fuel economy.

The high value would not be intended to represent the highest possible value that could be achieved by the vehicle if driven in a way that maximizes highway fuel economy, as in a fuel-economy contest. Rather, the high value would be intended to represent a level that could reasonably be achieved by a typical driver, in a mix of city and highway driving in a properly-maintained and fully-broken-in car. It is proposed to use a mix of the city and highway estimates weighted at 30 percent and 70 percent, respectively. Other weighting mixes will be considered as appropriate on the basis of comments received. The fuel cost estimate would be based on the mid-range value.

In this approach, the published numbers would refer to the total driving experience in the field, rather than to discrete city, highway, and combined driving which is hard to define and rarely achieved by any individual, and the published values would thus be closer to the ranges of fuel economies experienced in-use.

Both this approach and the first alternative have the deficiency that they cannot possibly account for all feasible fuel economy results. There will be people (though fewer) who get less than the low estimate, and there will also be some people (more than now) who will get more than the high estimate. For some of these people, the EPA data will continue to appear to be wrong; however, since few people consider themselves to have been mislead when they do better than the EPA estimate, the reduction in the number of people who get less than the EPA estimate should be beneficial to overall public credibility, acceptance and use of the estimates.

ALTERNATIVE THREE—PUBLISH ONLY A RELATIVE FUEL ECONOMY PERFORMANCE INDEX

Under this alternative the current combined value, which gives credit for both city and highway fuel economy performance, would be compared to a base value. The resulting ratio (multiplied by 100) would be published as representing the relative fuel economy performance rating for the car. The fuel cost estimates would be based on the combined value as is currently done.

Various ways of establishing the base value exist, but for purposes of this illustration, it is assumed that the base value would be equal to the statutory 1985 passenger automobile fuel economy standard of 27.5 mpg. Whatever base value is chosen should be low enough to avoid the published index value being mistaken for a mpg estimate. Thus, for 1979 the combined value for each car would be divided by 27.5 and multiplied by 100, as in the following illustration (using 1978 data for cars in the example):

| Car | Current | | | Alternative three | |
|---|---|---|---|---|---|
| | City | Highway | Combined | Car | Index rating |
| Datsun B-210 | 28 | 40 | 33 | Datsun B-210 | 120 |
| Pinto manual | 25 | 35 | 29 | Pinto manual | 106 |
| Concord automatic | 18 | 23 | 20 | Concord automatic | 73 |
| Olds Omega manual | 16 | 28 | 19 | Olds Omega manual | 69 |
| Toronado automatic | 13 | 19 | 15 | Toronado automatic | 55 |

The advantage of this approach is that it completely gets away from miles-per-gallon values; in that way this approach is the only proposed alternative that cannot readily be interpreted as a prediction of absolute in-use mileage and which focuses attention on the relative nature of the EPA fuel economy data.

However, it is possible that many people are interested in comparing the mileage which their current vehicle achieves to that of a new model, as well as in considering fuel costs. They need miles-per-gallon values to do so. To the degree that this is the case, the index might not be used to guide purchase decisions. In addition, it would be possible to convert the index to miles-per-gallon values, simply by multiplying it by the base level and dividing by 100. Various media might be expected to do this and to publish the results. To the extent that is done, the value of using an index is reduced, particularly if the actual mpg values continued to appear in advertisements (a practice which may not be subject to prohibition due to legal limitations).

Interested parties may participate in this rulemaking by submitting comments (in quadruplicate if possible) to the EPA at the address given above no later than March 21, 1978. All relevant material received during the comment period will be considered.

It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material for which trade secrecy is claimed. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will return any comments which are claimed, in whole or in part, to be confidential.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

ECONOMIC IMPACT

NOTE: The Environmental Protection Agency has determined that this document does not contain a major action requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949, and OMB Circular A-107.

(Sec. 301 Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2003, 2006))

Dated: February 9, 1978.

DOUGLAS M. COSTLE,
*Administrator.*

APPENDIX I

*EPA Fuel Economy Testing.* For the most part, preproduction cars are tested for generating the fule economy data. This is necessary to permit the data to be compiled in the Gas Mileage Guide, as well as included on the labels, promptly after the cars go on sale. If actual production cars were used for fuel economy testing, the Gas Mileage Guide could not be in the showrooms until much later in the model year, and the cars produced early in the model year could not be labeled with their fuel economy ratings as required by the Act. Thus new-car buyers for most cars would have no means of comparing new car fuel economies prior to purchase.

Under the current fuel economy regulations, the EPA publishes three mileage estimates for each new model—a city mileage estimate, a highway mileage estimate, and a combined mileage estimate. The data used to calculate the city and highway fuel economy estimates are generated by operating vehicles in a laboratory under conditions typical of driving on a warm day. The test is made on an apparatus called a dynamometer. The combined estimate is an average of the city and highway values, weighted to reflect the proportion of all U.S. driving done on urban and nonurban roads.

On a dynamometer a car can be driven without actually moving forward, with any desired combination of speeds, number of stops, acceleration and deceleration rates, and distances. The ability to control these factors in the laboratory permits each test to be run the same way (i.e., without the confounding effect of variations in driving conditions), so that the relative fuel economy of the cars can be seen, rather than effects of weather, road conditions, or driver habits.

The EPA city test is composed of two 7.5 mile trips on level, paved roads with 18 stops, a top speed of 56 mph and an average speed of 20 mph per trip. Each trip lasts for 23 minutes, 18 percent of which is idling time (about 4 minutes). One city trip is from a cold start at about 75°F; one is made with the engine already warmed-up. The two trips are averaged together, with the warmed-up trip weighted somewhat more heavily to reflect the in-use ratio of hot and cold starts. The highway test represents a 10-mile, non-stop trip on level, paved roads with the vehicle warmed-up. The trip has an average speed of just under 50 mph, a top speed of 60 mph and lasts for 13 minutes. The temperature in the laboratory is maintained in a range of 68° to 86°F.

[FR Doc. 78-4126 Filed 2-15-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91, 93, 95]

[Docket No. 21142; FCC 78-71]

### GENERAL MOBILE RADIO SERVICE

**Replacing the Low Pass Audio Filtering Requirements With a Revised Emission Limitation Standard**

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The Commission seeks additional comment on the interim digital emission limitation standard adopted earlier in this proceeding, particularly with respect to the possibility of applying the digital standard to analog communications in all of the land mobile frequency bands between 25 and 866 MHz. The adoption of such a standard will result in greater flexibility in design of radio transmitters.

DATES: Comments must be received on or before August 16, 1978, and reply comments must be received on or before October 16, 1978.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James E. McNally, Jr. or Neal Pike, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, 202-632-6497.

### FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: February 2, 1978.

Released: February 9, 1978.

By the Commission: Commissioner Washburn concurring in the result.

In the matter of amendment of Parts 89, 91, 93, and 95 (General Mobile Radio Service) of the Commission's rules and regulations to replace the low pass audio filtering requirements with a revised emission limitation standard, Docket No. 21142.

1. On the same date the Commission adopted a First Report and Order in this proceeding (published elsewhere in this issue) which provided for the routine authorization of F3Y emission (digital voice modulation) in the Police and Fire Radio Services, and F9Y emission (for non-voice digital systems) in all of the private land mobile radio services regulated by Parts 89, 91, and 93 of the Commission's rules. In connection with this, the Commission adopted an interim digital emission limitation standard applicable to all digital systems requiring bypass of the normally required low pass audio filter.[1] The adoption of an interim emission limitation standard for high bit rate digital systems was necessary in order for the Commission to be responsive to the needs of licensees for greater flexibility in the design of digital communications systems intended for use on narrow-band FM channels.

2. Since the fundamental purpose of an emission limitation standard is the preclusion of interference on unauthorized frequencies, it is our belief that a single standard should suffice for both analog and digital systems to be operated on narrow-band FM channels. We also believe that there is no compelling reason why such a standard could not be applied to all transmitters to be operated in the 25 to 50, 150 to 174, 450 to 512, 806 to 821, and 851 to 866 MHz bands.[2]

3. The interim digital emission limitation standard developed by the Commission on the basis of information submitted in response to the original notice of proposed rulemaking was of the traditional format in that it specified the permissible emission limit in terms of a maximum permissible emission envelope. The General Electric Co. (GE) and Motorola, Inc., in comments filed in response to the original Notice, argued that standards of this type were undesirable because they did not reflect the actual measure of protection to be afforded adjacent channel systems. Accordingly, both GE and Motorola recommended that the Commission adopt the emission limit measurement procedure set forth in Electronic Industries Association (EIA) Standard RS-152-B.[3]

4. We admit that our traditional way of specifying emission limitations suffers from the deficiency mentioned by GE and Motorola. However, the specification of the maximum permissible emission envelope does enable the computation of the "worst case" protection which would be afforded to adjacent channel stations (this assumes maximum permissible power at all displacement frequencies). Further, the measurement procedure set forth in EIA Standard RS-152-B is quite complicated and time consuming compared to the procedure required to satisfy the Commission's present requirements.[4] Further, EIA Standard RS-152-B assumes a certain minimum performance on the part of the adjacent channel receiver.[5] Such a departure from the traditional way of measuring transmitter emission limits should not, we felt, be implemented prior to obtaining the views of other interested parties.

5. In view of the uncertainties associated with the measurement procedure set forth in EIA Standard RS-152-B, we have set forth in the Appendix rules based on the following specific proposals:

a. The interim standard for digital transmitters set forth in the First Report and Order will be adopted on a permanent basis.

b. The digital transmitter emission limitation standard will be made applicable to analog transmitters, thereby enabling us to eliminate the rules pertaining to low pass audio filtering.

c. The new emission limitation will apply to all transmitters to be operated in the 25-50, 150-174, 450-512, 806-821 and 851-866 MHz bands.

d. All transmitters submitted for type acceptance on or after a date one year after the date of the adoption of the new rules would be required to meet the new emission limitations. The type acceptance status of transmitters type accepted before that date would not be affected.

6. Nevertheless, in view of the favor shown earlier in this proceeding for Commission adoption of the transmitter emission limit measurement procedure specified in EIA Standard RS-152-B, we wish to pose the following questions:

a. Should the emission limitations herein proposed by the Commission (and presently set forth in the Rules as being applicable to narrow band digital transmitters) be replaced the emission limit measurement procedure set forth in EIA Standard RS-152-B?

b. If so, should the Commission adopt the emission limits specified in EIA Standard RS-152-B? If not, what

[1] See §§ 89.109 (h) and (i), 91.105 (g) and (h), 93.105 (g) and (h) and 95.619(e) of the rules. See also 42 FR 27974, June 1, 1977.

[2] Under this proposal, manufacturers wishing to meet the emission limitations through the use of low pass audio filters would probably have to use a better filter than the one (40 $\text{Log}_{10}$ f/3) presently prescribed by the Rules for frequencies below 450 MHz. However, even if our adoption of this single standard would, in practical terms, require the use of a higher quality filter than the one presently used in the lower frequency bands, it is our hope that an equipment cost increase could be avoided through discounts which would normally be given on large quantities of the single filter which would enable the transmitter to meet the new emission limitations.

[3] EIA Standard RS-152-B, "Minimum Standards for Land Mobile Communication FM or PM Transmitters, 25-450 MHz," is a widely used guideline for the design of narrow band FM communications sytems. Many of the standards set forth therein are the Commission's own.

[4] Present requirements involve the submission of a plot of the characteristic of the audio low pass filter and a description of the radiated emissions. (The usual procedure is to submit a photograph taken from a spectrum analyzer.)

[5] We have very little information on receiver selectivity characteristics are we not certain that the "average" receiver meets the EIA specification.





should the decibel value of the adjacent channel protection afforded be?

c. Should the Commission accept measurements made per EIA Standard RS-152-B only on an alternative basis (i.e., when a portion of a transmitter's radiated emission spectrum exceeds the FCC emission limitation standard, but because of substantially reduced power in other critical areas of the spectrum, is not expected to have any adverse impact on the performance of adjacent channel systems)?

d. In connection with questions (a), (b) and (c) above, the Commission requests that manufacturers submit sufficient information on receiver selectivity characteristics in order that we may determine whether or not the receiver selectivity requirements set forth in EIA Standard RS-152-B are representative of equipment presently in widespread use.

7. In connection with the above, the Commission invites demonstrations or tests which will result in technical data providing additional insight into the questions of adjacent channel interference and the necessary emission limitation standards. Such tests or demonstrations, however, should be adequately documented so as to preclude any ambiguity about the means used in deriving the data. Analytic or laboratory data is preferred to data derived through subjective means, and will be given considerably more weight than the latter.

8. Lastly, General Electric, in comments filed in response to the original Notice, proposed that standards be adopted for F3Y emission (digital voice modulation) and digital voice encryption. They maintain that standards should be adopted which specify the voice digitizing technique, symbol rate, idling codes and carrier modulation. While we appreciate the advantages of standardization, we believe it would be premature to impose any standards at this time in view of the developmental nature of this mode of communication. Nevertheless, we invite further comment as to whether or not standardization is desirable and if so, what form the standards should take.

9. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before August 16, 1978, and reply comments on or before October 16, 1978. Revelant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decisions, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

I. Part 89 of the Commission's Rules is amended as follows: (Parts 91, 93 and 95 would be similarly amended.)

1. In § 89.107, paragraph (f) is deleted and paragraph (c) is amended to read as follows:

§ 89.107 Emission limitations

* * * * *

(c) Except as provided in paragraph (d) of § 89.109, the power of any sideband emission of a transmitter shall be attenuated below the unmodulated transmitter output power (P) in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) between 5 and 10 kHz, the attenuation shall be:

$83 \text{ Log}_{10} (f_d/5)$ dB.

(2) On any frequency removed from the assigned frequency by a displacement frequency ($f_d$) greater than 10 kHz, the attenuation shall be:

$116 \text{ Log}_{10} (f_d/6.1)$ dB, or $50 + 10 \text{ Log}_{10} (P)$ dB,

whichever is less.

* * * * *

2. In § 89.109, paragraphs (e), (f), (g), (h), (i) and (k) are deleted and paragraph (d) is amended to read as follows:

§ 89.109 Modulation requirements.

* * * * *

(d) Until (a date one year from the effective date of the new rules) a transmitter in the frequency ranges 25 to 50, 72 to 73, 75.4 to 76 and 150.8 to 162 MHz, may, in lieu of meeting the emission limitations specified in paragraph (c) of § 89.107, be equipped with an audio low pass filter having, at audio frequencies between 3 and 15 kHz, an attenuation greater than the attenuation at 1 kHz by at least:

$40 \text{ Log}_{10} (f/3)$ dB,

where "$f$" is the audio frequency in kHz. At audio frequencies above 15 kHz, the attenuation shall be at least 28 dB greater than the attenuation at 1 kHz. This filter shall be installed between the modulation limiter and the modulated stage. The provisions of this paragraph do not apply to transmitters of licensed radio-communications systems operated wholly within the limits of one or more of the territories or possessions of the United States or Alaska, or Hawaii.

[FR Doc. 78-4336 Filed 2-15-78; 8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

[Notice of Designation No. A568]

### LOUISIANA

### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in West Baton Rouge Parish, as a result of excessive rainfall April 22 through May 1 and August 28 through November 21, 1977, drought May 2 through July 23, 1977, and excessive rainfall with extremely high winds from Hurricane Babe, September 5, 1977.

Therefore, the secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than August 4, 1978, for physical losses and February 5, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of February 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4242 Filed 2-15-78; 8:45 am]

[3410-07]

[Notice of Designation Number A569]

### MAINE

### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Maine Counties as a result of excessive rainfall June 1 through October 1, 1977, in all counties (Washington County also reported a hailstorm June 16, 1977):

Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, Washington, York.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904, Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor James B. Longley that such designation be made.

Applications for emergency loans must be received by this Department no later than August 4, 1978, for physical losses and February 5, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of February 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4243 Filed 2-15-78; 8:45 am]

[3410-11]

### Forest Service

### HOT POINT LAND MANAGEMENT PLAN

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Hot Point Land Management Plan, Forest Service Report No. USDA-FS-R1(17) DES (Adm) 78-7.

The environmental statement concerns a land management plan for the 15,429 acre Hot Point Planning Unit, presenting resource information, resource allocation decisions, management guidelines, alternatives, and environmental impacts.

This draft environmental statement was filed with EPA on February 8, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Building, Room 3231, 12th St. & Independence Avenue SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, Mont. 59807.
USDA Forest Service, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530.
USDA Forest Service, Selway Ranger District, Kooskia, Idaho 83539.

A limited number of single copies are available upon request to Forest Supervisor, Donald L. Biddison, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by April 10, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: February 8, 1978.

JAMES E. REID,
*Acting Regional Forester,*
*Northern Region, Forest Service.*

[FR Doc. 78-4256 Filed 2-15-78; 8:45 am]

[3410-16]

### Soil Conservation Service

### IRRIGATION FEATURES, MONROE-ANNABELLA WATERSHED, UTAH

### Intent to not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Irrigation Features of the Monroe-Annabella Watershed, Sevier County, Utah.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George D. McMillan, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for improvement of the existing irrigation system. The planned works of improvement include approximately 41,500 feet of irrigation canal and ditch lining, approximately 73,000 feet of irrigation pipelines, water control structures and appurtenances.

The notice of intent to not prepare an environmental impact statement has been forward to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, 801-524-5051. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until March 20, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: February 7, 1978.

JOSEPH W. HAAS,
*Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.*

[FR Doc. 78-4208 Filed 2-15-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[Order No. 78-2-56; Docket No. 30564]

### AIRLINE TARIFF PUBLISHING CO.

### Order Regarding Petition for Prior Board Approval for Discussions on Joint Air-Motor Tariff Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of February 1978.

By letter dated December 19, 1977, Airline Tariff Publishing Co. (ATP) requests a 3-month extension of the discussion period granted by Order 77-6-136, dated June 28, 1977, to all scheduled-service air carriers and all motor carriers to discuss the development of uniform tariff rules for a domestic intermodal rules tariff. The authorization expired on December 28, 1977.

In support of its request, ATP states that although excellent progress is being made, it is evident that final results will not be attainable by the end of 1977, and, thus, the air and motor carriers, at a meeting held November 22, 1977, requested that ATP request the Board to extend the discussion authority for an additional period of 3 months.

At the first meeting held on September 8, 1977, two task forces were appointed, and subsequent meetings were held on October 20, 26, and November 17, and 22, 1977.

Representatives of the Board and ICC have attended these working sessions, and all participants worked on assignments between meetings. In addition to the model Joint Truck/Air Rules Tariff being developed, the parties have worked on a possible interline service agreement and a claims handling and procedures agreement, which will be presented to the Board for approval. ATP further states that the carriers have tentatively scheduled another general meeting for January 31, 1978, to review the results of task force activities.

No comments have been filed.

Upon consideration of the request, the Board will authorize the extended time for these intermodal discussions. It appears that considerable progress has been made and that the carriers are close to agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412 and 414,

*It is ordered*, That the authorization of discussions in Order 77-6-136 is extended through March 31, 1978.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4324 Filed 2-15-78; 8:45 am]

[6320-01]

[Order No. 78-2-55; Docket No. 30679]

### FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

### Order on Reconsiderotion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1978.

[1] All members concurred.

By Order 77-12-22, the Board modified the scope of this case so as to allow the applicants an opportunity to propose service beyond Daytona Beach, Sarasota-Bradenton, and Tallahassee to Tampa or Miami on flights also serving Atlanta and one of the Florida points now in issue. However, we specifically denied a request to include Tampa as an alternate gateway (in addition to Atlanta) to the north.

Eastern Air Lines has filed a petition for reconsideration which no party opposes. Eastern points out that ordering paragraph (3) of Order 77-12-22 could allow certain applicants to utilize Tampa as a gateway to the north by virtue both of their present authority and the geographical location of Tampa in relation to Sarasota-Bradenton. As Eastern correctly observes, it was not our intention to permit Tampa to be used as an alternate to Atlanta. In its present form, however, the ordering paragraph raises such a possibility. Accordingly, the text of ordering paragraphs 1(a) and 3 have been modified and consolidated into a single ordering paragraph to read as follows:

1(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation between Atlanta, on the one hand, and Daytona Beach, Sarasota/Bradenton, and Tallahassee, on the other. Any applicant may propose to extend such flights to Tampa (if it already holds Atlanta-Tampa authority) or Miami (if it already holds Atlanta-Miami authority) after making one or more intermediate stops at Daytona Beach, Sarasota/Bradenton or Tallahassee; provided that these flights originate or terminate at Tampa or Miami.

Southern Airways has filed for a clarification of Order 77-12-22 which is directed also to ordering paragraph (3). Southern's complaint is directed to the first sentence of that paragraph, which provides that "Any applicant now authorized to serve Atlanta, on the one hand, and Tampa or Miami, on the other, may propose one-stop service via Daytona Beach, Sarasota-Bradenton, or Tallahassee between such currently authorized points." Southern correctly draws the inference that it may not propose in this proceeding one-stop service between Atlanta and Tampa since it is not currently authorized to serve Tampa. The carrier, therefore, requests that we delete the quoted sentence. Eastern has filed an answer in opposition.

Again, the purpose of including Tampa and Miami in this proceeding was to provide a southern terminal for proposed Atlanta-Florida service at a Florida point now served by the applicants, so as to obviate possible stub-end services at Daytona Beach, Sarasota-Bradenton, or Tallahassee, which are not at present served by some applicants. We thus expanded the case to allow service beyond those three

cities to Tampa or Miami. Southern currently serves Miami and therefore has no stub-end problem under the scope of this case. Accordingly, Southern's request is denied.

Applications and acceptable motions to consolidate have been filed by Allegheny, Docket 30749; Braniff, Dockets 31275, 31276, and 31277; Delta, Docket 29126; and Southern, Docket 31916. These motions will be granted and the applications, to the extent that they conform to the scope of this proceeding, will be consolidated.

Accordingly, *It is ordered*, That ordering paragraphs 1(a) and (3) shall be modified and consolidated to read as follows:

1(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation between Atlanta, on the one hand, and Daytona Beach, Sarasota/Bradenton, and Tallahassee, on the other. Any applicant may propose to extend such flights to Tampa (if it already holds Atlanta-Tampa authority) or Miami (if it already holds Atlanta-Miami authority) after making one or more intermediate stops at Daytona Beach, Sarasota/Bradenton or Tallahassee; provided that these flights originate or terminate at Tampa or Miami.

2. The request of Southern Airways, Inc., to delete the first sentence of ordering paragraph (3) be denied;

3. The applications of Allegheny Airlines, Inc., Docket 30749; Braniff Airways, Inc., Dockets 31275, 31276, and 31277; Delta Air Lines, Inc., Docket 29126, and Southern Airways, Inc., Docket 31279, to the extent they conform to the scope of Docket 30679, be consolidated with that proceeding;

4. Except to the extent granted, all petitions, motions and requests be denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[1]

PHYLLIS T. KAYLOR,
*Secretary.*

[6320-01]

[Docket No. 30555]

**PEANUTS FARE INVESTIGATION**

**Postponement of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on February 14, 1978 at 9:30 a.m. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428 (43 F.R. 4446, February 2, 1978) is hereby postponed until further notice.

[1] All members concurred.

Dated at Washington, D.C., February 9, 1978.

BURTON S. KOLKO,
*Administrative Law Judge.*

[FR Doc. 78-4319 Filed 2-15-78; 8:45 am]

[6320-01]

[Docket No. 24847]

**TRANSAVIA HOLLAND B. V.**

**Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 9, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before February 23, 1978, and the other parties on or before March 2, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of International Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 10, 1978.

WILLIAM A. KANE, Jr.,
*Administrative Law Judge.*

[FR Doc. 78-4320 Filed 2-15-78; 8:45 am]

[3510-22]

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**DR. NICHOLAS R. HALL AND DR. WILLIAM W. DAWSON**

**Modification of Permit**

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit No. 93 issued to Dr. Nicholas R. Hall and Dr. William W. Dawson, Department of Ophthalmology, College of Medicine, University of Florida, Gainesville, Fla. 32610, on May 6, 1975 (40 FR 21507), is modified in the following manner:

Section B-9 has been changed to read, "this Permit is valid with respect to the taking authorized herein until December 31, 1980."

This modification is effective on February 16, 1978. The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: February 8, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc 78-4241 Filed 2-15-78; 8:45 am]

[3510-22]

**DR. RONNIE J. GILBERT**

**Issuance of an Endangered Species Permit**

On November 23, 1977 (FR 42 69923) the Fish and Wildlife Service published a notice in the FEDERAL REGISTER that an application to take shortnose sturgeon (*Acipenser brevirostrum*), an endangered species of fish, had been filed with the Fish and Wildlife Service by Dr. Ronnie J. Gilbert, USDI-FWS, Georgia Cooperative Fishery Research Unit, University of Georgia, Athens, Ga. 30602. Subsequently, the application was forwarded to the National Marine Fisheries Service for further processing.

Notice is hereby given that on February 6, 1978, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to Ronnie J. Gilbert, subject to certain conditions set forth therein.

The Permit authorized the holder to capture, radio tag, identify, and release up to twelve (12) shortnose sturgeon (*Acipenser brevirostrum*), and to obtain dead specimens incidentally taken by commercial shad fishery operations or from authorized research activities.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and it subject is, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The Permit is available for review by interested persons in the following offices:





Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: February 6, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4238 Filed 2-15-78; 8:45 am]

[3510-22]

**DETROIT ZOOLOGICAL PARK**

**Modification of Permit**

Notice is hereby given that pursuant to the provisions of sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 147 issued to Detroit Zoological Park, 8450 West Ten Mile Road, P.O. Box 39, Royal Oak, Mich. 48068, on August 23, 1976 (41 FR 36529), is modified in the following manner:

Section B-6 has been changed to read, "This Permit is valid with respect to the taking authorized herein until December 31, 1979."

This modification is effective on February 16, 1978. The permit as modified is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Mass. 01930.

Dated: February 6, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4237 Filed 2-15-78; 8:45 am]

[3510-22]

**SOUTHWEST FISHERIES CENTER**

**Issuance of Permit for Marine Mammals**

On October 11, 1977, notice was published in the FEDERAL REGISTER (42 F.R. 54854), that an application had been filed by the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, Calif. 92037, for a permit to conduct the following activities:

1. Tag and/or mark up to 100 spinner dolphins (*Stenella longirostris*) in the waters of Hawaii; and

2. Take, tag and/or mark the following numbers of marine mammals from the Eastern Tropical Pacific Ocean:

a. 150,000 spotted dolphin (*Stenella attenuata*)
b. 100,000 spinner dolphin (*Stenella longirostris*)
c. 75,000 common dolphin (*Delphinus delphis*)
d. 50,000 striped dolphin (*Stenella ceruleoalba*)
e. 50,000 bottlenosed dolphin (*Tursiops truncatus*)
f. 5,000 rough toothed dolphin (*Stene bredanensis*)
g. 1,000 Fraser's dolphin (*Lagenodelphis hosei*)
h. 250 pygmy killer whale (*Feresa attenuata*)
i. 250 melon-headed whale *Peponocephala electra*)
j. 1,000 Risso's dolphin (*Grampus griseus*)

3. Collect and/or import an unspecified number of biological specimens and carcasses of animals of the above mentioned species which are killed accidentally or found dead in the course of the research.

Notice is hereby given that on February 3, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Sercice issued a Permit to the Southwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The Permit authorizes the requested taking and importing only after the submission of progress reports which will be evaluated in consultation with the Marine Mammal Commission to insure that only long-term harmless and highly visible tagging/marking techniques will be used.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: February 3, 1978.

JACK W. GEHRINGER,
*Deputy Director, National Marine Fisheries Service.*

[FR Doc. 78-4239 Filed 2-15-78; 8:45 am]

[3510-22]

**SEA-ARAMA MARINEWORLD**

**Issuance of Permit to Take Marine Mammals**

On December 5, notice was published in the FEDERAL REGISTER (42 FR 61490), that an application had been filed with the National Marine Fisheries Service by Sea-Arama Marineworld, Seawall Boulevard at 91st Street, P.O. Box 3068, Galveston, Tex. 77550, for a Public Display Permit to take two (2) Atlantic bottlenosed dolphins (*Trusiops truncatus*) for public display.

Notice is hereby given that on February 7, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Sea-Arama Marineworld, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33701.

Dated: February 7, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4240 Filed 2-15-78; 8:45 am]

[3510-22]

**TRANSFER OF FISHING VESSEL TO FOREIGN OWNERSHIP**

**Receipt of Application for Approval**

Notice is hereby given that on December 23, 1977, the Maritime Administration of the Department of Commerce received an application from Luther D. Watts and Lucille G. Watts, 2680 Sunset Avenue, West Linn, Oreg. 97068, for the approval of the sale of the 30.2' registered length fishing vessel *Lu-Den*, O.N. 572185, to Ivan Martushel, Route 1, Box 261, Hubbard, Oreg. 97032. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (36 U.S.C. 808,335), because the applicant is a Russian citizen and the contemplated transfer could subject the vessel to foreign control. The vessel has been modified to admeasure at under 5 net tons and is to be operated out of Homer, and Seward, Alaska, primarily in the fishery for halibut and salmon.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the view of the Service with regard to this application. Before responding, the Ser-

vice is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than March 20, 1978.

All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: February 10, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4209 Filed 2-15-78; 8:45 am]

[3510-22]

### TRANSFER OF FISHING VESSEL TO FOREIGN OWNERSHIP

#### Receipt of Application for Approval

Notice is hereby given that on December 21, 1977, the Maritime Administration of the Department of Commerce received an application from Julian A. Cervantes, 827 Southard Street, Key West, Fla. 33040, for approval of the sale of the 32.0' registered length fishing vessel *Karen Anne*, O.N. 288955 to Carlos Rodrievez, 5th Avenue, Apt. 6, Stock Island, Key West, Fla. 33040. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (36 U.S.C. 808,335), because the applicant is a Cuban citizen and the contemplated transfer could subject the vessel to foreign control. If the transfer is approved the vessel will be modified to be admeasured at under 5 net tons and will be operated primarily in the fishery for spiny lobster.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Before responding, the Service is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than March 20, 1978. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: February 10, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4210 Filed 2-15-78; 8:45 am]

[3510-18]

#### Office of the Secretary

[Appropriation No. A/801/1017-00/17-00]

### INVITATION TO U.S. AND ISRAELI FIRMS TO SUBMIT JOINT PROPOSALS TO THE BIRD FOUNDATION FOR INDUSTRIAL R&D PROPOSALS

#### Submit Proposals

On May 18, 1977, the Israel-U.S. Binational Industrial Research and Development Foundation (BIRDF) was formally established and endowed with $60 million—$30 million from each country.

The Foundation, the first of its kind between the U.S. and another country, is designed to support and promote joint, non-defense, industrial research and development activities that have significant commercial potential and that are of mutual benefit to the United States and Israel. A further objective of the BIRDF is to develop collaborative relations between U.S. and Israeli firms. The scope of industrial research and development activities which the BIRDF may support includes all activities in the process through which an innovation becomes a commercial product, including, but not limited to industrial R&D, product engineering and manufacturing startup.

The BIRDF is operated by an Executive Director and a staff. The Executive Director reports to a Board of Governors consisting of senior U.S. and Israeli Government officials. The U.S. members of the Board of Governors are the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of the Treasury for International Affairs; and the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs. Representing Israel on the Board are the Director General of the Ministry of Commerce, Industry and Tourism; the Director General of the Ministry of Finance; and the Chief Scientist of the Ministry of Commerce, Industry and Tourism.

Experience has indicated that the successful commercialization of new technological innovations is influenced not only by the technological success of the project but by the degree to which the innovation is successfully analyzed, evaluated and planned during its conceptual phases. Therefore, in order to maximize the probability that BIRDF awards will eventually result in the successful commercialization of new ventures, a relatively high level of analysis, evaluation, and planning is desirable. It is also desirable as an input to guide the Foundation in allocating its resources. It is recognized that small firms are good sources of ideas for new innovations. Many small firms, however, lack the resources to conduct the necessary research and development and the expertise to analyze, evaluate, and plan a proposed technological innovation to the level of sophistication which will provide the desired impact on commercialization success and the desired guidance to the allocation of the Foundation's resources. To overcome this problem, a flexible award process has been designed.

The first step in this process is the joint submission of a preliminary proposal by recognized, for-profit, commercial entities of both the United States and Israel. This proposal will be used by the BIRDF as a means for deciding the extent and type of funding which is justified. In cases where the technical feasibility of a proposed new innovation concept has been well-established and preliminary analysis indicates high commercial potential and large mutual benefits to Israel and the U.S., the BIRDF can supply funds of up to $10,000 to small firms to be used to prepare a final more detailed proposal requesting additional funds. Larger firms who do not qualify for such funding will be asked to prepare a final proposal with their own resources if the proposed concept warrants.

In cases where there is significant technological or other types of uncertainty but where the potential returns appear to justify investment to resolve these uncertainties, intermediate awards of up to $100,00 for a period not to exceed one year may be awarded to resolve the uncertainties and prepare a more detailed feasibility analysis to be included in a proposal for additional funding.

The process through which award decisions are made and the general eligibility condition for BIRD Foundation awards are set out in a BIRD Foundation publication "Guidelines for Preparing Proposals". A copy of this document may be obtained by writing:

Binational Industrial R&D Foundation, c/o Mr. Marc Aron, Government of Israel Investment Authority, 641 Lexington Avenue, New York, N.Y. 10022.

Informal discussions between the applicant and the BIRDF are encouraged. These discussions, if desired, can serve to provide inputs to aid an applicant in deciding whether or not to apply for funding and can often help in identifying the other-country partner required for joint application.

Inquiries may be made to:

Executive Director, BIRD Foundation, P.O. Box 39104, Ramat Aviv, Tel Aviv, Israel, (03) 471569.

Dated: February 9, 1978.

JORDAN J. BARUCH,
*Assistant Secretary for Science and Technology.*

[FR Doc. 78-4227 Filed 2-15-78; 8:45 am]





[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1100]

### PETITIONS FOR RECONSIDERATION OF ACTION IN RULEMAKING PROCEEDINGS FILED

FEBRUARY 10, 1978.

| Docket or RM No. | Rule No. | Subject | Date received |
|---|---|---|---|
| 18875 | | Policy to be followed in future licensing of facilities for overseas communications. | |
| | | Filed by Edgar Mayfield, Robert E. Boone, Jr., and Thomas J. Reiman, attorneys for American Telephone and Telegraph Co. | Feb. 2, 1978 |
| | | Filed by Henry Goldberg, attorney for FTC Communications, Inc. | Do. |
| | | Filed by Howard A. White and Theodore J. Fischkin, attorneys for ITT World Communciations, Inc. | |
| | | Filed by Francis J. DeRosa and Charles M. Lehrhaupt, attorneys for RCA Global Communications, Inc. | Do. |
| | | Filed by Robert E. Conn, executive vice president for Western Union International, Inc. | Do. |
| | | Filed by J. Randolph MacPherson, chief trial attorney for Department of Defense. | Do. |
| | | Filed by John M. Richardson for Office of Telecommunications, U.S. Department of Commerce. | Feb. 3, 1978 |
| | | Filed by Roderick A. Mette, vice president and counsel for TRT Telecommunications Corp. | Feb. 8, 1978 |

NOTE.—Oppositions to petitions for reconsideration must be filed on or before March 3, 1978. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc 78-4252 Filed 2-15-78; 8:45 am]

[3810-70]

## DEPARTMENT OF DEFENSE

#### Defense Nuclear Agency

#### PRIVACY ACT OF 1974

#### System of Record Amendment

AGENCY: Defense Nuclear Agency (DNA).

ACTION: Notice of amendment to a system of records.

SUMMARY: The Defense Nuclear Agency (DNA) proposes to amend an existing system of records to its record system inventory subject to the Privacy Act of 1974. This amended system is identified as HDNA 609-02, entitled: "Personnel Radiation Exposure Records." The specific changes to the system being amended is set forth below followed by the record system published in its entirety, as amended.

DATES: This system shall be amended as proposed without further notice March 20, 1978, unless comments are received on or before March 20, 1978, which would result in a contrary determination and requiring republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system.

FOR FURTHER INFORMATION CONTACT:

Rosemary H. Griffith, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305, telephone 202-325-7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency (DNA) systems of records inventory subject to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), was published on September 28, 1977 at 42 FR 51073. DNA submitted a proposed altered system report to amend this system published September 28, 1977 at 42 FR 51078, on December 23, 1977 pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, and Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975 and May 17, 1976, respectively. These provisions provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to established or alter systems of personal records as required by the Privacy Act of 1974, 5 U.S.C. 552a(o) (Pub. L. 93-579). This OMB Guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 13, 1978.

HDNA 609-02

*System name:* 609-02 Personnel Radiation Exposure Records 42 FR 51078, September 28, 1977.

Changes:

*System location:* Add "and Office of the Commander, Enewetak Atoll, Marshall Islands." at the end of the paragraph.

*Categories of individuals covered by the system:* Add "At Enewetak, all individuals who work or visit the Atoll other than transient air crews and air passengers who do not leave the aircraft. At the Uniformed Service University of the Health Sciences, all employees, students, visitors, contractors or anyone else known to enter a radiation environment at Uniform Services University of the Health Sciences (USUHS)." after the second sentence.

*Categories of records in the system:* Delete entire entry and substitute

"For employees at AFRRI, FCDNA, and USUHS file contains personal information consisting of name, social security number, date of birth, current and previous radiation exposure, history and places of employment and when exposures occurred. For others, at AFRRI, FCDNA and USUHS file contains name, social security number, date of birth, current employer, citizenship, and current exposure history. For all, at AFRRI, FCDNA and USUHS information on pregnancy and pacemaker. Enewetak files will contain personal information consisting of names, social security number, date of birth, current and previous radiation exposure history, areas visited or worked, dates of arrival and departure, and citizenship."

*Authority for maintenance of the system:* Add "Military Construction Appropriation Act of 1977 (P.L. 94-367) and DNA OPLAN 600-77, Cleanup of Enewetak Atoll" after "42 USC 2013".

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:* Add "At Enewetak: 5" x 7" cards filed in a metal file cabinet in the Enewetak Commander's office." at end of the paragraph.

*Safeguards:* Add "Enewetak—Locked and secured in Enewetak Commander's office." as a third safeguard.

*Retention and disposal:* Add "All Enewetak records will be maintained permanently." after the third sentence.

*System manager(s) and address:* Delete entry and substitute "AFRRI and USUHS—Chairman, Radiation Safety Department, Armed Forces Radiobiology Research Institute, Bethesda, Md. 20014."

"Field Command, DNA and Enwewtak Atoll, MI—Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, Albuquerque, N. Mex. 87115.

Record sources categories: Delete entry and substitute "AFRRI, FCDNA and USUHS information voluntarily submitted by individual. Enewetak information as required to be submitted individual. Additional information added as data is collected."

HDNA 609-02

System name:

609-02 Personnel Radiation Exposure Records.

System location:

Decentralized system. Primary location: Radiological Safety Department, Bldg. 42, Rooms 1420 and 1422, Armed Forces Radiobiology Research Institute (AFRRI), Defense Nuclear Agency, Bethesda, Md. 20014, on the grounds of the National Naval Medical Center. Other locations are rooms 3113 and 2147 of the AFRRI; Bldg. 364, Field Command, Defense Nuclear Agency (FCDNA), Kirtland Air Force Base, Albuquerque, N. Mex. 87115; and Office of the Commander, Enewetak Atoll, Marshall Islands.

Categories of individuals covered by the system:

All employees, contractors, visitors or anyone else who is known to enter the AFRRI building. At FCDNA, all DNA employees who work in a position, the duties of which might result in exposure to radiation. At Enewetak, all individuals who work or visit the Atoll other than transient air crews and air passengers who do not leave the aircraft. Uniformed Services University of the Health Sciences, all employees, students, visitors, contractors or anyone else known to enter a radiation environment at Uniform Services University of Health Sciences (USUHS).

Categories of records in the system:

For employees at AFRRI, FCDNA, and USUHS file contains personal information consisting of name, social security number, date of birth, current and previous radiation exposure, history and places of employment and when exposures occurred. For others, at AFRRI, FCDNA and USUHS file contains name, social security number, date of birth, current employer, citizenship and current exposure history. For all, at AFRRI, FCDNA and USUHS information on pregnancy and pacemaker. Enewetak files will contain personal information consisting of name, social security number, date of birth, current and previous radiation exposure history, areas insited or worked, dates of arrival and departure, and citizenship.

Authority for maintenance of the system:

Atomic Energy Act of 1954, 42 USC 2013, Military Construction Appropriation Act of 1977 (P. L. 94-367) and DNA OPLAN 600-77, "Cleanup of Enewetak Atoll".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To document the degree of exposure to radiation experienced by an individual; to support legal or medical claims for or against the government; to measure quality of the radiation protection program; to provide exposure history to subsequent employers; to provide history to requesting individuals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: At AFRRI 5" x 7" cards filed at reception desk, room 3113, 8" x 10½" paper filed in rooms 1420 and 1422. At FCDNA 8" x 10½" papers are filed in a metal file cabinet in Bldg. 364. At Enewetak: 5" x 7" cards are filed in a metal file cabinet in the Enewetak Commander's office.

Retrievability:

Alphabetical by last name of individual.

Safeguards:

AFRRI—Kept in a controlled access building which is protected by an intrusion alarm system.

FCDNA—Controlled access building which is protected by an intrusion alarm system.

Enewetak—Locked and secured in Enewetak Commander's office.

Retention and disposal:

For employees—permanently. For visitors—retired after 2 years to record holding area for permanent retention. For foreign visitors, records are sent to State Department for retention. All Enewetak records will be maintained permanently.

System manager(s) and address:

AFRRI and USUHS—Chairman, Radiation Safety Department, Armed Forces Radiobiology Research Institute, Bethesda MD 20014. Field Command, DNA and Enewetak Atoll, MI—Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, Albuquerque NM 87115.

Notification procedure:

Requests should be addressed to the SYSMANAGER.

Record access procedures:

Individual can obtain assistance in gaining access from the SYSMANAGER.

Contesting record procdures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

Record source categories:

AFRRI, FCDNA, and USUHS information voluntarily submitted by individual. Enewetak information as required to be submitted individual. Additional information added as data is collected.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-4311 Filed 2-15-78; 8:45 am]





[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COUNTER-COMMUNICATIONS, COMMAND AND CONTROL ($C^3$)

Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control ($C^3$) will meet in closed session on March 14 and 15, 1978, in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of the communications, command and control ($C^3$) employed by potentially hostile forces and identify countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, WHS DOD.*

FEBRUARY 13, 1978.

[FR Doc. 78-4266 Filed 2-15-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. E-7398]

ALCOA GENERATING CORP., ET AL.

Filing

FEBRUARY 10, 1978.

Take notice that on December 22, 1977, Alcoa Generating Corp., Long Sault, Inc., Tapoco, Inc., and Yadkin, Inc. (Petitioners) filed a Petition for Extension of waiver of Examination and Reporting Regulations §§ 41.10 and 41.11. The Petitioners request that the Commission extend a currently effective waiver of compliance with §§ 41.10 and 41.11 of the Commission's Regulations under the Federal Power Act (18 CFR 41.10 and 41.11) and modify such waiver to the extent previously provided by an order issued by the Federal Power Commission on May 21, 1968 in this proceeding.

The cited Regulations require Petitioners to submit to the Commission annual reports from independent certified public accountants attesting to the conformity of certain schedules in Petitioners' annual reports with the relevant accounting requirements of the Commission. Petitioners state that the FPC's 1968 order granted a partial waiver of the Regulations by excusing Petitioners' annual compliance on the condition that each company comply at least once during the reporting years 1968 through 1972, inclusive. On July 2, 1973, after the partial waiver expired and upon application by Petitioners, the Federal Power Commission by order in the docket herein denied Petitioners' request for complete waiver and for the continuation of the partial waiver. Later, by an order issued on August 6, 1974 in the docket herein, the Federal Power Commission granted the Petitioners' further request for partial waiver. The 1974 order required each Company to submit its audit once during the reporting years 1974 through 1978, inclusive, but each Company was required to submit its audit during the same year.

Petitiners state that the purpose of the present Petition is to request that the presently effective partial waiver be continued for the four reporting years commencing in 1978 and that Petitioners be permitted to submit certifications in separate years, as had been mandated by the 1968 order.

Petitioners further state that the Aluminum Co. of America (Alcoa) owns all of the outstanding securities of its four subsidiaries who join as Petitioners in this proceeding and that the basic function of each of the applicants is to provide electric power for Alcoa's industrial operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4293 2-15-78; 8:45 am]

[6740-02]

[Docket No. ER78-145]

ARIZONA PUBLIC SERVICE

Order Accepting in Part, Rejecting in Part, Suspending Proposed Rate Increase, Granting Intervention, Waiving Regulation, Denying Motions to Reject, Providing for Hearing, and Establishing Procedures; Correction

FEBRUARY 9, 1978.

In FR Doc. 78-3066, issued January 30, 1978, and published at 43FR5047, in the above-entitled order, certain petitioners were inadvertently omitted from the list of parties for whom intervention status was granted.

On page 9, change Finding Paragraph (9) to read:

(9) Participation in this proceeding by Citizens, AEPC, Navopache, PTUA, Maricopa, APA, Wellton-Mohawk, Wickenburg, ED 1, ED 3, ED 6, ED 7, RID, and Buckeye may be in the public interest.

On page 10, change Ordering Paragraph (H) to read:

(H) Citizens, AEPC, Navopache, PTUA, Maricopa, APA, Wellton-Mohawk, Wickenburg, ED 1, ED 3, ED 6, ED 7, RID, and Buckeye are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4298 Filed 2-15-78; 8:45 am]

[6740-02]

[Docket No. ER78-199]

ARKANSAS POWER & LIGHT CO.

Proposed Cancellation

FEBRUARY 9, 1978.

Take notice that Arkansas Power & Light Co. (AP&L) on January 30, 1978, tendered for filing a notice of cancellation of AP&L Rate Schedule FPC No. 51. AP&L states that AP&L purchased the distribution facilities of Citizens Light & Power Co. (Citizens) and AP&L now owns, operates the facilities and serves the customers previously served by Citizens, and for this reason there is no longer a need for AP&L Rate Schedule FPC No. 51.

AP&L indicates that a notice of the proposed cancellation has been served upon Citizens and that Citizens consents to and concurs with the cancella-

tion. AP&L further indicates that the Arkansas Public Service Commission approves of the cancellation.

AP&L requests waiver of the Commission's notice requirements to allow for the cancellation to become effective as of January 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4279 Filed 2-15-78; 8:45 am]

[6740-02]

[Docket No. CP78-177]

**CITIES SERVICE GAS CO.**

**Application**

FEBRUARY 9, 1978.

Take notice that on January 30, 1978, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP78-177 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandonment approximately 6.3 miles of pipeline in Cherokee County, Kans., and service to 35 rural domestic customers located along the pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon approximately 6.3 miles of pipeline and appurtenant facilities on its Riverton 10-inch pipeline located in Cherokee County, Kans. It is stated that this pipeline was constructed in 1923 using lapwelded pipe with mechanical couplings to serve the Empire District Electric Power Plant, and that due to deterioration of the pipe and couplings, considerable maintenance is required to operate the pipeline. Applicant states that gas served to the Empire District Electric Power Plant can be supplied from the Riverton 12-inch pipeline and, therefore, operation of the Riverton 10-inch pipeline is no longer required to serve the power plant. The Riverton 10-inch pipeline is obsolete, uneconomical to operate and not required for pipeline capacity to serve the Empire District Electric Power Plant, it is asserted. Consequently, Applicant proposes to abandon it.

Applicant also proposes to abandon approximately 0.3 mile of pipeline in place and approximately 6 miles of pipeline and appurtenant facilities would be abandoned by reclamation. It is stated that the total estimated reclamation cost for the proposed abandonments is $39,110 and the estimated salvage value is $46,530.

The application states that the abandonment of facilities would result in the abandonment of service to 35 rural domestic customers, which customers are now furnished service by sales and deliveries of gas from Applicant to the Gas Service Co. (Gas Service) which, in turn, resells the gas to the customers. The application further states that sales to these 35 customers were instituted pursuant to agreements in right-of-way contracts and an order dated July 10, 1923, from the County Commissioners of Cherokee County, Kans. which ordered Kansas Natural Gas Co., from whom Applicant later acquired the line, to furnish gas "to any and all parties residing upon farms adjoining the highway along which said gas line is to be laid" as a condition for issuance of necessary permits for construction of this line. Applicant states that each customer is served under a contract with Gas Service which provides for discontinuance of service upon ten day notice, and that both the right-of-way contracts and County Commissioner's order provide only for service to these customers so long as this line is in place, and do not require continuation of such service after abandonment of this line.

Applicant proposes to give each of the 35 customers prompt notice upon the Commission's order approving abandonment. Applicant states that in no event would service be terminated prior to May 1, 1978. Notice would be issued through Gas Service and would provide that service would be discontinued sixty days after the date of the Commission's order. It is indicated that propane is available to each customer as an alternate fuel and that Applicant proposes to reimburse each customer for the cost of conversion, up to $600. It does not appear that any alternate source of natural gas is available to these customers, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, futher notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4286 Filed 2-15-78; 8:45 am]

[6740-02]

[Project No. 2821]

**CITY OF PORTLAND, OREG.**

**Application for Major License**

FEBRUARY 9, 1978.

Public notice is hereby given that an application was filed on October 20, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by the City of Portland, Oreg. (applicant) (correspondence to: Mr. Neil Goldschmidt, mayor, City Hall, Room 303, 1220 Southwest Fifth Avenue, Portland, Oreg. 97204; and Mr. Francis J. Ivancie, commissioner of public utilities, City Hall, Room 211, 1220 Southwest Fifth Avenue, Portland, Oreg. 97204) for a major license for Project No. 2821, to be known as the Portland Hydroelectric Project. The project would be located on Bull Run River in Multnomah and Clackamas Counties, near the Community of Bull Run, Oreg. and would affect lands of the United States within the Mt. Hood National Forest.

The proposed project would consist of:

A. The proposed 23,750 kW Development No. 1 comprising: (1) An existing reservoir with a gross storage capacity of 30,000 acre-feet; (2) an existing concrete arch dam, 180 feet high with a crest elevation of 1,050 feet (msl datum), and a crest length of 900 feet, including a spillway at elevation 1,036 feet (msl) with three 40-foot-wide by 10-foot-high radial gates; (3) an existing intake structure within the dam: (4) two existing 45-foot long penstocks, to be lengthened to 90 feet, leading to a powerhouse; (5) a proposed powerhouse with a single generating unit, rated 23,750 kW; (6) a proposed substation adjacent to the powerhouse containing a 3-phase 13.8/57 kV transformer unit.

B. The proposed 11,875 kW Development No. 2 approximately 4.5 miles downstream of Development No. 1 comprising: (1) an existing reservoir with a gross storage capacity of 20,000 acre-feet; (2) an existing earthfill dam, 135 feet high with a crest elevation of 875 feet (msl) and a crest length of about 900 feet; (3) an existing nongated chute spillway with a crest length of 450 feet at elevation 860 feet (msl); (4) two existing intake towers within the reservoir—one serving an existing 7-foot-diameter tunnel for municipal water use only, leading to downstream water-works, pipelines and diversion pool, the other serving an existing 15-foot-diameter penstock, approximately 75 feet long leading to a powerhouse; (5) a proposed powerhouse with a single generating unit rated at 11,875 kW; (6) a proposed substation adjacent to the powerhouse containing a 3-phase 13.8/57 kV transformer unit.

C. The proposed 57 kV transmission line from Powerhouse No. 1 substation to Powerhouse No. 2 substation and then extending for about 5 miles downstream, terminating at an existing Portland General Electric Company (PGE) substation.

The estimated cost of the project would be $28,160,000. No recreation facilities are proposed for the project because public access is prohibited by law in the Bull Run Reserve where the project would be located.

The project's power would either be wheeled to the City of Portland facilities or sold to Portland General Electric Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4287 Filed 2-15-78; 8:45 am]

[6740-02]

[Docket No. CP74-204]

**COLUMBIA GULF TRANSMISSION CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Second Petition To Amend Certificate**

FEBRUARY 8, 1978.

Take notice that on January 16, 1978, Columbia Gulf Transmission Co. (Columbia Gulf), P.O. Box 683, Houston, Tex. 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP74-204 a second petition to amend the certificate issued March 3, 1977, in that docket to add a new delivery point, all as more fully set forth in the petition.

Columbia Gulf and Natural state that said certificate authorized a transportation and exchange arrangement under which Natural would make available to Columbia Gulf pipeline delivery capacity from its entitlement in the system of Stingray Pipeline Co. (Stingray) to transport gas available to Columbia Gulf in the West Cameron area, offshore Louisiana, and Columbia Gulf would make available to Natural pipeline delivery capacity from its entitlement in the Blue Water Project which is jointly owned by Columbia Gulf and Tennessee Gas Pipeline Co.

Columbia Gulf and Natural now propose to add an additional delivery point on Stingray at an underwater valve on Stingray's pipeline authorized in CP73-27 in block 595, West Cameron area, offshore Louisiana. Columbia Gas Transmission Corp., Columbia Gulf's affiliate, has gas reserves located in block 595, West Cameron, which Columbia Gulf desires to connect to Stingray.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.78-4280 Filed 2-15-78; 8:45 am]

[6740-02]

[Docket No. ER78-200]

**DETROIT EDISON CO.**

**Proposed Interconnection Agreement**

FEBRUARY 9, 1978.

Take notice that the Detroit Edison Co. (Edison) on February 1, 1978, tendered for filing an interconnection agreement between Edison and the city of Wyandotte. Edison indicates that this new agreement is to supersede in its entirety an interconnection agreement dated December 14, 1964, and which is on file with the Commission on Edison Rate Schedule FPC No. 17. Edison indicates that the principal purposes of the new agreement are to remove installed reserve responsibility and to broaden the services available under the agreement. Edison proposes an effective date of March 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4281 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. CP77-590]

**FAIR ENVIRONMENTAL DEALS FOR UNITED PEOPLE v. NATIONAL FUEL GAS SUPPLY CORP. AND NATIONAL GAS STORAGE CORP.**

**Order To Show Cause, Providing for Formal Hearing, and Prescribing Procedures; Correction**

FEBRUARY 9, 1978.

In FR Doc. 77-36756, issued December 19, 1977 and published at 42 FR 64415, December 23, 1977, 3rd column, fourth full paragraph, last line, change "properly before the FERC. (15 U.S.C. Section 7178(h))." to "properly before the FERC. (15 U.S.C. Section 717F(h))."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4299 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. E-9574]

**FLORIDA POWER & LIGHT CO.**

**Extension of Time**

FEBRUARY 8, 1978.

On February 2, 1978, Florida Power & Light Co., filed a motion for extension of time to answer the petition for leave to intervene filed January 25, 1978, by the United States Department of Justice in the above-designated matter.

Upon consideration, notice is hereby given that an extension of time is granted to and including February 24, 1978, to answer the January 25, 1978 petition.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4282 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. RM76-1]

**HYDROELECTRIC PROJECT LICENSES**

**Data for Computing "Specified Reasonable Rate of Return"**

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of data required by certain hydroelectric project licensees for computing the "specified reasonable rate of return" for purposes of Section 10(d) of the Federal Power Act (see 18 CFR 2.15).

SUMMARY: This notice contains the monthly observations and the annual average of the Treasury Department's 10-Year Constant Maturity Bond Yield Series for 1977. It also indicates that the Commission shall not notice these statistics in the future since they are not published regularly and are easily obtainable from Federal Reserve publications.

EFFECTIVE DATE: None.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Rattey, Office of Regulatory Analysis, 202-275-4128.

FEBRUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE not responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR——: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.[1]

Commission Order No. 550 Order Adopting Statement of Policy as to the Specified Reasonable Rate of Return, was issued June 24, 1976, in Docket No. RM76-1. In the order the Commission referred to the Treasury Department's 10-Year Constant Maturity Bond Yield series in connection with determining the cost of equity capital component of specified reasonable rates.

On July 16, 1976, the Commission issued a notice providing the actual monthly observations and the yearly averages for the series for the period 1972 through May 1976. The Commission stated at that time it would notice the information necessary for calculating the Specified Reasonable Rate of Return as soon as it became available each year.

The Commission noticed, January 6, 1977, the monthly observations for 1976 and gave instructions as to how the Specified Reasonable Rate of Return should be calculated in cases where the license amendment became effective during that year. That notice should be referenced by those companies whose license amendment became effective during 1977. For companies with license amendments effective for the whole of 1977, the only number they need concern themselves with is the average annual yield for 1977.

The monthly observations of the Treasury Department's 10-Year Constant Maturity Bond Yield Series for 1977 are provided here.

| | |
|---|---|
| January | 7.21 |
| February | 7.39 |
| March | 7.46 |
| April | 7.37 |
| May | 7.46 |
| June | 7.28 |
| July | 7.33 |
| August | 7.40 |
| September | 7.34 |
| October | 7.52 |
| November | 7.58 |
| December | 7.69 |

The average yield for this series during 1977 was 7.42 percent.

Henceforth, we shall not notice these statistics. During 1977, the Federal Reserve System began publishing the series in the "Federal Reserve Bulletin" (Table 1.36, page A27) and in their Statistical Release G. 13. Both of these publications are issued monthly. The latter provides the most current data with the monthly average yield issued within the first week of the following month. The annual average yield we have specified is simply the arithmetic average of the monthly observations.

Subscriptions to Federal Reserve publications may be obtained by writing:

Publications Office, Room 1553 (Martin Building, Board of Governors of the Federal Reserve System, 20th Street and Constitution Aveneue NW., Washington, D.C. 20551.

or calling 202-452-3245.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4306 Filed 2-15-78; 8:45 am]

[1] The "Commission when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.





[6740-02]

[Docket No. RP75-79]

**LEHIGH PORTLAND CEMENT Co. v. FLORIDA GAS TRANSMISSION CO.)**

**Request for Concurrent Hearings**

FEBRUARY 9, 1978.

Take notice that on December 20, 1977, Florida Public Service Commission (FPSC), 700 South Adams Street, Tallahassee, Fla. 32304, filed in Docket No. RP75-79 a request for concurrent hearings involving the Federal Energy Regulatory Commission and the FPSC pursuant to section 17 of the natural Gas Act and 18 CFR 1.37. These hearings would involve the development of a permanent curtailment plan for Florida Gas Transmission Co.

Any person including staff counsel desiring to comment with reference to this request should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, written comments. A copy of the letter of December 20, 1977, from the FPSC is appended hereto.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

FLORIDA PUBLIC SERVICE COMMISSION,
*Tallahassee, December 20, 1977.*

Hon. CHARLES B. CURTIS,
*Chairman, Federal Energy Regulatory Commission, Washington, D.C.*

DEAR CHAIRMAN CURTIS: The purpose of this letter is to request a concurrent hearing involving the Federal Energy Regulatory Commission ("Commission") and the Florida Public Service Commission ("Florida Commission"), pursuant to Section 17 of the Natural Gas Act and 18 CFR 1.37, in the matter of developing a permanent curtailment plan for Florida Gas Transmission Company ("FGT").[1]

FGT supplies virtually all the natural gas consumed within the State of Florida, both through direct sales and sales for resale to distribution customers. The rates and services of most of these distribution customers (the exception being municipally-owned systems) are regulated by the Florida Commission. Our regulatory jurisdiction also concerns curtailment plans of those distribution customers. Thus, the actions which your agency will take in Docket No. RP75-79 will affect our jurisdiction, and vice-versa.

Inasmuch as any curtailment plan for FGT will affect the customers of only one state and in order to develop a common approach for the equitable and fair distribution under curtailment plans, a concurrent hearing appears to offer obvious advantages, but without undue delay in your present proceedings. In this regard, I noted with interest your remarks of November 14, 1977, before the National Association of Regulatory Commissioners including issues such as "natural gas curtailment priorities, load growth and load upgrading" for resolution by joint boards.

I have appended to this request a brief analysis of 18 C.F.R. § 1.37 prepared by our Legal Department.

I would appreciate your advising me as to how best to proceed on this request at the earliest practicable time.

Sincerely yours,

PAULA F. HAWKINS,
*Chairman,*
*Florida Public Service Commission.*

SECTION 1.37 OF THE FEDERAL ENERGY REGULATORY COMMISSION'S REGULATIONS OF PRACTICE AND PROCEDURE, 18 CFR 1.37

The Federal Energy Regulatory Commission's ("Commission") above regulation interprets and expands upon the details contemplated by Section 17 of the Natural Gas Act to provide cooperative procedures with State Commissions. Matters can be referred to a joint board, discussed at a conference, or heard through joint hearings.

Whenever proceedings are initiated at the Commission, notice is given to the affected state commission who may advise the Commission that the matter should be considered under the cooperative procedures. The state commission should indicate what type of cooperative procedure is requested and the reasons why such cooperation is in the public interest.

Inasmuch as the matter of FGT's permanent curtailment plan is already before the Commission in Docket No. RP75-79 and further hearing procedures are to be prescribed, it would seem that the Florida Public Service Commission should not request an informal conference or a joint board. On the other hand, cooperative hearing procedures would afford all interested persons the right to present evidence and not delay the Commission's present hearing schedule.

There are two types of hearings provided in the above regulations: joint or concurrent. As stated in that regulation:

It is believed, however, that the concurrent hearing is the type of cooperative hearing which is likely to be most useful and effective. 18 CFR 1.37(e)(3).

Under a concurrent hearing, the Commission and the state commission sit together to hear and jointly make a record. Each Commission designates a representative to sit at the hearing, but the Commission's designee is the presiding officer. If the Florida Public Service Commission wished to take an adversary role, then a concurrent hearing would not be possible.

Because the Commission is just initiating further proceedings in Docket No. RP75-79, only one state commission is involved and the Florida Public Service Commission has a substantial interest in whatever curtailment plan is ultimately adopted for FGT as it affects local gas distributors and their curtailment programs, a request for concurrent hearings would appear appropriate.

[FR Doc. 78-4288 Filed 2-15-78; 8:45 am]

[1] The Florida Commission is not a party or intervenor in the proceedings in Docket No. RP75-79 which concern the development of a permanent curtailment plan for FGT.

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[6740-02]

[Docket No. RP74-26]

**LOUISIANA-NEVADA TRANSIT CO.**

**Filing of Revised Gas Tariff Sheets**

FEBRUARY 10, 1978.

Take notice that Louisiana-Nevada Transit Co. (LNTC) on January 30, 1978, tendered for filing proposed changes in its FERC gas tariff, volume 1. LNTC states that the proposed changes are to reflect changes in purchased gas cost as provided in the company's purchase gas adjustment clause applicable to its rate schedule No. G-1. The change provides for a total adjustment of 11.54 cents per Mcf including a deferred gas cost adjustment of (1.21 cents) per Mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 12.75 cents per Mcf.

LNTC requests an effective date of March 1, 1978. LNTC states that copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4294 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. CP78-164]

**NATURAL GAS PIPELINE CO. OF AMERICA AND TRUNKLINE GAS CO.**

**Joint Pipeline Application**

FEBRUARY 9, 1978.

Take notice that on January 18, 1978, Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, Ill. 60603, and Trunkline Gas Co., 3000 Bissonnet Avenue, Houston, Tex., 77005 (applicants), filed in Docket No. CP78-164 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natu-

ral gas in interstate commerce for Chevron Chemical Co. (Chevron Chem), which gas is to be purchased by Chevron Chem from an affiliate, Chevron U.S.A., Inc. (Chevron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Chevron has exercised its right under the gas purchase contracts between applicants and Chevron, to reserve for its own use 25 percent of its interest in the natural gas reserves in West Cameron block 532, 533, and 534, offshore Louisiana. Chevron has sold its reserved gas to an affiliate, Chevron Chem, for use in an onshore ammonia plant located in Luling, La. Applicants will transport up to 10,000 Mcf per day from existing points of receipt in West Cameron blocks 533 and 534 through the facilities of Stingray Pipeline Co. (Stingray) for redelivery onshore to Natural at the terminus of Stingray's facilities. Natural will then transport through its onshore 30-inch Louisiana line up to 10,000 Mcf per day for redelivery, for Chevron Chem's account, to United Gas Pipe Line Co. (United) at an existing point of delivery between Natural and United at Erath, La.

Applicants will charge Chevron Chem a monthly contract transportation demand charge equal to the then currently effective transportation rate of Stingray. Natural will charge Chevron Chem, for its onshore transportation service, the currently effective rate under its rate schedule X-48.

The application further states that existing facilities are capable of transporting said gas: consequently, no new or additional facilities are contemplated.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4283 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. ER78-204]

**OKLAHOMA GAS & ELECTRIC CO.**

**Superseding Contract Filing**

FEBRUARY 10, 1978.

Take notice that on February 2, 1978, Oklahoma Gas & Electric Co. (OG&E) tendered for filing a new agreement intended to supersede OG&E's rate schedule FPC No. 99. OG&E indicates that this agreement is the contract between OG&E and the Southwestern Power Administration. OG&E states that the new agreement is identical to the old agreement, and provides for the sale of replacement energy and emergency service by OG&E to SWPA.

OG&E requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4295 Filed 2-15-78; 8:45 am]

[6740-02]

[Project No. 2735]

**PACIFIC GAS & ELECTRIC CO.**

**Application for Approval of Exhibit R**

FEBRUARY 9, 1978.

Public notice is hereby given that an application for approval of an exhibit R for Project No. 2735 was filed under the Federal Power Act, 16 U.S.C. 791a-825r, on August 1, 1977, by Pacific Gas & Electric Co. (applicant) (correspondence to: Mr. W. M. Gallavan, vice president—rates and valuation, Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106). Project No. 2735, known as the Helms pumped storage project, is located on Helms Creek and North Fork Kings River in the vicinity of Fresno, Clovis, and Herndon in Fresno County, Calif.

Applicant requests approval of its revised exhibit R filed pursuant to article 43 of the project license. The exhibit R is described as follows:

Existing recreational areas and facilities on the Courtright Reservoir area consist of: Voyager Rock and Marmot Rock campgrounds, a former construction road which serves as a boat launching ramp and parking area, a pack station, and a designated vehicle-way providing access to Voyager Rock campground and the Dinkey Lakes roadless area. Existing recreational areas and facilities in the Wishon Reservoir area consist of: the Wishon Village resort, Lily Pad campground, a former construction road currently serving as a boat launch ramp, three undeveloped fisherman parking areas, a pack station, and trailhead parking. The proposed recreational improvements for Courtright are: development of a westshore campground, picnic area and angler access; conversion of the existing Marmot Rock campground to a picnic area; development of a boat ramp, fluctuating dock, and parking facilities adjacent to Marmot Rock. Proposed recreational improvements for Wishon are: Development or rehabilitation of fishing access areas; and development of a boat launch and parking area at Wishon Quarry.

The applicant would construct the proposed recreational facilities with maintenance and operation to be undertaken cooperatively by applicant and the Forest Service.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 20, 1978, file with the Federal





Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

A copy of the application is on file with the Commission and available for review.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4289 Filed 2-15-78; 8:45 am]

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[6740-02]

[Project No. 803]

**PACIFIC GAS AND ELECTRIC CO.**

**Application for New Major License**

FEBRUARY 9, 1978.

Public notice is hereby given that an application for new license was filed on November 18, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Pacific Gas and Electric Co. (applicant) (correspondence to: Mr. W. M. Gallavan, vice president, rates and valuation, Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106) for Project No. 803 known as the De Sabla-Centerville Project. The project is located on West Branch Feather River, Butte Creek, and Philbrook Creek in the vicinity of the towns of Chico and Oroville, Butte County, Calif., and affects lands of the United States under the supervision of the Forest Service and the Bureau of Land Management.

Project No. 803 consists of:

(1) Centerville Powerhouse located on Butte Creek about one mile below Helltown Ravine, containing one generating unit rated at 5,500 kW and another rated at 900 kW; (2) two parallel steel penstocks, each 2,559 feet long and varying in diameter from 30 inches to 42 inches; (3) the 7.97-mile-long Lower Centerville Canal comprising 6.2 miles of canal, 0.35 miles of flume, 1.15 miles of tunnel, 0.28 miles of pipe, two feeders, and 0.68 miles of natural waterway, ending at a header box; (4) the 12-foot high, concrete Lower Centerville Division Dam, having a crest length of 102 feet and a spillway crest elevation at 1,146.0 feet (U.S.G.S. Datum); (5) De Sabla Powerhouse located on Butte Creek about 1.75 miles upstream from Emma Ravine, containing one generating unit rated at 18,450-kW; (6) a 6,350-foot long steel penstock varying in diameter from 42 inches to 66 inches; (7) De Sabla Forebay, with negligible storage, formed by a 52-foot high earthfill dam, having a crest length of 1,079 feet including the spillway, at elevation 2,758 feet (U.S.G.S. Datum); (8) the 5.1-mile long Upper Centerville Canal leading from De Sabla Forebay to Helltown Ravine; (9) the 11.53-mile long Butte Creek Canal, which consists of 10.07 miles of canal, 1.38 miles of flume, 0.08 miles of tunnel, and 4 feeders; (10) the 35-foot high concrete Butte Creek Diversion Dam, with a crest length of 95 feet, at elevation 2,884.0 feet (U.S.G.S. Datum), impounding a negligible amount of water; (11) Toadtown Canal, which feeds into Butte Canal at a point about 0.75-miles above the De Sabla Forebay and consists of 2.4 miles of canal, 0.03 miles of flume, and one feeder; (12) Hendricks Canal, consisting of .28 miles of pipe, 6.2 miles of canal, 0.35 miles of flume, 1.15 miles of tunnel, 0.68 miles of natural waterway, and two feeders; (13) Hendricks Diverson Dam of concrete, rock and flash board construction, located at the lower end of the natural waterway section of Hendricks Canal, having a height of 6.5 feet, a crest length of 84.7 feet negligible amount of water; (14) Hendricks Head Dam, at the upper end of Hendricks Canal, constructed of rock and timber cribbing, with a height of 15 feet and a crest length of 222.3 feet at elevation 3,256.4 feet (U.S.G.S. Datum); (15) Philbrook Reservoir, on Philbrook Creek, having a storage capacity of 5,009 acre-feet at an elevation of 5,557.5 feet (U.S.G.S. Datum), impounded by two earthfill dams, one being 87 feet high with a crest length of 850 feet, the other 24 feet high with a crest length of 470 feet, and controlled by 2 spillways, one with flashboards, the other with radial gates; (16) Round Valley Reservoir, with 1,196 acre-feet of storage capacity at elevation 5,651.1 feet (U.S.G.S. Datum), impounded by an earthfill overflow dam 29 feet high, having a crest length of 850 feet at elevation 5,656.0 feet (U.S.G.S. Datum); (17) the 10-mile long, 60 kV De Sabla-Oroville Transmission Line extending from De Sabla Powerhouse to a junction with the Paradise 60 kV Tap No. 1; and (18) all appurtenant facilities.

With respect to recreation facilities, Applicant proposes to construct a new 10-unit campground on the North shore of Philbrook Reservoir to replace the existing 8-unit Forest Service Campground. The Applicant also proposes to construct a fisherman access, parking and sanitary facilities, and car top boat launch area at the Philbrook Reservoir. The existing Philbrook Creek Campground would be upgraded to handle groups of up to 25 people at one time. The existing recreational facilities at De Sabla Forebay consist of fisherman access and a group picnic area.

The energy generated by the project is fed into the Applicant's interconnected distribution system.

The Applicant stated that the project net investment as of December 31, 1975, amounted to $5,681,852, and that it paid property taxes of $199,237 in 1975. The Applicant further asserted that taxes on income attributable to the project represented a total of $183,134 in 1975.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1978 file with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4290 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket Nos. G-17350, G-17351, CP69-346, CP69-347]

**PACIFIC GAS TRANSMISSION CO.**

**Order Amending Prior Order**

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR——: *provided*, That these proceedings would be continued before the FERC. The FERC takes action in these proceedings in accordance with the above-mentioned authorities.

On October 7, 1977, Pacific Gas Transmission Co., filed a petition to amend its certificates in the above-referenced-Dockets seeking authority to continue to transport, from November 1, 1977, through October 31, 1978, additional volumes of natural gas imported from Canada by Northwest Pipeline Corp. (Northwest). The additional volumes—estimated to be up to 125,000 Mcf on a peak day and up to 30,000 Mcf on an average day—are to be transported in addition to the 151,731 Mcf per day which PGT is currently authorized to transport for the account of Northwest. This additional supply is to be imported by Northwest from Canada on a "best efforts" basis at a delivery point near Kingsgate, British Columbia. Insasmuch as Northwest does not have interstate transmission facilities in this area, the imported gas will be received by PGT and transported by PGT to Stanfield, Oreg., and Spokane, Wash., for delivery to Northwest.

By letter agreement dated July 15, 1977, PGT agreed to transport the additional volumes on the same terms and conditions previously approved by the Commission. These conditions include the specification that PGT shall transport only such additional volumes of natural gas as PGT, in its sole discretion, is able to accept in its system each day in excess of those volumes necessary to meet its existing sale and transportation obligations. PGT will charge Northwest for the additional transportation in accordance with the cost of service and cost allocation procedures contained in Rate Schedule T-1 of PGT's FERC Gas Tariff, Original Volume No 1.

The present petition complements a related petition filed by Northwest with the Federal Power Commission on September 21, 1977, seeking authority under section 3 of the Natural Gas Act to continue the importation of the additional natural gas at Kingsgate through October 31, 1978. The Northwest petition was transferred to the Secretary of Energy by the joint regulation adopted on October 1, 1977. The Commission notes that the Administrator, Economic Regulatory Administrator, the Secretary's delegate for natural gas import proceedings, acted favorably on Northwest's petition on January 9, 1978. (ERA Docket No. 77-009NG)

After due notice by publication in the FEDERAL REGISTER on November 16, 1977 (42 FR 59321) no notices of intervention, protests to the granting of the petition, or additional petitions to intervene have been filed in this proceeding. Therefore, upon consideration of the record:

The Commission finds. It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the previous orders in the above-captioned dockets be amended as hereafter ordered.

The Commission orders. The previous orders issued in the above-captioned dockets are amended to permit transportation by Pacific Gas Transmission Co., of best efforts deliveries through and including October 31, 1978, on the terms and conditions specified in the petition to amend. In all other respects the previous orders issued shall remain in full force and effect.

By the Commission. Chairman Curtis voted present.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4291 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. CP75-127]

**TEXAS EASTERN TRANSMISSION CORP.**

**Proposed Changes in FERC Gas Tariff**

FEBRUARY 8, 1978.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on January 9, 1978, tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

First Revised Sheet No. 503
First Revised Sheet No. 506
First Revised Sheet No. 507
First Revised Sheet No. 508
First Revised Sheet No. 509
First Revised Sheet No. 510
First Revised Sheet No. 511
First Revises Sheet No. 512
First Revised Sheet No. 513
First Revised Sheet No. 514
Original Sheet No. 514A
Original Sheet No. 514B
Original Sheet No. 514C
Original Sheet No. 514D

These tariff sheets incorporate into Rate Schedule X-73, a transportation and exchange agreement between Texas Eastern and Tennessee Gas Pipeline Co. (Tennessee) dated October 17, 1974, the amendment dated June 27, 1977 which provides for additional delivery points at West Cameron 620 and East Cameron Block 281 and for an increase in the exchange volumes from 140,000 Mcf per day up to a maximum of 230,000 Mcf per day and such additional volumes as may be available for exchange. Said changes were approved by the Federal Power Commission's order issued September 22, 1977 in Docket No. CP75-127, et al.

The proposed effective date of these tariff sheets is September 22, 1977.

A copy of this filing was served on each party to the agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4284 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. ER78-207]

**PENNSYLVANIA POWER & LIGHT CO.**

**Proposed Tariff Change**

FEBRUARY 10, 1978.

Take notice that Pennsylvania Power & Light Co., on February 3, 1978, tendered for filing a Supplemental Agreement dated February 1, 1978, to the Interconnection Agreement dated October 30, 1964, between Metropolitan Edison Co. (ME) (Rate Schedule FPC No. 23) and Pennsylvania Power & Light Co. (PL) (Rate Schedule FPC No. 38), as amended.

PL indicates that the Supplemental Agreement provides for the establishment of the Middletown Junction-Hummelstown 220 kV Interconnection by the removal of a section of the existing 220 kV circuit between PL's Brunner Island Steam Electric Station and Hummelstown Substation and by the connection of the remaining section of the 220 kV line to ME's Middletown Junction Substation and for the establishment of the Shawnee Interconnection by the connection of PL's Martins Creek-Bushkill 220 kV line to ME's Shawnee Substation. PL further indicates that the Supplemental Agreement also provides for the establishment of new facilities charges for the two new interconnections and provides for revised facilities charges applicable to existing interconnection points.

PL requests waiver of the Commission's notice requirements to allow for an effective date of March 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are availabe for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4296 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. ER76-820]

**PUBLIC SERVICE OF OKLAHOMA**

**Filing of Settlement Agreement**

FEBRUARY 10, 1978.

Take notice that on January 27, 1978, the Public Service Company of Oklahoma filed with the Federal Energy Regulatory Commission a proposed Settlement Agreement in the above-designated docket.

On February 1, 1978, the Presiding Administrative Law Judge certified the offer of settlement in this contested proceeding to the Commission for its consideration and ruling on the matter.

The proposed Settlement Agreement was entered into and executed by the Public Service Company of Oklahoma (Company), the Grand River Dam Authority (Authority), and the KAMO Electric Cooperative, Inc. (KAMO), all parties in this proceeding.

The proposed Settlement Agreement resolves certain issues arising between the Company and the Authority which was brought before the Federal Energy Regulatory Commission through the filing of a Complaint by the Company. The Settlement provides for certain changes in the Markham Ferry Coordinating Agreement which is an agreement for interchange of electric power and energy between the Company and the Authority. The changes will be reflected in the Eleventh Amendment to the Coordinating Agreement.

The Settlement Agreement includes limitations on the period during which the Company will be obligated to provide unlimited energy and capacity to the Authority at existing rates, and upon the amounts of energy and capacity which the Company will in the future be obligated to provide to the Authority. Effective January 1, 1979, the Eleventh Amendment would provide timely adjustments to charges for energy (a fuel adjustment clause will become effective on that date) and for capacity which reflect changes in costs. The only change in rate level affects emergency energy service.

The Eleventh Amendment would also remove any contractual restrictions and economic disincentives upon the Authority's ability to purhase and sell capacity to other systems, and to expand its own system generation. Intersystem coordination will continue.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreement to the Federal Energy Regulatory Commission located at 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 10, 1978. The Settlement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4297 Filed 2-15-78; 8:45 am]

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[6740-02]

[Docket No. CP78-155]

**TEXAS EASTERN TRANSMISSION CORP.**

**Pipeline Application**

FEBRUARY 9, 1978.

Take notice that on January 13, 1978, Texas Eastern Transmission Corp. ("Applicant") filed in Docket No CP78-155 an application pursuant to section 7(c) of the Natural Gas Act and § 175.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the acquisition by lease of its proportionate share of certain existing offshore compression facilities, and the reimbursement to the lease operator for expenses incurred in the installation and operation of its proportionate share of such facilities, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to agreements executed with Pennzoil Co. ("Pennzoil") and Mobil Oil Corp. ("Mobil") Applicant will (1) acquire, through assignment from Pennzoil of a lease, a 24 percent proportionate share in all rights and interests in weight single stage compressor units and all related auxiliary equipment presently installed and operating in Block 270, East Cameron Area, offshore Louisiana, (2) reimburse Pennzoil 24 percent of the installation, operation and maintenance expenses of such compressors incurred or to be incurred prior to the issuance and acceptance of the certificate requested by Applicant, (3) pay to Pennzoil 24 percent of the operating and maintenance expenses for the continued operation by Pennzoil of such compressors, and (4) pay to Pennzoil for the account of Mobil the operating and maintenance expenses attributable to quantities of volumes received by Texas Eastern from Mobil from its uncommitted gas reserves in Block 270. The original installation cost is $316,036 and the cumulative operating, maintenance and rental expenses through December, 1977 is approximately $545,000.

Applicant will lease a proportionate 24 percent interest in 1,800 square feet of platform space for a one time charge of $26.95 per square foot and pay a maintenance cost of $1.29 per square foot per year. Pennzoil will continue to operate and maintain the compressors; Applicant will reimburse Pennzoil montly for 24 percent of the related operating and maintenance costs and up to 16 percent of such costs related to any uncommitted volumes sold by Mobil to Applicant.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 of 1.10). All protests filed with the Commission will be considered by it in determining the apropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own

review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4285 Filed 2-15-78; 8:45 am]

[6740-C2]

[Project No. 1984]

**WISCONSIN RIVER POWER CO.**

**Application for Approval of Revised Exhibit R Recreation Plan**

FEBRUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regualtory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

Public notice is hereby given that on August 11, 1977, the Wisconsin River Power Co. filed an application under the Federal Power Act (16 U.S.C. 791(a)-825(r) (1970)) for Commission approval of a revised Exhibit R Recreation Plan for its Castle Rock-Petenwell Project No. 1984. The Castle Rock-Petenwell Project is located on the Wisconsin and Yellow Rivers in Adams, Juneau and Wood Counties, Wis. Correspondence regarding the application should be sent to: Mr. Max O. Andrae, President, Wisconsin River Power Co. General Offices, Wisconsin Rapids, Wis. 54494, with copies to F. Anthony Maio, Esq., Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

Wisconsin River Power Co., licensee for the Castle Rock-Petenwell Project, has filed for Commission approval a revised Exhibit R Recreation Plan for both the Castle Rock and Pentenwell developments of the project. The previously approved Exhibit R dealt with recreational development only at the Castle Rock reservoir, primarily the proposed Buckhorn State Park. The objectives of the present Recreation Plan are: to adequately provide for current public recreation needs, to anticipate future public recreation needs, and to protect the environmental integrity of the flowages (particularly to preserve the natural character of the shoreline and minimize adverse development impacts on surface and ground water resources). The Exhibit R includes proposals for the development and construction of certain facilities that are considered to be necessary in the near future. The Exhibit R also calls for planning regarding other identified locations; this planning, to be conducted in cooperation with local agencies, is to result in proposals for additional public recreation facilities. In contemplation of revisions in the project boundary, the Recreation Plan proposes that project lands be designated, managed, and protected by the Wisconsin River Power Company in accordance with its land use plan, filed as an appendix to the Exhibit R. Also filed as an appendix to the Exhibit R is an environmental impact statement, prepared by the Wisconsin Bureau of Parks and Recreation, for the proposed development and management of Buckhorn State Park.

Any person desiring to be heard or to make protest with reference to said application should, on or before March 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10 or 1.8 (1978)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a part in any hearing therein must file petitions to intervene in accordance with the Comission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4292 Filed 2-15-78; 8:45 am]

[6705-01]

## FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 809]

**DEPUTY GOVERNOR, OFFICE OF SUPERVISION, AND ORDER OF PRECEDENCE OF CERTAIN OFFICERS TO ACT AS DEPUTY GOVERNOR, OFFICE OF SUPERVISION (REVOCATION OF FCA ORDER NO. 800)**

**Delegation of Authority**

FEBRUARY 8, 1978.

1. The Deputy Governor, Office of Supervision, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit and operations functions of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor, Office of Supervision, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, power, authority, and duties of the Deputy Governor, Office of Supervision, pertaining to the credit and operations functions:

(1) Assistant Deputy Governor, Office of Supervision
(2) Director, Western Region, Office of Supervision
(3) Director, Central Region, Office of Supervision
(4) Director, Eastern Region, Office of Supervision

3. This order shall be effective on February 8, 1978, and revokes Farm Credit Administration Order No. 800, dated March 25, 1977 (42 FR 17516).

DONALD E. WILKINSON,
*Governor,*
*Farm Credit Administration.*

[FR Doc. 78-4309 Filed 2-15-78; 8:45 am]

[6720-01]

## FEDERAL HOME LOAN BANK BOARD

[H.C. No. 239]

**GREAT AMERICAN INSURANCE CO., CINCINNATI, OHIO**

**Receipt of Application for Approval of the Acquisition of Hunter Savings Association, Cincinnati, Ohio**

FEBRUARY 13, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Great American Insurance Co., 580 Walnut Street, Cincinnati, Ohio, for approval, pursuant to section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(e)), and § 584.4 of the regulations for savings and loan holding companies, of the acquisition of Hunter Savings Association, 7840 Montgomery Road, Cincinnati, Ohio, said acquisition to be effected through the purchase of all of the issued and outstanding shares (other than six director qualifying shares) of Hunter Savings Association from American Financial Corp., One East Fourth Street, Cincinnati, Ohio. Currently both Great American Insurance Co. and Hunter Savings Association are subsidiaries of American Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before March 20, 1978.

RONALD A. SNIDER,
*Assistant Secretary.*

[FR Doc. 78-4312 Filed 2-15-78; 8:45 am]





[4110-02]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Office of Education**

**STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM AND BASIC INSTITUTIONAL DEVELOPMENT PROGRAM**

**Closing Date for Receipt of Applications for Fiscal Year 1978**

The Commissioner gives notice that applications are being accepted from institutions of higher education for grants under the Basic Institutional Development Program which is part of the Strengthening Developing Institutions program authorized by Title III of the Higher Education Act. This program makes grants to two-year and four-year, public and private, developing institutions of higher education. The purpose of the grants is to assist in strengthening the academic quality and administrative capability of developing institutions of higher education which have both the desire and potential to make a substantial contribution to the higher education resources of the nation and which are struggling for survival and are isolated from the main currents of academic life.

*Closing date.* May 1, 1978.

A. *Application forms and information.* Information may be obtained from the Bureau of Higher and Continuing Education, Division of Institutional Development, Basic Institutional Development Branch, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Application forms will be available on March 8, 1978. Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail.* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: Basic 13.454B, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstance, the Office of Education suggests that the applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if: (1) The application was sent by registered or certified mail by April 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. (Washington, D.C. time), except Saturdays, Sundays, or Federal holidays. Hand-delivered applications will not be accepted after 4 p.m. on the closing date.

D. *Program information.* (1) Each application under the Basic Institutional Development Program will be evaluated by a panel of Federal and non-Federal experts on the basis of the criteria set forth in § 169.28 of the regulations for Strengthening Developing Institutions Program and § 100a.26(b) of the General Provisions for Office of Education Programs Regulations. The Commissioner will be advised of the results of these evaluations. The final funding decision will rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(2) In formulating proposals, potential applicants should be aware that the program is authorized to obligate $52,000,000 for the Basic Institutional Development Program for fiscal year 1978, and that the program expects to award approximately 183 grants with an average grant of $284,153.

(3) The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulations.

E. *For further information contact:* Mr. Morris L. Brown, Chief, Basic Institutional Development Branch, Division of Institutional Development, Bureau of Higher and Continuing Education, 7th and D Streets SW., Washington, D.C. 20202, Telephone: 202-245-9091.

F. *Applicable regulations.* Regulations applicable to the Basic Institutional Development Program are the Strengthening Developing Institutions Program regulations (45 CFR Part 169) and the Office of Education General Provisions for Programs regulations (45 CFR Part 100a).

(20 U.S.C. 1054.)

(Catalog of Federal Domestic Assistance Number 13.454: Stengthening Developing Institutions.)

Dated: February 10, 1978.

ERNEST L. BOYER,
*U.S. Commissioner of Education.*

[FR Doc. 78-4201 Filed 2-15-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

**Bureau of Land Management**

**CALIFORNIA**

**Designation of Off-Road Vehicle Closure, Knoxville Area**

Under the authority of 43 CFR 6010.4 the public land in Sections 29, 31, 32, T. 12 N., R. 5 W., MDM and portions of 3, 4, 9, 10, T. 11 N., R. 5 W., MDM is designated closed to off-road vehicles (ORV) as of March 31, 1978, and until further notice. The purpose for the closure is to stop soil erosion, vegetation loss, and general deterioration of public land, as well as limiting trespass and visitor management problems in adjacent areas.

The closed area consists of 2,300 acres located in the Hole and Jericho Creek watersheds of Lake County, Calif. The public lands within the designated closure will remain open to all other resource and recreation uses. Administrative access by ORV is allowed for BLM and BLM contractors, licensees, permittees, and all other Federal, State and county employees when on official duty. Permits for ORV use in the area may be authorized by the District Manager for other special purposes.

The closed area will be marked on the ground with signs and barriers. A

map showing the boundaries is available from the Bureau of Land Management Office, 555 Leslie Street, Ukiah, Calif. 95482.

Dated: February 8, 1978.

ALAN L. BELLON,
*Acting District Manager.*

[FR Doc. 78-4211 Filed 2-15-78; 8:45 am]

[4310-84]

## WILD FREE-ROAMING HORSES AND BURROS

### Uniform Marking Procedure

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the use of the International Alpha Angle System for marking excess wild free-roaming horses and burros. There is a need to clearly identify excess animals acquired by private citizens under the Adopt-a-Horse program. This marking will protect and identify animals under the custody of private citizens and help to prevent disposal in violation of the law.

DATE: Fully in effect by April 1, 1978.

ADDRESS: Bureau of Land Mangement, Resource Systems Division, Denver Service Center, Building 50, Denver, Colo. 80225.

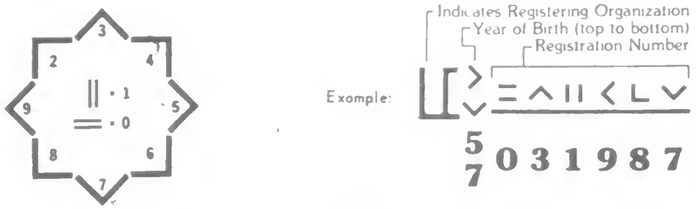
FOR FURTHER INFORMATION CONTACT:

Ms. Sarah Cunningham at the above address or call 303-234-2083.

SUPPLEMENTARY INFORMATION: The International Alpha Angle System is being initiated to brand excess wild horses and burros that are placed in private custody through the Bureau of Land Management's Adopt-a-Horse program, developed under the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 et seq.). By using the Alpha Angle System, each animal can be given an individual identification mark that is easily traceable if necessary.

The Alpha Angle mark consists of a symbol to designate the Registering Organization followed by a series of bars or angles that can be translated to numbers using the interpretation code that follows:

ALPHA ANGLE CODE FOR FREEZE MARK INTERPRETATION







Instruction Read each angle to determine freeze mark number.
Write all eight number across as 57031987.

The alpha angle mark is to be applied to the left side of the animal's neck using a freeze-marking instrument. The freeze-marking technique is superior to fire branding. The marks are more distinct, no open wound results, and it is a relatively painless procedure.

We are presently using this system in many parts of the country to mark excess horses and burros. After April 1, 1978, the system will be the only one used by the Bureau of Land Management to identify excess horses and burros.

All data on marked animals is maintained in the Denver Office and specific data requests and questions should be directed to the Resource Systems Divisions in Denver.

GEORGE L. TURCOTT,
*Acting Director.*

FEBRUARY 9, 1978.

[FR Doc. 78-4212 Filed 2-15-78; 8:45 am]

[4310-84]

[CA 4867]

## CALIFORNIA

### Proposed Withdrawal and Reservation of Lands

FEBRUARY 9, 1978

The Fish and Wildlife Service, U.S. Department of the Interior, filed application CA 4867 for the withdrawal of approximately 150.97 acres of public lands from settlement, sale, location, or entry under all of the general land laws, including the mining and mineral leasing laws, except leasing for oil and gas, subject to valid existing rights.

The Fish and Wildlife Service desires these lands to be administered as part of the Hopper Mountain National Wildlife Refuge. This refuge has been established for the protection of the endangered condor.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing by March 21, 1978. Upon determination that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Mangament will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer wil also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

On or before February 16, 1980, the lands will be segregated from entry as specified above, unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for a 20-year period, and the lands will remain segregated for the duration of the withdrawal.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

HOPPER MOUNTAIN NATIONAL WILDLIFE REFUGE

T. 4 N., R. 19 W.,
Sec. 3, Lots 9 and 10 and SE¼SW¼;
Sec. 4, Lot 9.

The area aggregates approximately 150.97 acres in Ventura County, Calif.

All communications in connection with this proposed withdrawal should be address to the undersigned, Bureau of Land Management, 2800 Cottage Way, Sacramento, Calif. 95825.

JOAN B. RUSSELL,
*Chief, Lands Section, Branch of Lands and Minerals Operations.*

[FR Doc 78-4257 Filed 2-15-78; 8:45 am]





[4310-84]

[25122-S; 25379-H]

## COLORADO

### NORTHWEST PIPELINE CORP.

### R/W Application for Pipeline

FEBRUARY 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for 4½" o.d. natural gas pipelines for the Trail Canyon and Foundation Creek Gathering Systems approximately 1 mile long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 4 S., R. 101 W.,
Sec. 4: N½SE¼, SE¼SE¼;
Sec. 9: N½NE¼, SE¼NE¼;
Sec. 15: SW¼NE¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any part so filing must include evidence that a copy there of has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
*Leader, Craig Team, Branch of Adjudication.*

[FR Doc. 78-4258 Filed 2-15-78; 8:45 am]

[4310-84]

[NM 32725]

## NEW MEXICO

### Applicotion

FEBRUARY 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 18, SW¼SE¼.

This pipeline will convey natural gas across 0.165 miles of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4259 Filed 2-15-78; 8:45 am]

[4310-84]

[NM 32738]

## NEW MEXICO

### Application

FEBRUARY 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 31 E.,
Sec. 28, NE¼SE¼.

This facility will cross 0.024 of an acre of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc 78-4260 Filed 2-15-78; 8:45 am]

[4310-84]

[NM 32704, 32705, 32715 and 32716]

## NEW MEXICO

### Application

FEBRUARY 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 6 W.,
Sec. 23, NW¼NW¼.
T. 29 N., R. 8 W.,
Sec. 28, NE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 1, lots 11, 12, and 14.
T. 31 N., R. 10 W.,
Sec. 10, lot 7;
Sec. 11, lots 5 and 6.

These pipelines will convey natural gas across 0.857 of a mile of public lands in San Juan and Rio Arriba Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4261 Filed 2-15-78; 8:45 am]

[4310-84]

[NM 32717, 32718, 32724, 32737, 32742, and 32746]

## NEW MEXICO

### Applications

FEBRUARY 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for six 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 11, S½SE¼;
Sec. 14, NW¼NE¼;
Sec. 15, SW¼NE¼, NW¼NW¼, and NW¼SE¼;
Sec. 22, NE¼SE¼;

Sec. 23, N½SW¼;
Sec. 24, SE¼SW¼;
Sec. 25, W½NE¼, N½NW¼, and NW¼SE¼.

These pipelines will convey natural gas across 2.292 miles of public land in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4262 Filed 2-15-78; 8:45 am]

[4310-84]

[Wyoming 62559]

WYOMING

Application

FEBRUARY 7, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, has filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W., 6th P.M., Wyoming
Sec. 14, W½SW¼;
Sec. 15, SE¼SE¼.

The pipeline will transport natural gas from a point in section 14 to a point of connection with an existing pipeline in section 15, T. 28 N., R. 114 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4263 Filed 2-15-78; 8:45 am]

[4310-84]

[Wyoming 62564]

WYOMING

Application

FEBRUARY 10, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs has filed an application for a right-of-way to construct a 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 39 N., R. 90 W., 6th P.M.,
Sec. 29, NE¼SW¼ and NW¼SE¼.

The pipeline will transport natural gas from a well located in the S½ of section 29 in a generally westerly direction to a point of connection with an existing natural gas pipeline within the S½ of section 29, T. 39 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
*Acting Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4264 Filed 2-15-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: International Crane Foundation, City View Road, Baraboo, Wis. 53913.

The applicant requests a permit to export two male Japanese cranes (*Grus japonensis*) the result of captive breeding, to the Veno Zoological Gardens in Tokyo, Japan, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington D.C. 20240.

This application has been assigned file number PRT 2-2111. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc 78-4269 Filed 2-15-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Peter W. Lawson, Chihuahuan Desert Research Institute, Box 1334, Alpine, Tex. 79830.

The applicant requests an amendment to his permit to collect addled eggs and egg fragments of the peregrine falcon (*Falco peregrinus anatum*) and for census research using radio-controlled powered gliders simulating raptors.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-667. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc 78-4270 Filed 2-15-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Litton Bionetics, Inc., 5516 Nicholson Lane, Kensington, Md. 20795.

The applicant requests a permit to import one captive-born male white-handed gibbon (*Hylobates lar*) from Bermuda for scientific research. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.





This application has been assigned file number PRT 2-2104. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc. 78-4271 Filed 2-15-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Memphis Zoological Gardens & Aquarium, Overton Park, Memphis, Tenn. 38112.

The applicant requests a permit to purchase, in interstate commerce, one male captive born seledang (*Bos gaur*) from the Oklahoma City Zoo, for enhancement of propagation. The animal is presently at the Memphis Zoo on a breeding loan.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1869. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc. 78-4272 Filed 2-15-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, Calif. 92112.

The applicant requests a permit to import from the Calgery and Assiniboine Zoo, Winnipeg, Canada, one male and one female captive-born Bactrian camel (*Camelus bactrianus*) for enhancement of progagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2135. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc 78-4273 Filed 2-15-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Bobby G. Baity, Route No. 2, Lexington, N. C. 27011.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasant listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1889. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 20, 1978. Please refer to the file number when submitting comments.

Dated: February 13, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc 78-4274 Filed 2-15-78; 8:45 am]

[7020-02]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-41]

CERTAIN CERAMIC TILE SETTERS

Order Regarding Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: February 10, 1978.

MYRON R. RENICK,
*Chief Administrative Law Judge.*

[FR Doc. 78-4341 Filed 2-15-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-45]

CERTAIN COMBINATION LOCKS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 12, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Presto Lock Co., Division of Walter Kidde, Inc., 35 Market Street, Elmwood Park, N.J. 07407. The complaint alleges that unfair methods of competition and unfair acts exist in the importation into the United States of certain combination locks and vinyl attache cases bearing such locks, or in their sale, by reason of the alleged coverage of such articles by claims 1 through 5 of U.S. Letters Patent No. 3,416,338, which patent is owned by Presto Lock Co. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the United States International Trade Commission, on February 9, 1978, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there are violations or there is reason to believe there are violations of subsection (a) of this section in the unauthorized importation of certain combination locks and vinyl attache cases bearing such locks into the United States, or in the sale thereof, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged violations of subsection (a) of this section consist of allegations that such imported articles infringe claims 1-5 of U.S. Letters Patent No. 3,416,338, which patent is wholly owned by Presto Lock Com- pany.

(2) That, for the purpose of the investigation so instituted, the following person, alleged to be involved in the

unauthorized importation of such articles into the United States, or in their sale, is hereby named as the respondent upon which the complaint and this notice are to be served:

IMPORTER

H.I.T. Industries, Ltd., 22-C Cragwood Road, Avenel, N.J. 07001.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, Chief Administrative Law Judge, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer, and

(4) That, for the purpose of the investigation so instituted, JoAnn Miles, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondent in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute waiver of the right to appear and contest the allegations of the Complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City Office of the Commission, 6 World Trade Center.

Issued: February 13, 1978.

By order of the Commission:

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4344 Filed 2-15-78; 8:45 am]

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[7020-02]

[Investigation No. 337-TA-42]

CERTAIN ELECTRIC SLOW COOKERS

Investigation; Correction

The U.S. International Trade Commission published in The FEDERAL REGISTER of February 9, 1978 (43 FR 5590), a notice of investigation in the matter of certain electric slow cookers investigation No. 337-TA-42.

The investigation was instituted on February 6, 1978, rather than January 6, 1978, and the number of the U.S. Letters Patent involved in the investigation was incorrectly identified at line 8 of page 5591 as 3,881,099 rather than 3,881,090. The notice of February 9, 1978, is corrected accordingly.

Issued: February 13, 1978.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4342 Filed 2-15-78; 8:45 am]

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[7020-02]

[Investigation No. 337-TA-42]

CERTAIN ELECTRIC SLOW COOKERS

Order Regarding Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: February 10, 1978.

MYRON R. RENICK,
*Chief Administrative Law Judge.*

[FR Doc. 78-4199 Filed 2-15-78; 8:45 am]

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[7020-02]

[Investigation No. 337-TA-40]

MONUMENTAL WOOD WINDOWS

Order Regarding Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: February 10, 1978.

MYRON R. RENICK,
*Chief Administrative Law Judge.*

[FR Doc. 78-4343 Filed 2-15-78; 8:45 am]

[4410-01]

## DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-24]

ANDRES SANCHEZ SENDIN, M.D.

Denial of Application for Registration

On October 20, 1977, a hearing was held before Administrative Law Judge Francis L. Young on the issues raised by an Order to Show Cause directed to Andres Sanchez Sendin, M.D. as to why his application for DEA registration should not be denied.

The Order to Show Cause was based on a plea of nolo contendere to one count of a violation of Title 21 United States Code section 841(a)(1) in the United States District Court for the Northern District of California. This count, a felony, charged Dr. Sendin with prescribing a controlled substance "not for a legitimate medical purpose".

On January 6, 1978, the Administrative Law Judge, pursuant to 21 CFR 1316.65, transmitted to the Administrator the record of these proceedings together with his report containing recommended findings of fact and conclusion of law.

The Administrative Law Judge in his discussion stated:

> Respondent's testimony as to his state of mind at the time of each incident reveals a willingness to write prescriptions for mood-altering drugs upon request merely to provide pleasure or enjoyment for the recipient, without the slightest regard for any truly therapeutic purpose. True, the evidence does not indicate Respondent to be a vicous or malicious minded person. But much more than such a negative characterization is to be expected, and properly should be required, of the physician licensed or registered to dispense controlled substances in any schedule. Such a physician is expected to display and exercise caution and care so as to dispense or prescribe controlled substances only for a legitimate medical purpose and in the usual course of professional practice.

Having reviewed the record of these proceedings in its entirety and pursuant to § 1316.66 of Title 21, Code of Federal Regulations, the Administrator accepts the Administrative Law Judge's findings and conclusion.

Accordingly under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, it is ordered that Dr. Sendin's application for registration under the Controlled Substances Act be denied, effective immediately.

Dated: February 10, 1978.

PETER B. BENSINGER,
*Administrator,*
*Drug Enforcement Administration.*

[FR Doc. 78-4255 Filed 2-15-78; 8:45 am]





[6820-35]

## LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

FEBRUARY 13, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid of Western Michigan in Grand Rapids, Mich., to serve Kent, Oceana, and Muskegon counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209.

THOMAS EHRLICH,
*President.*

[FR Doc. 78-4304 Filed 2-15-78; 8:45 am]

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[6820-35]

GRANTS AND CONTRACTS

FEBRUARY 13, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Assistance of North Dakota in Bismarck, N. Dak., to serve Foster, Wells, Ransom, Sargent, Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Stark, Slope, and Grand Forks counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill.

THOMAS EHRLICH,
*President.*

[FR Doc. 78-4305 Filed 2-15-78; 8:45 am]

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[1410-03]

## NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

AMENDED MEETING

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 2, 1978, 43 FR 4465.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10 a.m., Thursday, February 16, and 10 a.m., Friday, February 17, 1978.

PLACE: Eighth-floor Anteroom, Time-Life Building, Rockefeller Center, 1271 Avenue of the Americas, New York, N.Y.

STATUS: Meeting open to the public.

CHANGES IN THE MEETING: The meeting on Thursday, February 16, 1978, will convene at 2 p.m. rather than at 10 a.m., as previously announced. Friday's meeting will begin at 10 a.m.

ARTHUR J. LEVINE,
*Executive Director, National Commission on New Technological Uses of Copyrighted Works.*

[FR Doc. 78-4213 Filed 2-15-78; 8:45 am]

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[7590-01]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471 and 50-471A]

BOSTON EDISON CO., ET AL.[1]

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Boston Edison Co., et al.,[1] pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on July 25, 1977 and December 9, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Massachusetts Municipal Wholesale Electric Co. as an owner of the Pilgrim Nuclear Generating Station Unit 2.

The information was filed by Boston Edison Co., et al.[1] in connection with their application for a construction permit and operating license for the Pilgrim Nuclear Generating Station, Unit No. 2, a pressurized water reactor. The site for this plant is located near the Town of Plymouth, in Plymouth County, Mass.

The original antitrust portion of the application was submitted on December 21, 1973 (originally submitted for Units 2 and 3; Unit 3 was subsequently dropped from the application) and notice of receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786). The Notice of Hearing was also published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Co. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before April 10, 1978.

Dated at Bethesda, Md., this 6th day of February 1978.

For The Nuclear Regulatory Commission.

OLAN D. PARR,
*Chief, Light Water Reactors Branch No. 3, Division of Project Management.*

[FR Doc. 78-3854 Filed 2-8-78; 8:45 am]

[1] Central Maine Power Co., Central Vermont Public Service Corp., Fitchburg Gas & Electric Light Co., Montaup Electric Co., New Bedford Gas & Edison Light Co., New England Power Co., Public Service Co. of New Hampshire, the United Illuminating Co., Town of Hudson Light & Power Department, Burlington Electric Department, Vermont Electric Cooperative, Inc., Taunton Municipal Lighting Plant Commission and Massachusetts Municipal Wholesale Electric Co.

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[4910-58]

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-7]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

*Aviation Safety Recommendation A-78-2.*—On April 4, 1977, a DC-9 crashed near New hope, Ga. During its investigation of the accident, the Safety Board found that neither the

forward nor the aft flight attendant seats in the passenger cabin were equipped with shoulder harnesses.

On February 8, 1978, the Safety Board recommended that the Federal Aviation Administration:

Expedite its review of Recommendation A-73-40 with a view toward early requirement of properly designed shoulder harnesses at flight attendant stations in air carrier aircraft. (Class II, Priority Action) (A-78-2)

*Pipeline Safety Recommendations P-78- 1 through 14.*—A 12-inch propane pipeline, owned by the Consolidated Gas Supply Corp., ruptured near Ruff Creek, Pa., on July 20, 1977. As a result of its investigation, the Safety Board made recommendations to the Consolidated Gas Supply Corp., the Materials Transportation Bureau, and the American petroleum Institute, respectively.

To the Consolidated Gas Supply Corp.:

Inspect the field sagbend under the stream and adjacent to the overbend that failed and at any other known locations where the pipeline has undergone settlement of this type with the magnetic-particle-inspection or other suitable technique, for signs of stress-corrosion cracking. Replace the sagbend or other pipe if incipient cracking is present. (Class II, Priority Action) (P-78-1)

Test pipe for stress-corrosion cracking using a nondestructive testing method such as the magnetic-particle-inspection method or other suitable technique every time the pipeline is exposed for maintenance purposes. (Class II, Priority Action) (P-78-2)

Establish written procedures to insure the safe operation and maintenance of this pipeline system under normal and emergency conditions as required by Federal regulations. (Class II, Priority Action) (P-78-3)

Install a meter at the Hastings Extraction Plant on the inlet to the propane pipeline to determine how much liquid is entering the pipeline. (Class II, Priority Action) (P-78-4)

Investigate the feasibility of detecting pipeline leaks by the use of electronic In/Out flow monitors or other leak detection devices, and install one capable of detecting both small and large leaks. (Class III, Longer Term Action) (P-78-5)

Establish a control center for the liquid propane pipeline and telemeter all pressure, flow, and other pertinent data necessary for the safe operation of this pipeline to this central location. (Class iii, Longer Term Action) (P-78-6)

Inspect on a random sample basis the segment of pipeline 10 miles downstream of the former Preston Compressor Station, including the area between Interstate Highways 70 and 79 where coal mines are prevalent, for other evidence of stress-corrosion cracking or increased-depth, general corrosion pitting. Increase cathodic protection or consider line replacement in areas where severe corrosion or stress-corrosion cracking is found. (Class II, Priority Action) (P-78-7)

Train pump station personnel on pump maintenance procedures and how to tell the difference between line pressure losses caused by leaks and by pumps being vapor locked. (Class II, Priority Action) (P-78-8)

To the Materials Transportation Bureau:

Expedite the publishing of the Notice of Proposed Rulemaking on regulations for the safe transportation by pipelines of liquefied petroleum gases (LPG). Include a comprehensive section on the communications required for the safe operation of LPG pipelines. (Class II, Priority Action) (P-78-9)

Include in proposed regulations a section similar to the emergency plan section of the natural gas code (49 CFR 192.614) that will require operators to provide information to persons who live or work within 220 yards of a propane pipeline, and up to 1 mile if located downhill of a LPG pipeline, about the particular hazards of LPG and how to contact emergency response personnel. (Class III, Longer Term Action) (P-78-10)

Include in proposed 49 CFR Part 195 regulations, provisions for checking natural gas pipelines that are being converted to liquefied petroleum gas (LPG) service for stress-corrosion cracking. (Class III, Longer Term Action) (P-78-11)

To the American Petroleum Institute:

Participate in and encourage research into stress corrosion cracking, especially on older steel gas pipelines that have been converted to liquid service. (Class III, Longer Term Action) (P 78-12)

Conduct field tests, using acoustic emission testing techniques developed by the gas industry, to determine if highly stressed portions of liquid pipelines can be located, and stress-corrosion cracking can be detected by this means before failure. (Class III, Longer Term Action) (P-78-13)

Conduct research to develop some form of detector, either as an odorant or irritant, of the presence of liquefied petroleum gas. The detector should be one that will not contaminate the product or make it unsuitable for use with processing catalysts. (Class III, Longer Term Action) (P-78-14)

### Responses to Safety Recommendations

*Aviation: A-77-69.*—This recommendation asked the Federal Aviation Administration to revise its Airman's Information Manual and other official guidance materials to clarify pilots' and controllers' responsibilities in implementing an instrument flight rules departure from an airport which has a published IFR departure procedure.

FAA, in a letter dated January 16, 1978, advises that existing procedures and guidance contained in Handbook 7110.65A, paragraph 350, and AIM, Part I, page 1-61, outline the pilots' and controllers' responsibilities pertaining to obstruction avoidance. As an added measure, FAA will reiterate pilots' and controllers' responsibilities in a new paragraph titled, "Instrument Departures," to be added to the AIM, Part 1, on page 1-80.

*Highway: H-77-27.*—This recommendation asked the National Highway Traffic Safety Administration to seek additional resources and actively participate and support the National Safety Council in the development, implementation, and evaluation of a nationwide "Operation Lifesaver" railroad/highway grade crossing safety program.

NHTSA's letter of January 26 advises that a number of discussions between NHTSA and NTSB have been held on the subject of activity in the area of railroad crossing education. NHTSA also reports that there is reasonably convincing evidence that driver education and public information campaigns have done little to alter unsafe driver behaviors and thus reduce crashes, and that in spite of the opinions of interviewed drivers that improved driver education and public information programs would be effective countermeasures, more rigorous research efforts have suggested that such is not the case. NHTSA feels that the results of the National Safety Council's "Operation Lifesaver" program should be viewed with this in mind. NHTSA is willing to cooperate with the NSC in any technical way to provide a proper evaluation of this program and will make budget changes and/or seek additional resources to promote and support the NSC program, if evaluation of the program shows the effectiveness of the program in reducing crashes.

*Highway: H-77- 17 through 19.*—These recommendations resulted from the Safety Board's investigation of the charter bus accident near Martinez, Calif., on May 21, 1976.

The Safety Board, in its letter of February 3, asked the Department of California Highway Patrol for documentation of the progress of the proposed administrative regulation concerning the public availability of carrier ratings, a copy of the revised carrier enforcement policy HPM 84.1, Motor Carrier Safety Operations, as it relates to low rating warnings and correction followup, and to be kept aware of the outcome of joint efforts with the California Department of Motor Vehicles in the area of employee certification.

*Highway: H-76-7.*—A Board letter of February 8 to the National Highway Traffic Safety Administration states that is is gratified at the initiative of and progress made by industry in solving the problem of fire and penetration resistant wheel well covers as suggested by this recommendation. However, the Board would be interested in knowing the quantity, in numbers and percent total production, of buses ordered with the improved wheel well covers. The Board would like to be assured that the individual transit authorities and bus companies do have a knowledge of the improvement and the cost and weight penalties on each unit ordered.

*Railroad: R-76- 42 through 44.*—The Board in its letter of January 31 to the Greater Cleveland Regional Transit Authority reported that Recommendation R-76-42 will be held in "open" status and that the Safety Board would appreciate being informed when the planned installation of testing facilities is placed in operational mode at Windermere and Airport terminals.

Concerning R-76- 43 and 44 the Board stated that the GCRTA response described in its letter of Novemeber 21, 1977, was a satisfactory response.

*Railroad: R-75-10.*—A Board letter of January 31, to the Department of Defense refers to a recommendation resulting from the Southern Pacific Transportation Co. freight train explosion at Benson, Ariz., on May 24, 1973. DOD advised the Safety Board of a Department of Defense review to upgrade the safety features of rail cars used for transporting DOD munitions; one aspect of the project was to be a technical and operational study of the consequences of restricting future rail shipments of munitions to cars of all-steel construction.

The Board now asks DOD the results of the review and any subsequent changes in policy concerning munitions shipments.

*Railroad: R-75-2.*—At the NTSB/FRA quarterly meeting on October 27, 1977, FRA was requested to review and clarify their response of April 28, 1976, to this recommendation to promulgate regulations to establish minimum standards for the size and quality of all components used in the construction of track. FRA in a letter dated January 16, reiterates that it does not at this time plan to promulgate design-based (track) standards. FRA states, to do so would result in a tremendously negative economic impact on the railroad industry; also, design-based standards would inhibit innovation through Federal insistence on a set of rigid requirements. However, FRA is considering promulgating performance oriented track standards. Before making any major revisions or additions to the existing standards, FRA will review the results of several research projects currently being conducted. Results of the short-term projects are expected in 1978; longer-term results should be available in 1979. If the data indicate that performance standards are cost-beneficial, they will be promulgated at that time.

*Railroad: R-74- 20 and 21.*—A Board letter of January 31, to FRA asked to be informed of the results of two projects described by FRA in its response of June 23, 1975, as they relate to the two recommendations.

*Railroad R-74-9.*—A Board letter of January 31, 1978, to FRA requested the current status of the proposed rule on the promulgation or regulations to restrict the usage of narcotics and intoxicants by train crewmembers.

*Railroad R-74- 1 through 5.*—These recommendations were forwarded to FRA as a result of a Special Study—"Broken Rails: A Major Cause of Train Accidents." On February 10, 1976, FRA advised that a comprehensive review of the entire Federal Track Safety Standards was a high priority objective for the year 1976.

In its letter of January 31, 1978, the Safety Board asked FRA the results of the planned review, particularly if the results apply to these recommendations.

*Railroad: R-73- 23, 30, and 38.*—In its letter of January 31, the Safety Board asked FRA the following additional questions: (1) Has the Department of Defense furnished FRA the results of its bomb loading study? (2) Does the data indicate FRA regulatory action? (R-73-23) What is the current status of the proposed rule that was published in the FEDERAL REGISTER on May 2, 1975? (R-73-30) Regarding the two studies scheduled for completion in 1976 to obtain an understanding of the reasons for accidents: (1) Has an analysis of the studies been completed? and (2) Does the analysis support regulatory action to protect against unauthorized movements onto main tracks? (R-73-38)

*Railroad: R-72-26.*—As a result of an accident involving an Atchison, Topeka & Santa Fe train near Collinsville, Okla., on April 5, 1971, the Safety Board recommended to FRA that passenger train accidents be reviewed and regulations promulgated to correct window design and other injury-causing features in passenger cars.

On September 18, 1972, FRA informed the Safety Board that a study was being made to determine the relationship between passenger car design and passenger injury; on January 5, 1976, FRA advised that an insufficient data base required additional testing and analysis.

The Safety Board's letter of January 31, 1978, asked FRA the results of the additional testing and analysis, and whether remedial regulations are contemplated.

NOTE.—The above notice consists of summaries of safety recommendation letters issued by the Safety Board and other correspondence relating to recommendations made available, and responses to recommendations received, during the week preceding publication of this notice in the FEDERAL REGISTER. The recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and other Board correspondence may be obtained at a cost of $4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2), 307, Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

BARBARA J. BUSH,
*Acting Federal Register Liaison Officer.*

FEBRUARY 13, 1978.

[FR Doc. 78-4313 Filed 2-15-78; 8:45 am]





[7710-12]

## POSTAL SERVICE

### PRIVACY ACT OF 1974

#### System of Records Modification

AGENCY: U.S. Postal Service.

ACTION: Proposed modification to an existing system of records.

SUMMARY: This document publishes a proposed change to the published description of the Postal Service system of records entitled, USPS 080.010—Inspection Requirements—Investigative Files System. The change would reduce the retention period of these investigative records, exclusive of records pertaining to mail covers, from 50, 30, and 25 years, to 15 years. This proposal is the result of an evaluation of the actual need for retention of these records. The shortened retention period will result in the keeping of more timely investigative material.

DATE: Comments must be received on or before March 17, 1978.

ADDRESS: Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Mr. John E. Finlay, 202-245-4142.

SUPPLEMENTARY INFORMATION: The published description of USPS 080.010 appears in the FEDERAL REGISTER on September 30, 1977 (42 FR 53509).

*Modification*

The Postal Service believes that it is desirable to make the following modification to its system of records entitled USPS 080.010 Inspection Requirements—Investigative Files System:

Retention and disposal: Change to read, "Case records are maintained for 15 years. Exceptions may be granted in specific instances for longer retention. All case records are destroyed by burning, pulping, or shredding."

The Postal Service invites public comment on the proposed modification.

ROGER P. CRAIG,
*Deputy General Counsel.*

[FR Doc. 78-4345 Filed 2-15-78; 8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14452; File No. SR-Amex-78-1]

### AMERICAN STOCK EXCHANGE, INC.

**Self-Regulatory Organization; Proposed Rule change**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 3, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

AMERICAN STOCK EXCHANGE, INC. ("AMEX") STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its Constitution to provide, in the case of a leased membership, that when a lessee is expelled or becomes ineligible for reinstatement, such lease shall terminate. (The text of the amendment is attached as Exhibit A.)

The purpose of the proposed Constitutional amendment, (as an integral part of a plan to permit Amex members to enter into contractual arrangements for the leasing of their memberships), is to revive the use of a number of now-inactive memberships and to offer a broader range of opportunities for flexible structuring of membership arrangements.

The amendment is consistent with Sections 6(b)(1) and 6(b)(6) of the Act, in assuring Exchange capacity to carry out the purposes of the Act, and to enforce member compliance with the Act, the rules and regulations thereunder, and with the Constitution and rules of the Exchange.

Amex states that no comments were received from members, or any other persons, concerning this amendment.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before March 23, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 9, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 10, 1978.

EXHIBIT A

AMERICAN STOCK EXCHANGE, INC.

AMENDMENT TO THE CONSTITUTION*

1. Article IV, Sections 4 (g) through (i) are redesignated as Sections 4 (h) through (j), and Section 4(h) as so redesignated is amended to read as follows:

[g](h) When a regular or options principal member (*other than one who is a lessee of a membership*) is expelled or becomes ineligible for reinstatement, the Board shall dispose of his membership in the manner provided in Section 7 of this Article [,]. *When a regular or options principal member who is the lessee of a membership is expelled or becomes ineligible for reinstatement the lease shall terminate.* [*and w*] When a regular or options principal member dies or resigns, the Board may [so] dispose of his membership *in the manner provided in Section 7 of this Article,* if such member or such membership is delinquent in the payment of dues, fines, charges or assessments of the Exchange or contributions to the Gratuity Fund (in the case of a regular member) for a period of ninety days[;].

*NOTE.—(Brackets) indicate material to be deleted and italics indicate material to be added.

[FR Doc. 78-4215 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 14453; File Nos. SR-Amex-77-3 and SR-Amex-77-18]

### AMERICAN STOCK EXCHANGE, INC.

**Order Extending the Period for Conclusion of Proceedings to Determine Whether Proposed Amendments to Foreign Company Listing Requirements Should Be Disapproved, and a Rehearing on Proposed Amendments to Original Listing Requirements and Provisions Governing Suspension and Delisting**

FEBRUARY 10, 1978.

On November 29, 1977, the Commission issued an order (Securities Exchange Act Release No. 14214) instituting prodeedings, pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(2), to determine whether SR-Amex-77-18 should be disapproved and granting the American Stock Exchange's ("Amex's"), 86 Trinity Place, New York, N.Y. 10006, request for a rehearing on SR-Amex-77-3.[1] Both proposals involve amendments of the Amex's original listing criteria for stocks which, upon adoption, would expand the universe of issues eligible for listing on the exchange.[2] The November 29, 1977, order invited interested persons to submit written data, views and arguments within thirty (30) days thereof (December 29, 1977); parties wishing to respond to any such submission were required to file a response within 45 days of the order's issuance (January 13, 1978).

By letter dated December 29, 1977, the Amex requested and the Commission granted an extension of the above-mentioned comment and rebuttal periods to January 13 and January 30, 1978, respectively.[3] In its letter, the Amex also consented to a 2-week extension of the time specified in section 19(b)(2) of the Act for the conclusion of proceedings instituted to determine whether a proposed rule change should be disapproved.

Section 19(b)(2) of the Act requires that a proceeding instituted thereunder be concluded within one hundred eighty (180) days of the date of publication of notice of filing of the subject rule proposal.[4] Nevertheless, section 19(b)(2) also permits the Commission to extend the period for the conclusion of such proceedings for up to sixty (60) days upon a finding of good cause and publication of the Commission's reasons for so finding.

During the preceding extension of the comment period on this matter, the Commission received an extensive submission from the Amex on January 18, 1978, and an amendment of that submission on January 20, 1978. That submission presents new facts and arguments as to why the Commission should approve the subject rule proposals. A thorough analysis of this material, in conjunction with a review of the entire record on SR-Amex-77-3 and SR-Amex-77-18, and consideration by the Commission of the questions thus raised cannot be accomplished within the one hundred eighty (180) day statutory period plus the additional period to which the Amex has consented.

Accordingly, on the basis of the reasons cited above, we find that good cause exists for an extension of the time initially permitted for consideration of these matters and hereby order an extension of sixty (60) days, from February 13, 1978, of the period for the conclusion of proceedings to determine whether SR-Amex-77-18 should be disapproved, and, concurrently, to reconsider our previous disapproval of SR-Amex-77-3.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4216 Filed 2-15-78; 8:45 am]

[1] On August 31, 1977, the Commission issued an order disapproving SR-Amex-77-3 (Securities Exchange Act Release No. 13912) (42 FR 44855 (September 7, 1977)).

[2] The terms of substance of SR-Amex-77-3 and SR-Amex-77-18 appeared in the FEDERAL REGISTER on March 24, 1977 (42 FR 15994) and August 1, 1977 (42 FR 38948), respectively.

[3] Securities Exchange Act Release No. 14328 (December 30, 1977).

[4] Notice of filing of SR-Amex-77-18 was given by publication in the FEDERAL REGISTER on August 1, 1977. Accordingly, the statutory period for conclusion of disapproval proceedings plus the two week extension granted by the Amex would have necessitated Commission action on this matter by February 13, 1978. In its request for a rehearing on SR-Amex-77-3 (letter from Norman Poser, Executive Vice President, Amex to George A. Fitzsimmons dated November 4, 1977), the Amex consented to reconsideration of SR-Amex-77-3 within the same proceeding as SR-Amex-77-18.





[8010-01]

[Rel. No. 10117; 812-4244]

### HARTFORD VARIABLE ANNUITY LIFE INSURANCE CO., HARTFORD INVESTMENT SERVICES, INC. AND HARTFORD EQUITY SALES CO., INC.

**Application for Exemption**

FEBRUARY 9, 1978.

Notice is hereby given that Hartford Variable Annuity Life Insurance Co. ("HVA"), a stock life insurance company organized under the laws of the State of Connecticut, Hartford Investment Services, Inc. ("HISCO"), a company organized under the laws of Connecticut to engage in the investment advisory business, and Hartford Equity Sales Co., Inc. ("HESCO"), Hartford Plaza, Hartford, Conn. 06115 a company organized under the laws of Connecticut and registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act") (Collectively "Applicants"), filed an Application on December 7, 1977, pursuant to section 9(c) of the Investment Company Act of 1940 ("Act"), for an order of exemption from the provisions of section 9(a). All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant HVA is a wholly owned subsidiary of Hartford Life Insurance Co. International Telephone and Telepgraph Corp. ("ITT") owns 99.9 percent of the outstanding common stock and, together with a subsidiary, own 100 percent of the preferred stock of Hartford Fire Insurance Co. which, in turn, owns 100 percent of the outstanding stock of Hartford Life Insurance Co. Applicant HESCO is a wholly owned subsidiary of Applicant HVA. Applicant HISCO is a wholly owned subsidiary of Hartford Fire Insurance Co.

Axe Securities Corp. ("Axe"), a Delaware corporation, is registered as a broker-dealer under the Exchange Act. Axe serves as sponsor-depositor of three HVA separate accounts: Hartford Variable Annuity Life Insurance Co. DC Variable Account-I ("HVA-DC-I"), Hartford Variable Annuity Life Insurance Co. QP Variable Account ("HVA-QP-VA"), and Hartford Variable Annuity Life Insurance Co. DC Variable Account-II ("HVA-DC-II"). HVA-DC-I, HVA-DC-II, and HV-QP-VA are registered under the Act as unit investment trusts. Axe also serves as principal underwriter of the variable annuity contracts issued by HVA-DC-II, and HVA-QP-VA and by a fourth HVA separate account Hartford Variable Annuity Life Insurance Co. Separate Account ("HVA Separate Account") which is registered under the Act as a management open-end diversified investment company. E. W. Axe & Co., Inc. ("H. E. Axe") serves as investment adviser to Hartford Fund, Inc. ("Hartford Fund"), a management open-end diversified investment company registered under the Act. Hartford Fund has a bond series and a stock series. The bond series and the stock series shares of Hartford Fund serve as the underlying investment media of HVA-DC-I, HVA-DC-II and HVA-QP-VA. E. W. Axe also serves as investment adviser to HVA Separate Account.

SECTION 9

Section 9(a) of the Act, in pertinent part, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, saleman, officer, director, member of an advisory board, investment adviser, broker-dealer, principal underwriter or depositor of or for any registered investment company if such person is, by reason of any misconduct, permanently enjoined by any court of competent jurisdiction from engaging in or continuing any such conduct or practice or in connection with the purchase or sale of any security.

Section 9(c) provides that any person who is ineligible by reason of section 9(a) to serve in the capacities enumerated in that section may file an application for an exemption from the prohibitions of that section and that the Commission shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applican(s), are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

PREVIOUS APPLICATIONS

On June 20, 1972, ITT and two of its subsidiaries, HVA and Hamilton Management Corp. ("HMC") applied under section 9(c) of the Act for an order exemption them from the provisions of section 9(a) of the Act. The June 1972 application followed the entry of consent injunctions against ITT and two of its officers in a Commission enforcement action alleging misuse of inside information relating to a material change in the posture of Justice Department anti-trust litigation against ITT and also alleging the sale of unregistered securities.[1]

At the time this application was filed, HMC acted as investment adviser and principal underwriter to Hamilton Funds, Inc., Hamilton Growth fund, Inv., and Hamilton Income fund, Inc., Management open-end investment companies registered under the Act. HVA (formerly known as the ITT Variable Annuity Insurance Co.) acted as investment adviser and principal underwriter[2] to HVA (then ITT) Separate Account. In addition, HMC acted as investment adviser to HVA. As subsidiaries, of ITT, HVA and HMC, immediately upon entry of the injunctions referred to above, became subject to section 9(a)(3) of the Act, which, in pertinent part, prohibits any company which, by reason of any misconduct, is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in any conduct or practice in connection with the purchase or sale of any security, from serving or acting in the capacity of, inter alia, investment adviser, depositor or principal underwriter of any registered investment Company. Accordingly, contemporaneously with the entry of the June 1972 injunctions, ITT, HVA and HMC applied under section 9(c) for an order of exemption and the Commission granted a temporary order of exemption to permit the subsidiaries to continue servicing the registered investment companies involved pending the Commission's consideration of the applicaiton. In January 1973, the Commission, upon a request of two intervening parties, ordered a hearing on the application.

[1] Litigation Release No. 5435.

[2] In 1974, HESCO became principal underwriter for HVA and Separate Account.

Proceedings on the applicaiton by ITT, HVA and HMC continued into 1975. During 1975, however, ITT sold HMC to Oppenheimer Management Corp.; additionally, E. W. Axe and Axe became the principal underwriter and investment adviser, respectively, for HVA Separate Account. Thus having terminated its affiliation with the underwriting, depository and investment advisory activities that were subject to the section 9 proscription, ITT, its subsidiaries, HVA and HESCO, and HMC subsequently withdrew their applications under section 9(c) and accordingly, on November 14, 1975, such proceedings were ordered cancelled. As a result of the withdrawal of the application, the temporary order of exemption previously granted by the Commission was terminated.

HVA-QP-VA, HVA-DC-I and HVA-DC-II were established by means of custodian agreements between Axe and Hartford National Bank and Trust Company ("HNB"). HVA has entered into an agreement with Axe under the terms of which HVA has agreed that it will assume responsibility for the maintenance of the records that are required to be kept by Axe as depositor and principal underwriter by the provisions of section 31(a) of the Act and Rules 13a-1 and 13a-2 thereunder.

HVA has also entered into a record-keeping agreement with HNB under the terms of which HVA has agreed to maintain and preserve on behalf of HNB under section 31(a) of the Act and Rules 13a-1 and 13a-2 thereunder, such accounts, books and other documents as constitute the records forming the basis for financial statements required to be filed pursuant to section 30 of the Act and of the auditors' certificates relating thereto.

The performance of these functions by HVA pursuant to its agreements with Axe and HNB, as well as the performance of administrative and payment processing functions by HVA, could constitute it as the depositor or principal underwriter of HVA-QP-VA, HVA-DC-I and HVA-DC-II. As a subsidiary of ITT, HVA is barred by the provisions of section 9(a) from serving as, inter alia, depositor or principal underwriter of a registered investment company. Accordingly, HVA filed an application, and on August 24, 1977, exemptive orders were issued under section 9(c) to the extent necessary and pursuant to section 6(c) for exemptions from the provisions of sections 26(a) and 27(c)(2) to allow it to perform these functions (Investment Company Act Release No. 9908).

PRESENT REQUEST FOR EXEMPTION

HVA and HESCO wish to have the proscriptions of section 9(a) completely removed in order that, should the occasion arise, HVA might serve as investment adviser to and HESCO might serve as principal underwriter of HVA Separate Account; HVA might serve as investment adviser to Hartford Fund; and HVA might serve as principal underwriter and sponsor-depositor with respect to HVA-DC-I, HVA-DC-II and HVA-QP-VA. Further, since the principal business purpose of HISCO is to render investment advice and since it may at some future time wish to place itself in a position to render investment advice to HVA Separate Account and/or to Hartford Fund, it also wishes to be free of the section 9(a) proscription to which it is presently subject.

Accordingly, Applicatants have requested that the Commission issue an order exempting them from the prohibitions of section 9(a) arising out of the issuance of the permanent injunction against ITT, their corporate parent, so that each of them will be free to serve or act in the capacity of investment adviser or sponsor-depositor of any registered investment company, or principal underwriter, as the case may be, for any registered management open-end investment company., unit investment trust or face-amount certificate company.

Applicatants represent, in support of their request for relief, that neither HVA, HESCO, HISCO, nor any of their respective officers, directors or employees, were named as respondents in the injunctive action instituted by the Commission nor were any such persons named in the permanent injunction which was entered pursuant thereto. Applicants are barred under section 9(a) by virtue of their affiliated relationship. Applicants represent that no person named as a respondent in the injunctive action or in the permanent injunction entered pursuant thereto is now or ever has been involved in the day-to-day operations of HVA, HESCO and HISCO nor is it anticipated that they will become so involved should HVA, HESCO or HISCO ever undertake to serve as investment adviser to or sponsor-depositor or principal underwriter for any registered investment company. Applicants further assert that to prevent HVA, HESCO and HISCO from serving in any of the prohibited capacities set forth in section 9(a) of the Act would unjustly penalize them for wrongs which they did not commit and, under the circumstances, the penalties are unduly and disproportionately severe. Applicants assert that the conduct of such persons has been such as not to make it against the public interest or protection of investors to grant the Application.

Notice is further given that any interested person may, not later than March 7, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4217 Filed 2-15-78; 8:45 am]

[8010-01]

[File No. 81-308]

HOWARD DISCOUNT CENTERS, INC.

Application and Opportunity for Hearing

FEBRUARY 9, 1978.

Notice is hereby given that Howard Discount Centers, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") that Applicant be granted an exemption from filing an annual report on Form 10-K for the year ended January 28, 1978, and all other reports required to be filed pursuant to sections 13 or 15(d) of the 1934 Act.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of Delaware.

2. Prior to the merger, Applicant had one class of equity securities registered under the Securities Act of 1933.

3. Prior to the merger, Applicant was subject to the provisions of section 15(d) of the 1934 Act and its common stock was registered pursuant to section 12(g) of the 1934 Act.

4. As a result of a merger on Novemer 7, 1977, the Applicant became a wholly-owned subsidiary of Howard Bros. Discount Stores, Inc. ("Howard Bros.").

5. At this time the Applicant has only one shareholder, Howard Bros.

In the absence of an exemption, Applicant is required to file pursuant to section 13 and 15(d) of the 1934 Act and the rules and regulations, thereunder, an annual report on Form 10-K for the year ending January 28, 1978. Applicant believes that its request for an order exempting it from the provisions of sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant is a wholly-owned subsidiary with only one stockholder of record or beneficially. Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than March 6, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information of fact and law raised by the Application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4218 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 14374; SR-MSTC-77-8]

MIDWEST SECURITIES TRUST CO.

Order Approving Rule Change Providing for Establishment of a Depository Interface With New England Securities Depository Trust Co.

JANUARY 12, 1978.

On May 19, 1977, the Midwest Securities Trust Co. ("MSTC") 120 South LaSalle Street, Chicago, Ill. 60603, submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") relating to the establishment of procedures for MSTC's participation in a depository interface with New England Securities Depository Trust Co. The submission comprises procedures and agreements for the operation of the interface. In connection with the proposed rule change, MSTC requested that the Commission continue its previous finding pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 29989, June 10, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13599, June 6, 1977. No letters of comment were received.

By letters dated August 18, 1977, November 1, 1977, December 12, 1977, and January 12, 1978, MSTC provided additional information and made certain representations in connection with the submission.

The Commission has reviewed the MSTC submission and finds that the agreements, provisions and safeguards established by MSTC are adequate for the protection of investors. The Commission finds also that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

*It is therefore ordered,* Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSTC-77-8, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4219 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 14447; SR-MCC-77-6]

MIDWEST CLEARING CORP.

Order Approving Rule Change Relating to Priority Assignment for a Security Withdrawal Request

FEBRUARY 8, 1978.

On November 18, 1977, the Midwest Clearing Corporation ("MCC"), 120 South LaSalle Street, Chicago, Ill. 60603, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to MCC Rule 6, section 2(e), which would assign a fifth and lowest priority to security withdrawal requests pursuant to the Stock Today Program of MCC and Midwest Securities Trust Co.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (43 FR 51, January 3, 1978) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-14309, December 27, 1977. No letters of comment were received.

The Commission has reviewed the proposed change to Rule 6 and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

*It is therefore ordered,* Pursuant to section 19(b)(2) of the Act, that the proposed change to MCC Rule 6 contained in File No. SR-MCC-77-6 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4220 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 20407; 70-5915]

NATIONAL FUEL GAS SUPPLY CORP. AND NATIONAL FULL GAS DISTRIBUTION CORP.

Proposed Issuance of Securities by Subsidiary and Acquisition of Securities by Subsidiary in Connection With Intrasystem Loan

FEBRUARY 18, 1978.

Notice is hereby given that National Fuel Gas Supply Corp. ("Supply"), 308 Seneca Street, Oil City, Pa. 16301, and National Fuel Gas Distribution Corp. ("Distribution"), 10 Lafayette Square, Buffalo, N.Y. 14203, nonutility subsidiaries of National Fuel Gas Co. ("National"), a registered holding company, have filed post-effective amendments to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated November 17, 1976 (HCAR No. 19760), February 14, 1977 (HCAR No. 19882) and March 24, 1977 (HCAR No. 19956), the Commission authorized National to issue and sell debentures and to loan a portion of the proceeds to certain of its subsidiaries. National was authorized to use up to $19,400,000 of the proceeds of the debenture sale to acquire securities of National Gas Storage Co. ("Storage"), a proposed subsidiary of National. The acquisition of Storage's securities by National was dependent upon Federal Power Commission ("FPC") authorization of related transactions involving Storage. Accordingly, National was authorized by this Commission to loan at 8.7 percent, the effective cost of money incurred by National in the issuance of its debentures, up to $19,400,000 aggregate principal amount to Supply pending receipt of such authorization from the Federal

Energy Regulatory Commission ("FERC"), successor to the FPC. Supply was authorized by this Commission to use the proceeds for the preliminary development of storage properties which will later be transferred to Storage, for working capital, for the purchase of gas placed in summer storage and for temporary investment.

It is now stated that as a result of procedural delays in the FERC proceeding, Supply will not expend as much as was anticipated on the storage properties at the Independence Storage Project and will thus have excess cash available estimated to amount to $8,000,000. Authorization is requested for Supply to loan to Distribution such excess cash in an aggregate principal amount not to exceed $8,000,000, for working capital and for its construction program. The funds would be loaned in exchange for unsecured notes maturing at the earlier of twelve months from the date of issue or receipt of the aforesaid FERC authorization and need for the cash for the storage project. Interest will be paid at the commercial rate applicable to National in effect at the time the loan is made. Distribution proposes to repay these loans through moneys received as a result of the sale of other securities by National. Supply and Distribution further request authority for Supply to loan to Distribution cash generated as a result of the sale by Supply of gas withdrawn from storage to the extent that such cash is required by Distribution for working capital, but not in excess of $20,000,000. The funds would be loaned in exchange for unsecured notes maturing within one year. Interest will be paid at the commercial paper rate applicable to National in effect at the time the loan is made. Distribution proposes to repay these loans through moneys received as a result of bank borrowings or the sale of commercial paper by National.

It is stated that these proposed transactions will save the system money as the interest rate Supply can realize on temporary investments of excess cash is less than the interest rate Distribution would incur on short-term borrowings.

It is further stated that Distribution and National will have the option, after payment of all notes of prior maturity, to prepay any note issued pursuant to the transactions specified above at any time or from time to time, in whole or in part, without premium, upon payment of all interest accrued on the principal amount so prepaid to the date of such prepayment.

No special and separable fees, commissions and expenses are anticipated in connection with the proposed transactions. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 8, 1978 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4221 Filed 2-15-78; 8:45 am]

[8010-01]

[Rel. No. 20408; 70-6110]

**OHIO POWER CO.**

**Supplemental Notice Concerning Mortgage Amendments Related to Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding**

FEBRUARY 8, 1978.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission an amendment to its application previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amendment to the application, which is summarized below, for a complete statement of the new matter related to the proposed transactions.

By previous notice issued in this proceeding (HCAR No. 20391) it was stated that Ohio proposed to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $38,000,000 aggregate principal amount of its first mortgage bonds of a new series ("Bonds") and up to 1,600,000 shares of a new series of its cumulative preferred stock, par value $25 per share.

By amendment filed in this proceeding it is stated that Ohio also proposes, in connection with the issuance and sale of the Bonds, to amend the provisions of section 117 of its Mortgage and Deed of Trust, dated as of October 1, 1938, made by it to Manufacturers Hanover Trust Co. and Donald B. Herterich, as supplemented and amended, to facilitate the amendment of the Mortgage at a future date (i) to delete the third paragraph of Part II of section 20 of the Mortgage (the requirement that Ohio annually satisfy through the deposit of cash or bonds, or the certification of property additions, the amount by which expenditures for repairs, maintenance and replacements fails to equal 15 percent of base operating revenues, as defined), and/or (ii) to delete the fourth paragraph of section 26 of the Mortgage, which provides that no bonds shall be authenticated, nor funded cash withdrawn, nor funded property released, nor credit taken on the basis of any property additions subject to prior liens where the property additions so used, and related amounts, would exceed 15 percent of the total amount of bonds authenticated under the Mortgage.

Ohio also proposes to change the amount of the Applicable Percentage specified in part II(a) of section 20 of the Mortgage from 2.25 percent to 2.90 percent, such change to become effective on the date when the Mortgage shall be amended to delete the provisions of the third paragraph of Part II of section 20, and to continue at 2.90 percent until another change in such percentage shall be authorized or approved by this Commission under the Act.

Notice is further given that any interested person may, not later than March 2, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4222 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 14449; File No. SR-OCC-77-7]

**OPTIONS CLEARING CORP.**

**Order Approving Rule Change Submitted to Implement a Third-Party Pledge System for the Deposit of Underlying Securities and to Establish a Procedure for the Allocation of a Suspended Clearing Member's Pending Exercise Assignments to Covered Short Positions**

FEBRUARY 9, 1978.

On June 7, 1977, the Options Clearing Corp., ("OCC"), 5950 Sears Tower, Chicago, Ill. 60606, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to implement a third-party pledge system for the deposit of underlying securities by writers of call option contracts and to establish a procedure for the allocation of a suspended clearing member's pending exercise assignments to covered short positions in the clearing member's accounts in cases where OCC is unable to determine the manner in which the assignments were allocated by the clearing member.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 33832, July 1, 1977), and the public was invited to submit comments until July 22, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13680, June 27, 1977. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A and the rules and regulations thereunder.

*It is therefore ordered*, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-77-7 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4223 Filed 2-15-78; 8:45 am]

[8010-01]

[Release No. 10116; 812-4215]

**SAFECO EQUITY FUND, INC. ET AL**

**Filing of Application for Exemption**

FEBRUARY 9, 1978.

Notice is hereby given that SAFECO Equity Fund, Inc., SAFECO Growth Fund, Inc., SAFECO Income Fund, Inc., and SAFECO Special Bond Fund, Inc. (hereinafter collectively referred to as the "Safeco Funds"), all registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, and Dr. Charles E. Odegaard ("Odegaard", hereinafter collectively referred to with the Safeco Funds as "Applicants"), 222 Miller Hall, DQ 12, College of Education, University of Washington, Seattle, Wash. 98105, filed an application on October 31, 1977, and amendments thereto on December 7, 1977, and January 13, 1978, pursuant to section 6(c) of the Act, for an order of the Commission declaring that Odegaard shall not be deemed to be an interested person, within the meaning of section 2(a)(19) of the Act, of the Safeco Funds' investment adviser or principal underwriter solely by reason of his position as "Member" of the College Retirement Equities Fund ("CREF"), a variable annuity fund which owns shares of SAFECO Corp., or of his beneficial interest as an annuitant of CREF. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Safeco Funds have been managed by wholly owned subsidiaries of SAFECO Corp. ("Safeco") since their respective dates of incorporation; in particular, SAFECO Asset Management Co. ("SAM") has been their investment adviser since 1976. Safeco is a publicly held holding company; its principal subsidiaries are property and casualty, life and title insurance companies. Another subsidiary of Safeco, SAFECO Securities, Inc. ("SSI") acts as principal underwriter for the Safeco Funds.

Applicants state that the board of directors of each of the Safeco Funds is composed of five directors, two of whom are "interested persons" of the Safeco Funds as that term is defined in section 2(a)(19) of the Act; that in September 1977, one of the noninterested directors resigned to become a director of a national bank; and that, on October 7, 1977, Odegaard was appointed by the directors of each of the Safeco Funds to serve the remaining term of the director who had resigned. Applicants state that Odegaard has not participated as a director of any of the Safeco Funds and that it is not anticipated that he will so participate until his status, as sought to be declared herein, is resolved.

The application states that Odegaard is President Emeritus of the University of Washington and currently a Professor of Higher Education and Biomedical History at that University. The application further states that since November 1969, Odegaard had been one of seven "Members" of CREF, and that, at September 30, 1977, the total assets of CREF were $4,100,000,000, which included 83,000 shares of Safeco common stock, or .08 percent of CREF's total assets and .63 percent of the total Safeco common stock outstanding.

According to the application, CREF was organized as a corporation in 1952, under the laws of the State of New York, for the purpose of providing variable annuities to college and university personnel. Applicants state that the Constitution of CREF provides that its seven Members ("Members") shall function in a manner analogous to shareholders of a corporation, and that the Members meet annually to elect an operating board which comprises the trustees of CREF. Applicants assert that the Members have no control over the daily operations of CREF, but rather, that CREF's consitution provides that the general management of the property, business and affairs of CREF shall be vested in its board of trustees, and that Dr. Odegaard is not a member of that board.

Section 2(a)(19) of the Act, in part, defines an "interested person" of an investment company to include any interested person of any investment adviser of or principal underwriter for such company. Section 2(a)(19) of the Act further defines an "interested person" of an investment adviser of or principal underwriter for any investment company to include any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter.

Applicants assert that they do not wish to have Odegaard serve as an interested director of the Safeco Funds becase it is the policy of the Safeco Funds that a majority of their directors be noninterested.

Applicants assert that Odegaard (1) has no authority over or responsibility for the portfolio of CREF; (2) has no power to influence changes in that portfolio, and (3) therefore, can have no conflict of interest between his duties as a Member of CREF and as a director of the Safeco Funds.

They further assert that, with respect to Odegaard's interest as a variable annuitant of CREF, the effect which any individual holding of CREF could have on its total portfolio is dependent primarily on the size of such holding compared to the size of the portfolio. They submit that, since less than one percent of CREF's assets are Safeco common stock, an increase or decrease in Safeco's market price would have no measurable effect on CREF's portfolio as a whole. In addition, Applicants submit that the performance of all of Safeco's mutual fund sales and management companies (i.e., SAM, SSI, and the Safeco Funds' transfer agent) have little effect on the net income or earnings per share of Safeco. In particular, an exhibit to the application states, inter alia, that for the 9 months ended September 30, 1977, SAM contributed $0.0063 to Safeco's per share earnings of $6.29.

Applicants conclude that Odegaard's connection with CREF, as Member or as an annuitant, will not impair his independence in acting on behalf of the Safeco Funds and their shareholders.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such requests shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc 78-4224 Filed 2-15-78; 8:45 am]

[8010-01]

[Files Nos. 2-33471 (22-5586), 2-55597 (22-8757)]

## STANDARD OIL CO.

### Application and Opportunity for Hearing

FEBRUARY 10, 1978.

Notice is hereby given that The Standard Oil Co. (an Ohio corporation) (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Manufacturers Hanover Trust Co., under five indentures, four heretofore qualified under the Act and one which was not qualified under the Act because of the exemption contained in section 304(a)(4) of the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover Trust Co., from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either elimlnate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

The Company alleges that:

1. The Company has issued and outstanding $100,000,000 in aggregate principal amount of its 7.60 percent Debentures Due 1999 (the "Debentures") under an Indenture, dated as of July 1, 1969 (the "1969 Indenture"), between the Company and Chemical Bank, Trustee. The Company Indenture was filed as Exhibit 2(a) to Registration Statement No. 2-33471 of the Company under the Securities Act of 1933 and has been qualified under the Trust Indenture Act of 1939. On December 2, 1975, Manufacturers Hanover Trust Co., succeeded Chemical Bank as Trustee under the 1969 Indenture. The Company has also issued and outstanding: (a) $200,000,000 in aggregate principal amount of its 7.10 percent Notes Due October 1, 1977; (b) $50,000,000 in aggregate principal amount of its 7.60 percent Notes Due April 1, 1979; and (c) $75,000,000 in aggregate principal amount of its 8 percent Notes Due April 1, 1981 (collectively the "Notes") under, respectively, three Indentures, each dated as of April 1, 1976 (collectively the "1976 Indentures"), between the Company and Manufacturers Hanover Trust Co., Trustee. The 1976 Indentures were filed as Exhibits 2(a), 2(b) and 2(c) to Registration Statement No. 2-55597 of the Company under the Securities Act of 1933 and have been qualified under the Trust Indenture Act of 1939. The Debentures and the Notes are hereinafter sometimes referred to collectively as the "Company Securities" and the 1969 Indenture and the 1976 Indentures are hereinafter sometimes referred to collectively as the "Company Indentures."

2. The Ohio Air Quality Development Authority, a public instrumentality of the State of Ohio (the "Ohio Authority"), has issued and outstanding $12,000,000 aggregate principal amount of its Pollution Control Revenue Bonds, Series A (Sohio Air Project) (the "Ohio Bonds") under a Trust Indenture, dated as of September 1, 1977 (the "Ohio Indenture"), between the Ohio Authority and Manufacturers Hanover Trust Co., Trustee. The Company pursuant to the Loan Agreement between the Ohio Authority and the Company, dated as of September 1, 1977 has agreed to make payment to the Ohio Authority in an amount sufficient to pay principal and interest on the Ohio Bonds. Inasmuch as the Ohio Bonds were issued by a public instrumentality of the State of Ohio, the Ohio Bonds were not registered under the Securities Act of 1933 and the Ohio Indenture was not qualified under the Trust Indenture Act of 1939.

3. As required by section 3.10(b) of the Trust Indenture Act of 1939, the 1969 Indenture, in section 7.08, provides in applicable part as follows:

"(a) If the Trustee has or shall acquire any conflicting interest, as defined in this section 7.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this section 7.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to all holders of Debentures, as the names and addresses of such holders appear upon the registry books of the Company.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if

(1) The Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, provided that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company are outstanding (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to Subsection (b) of section 305 or Subsection (c) of section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures.





Section 6.08 of each of the 1976 Indentures is substantially the same as section 7.08 of the 1969 Indenture, except that each of the 1976 Indentures explicitly excludes from the operation of paragraph (c)(1) thereof the other two 1976 Indentures and the 1969 Indenture.

4. Manufacturers Hanover Trust Co., has ascertained that it has a conflict of interest within the meaning of section 7.08 of the 1969 Indenture and section 6.08 of the 1976 Indentures because of Ohio Indenture is not qualified under the Trust Indenture Act of 1939 and is not the subject of any other proceeding of the Securities and Exchange Commission.

5. The Ohio Bonds and the Company Securities issued pursuant to the Company Indentures are all wholly unsecured and of equal rank. Accordingly, in the opinion of the Company the trusteeships of Manufacturers Hanover Trust Co., under the Ohio Indenture and the Company Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers Hanover Trust Company be disqualified from acting as trustee under the Ohio Indenture and the Company Indentures and resign its trusteeships under the Ohio Indenture or the Company Indentures.

6. The Company waives notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than March 6, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4225 Filed 2-15-78; 8:45 am]

[4710-01]

## DEPARTMENT OF STATE

[Public Notice CM-8/10]

### ADVISORY PANEL ON ACADEMIC MUSIC OF THE ADVISORY COMMITTEE ON MUSIC

#### Meeting

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Academic Music has scheduled a meeting to be held on Monday, March 6, in Room 507 at State Annex 2, Department of State, 515 22nd Street NW., Washington, D.C. The meeting hours will be from 9:45 a.m. to 12:30 p.m. and from 2 p.m. to 5:30 p.m.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the academic music field sponsored by the Department of State;

(3) Evaluation of tapes and records of College/University performing arts groups planning tours abroad, and academic groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before March 3; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

Dated: February 6, 1978.

PAUL E. WHEELER,
*Director, Office of International Arts Affairs.*

[FR Doc. 78-4245 Filed 2-15-78; 8:45 am]

[4710-01]

[Public Notice CM-8/11]

### STUDY GROUP I OF THE U.S. ORGANIZATION OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

#### Meeting

The Department of State announces that Study Group I of the U.S. Organization of the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 9, 1978, at 10 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street NW., Washing-

ton, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Committee will discuss international telecommunications relating to telegraph, telex, and data services in order to develop U.S. positions to be taken at meetings of international CCITT Study Groups I and III to be held during 1978 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: February 9, 1978.

ARTHUR L. FREEMAN,
*Chairman, U.S. CCITT*
*National Committee*

[FR Doc. 78-4246 Filed 2-15-78; 8:45 am]

[4710-01]

[Public Notice CM-8-13]

## STUDY GROUP 4 OF THE U.S. ORGANIZATION OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

### Meeting

The Department of State announces that Study Group 4 of the U.S. Organization of the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 9, 1978, at 10 a.m. in Room 6802 of the Department of Commerce, 14th Street NW. (between E Street and Constitution Avenue), Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission services.

The agenda for the March 9 meeting will include consideration of the following:

1. Report on the December 1977 Meeting of the Working Parties of CCITT Study Group XVII.

2. Consideration of U.S. delayed contributions to the April 1973 Meeting of CCITT Study Group VII.

3. Other business.

All participants are requested to use the main entrance to the Department of Commerce on 14th Street NW. Members of the general public who desire to attend the meeting on March 9 will be admitted up to the limit of the meeting room.

ARTHUR L. FREEMAN,
*Chairman, U.S. CCITT*
*National Committee*

FEBRUARY 9, 1978

[FR Doc. 78-4247 Filed 2-15-78; 8:45 am]

[4710-01]

[Public Notice CM-8-13]

## STUDY GROUP 7 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

### Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 15, 1978, at the NASA Goddard Space Flight Center, Greenbelt Road, Building 12, Room N13, Greenbelt, Md. The meeting will begin at 9 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting will be to discuss preparations for the Special Preparatory Meeting which will be held in Geneva starting in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Entrance to the Goddard Space Flight Center is controlled and all non-NASA representatives will be required to register at whichever gate is used for entry to the area. Entry for members of the general public may be facilitated if arrangements are made in advance. Therefore, it is suggested that prior to March 15, members of the general public who plan to attend the meeting should inform their name, affiliation and address to Mr. Jacques S. Herman (Secretary, U.S. Study Group 7), National Scientific Laboratories. Mr. Herman can be reached by telephone on area code 703-698-8500.

Dated: February 10, 1978.

GORDON L. HUFFCUTT,
*Chairman, U.S. CCIR*
*National Committee.*

[FR Doc. 78-4248 Filed 2-15-78; 8:45 am]

[4910-60]

## DEPARTMENT OF TRANSPORTATION

### Materials Transportation Bureau

### EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by March 20, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.





NEW APPLICATION

| Application No. | Applicant | Regulation(s) affected | Nature of application |
|---|---|---|---|
| 7909-N | Dow Chemical Co., Midland, Mich. | 49 CFR 173.345(a), 173.359(c), 173.364(a), 173.370(b), (d), 173.377(f), 175.3. | To authorize shipment of Class B poisons in inside containers of not over 1 liter capacity overpacked in composite packaging without the poison B label. (Modes 1, 2, 4, 5.) |
| 7910-N | Union Carbide Corp., Bound Brook, N.J. | 49 CFR 173.306(a)(3) | To authorize shipment of flammable gases, nonflammable gases and mixtures thereof in non-DOT Polyethylene aerosol container patterned after DOT specification 2P or 2Q. (Modes 1, 2, 3.) |
| 7911-N | Lox Equipment Co., Livermore, Calif. | 49 CFR 173.315 | To authorize shipment of liquefied methane, liquefied natural gas, and liquefied ethylene in a non-DOT tank motor vehicle. |
| 7912-N | Express Airways Inc., Mojave, Calif. | 49 CFR 175.73(a)(3), 175.85(d). | To authorize shipment of radioactive materials in cargo only aircraft in quantities exceeding prescribed limitations and certain related requirements. (Mode 4.) |
| 7913-N | Cherokee Chemical Co., Inc., Compton, Calif. | 49 CFR 173.245 | To authorize shipment of corrosive liquid cleaning compounds in DOT 57 portable tanks. (Mode 1.) |
| 7914-N | Southern Pacific Transportation Co., San Francisco, Calif. | 49 CFR 174.91, 174.92, 174.93. | To allow operation of unit tank car trains of petroleum crude oil without buffer cars. (Mode 2.) |
| 7915-N | Olin Corp., East Alton, Ill | 49 CFR 173.93(b) | To authorize shipment of Class B smokeless powder in water in MC-307 and MC-312 cargo tanks. (Mode 1.) |
| 7916-N | Olin Chemicals Group, Stamford, Conn. | 49 CFR 173.286, 175.3 | To authorize shipment of a chemical kit containing corrosive liquids, flammable liquids, an ORM-A liquid, and non-regulated liquids in one outside shipping container. (Modes 1, 4.) |
| 7918-N | W. R. Grace & Co., Cambridge, Mass. | 49 CFR 172.101 | To authorize shipment of certain soda lime (solid) formulations as non-regulated materials. (Modes 1, 2, 3.) |
| 7919-N | Crowley Maritime Corp., Seattle, Wash. | 49 CFR 176.83 Table II | To authorize stowage in the same hold or compartment hazardous materials which normally may not be stowed together. (Mode 3.) |
| 7920-N | Maruheni America Corp., New York, N.Y. | 49 CFR 173.358 | To authorize shipment of organic phosphate compounds, liquid, Class B poison, in non-DOT steel drums. (Modes 1, 3.) |
| 7921-N | Becton, Dickinson & Co., Arlington, Tex. | 49 CFR Parts 100-189 except Part 107, §§ 171.2, 173.21, 173.22a, 173.24. | To authorize shipment of an analytical standard chemical kit containing ampules of nitric acid, sulfuric acid, hydrochloric acid, phosphoric acid, chloroform and certain alcohols in the same outside packaging essentially as a nonregulated package. (Modes 1, 2, 3, 4.) |

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on February 8, 1978.

J. R. GROTHE,
*Chief, Exemptions Branch, Office of Hazardous Materials Operations.*

[FR Doc. 78-4115 Filed 2-15 78, 8:45 am]

[4910-60]

## EXEMPTION APPLICATIONS

AGENCY: Materals Transportation Bureau, DOT.

ACTION: List of applications for renewal of exemption or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments by March 3, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

| Application No | Applicant | Renewal of exemption |
|---|---|---|
| 4108 X | Chemetron Corp., Chicago, Ill | 4108 |
| 4108 X | Southern Oxygen Supply Co., Atlanta Ga. | 4108 |
| 4291 X | United Technologies, Sunnyvale, Calif | 4291 |
| 4390 X | Ashland Chemical Co Columbus, Ohio | 4390 |
| 5022 X | National Aeronautics and Space Administration, Washington, D.C. | 5022 |
| 5022-X | Aerojet Solid Propulsion Co., Sacramento, Calif | 5022 |
| 5112-X | Austin Powder Co., Cleveland, Ohio | 5112 |
| 5200 X | E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. | 5200 |
| 5243 X | Hercules, Inc., Wilmington, Del | 5243 |
| 5454 X | Air Products & Chemicals, Inc., Allentown, Pa | 5454 |
| 5454 X | Union Carbide Corp., Tarrytown, N Y | 5454 |
| 5485 X | Gardner Cryogenics Division, Bethlehem, Pa. | 5485 |
| 5604 X | do | 5604 |
| 5662 X | Dow Chemical U.S.A., Midland, Mich. | 5662 |
| 5668 X | Atlantic Container Line, Elizabeth, N.J | 5668 |
| 5854 X | Sea-Land Service, Inc., Elizabeth, N J | 5854 |
| 5951 X | Ashland Chemical Co Columbus, Ohio | 5951 |
| 5995 X | Roper Plastic, Inc., Oakbrook, Ill. | 5995 |
| 6113 X | American LNG Co., Oakbrook, Ill | 6113 |
| 6124-X | Hercules, Inc., Wilmington, Del | 6124 |
| 6151-X | Virginia Chemicals, Inc., Portsmouth Va | 6151 |
| 6184 X | Air Products & Chemicals, Inc., Allentown, Pa | 6184 |
| 6205 X | American LNG Co., Oakbrook, Ill. | 6205 |
| 6258 X | Ashland Chemical Co Columbus, Ohio | 6258 |
| 6258 X | Allied Chemical Corp., Morristown, N J | 6258 |
| 6258 X | J T. Baker Chemical Co., Phillipsburg, N J. | 6258 |
| 6464 X | New Jersey Natural Gas Co., Asbury Park, N J | 6464 |
| 6464 X | American LNG Co., Oak Brook, Ill. | 6464 |
| 6614 X | Purex Corp., City of Industry, Calif | 6614 |
| 6632 X | Roper Plastics, Inc., Oak Brook, Ill | 6632 |
| 6671 X | Hercules, Inc., Wilmington, Del | 6671 |
| 6688 X | Norris Industries, Los Angeles, Calif | 6688 |
| 6700 X | Container Corp. of America, Wilmington, Del | 6700 |
| 6731 X | U.S. Department of the Army, Washington, D C | 6731 |
| 6746 X | Firestone Tire & Rubber Co., Akron, Ohio. | 6746 |
| 6756-X | Stauffer Chemical Co., Westport, Conn | 6756 |
| 6760-X | Helena Chemical Co., Memphis, Tenn. | 6760 |
| 6760 X | Riverside Chemical Co Memphis, Tenn | 6760 |
| 6765-X | Union Carbide Corp., Tarrytown, N Y | 6765 |
| 6765 X | Air Products & Chemicals, Inc., Allentown, Pa | 6765 |
| 6768-X | PPG Industries, Inc., Pittsburgh, Pa | 6768 |
| 6795 X | Airco Industrial Gases, Murray Hill, N.J. | 8795 |
| 6828 X | Boyle-Midway Division, New York, N Y. | 6828 |
| 6926-X | Union Carbide Corp., Bound Brook, N.J. | 6926 |
| 6969 X | Kaulkeolani Children Hospital, Honolulu, Hawaii. | 6969 |
| 6999 X | U.S. Department of the Army, Washington, D.C. | 6999 |
| 7010-X | Dow Chemical U.S.A., Midland, Mich. | 7010 |
| 7042 X | Walter Kidde & Co., Inc., Mebane, N.C. | 7042 |
| 7052 X | U.S. Department of the Army, Fort Monmouth N.J | 7052 |
| 7218 X | Structural Composites Industries, Inc., Azusa, Calif | 7218 |
| 7227 X | Air Products & Chemicals, Inc., Allentown, Pa. | 7227 |
| 7255 X | U.S. Department of the Navy, Washington, D.C. | 7255 |
| 7256-X | State Industries, Inc., Henderson, Nev. | 7256 |
| 7442-X | JSR America, Inc., New York, N.Y | 7442 |
| 7465 X | State of Alaska, Juneau, Alaska. | 7465 |
| 7491 X | Process Engineering, Inc., Plaistow, N.H. | 7491 |
| 7498 X | Allied Chemical Corp., Morristown, N.J. | 7498 |
| 7529 X | Airesearch Manufacturing Co., of Arizona, Phoenix, Ariz. | 7529 |
| 7542 X | U.S. Cylinders, Inc., Citronelle, Ala. | 7542 |
| 7549 X | Stauffer Chemical Co., Westport, Conn. | 7549 |
| 7558 X | Union Carbide Corp., Tarrytown, N.Y. | 7558 |
| 7559 X | Ronson Corp., Ogletown, Del. | 7559 |
| 7584 X | Degussa Corp., Frankfurt, West Germany. | 7584 |
| 7600-X | Lubbock Manufacturing Co., Lubbock, Tex. | 7600 |
| 7648 X | Intermountain Aerial Sightseeing, Inc., Salt Lake City, Utah. | 7648 |
| 7799 X | Chilean Nitrate Sales Corp., New York, N Y. | 7799 |
| 930-P | Liquid Carbonic Corp., Chicago, Ill. | 930 |
| 4108 P | Central Welding Supply Co., Inc., South Houston, Tex. | 4108 |
| 4108 P | Purity Cylinder Gases, Inc., Grand Rapids, Mich. | 4108 |
| 6016 P | Central Welding Supply Co., Inc., South Houston, Tex. | 6016 |
| 6464 P | New Bedford Gas & Edison Light Co., New Bedford, Mass. | 6464 |
| 6600 P | The Coleman Co., Inc., Wichita, Kans. | 6600 |
| 6616 P | Getz Fire Equipment Co., Peoria, Ill. | 6616 |
| 6616 P | Alarm Control Co., Salt Lake City, Utah. | 6616 |
| 6616-P | Automatic Fire Protection Systems Corp., Bookfield, Wis. | 6616 |
| 6759-P | IMC Chemical Group, Inc., Allentown, Pa. | 6759 |
| 6810 P | Henderson, Ltd., Richardson, Tex | 6810 |
| 6984-P | Powder River Explosives, Sheridan, Wyo. | 6984 |
| 7253-P | Alpha International Chemical, Inc., New York, N Y. | 7253 |

| Application No. | Applicant | Renewal of exemption |
|---|---|---|
| 2582 X | Union Carbide Corp., Tarrytown, N Y | 2582 |
| 2482 X | Air Products & Chemicals, Inc., Allentown, Pa | 2582 |
| 2973-X | PPG Industries, Inc., Pittsburgh, Pa. | 2973 |
| 3193 X | E. I. du Pont de Nemours & Co., Inc Wilmington, Del | 3193 |
| 3569 X | Baroid Petroleum Services Division, Houston, Tex | 3569 |





| Application No. | Applicant | Renewal of exemption |
|---|---|---|
| 7584-P | Orval Tank Containers, Paris, France. | 7584 |
| 7597-P | Drexel Chemical Co., Memphis, Tenn. | 7597 |
| 7597-P | Helena Chemical Co., Memphis, Tenn. | 7597 |
| 7597-P | Southern Farmers Association, North Little Rock, Ark. | 7597 |
| 7813-P | Alpha International Chemical, Inc., New York, N.Y. | 7813 |

This notice of receipt of applications for renewal of exemptions and party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on February 8, 1978.

J. R. GROTHE,
*Chief, Exemptions Branch, Office of Hazardous Materials Operations.*

[FR Doc. 78-4116 Filed 2-15-78; 8:45 am]

[4910-60]

## HAZARDOUS MATERIALS REGULATIONS

### Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted January 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows:

1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWALS

| Application No. | Exemption No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|---|
| 1862-X | DOT-E 1862 | Greer Hydraulics, Inc., Los Angeles, Calif | 49 CFR 173.302(a)(1), 175.3 | To ship nitrogen in hydraulic accumulators (modes 1, 2, 3, 4). |
| 2901-X | DOT-E 2901 | Ozark-Mahoning Co., Tulsa, Okla | 49 CFR 172.101, 175.3, 175.30(a)(1). | To ship a corrosive liquid in DOT specification 3A, 3AA, 3BN, and 3E seamless steel cylinders (mode 4). |
| 3307-P | DOT-E 3307 | Gulf Oil Chemicals Co., Merriam, Kans. | 49 CFR 173.154, 173.182 | To become a party to exemption 3307 (see application 3307-X) (modes 1, 2, 3). |
| 3744-P | DOT-E 3744 | McKesson Chemical Co., San Francisco, Calif. | 49 CFR 173.266(b)(7) | To become a party to exemption 3744 (see application 3744-X) (modes 1, 2). |
| 3992-P | DOT-E 3992 | Olin Chemical Group, Stamford, Conn | 49 CFR 173.314 | To become a party to exemption 3992 (see application 3744-X) (mode 2). |
| 4600-X | DOT-E 4600 | Velsico Chemical Corp., Chicago, Ill | 49 CFR 173.315, 178.245-3(a) | To ship hydrogen bromide in a DOT specification 51 type portable tank (mode 1). |
| 4661-X | DOT-E 4661 | The Foote Mineral Co., Exton, Pa | 49 CFR 173.34(e)(1) | To ship a certain flammable liquid in 4BA240 cylinders (modes 1, 2, 3). |
| 6126-X | DOT-E 6126 | Dow Chemical Co., Midland, Mich | 49 CFR 173.253(a) | To ship chloracetyl chloride in a new DOT specification 6D cylindrical steel overpack with either a DOT-2S polyethylene container or a polyethylene container complying with DOT Specification 2SL with certain exceptions (mode 1). |
| 6250-X | DOT-E 6250 | U.S. Department of Defense, Washington, D.C.; National Aeronautics and Space Administration, Washington, D.C. | 49 CFR Part 173, 176.83, 177.848 | To ship rocket motors class A and B in partially disassembled aircraft with explosives components (modes 1, 2). |
| 6253-X | DOT-E 6253 | Akzo Zout Chemie Nederland, Amsterdam, Holland | 49 CFR Part 173 | To ship certain hazardous materials in non-DOT specification intermodal portable tanks (modes 1, 2, 3). |
| 6333-X | DOT-E 6333 | Allied Chemical Corp., Morristown, N.J | 49 CFR 173.245(a)(31), 173.263(a)(10), 173.268(b)(3), 173.272(i)(25), 178.343-1(b). | To ship certain corrosive liquids in a non-DOT specification glass lined cargo tank (mode 1). |
| 6397-X | DOT-E 6397 | Harston Chemical Corp., Brooklyn, N.Y | 49 CFR 173.346(a) | To ship a poisonous liquid in DOT specification 34 polyethylene container (modes 1, 2). |
| 6418-P | DOT-E 6418 | Shell Oil Co., Houston, Tex. | 49 CFR 173.357(b) | To become a party to exemption 6418 (see application No. 6418-X) (mode 1). |
| 6554-P | DOT-E 6554 | Chem Lab Products, Inc., Anaheim, Calif.; Kiefer McNeil, Medina, Ohio. | 49 CFR 173.154, 173.217 | To become a party to exemption 6554 (see application No. 6554-X (modes 1, 2, 3). |
| 6614-P | DOT-E 6614 | Chem Lab Products Inc., Anaheim, Calif.; Hasa Chemicals Inc., Saugus, Calif. | 49 CFR 173.263(a)(28), 173.277(a)(6). | To become a party to exemption 6614 (see application No. 6614-X) (mode 1). |
| 6629-X | DOT-E 6629 | Fenwal Inc., Ashland, Mass | 49 CFR 173.304(a)(1), 173.305(c), 175.3. | To ship certain gases or mixtures of gases or a nonhardous material a non-DOT specification spherical, steel pressure vessel manufactured in compliance with DOT specification 4B with certain exceptions (modes 1, 4, 5). |
| 6672-X | DOT-E 6672 | Chandler Evans, Inc., West Hartford, Conn | 49 CFR 173.302(a)(4), 175.3 | To manufacture, mark, and sell non-DOT specification steel cylinders for the shipment of certain nonliquefied compressed gases (modes 1, 2, 4). |
| 6685-X | DOT-E 6685 | U.S. Department of Defense, Washington, D.C. | 49 CFR 173.65(a), 177.834(L) | To ship a certain class A explosive in DOT specification 21C fiber drum (mode 1). |
| 6755-X | DOT-E 6755 | Lincoln Welding Supply Co., Lincoln, Nebr | 49 CFR 173.315(a)(1) | To ship certain nonflammable liquefied gases in a non-DOT specification truck-mountable cargo tank (mode 1). |
| 6798-X | DOT-E 6798 | Allied Chemical Corp., Morristown, N.J | 49 CFR 173.164(a) | To ship chromic acid, solid in a DOT specification 56 portable tank (modes 1, 2). |
| 6820-X | DOT-E 6820 | Georgia-Pacific Corp., Montebello, Calif | 49 CFR 173.217(a) | To ship a certain oxidizer in DOT specification 12A and 12B fiberboard boxes (mode 1). |
| 6913-X | DOT-E 6913 | Continental Oil Co., Houston, Tex | 49 CFR 173.315(a)(1) | To ship a certain flammable compressed gas in a non-DOT specification cargo tank (mode 1). |
| 6923-P | DOT-E 6923 | El Paso Products Co., Odessa, Tex. | 49 CFR 172.101, 173.315(a)(1) | To become a party to exemption 6923 (see application No. 6923-X) (mode 1). |
| 7094-X | DOT-E 7094 | Jefferson Chemical Co., Bellaire, Tex.; Union Carbide Corp., Bound Brook, N.J.; Diamond Shamrock Corp., Cleveland, Ohio. | 49 CFR 172.101 | To stow certain corrosive materials "under deck" on board vessel (mode 3). |
| 7205-X | DOT-E 7205 | U.S. Department of Defense, Washington, D.C. | 46 CFR 146.29-99 | To ship military explosives identified in Coast Guard classes 1, II-A, II-B, IX-A, IX-B, IV, V, VII, X-A, X-B, and X-C (see 46 CFR 146.29-99) (mode 3). |
| 7234-X | DOT-E 7234 | E. I. du Pont de Nemours & Co., Inc., Wilmington, Del | 49 CFR 172.101(7)(a) | To ship corrosive liquids in DOT specification 17E metal drums (mode 3) |
| 7247-X | DOT-E 7247 | Naval Weapons Station, Concord, Calif | 46 CFR 146.29-11(c) (19), 146.29-75(b)(2). | To authorize the use of 4 by 6 inch uprights in lieu of the required 6 by 8 inch uprights for bulkheads of holds or compartments containing explosives (mode 3). |
| 7260-X | DOT-E 7260 | Atlas Powder Co., Dallas, Tex | 49 CFR 176.415(c)(1) | To load/handle/off-load nitro carbo nitrate packed in paper bags loaded in freight containers at nonisolated facilities (mode 3). |
| 7280-X | DOT-E 7280 | The Military Sealift Command, Washington, D.C | 49 CFR 176.905(d) | To ship motor vehicles and certain aircraft having fuel tanks not over ¾ full. |
| 7482-X | DOT-E 7482 | Monsanto Co., St. Louis, Mo | 49 CFR 173.245b(a)(6) | To ship certain corrosive solid waste materials in a non-DOT specification blow-molded, high molecular weight, removable head polyethylene (PE) drum (mode 1). |
| 7495-X | DOT-E 7495 | General American Transportation Corp., Chicago, Ill. | 49 CFR 173.315(a)(1) | To ship chlorine in a non-DOT specification portable steel tank (modes 1, 2, 3). |





RENEWALS—Continued

| Application No. | Exemption No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|---|
| 7536-X | DOT-E 7536 | U.S. Department of Defense, Washington, D.C. | 46 CFR 146.29-41 | To allow an increase in the maximum allowable draft weights for 5- and 10-ton rated booms for handling military explosives (mode 3). |
| 7578-X | DOT-E 7578 | U.S. Department of Defense, Washington, D.C. | 49 CFR 173.93(a)(10) | To ship certain class B explosives in DOT specification 21C fiber drum (mode 2). |
| 7584-P | DOT-E 7584 | Intsel Corp., New York, N.Y | 49 CFR 173.266 | To become a party to exemption 7584 (see application No. 7584-X) (modes 1, 2, 3). |
| 7622-X | DOT-E 7622 | E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. | 49 CFR 173.365 | To ship a certain poison B, solid in DOT specification 56 metal portable tanks (mode 1). |
| 7714-X | DOT-E 7714 | Suttons International Ltd., London, England; W. R. Zanes & Co., New Orleans, La. | 49 CFR 173.245, 173.119, 173.125, 173.346, 173.630; 46 CFR 90.05-35. | To ship certain poisonous, corrosive, flammable and combustible liquids and ORM-A commodities in a non-DOT specification portable tank built in accordance with section VIII of the ASME Code (modes 1, 2, 3). |
| 7792-P | DOT-E 7792 | Mobil Oil Corp., New York, N.Y.; Cosden Oil & Chemical Co., Dallas, Tex.; American Petrofina Co. of Texas, Dallas, Tex. | 49 CFR 174.25(c), 173.29(f)(2), Paragraph (1), Appendix B to Part 107. | To become a party to exemption 7792 (see application No. 7792-N) (mode 2). |
| 7810-P | DOT-E 7810 | Pennwalt Corp., Philadelphia, Pa. | 49 CFR 173.314(c) | To become a party to exemption 7610 (see application No. 7810-N) (mode 3). |

NEW EXEMPTIONS

| Application No. | Exemption No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|---|
| 7538-N | DOT-E 7538 | Southern Chemical Products Co., Macon, Ga. | 49 CFR Part 173, Subpart F; 178.19. | To manufacture, mark, and sell non-DOT specification reusable, rotationally molded polyethylene container for the shipment of corrosive liquids (modes 1, 2, 3). |
| 7765-N | DOT-E 7765 | Carleton Controls Corp., East Aurora, N.Y. | 49 CFR 173.302(a)(4), 175.3 | To ship nitrogen in non DOT specification steel cylinders (modes 1, 2, 4). |
| 7822-N | DOT-E 7822 | Air Products and Chemicals, Inc., Allentown, Pa. | 49 CFR 172.101, 173.315(a) | 49 CFR 172.101, 173.315(a)<br>To ship a nonflammable gas in a non-DOT specification portable tank designed and constructed in accordance with sections VIII and IX of the ASME Code (modes 1, 3). |
| 7834-N | DOT-E 7834 | Magnaflux Corp., Chicago, Ill | 49 CFR 173.306(b)(4) | To ship sulfur hexafluoride, nonflammable gas in X-ray machines overpacked in wooden or fiberboard containers (modes 1, 2, 3, 4, 5). |
| 7849-N | DOT-E 7849 | Ryan Industries, Inc., Louisville, Ky | 49 CFR 173.315(a) | To manufacture, mark, and sell non-DOT specification cargo tanks for the shipment of nonflammable gases (mode 1). |
| 7862-N | DOT-E 7862 | General Electric Co., Milwaukee, Wis | 49 CFR 173.302, 175.3 | To ship a nonflammable gas in a non-DOT specification detector or scanner assembly (modes 1, 4, 5). |
| 7868-N | DOT-E 7868 | Virginia Chemicals, Inc., Portsmouth, Va.. | 49 CFR 173.119(m)(10) | To ship certain flammable liquids in a DOT specification MC 303 cargo tank (mode 1). |
| 7872-N | DOT-E 7872 | Magna Corp., Houston, Tex | 49 CFR 173.122(a)(6) | To ship a certain flammable liquid in insulated DOT specification 51 portable tanks (modes 1, 3). |
| 7876-N | DOT-E 7876 | Allied Chemical Corp., Morristown, N.J | 49 CFR 173.299(a) | To ship certain corrosive materials described as etching acid liquid (modes 1, 2, 3, 4). |
| 7881-N | DOT-E 7881 | FMC Corp., Philadelphia, Pa | 49 CFR 172.101, Column 7 (a) | To authorize stowage of sodium sulfide, shipped as a corrosive solid, under deck (mode 3). |
| 7883-N | DOT-E 7883 | E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. | 49 CFR 173.31(c) | To except specification 105A300-W tank cars used in metallic sodium service from the hydrostatic retest requirement. |
| 7904-N | DOT-E 7904 | Taveo, Inc., Chatsworth, Calif. | 49 CFR 173.302(a)(4), 175.3 | To manufacture, mark, and sell non-DOT specification steel cylinders for the shipment of certain nonliquefied compressed gases (modes 1, 2, 4). |

EMERGENCY EXEMPTION

| Application No. | Exemption No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|---|
| EE7902-N | DOT-E 7902 | Apache Powder Co., Benson, Ariz.; Atlas Powder Co., Dallas, Tex.; Austin Powder Co., Cleveland, Ohio; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Ensign-Bickford Co., Simsbury, Conn.; Geex, Inc., Cleburne, Tex.; Hercules Inc., Wilmington, Del.; Ireco Chemicals, Salt Lake City, Utah; Sierra Chemical Co., Reno, Nev.; IME Chemical Group, Allentown, Pa. | 49 CFR Part 107, Appendix B; 172.504, 172.506. | To ship certain class C explosives in motor vehicles placarded "Dangerous" instead of "Flammable" (mode 1). |

DENIALS

2650-P—Request by Witco Chemical Corp., Richmond, Calif., to become a party to Exemption 2650 for the shipment of organic peroxide in a DOT Specification 6D or 37M cylindrical steel overpack, denied January 6, 1978. (Docket HM-139 obviates the need.)

6687-X—Request by PPG Industries, Inc., Pittsburgh, Pa., to ship Hi-Flow Prist by passenger-carrying aircraft, denied January 18, 1978 as being unnecessary.

6687-X—Request by Gates Learjet, Wichita, Kans. to ship Hi-Flow Prist by passenger-carrying aircraft, denied January 18, 1978 as being unnecessary.

7076-P—Request by Bausch & Lomb, Rochester, N.Y., to become a party to Exemption 7076 for the shipment of certain corrosive liquids and flammable liquids in non-DOT polypropylene containers overpacked in fiberboard boxes. denied January 11, 1978.

2708-X, 4399-X, 5643-X, 6349-X, 5485-X, 7274-X—Appeal by Union Carbide Corp., New York, N.Y., for consideration of holding time requirement and related provisions, denied, in part, January 5, 1978.

7867-N—Request by A. O. Smith-Inland, Inc., Little Rock, Ark., to transport a two-compartment plastic bag containing sulfuric acid absorbed in a solid material in one compartment and calcium oxide in the other compartment, denied January 19, 1978 as being unnecessary.

WITHDRAWALS

7056-X—Request by Virginia chemicals, Inc., Portsmouth, Va., to ship sodium hydrosulfite in DOT 37A steel drums, withdrawn January 26, 1978. (Docket HM-139 obviates the need).

7875-N—Request by Ford Motor Co., Dearborn, Mich., to ship air bags employing an explosive device in DOT-12H, 23F or 23H fiberboard boxes or non-DOT wooden or metal boxes without labels, placards or following shipping paper requirements, withdrawn January 26, 1978

J. R. GROTHE,
*Chief, Exemptions Branch, Office of Hazardous Materials Operations.*

[FR Doc. 78-4412 Filed 2-15-78; 8:45 am]

[4910-59]

**National Highway Traffic Safety Administration**

[Docket No. IP77-20, Notice 1]

**GENERAL MOTORS CORP.**

**Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance**

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.106, Motor Vehicle Safety Standard No. 106, *Brake Hoses*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

GM has developed a hydraulic parking break system ("Hy-Park") for use in future model years on hydraulic-braked trucks. It installed Hy-Park on 10 medium duty trucks manufactured between November 1976 and May 1977, with the agreement of purchasers, in order to evaluate the new system under actual operating conditions. The system design requires hoses of large diameter with low operating pressures (100 psi). The hoses are therefore similar to air brake hoses. Because of these factors the hoses according to GM do not comply with the following portions of Standard No. 106-74: S5.2, *Labeling*, S5.3.2, *Expansion and Burst*, S5.3.3, *Whip Resistance*, S5.3.5, *Water Absorption and Burst*, S5.3.7, *Water Absorption and Whip Resistance*, and S5.3.8, *Low Temperature Resistance*. GM argues that these noncompliances are inconsequential because motor vehicle safety does not demand that hoses used in low pressure applications meet the same specifications as hose used in high pressure applications. Further, "since air brake hose is not required to meet whip test requirements we see no good reason why the Hy-Park hose should be required to meet these requirements." Because of the large hose diameter, GM considers the labeling failures unimportant since the hose will not be inserted in other hydraulic brake systems. Hy-Park itself is said to provide advantages over the conventional (propeller shaft) parking brake system that GM outlines and discusses in some detail, chief of which is elimination of movement or "chucking" of the wheels when the brake is applied.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: April 3, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on: February 7, 1978.

JAMES E. HOFFERBERTH,
*Acting Associate Administrator for Rulemaking.*

[FR Doc. 78-4253 Filed 2-15-78; 8:45 am]

[4910-59]

[Docket No. EX 78-1; Notice 1]

**VINTAGE REPRODUCTIONS, INC.**

**Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards**

Vintage Reproductions, Inc. of Fort Lauderdale, Fla., has applied for temporary exemption for its 1900 Series Horseless Carriages from certain safety standards on grounds of substantial economic hardship.

Vintage has manufactured 630 vehicles between the inception of the company in May 1972 and November 1977. It intends to manufacture no more than an additional 432 units before terminating production, and therefore does not intend to achieve conformance with standards from which it is exempted.

The company had contemplated that it could produce the 432 vehicles under its original exemptions from NHTSA (Docket No. EX 74-6, Notice 2; 40 FR 3798) but in fact it was unable to do so. All exemptions requested are for the statutory maximum of 3 years. The petitioner produces replicas of 1900-style passenger cars and trucks under the model name "Gadabout".

The company requests exemption from every safety standard applicable to passenger cars or trucks except Nos. 107, 108, 111, 112, 113, 118, 204, 206, 211, and 214. The basic reason behind the request is that most safety standards are not reasonable, practicable, or appropriate for the configuration of 1900-style vehicles. For example, controls, displays, and transmission sequence differ. The open-air character of the vehicles eliminates conformance with door strength requirements and obviates the need for defrosting and defogging systems. The likelihood that it will be driven in inclement conditions is small. The vehicle does not have a hydraulic brake system, and the tires and rims are outside the dimensions specified in the Federal standards. The company feels that compliance with such passenger protection standards as 202, 208, 209 and 210 would destroy the character and hence the sales appeal of the vehicle.

In support of its petition the company argues that it is not likely that its replica vehicles will present a significant hazard to traffic safety. It believes the overall concept is such that the vehicles' appeal primarily is for occasional, limited use (e.g., auto shows, resort use) rather than extensive daily use on the public roads. While the exemption is in effect, Vintage Reproductions will continue to develop a related product to produce in the motor vehicle field, the Gamma Cycle car. The company has 20 full-time employees and the effect of a denial would, it believes, cause a loss of over $150,000 in the year following such denial. The company had a net profit of approximately $50,000 in the 36 month period ending September 30, 1977.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Vintage Reproductions, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 20, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on: February 7, 1978.

JAMES E. HOFFERBERTH,
*Acting Associate Administrator for Rulemaking.*

[FR Doc. 78-4254 Filed 2-15-78; 8:45 am]

[6820-32]

## ARMS CONTROL AND DISARMAMENT AGENCY

**GENERAL ADVISORY COMMITTEE**

**Meeting**

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974 (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on March 9, 1978 from 8 a.m. to 6 p.m. and on March 10, 1978 from 8:30 a.m. to 6 p.m. at 2201 C Street NW., Washington, D.C., in Room 7516.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972.

The meeting will be closed to the public in accordance with the determination of even date made by the Acting Director of the Arms Control and Disarmament Agency pursuant to section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973 issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: February 10, 1978.

SIDNEY D. ANDERSON,
*Advisory Committee Management Officer, Arms Control and Disarmament Agency.*

[FR Doc. 78-4214 Filed 2-15-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 590]

**ASSIGNMENT OF HEARINGS**

FEBRUARY 13,1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does

not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 43867, Sub 36, A. Leander McAlister Trucking Co.; MC 113855 Sub 382, International Transport, Inc., now assigned March 10, 1978 at San Francisco, Calif., will be held in Room 15022, 15th Floor, Federal Building, 450 Golden Gate Avenue

MC 71652, Sub 11, Byrne Trucking, Inc., now assigned March 20, 1978 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 730, Sub 405, Pacific Intermountain Express Co., Inc., now assigned March 15, 1978 at San Francisco, Calif., will be held in Room 1730, 17th Floor, 211 Main Street.

MC 113678, Sub 663, Curtis, Inc., now assigned March 13, 1978 at San Francisco, Calif., will be held in Room 112, 555 Battery Street.

MC 113341, Abbey Transportation System, Inc., now assigned March 7, 1978 at Fresno, Calif., will be held in Room 4304, Federal Building, 1130 "O" Street.

MC 143632, Jones Bus Co., Inc., now assigned March 6, 1978 at Norfolk, Va. will be held in Court Room 2, 3rd Floor, U.S. Courthouse, 60 Granby Street.

MC 48317, (Sub-No. 9), Camel Trucking, Inc., now assigned March 22, 1978, at Boston, Mass., will be held in Room 501, 150 Causeway Street

MC-C-9867, Robert L. Allen d.b.a. R. Allen Transport v. Jay Brian Transport Corp., et al., now assigned March 10, 1978, at Boston, Mass., will be held in Room 501, Fifth Floor, 150 Causeway Street.

MC 143129, B. J. T. Transport, Inc., now assigned for March 14, 1978, at Providence, R.I., will be held in Room 234 John O Pastore Federal Building and Post Office, 24 Exchange Towers.

MC-C 9754, Carolina Coach Co., Inc. v Hopkins Motor Coach Inc. and MC 48315 (Sub No. 71, Hopkins Motor Coach, Inc., now being assigned for continued hearing on February 16 1978, at the Offices of the Interstate Commerce Commission, Washington D.C.

MC 61592, Sub 405, Jenkins Truck Line, Inc., now assigned March 13, 1978 at Little Rock, Ark., will be held in Room 3406, Internal Revenue Service Hearing Room 700 West Capitol Avenue.

AB 43 Sub 37, Illinois Central Gulf Railroad Co. Abandonment near Dyersburg, Tenn., and Hickman, Kentucky, in Dyer and Lake Counties Tenn., and Fulton county, Ky., now assigned March 8, 1978 at Dyersburg, Tenn., will held at the Dyersburg Electric Co., 211 East Court Street

MC 114552 Sub 135, Senn Trucking Co., Inc., now assigned March 14, 1978 at Little Rock, Ark., will be held in Room 3406, Internal Revenue Service Hearing Room, 700 West Capitol.

MC 140612, Sub 26 Robert F. Kazimour, now assigned March 15, 1978 at Little Rock, Ark., will be held in Room 3406, Internal Revenue Service Hearing Room, 700 West Capitol.

MC 141138, Sub 6, Steve Schranz Trucking, Inc., now assigned March 16, 1978 at Little Rock, Ark., will be held in Room 3406, Internal Revenue Service Hearing Room, 700 West Capitol.

MC 4966, (Sub-No. 21), Jones Transfer Co., now assigned March 6, 1978, at Lansing, Mich. is canceled and tranferred to Modified Procedure.

MC 126981, Sub 22, Bestway Express, Inc. now assigned February 27, 1978 at Nashville, Tenn. is cancelled.

MC-F 12895, Central Transport, Inc.—Purchase (Portion)—Associated Transport, Inc., MC—F 12909, Duff Truck Line, Inc.—Purchase (Portion)—Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy, MC 14314 Sub 24, Duff Truck Line, Inc., MC-F 12912, United Trucking Service, Inc.- Purchase (Portion)—Associated Transport, Inc., Thomas J Cahill, Trustee in Bankruptcy and MC 70151 Sub 50, United Trucking Service, Inc. now being assigned February 27, 1978 for continued prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MCF 13219, Dodds Truck Line, Inc.—Purchase- Bennett Truck Line, Inc., MC-F-13305, Freightways Express, Inc. v. Dodds Truck Line Inc., et al. and MC 79434, Bennett Truck Line, Inc., now being assigned for continued hearing on March 9, 1978 (2 days), at Chicago, Ill., Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 720 Sub 59, Bird Trucking Co., Inc. is now assigned for hearing March 13, 1978 (1 day) at Chicago, Ill., and will be heard in Room 1944C Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 67150 Sub 62, Peterlin Cartage Co., Inc., is now assigned for hearing March 14, 1978 (1 day) at Chicago, Ill., and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 1353 Sub 28 Louis J. Kennedy Co., is now assigned for hearing March 15, 1978 (1 day) at Chicago, Ill., and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 107012 Sub 252, North American Van Lines, Inc., is now assigned for hearing March 16 1978 (1 day) at Chicago, Ill., and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124947 Sub 72, Machinery Transports, Inc., is now assigned for hearing March 17, 1978 (1 day) at Chicago, Ill., and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 120737 (Sub No. 36), Payne Transportation Inc. now assigned March 1, 1978 at Washington, D.C. is canceled and application dismissed.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4313 Filed 2-15-78, 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1978.

These applications for long-and-short-haul or aggregate-of-intermediates relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

LONG-AND-SHORT-HAUL

FSA No. 43503, Trans-Continental Freight Bureau, Agent's No. 521, rates on iron or steel articles, from Minnequa, Colo., to stations in Arizona, California, and New Mexico, to be published in its tariff 1-Z, ICC 1948. Grounds for relief—motor carrier competition.

FSA No. 43505, The North Europe-United States Pacific Coast Freight Conference's No. 101, for Vaasa Line OY and interested rail carriers, intermodal rates on general commodities, between ports in Europe and rail terminals on the U.S. Pacific Coast. Grounds for relief—water competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 43504, Trans-Continental Freight Bureau, Agent's No. 522, rates on iron or steel articles, from Minnequa, Colo., to stations in Arizona, California, and New Mexico, to be published in its tariff 1-Z, ICC 1943. Grounds for relief—maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4316 Filed 2-15-78, 8:45 am]

[7035-01]

[Notice No. 295]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 20, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the





protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC FC-77298, filed October 6, 1977. Transferee: H. O. SMESTAD CO., a corporation, P.O. Box 2904, Great Falls, Mont. 59403. Transferor: MIDWEST TRUCKING, INC., 1955 Old Hardin Road, Billings, Mont. 59101. Applicant's representative: George R. Crotty, Jr., 400 First National Bank Building, Great Falls, Mont. 59401. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 128053 (Sub.-Nos. 2, and 4) issued April 14, 1969 and January 10, 1972 respectively, as follows: *Beer* from St. Paul, Minn., and Milwaukee and La Crosse, Wis., to points in Montana. Transferee presently operates as a carrier under Certificate No. MC 142649 and Subs thereafter. Section 210a(b) temporary authority is not sought.

No. MC-FC-77493 filed January 18, 1978. Transferee: GOLLOTT & SONS TRANSFER & STORAGE, INC., P.O. Box 468, Biloxi, MS. Transferor: GRAY VAN LINES, INC., 615 SW. 9th Street, Oklahoma City, OK. Applicants' representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C., 20036. Authority sought to purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 33093, and MC 33093 (Sub-No. 4), issued May 21, 1971, and March 30, 1972, respectively as follows: *Household goods* as defined by the Commission between points in Atoka, Choctaw, Haskell, LeFlore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, OK, on the one hand, and, on the other, points in AK, IL, KS, MO, and TX; between points in Columbia County, AK, on the one hand and, on the other, points in LA and TX; *household goods* as defined by the Commission and *store and office fixtures*, uncrated, between points in AK, and OK; *machinery, tools, and mine supplies*, between points in AK, and OK, within 75 miles of Fort Smith AK, including Fort Smith; and household goods as defined by the Commission, between new Orleans, LA on the one hand, and, on the other, Memphis, TN, and points in AL, AK, GA, MS, and that part of FL on and north of U.S. Highway 90; and all of the operating rights set forth in MC 33093 (Sub-Nos.) E-1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, published July 17, 1975, July 17, 1975, July 17, 1975, May 15, 1975, May 15, 1975, May 15, 1975, July 2, 1975,, May 15, 1975,, July 17, 1975, May 21, 1975, July 2, 1975, May 19, 1975, June 4, 1975, June 2, 1975, May 19, 1975, May 19, 1975, May 19, 1975, June 13, 1975, May 20, 1975, May 19, 1975, May 19, 1975, May 19, 1975, May 19, 1975, May 19, 1975, May 19, 1975, May 19, 1975, May 20, 1975, May 19, 1975, May 20, 1975, June 4, 1975, May 19, 1975, May 19, 1975, June 4, 1975, May 19, 1975, May 19, 1975, June 2, 1975, respectively; transferee is presently authorized to operate as a common carrier under Certificate No. MC 120472 and Subs thereafter. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77499 filed January 6, 1978. Transferee: MICHAEL RICHARD MAGNANO, 1224 Highland Terrace, Olean, NY 14760. Transferor: BILL DOODY BUS TOURS-TRAVEL HOUSE, INC., d.b.a. Bill Doody Bus Tours, Hotel Statler Hilton Lobby, Buffalo, NY 14202. Applicants' representative: Gregory B. Fraser, Esq., Bankers Truck Building, Jamestown, NY 14701. Authority sought for purchase by transferee of the brokers' license of transferor, as set forth in License No. MC 12872, issued September 20, 1976, as follows: *Passengers and their baggage*, in special and charter operations, in round-trip, all-expense tours, beginning and ending at Buffalo, NY, and extending to points in the United States including Alaska and Hawaii. Transferor is authorized to engage in the above-specified operations as a broker at Buffalo, NY. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4317 Filed 2-15-78; 8:45 am]

[7035-01]

[Finance Docket No. 28643]

NORFOLK & WESTERN RAILWAY CO.

Petition for Clarification

AGENCY: Interstate Commerce Commission.

ACTION: Petition for clarification and/or waiver of ICC Railroad Consolidation Procedures.

SUMMARY: Petition for clarification of the term "coordination project" and/or waiver of certain time period requirements for required exhibits.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Assistant Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

SUPPLEMENTAL INFORMATION: N. & W. filed a petition requesting that its proposed acquisition of track that the D.T. & I. proposed to abandon, be termed a "coordination project" subject only to the filing requirements of a Class III transaction under the Procedures, and, due to the early year filing of the application, that the required exhibits cover data only through 1976 as the most recent available calendar year data. Both requests were granted. Coordination project was defined as a minor transaction, involving a coordination of excess rail facilities, which resulted in an increase in the efficiency of rail operations without significantly changing the competitive situation.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4315 Filed 2-15-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-71 (Sub-No. 1)]

OWNER-OPERATOR COST AND IMPACT ON THE RATE STRUCTURE

Petition of the Regular Common Carrier Conference, Inc., for the Institution of Rulemaking Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of a request for investigation.

SUMMARY: Public comment is invited upon the request by regular route common carriers for an investigation into the cost of independent truckers (owner-operators), the impact of inflation, and the relation of those costs to the existing rate structures.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, or Mr. Harvey Gobetz, Assistant Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7693.

SUPPLEMENTARY INFORMATION: The motor carrier members of the Regular Common Carrier Conference, Inc. (petitioner) regularly and extensively utilize the independent truckers in providing services to the general public. Petitioner has requested that the Commission institute an investigation to determine (1) the cost to the

independent trucker of performing operations for certificated motor carriers (2) the impact of inflation on those costs and (3) the relation of those costs to the existing rate structures. Copies of the petition may be obtained from petitioner by writing to:

Mr. Keith G. O'Brien, Regular Common Carrier Conference Inc., 1616 P Street NW., Washington, D.C. 20036.

In response to the petition and to our announced intention of conducting a study of the independent trucker segment of the motor carrier industry, "with a view to determining, ultimately, how these operators can become stable, financially healthy, and efficient contributors to the national transportation system",[1] the Commission is considering the institution of a proceeding relating to owner-operator costs.

Interested parties are invited to comment upon (1) the appropriateness of instituting an investigation pertaining to owner-operator costs (2) matters to be considered if such a formal investigation were to be instituted and (3) what specific relief the Commission could grant if it is determined that independent truckers costs approach or exceed the revenue derived for performing transportation services on behalf of certificated common carriers.

In addition it would be helpful if parties in their comments indicated the evidence they would be prepared to introduce in a formal investigation.

Comments should be addressed to Acting Secretary Homme, Interstate Commerce Commission, Washington, D.C. 20423. The comments, an original and 6, if possible, should be filed on or before March 1, 1978 and should refer to Docket No. Ex Parte No. 71 (Sub-No. 1).

H. G. Homme, Jr.
*Acting Secretary.*

[FR Doc. 78-4327 Filed 2-15-78; 8:45 am]

[1505-01]

[Volume No. 56]

**Motor Carrier, Water Carrier, and Freight Forwarder Operating Rights Application**

*Correction*

In FR Doc. 78-2821, appearing at page 4501 in the issue of Thursday, February 2, 1978, on page 4512, in the thirteenth line of the last paragraph in column three the word "work" should read, "word."

[1] The Independent Trucker; a preliminary report on the owner-operator, Bureau of Economics, Interstate Commerce Commission, November 1977.

[1505-01]

[Volume No. 57]

**PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS**

*Correction*

In FR Doc. 78-2822, appearing at page 4515 in the issue of Thursday, February 2, 1978, on page 4528, the last motor carrier number in column two reading "14371", should read, "143791."

[7035-01]

[Volume No. 60]

**MOTOR CARRIER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS**

February 8, 1978.

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 44), filed December 16, 1977. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite of Kitchens of Sara Lee, Inc. in New Hampton, Iowa to Dallas, Tex.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Dallas, Tex.

No. MC 730 (Sub-No. 412), filed December 19, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: A. G. Krebs, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General comodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between the junction of U.S. Highways 62 and 19 and the junction of U.S. Highways 62 and 20, at or near Big Tree, N.Y., as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points, with service at junction U.S. Highways 6 and 62, junction New York Highways 17 and 60, and the termini for joinder purposes only: From the junction of U.S. Highways 62 and 19 over U.S. Highway 62 to junction New York Highway 60, thence over New York Highway 60 to junction New York Highway 17, thence over New York Highway 17 to junction U.S. Highway 62, and thence over U.S. Highway 62 to junction U.S. Highway 20, at or near Big Tree, and return over the same route.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.





No. MC 4405 (Sub-No. 568), filed December 16, 1977. Applicant: DEALERS TRANSIT, INC., a corporation, 522 South Boston Avenue, Enterprise Building, Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Asphalt making equipment, trailer mounted*, in initial movements, in truckaway service; (2) *equipment, parts and materials* (except commodities in bulk), used in connection with the equipment in (1) above, from the plantsite of Yanke Machinery, Boise, Idaho, to points in the United States (except Alaska and Hawaii).

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 5470 (Sub-No. 136), filed December 19, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, and slabs*, in dump vehicles, from Massena, N.Y. to Cleveland, Ohio.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 9291 (Sub-No. 3), filed December 20, 1977. Applicant: CARROL BALL, 312 East Market (Box 53), Centerville, Kans. 66014. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and/or storage facilities of Brown-Strauss Corp., a division of Azcon, located at or near Kansas City, Kans., to points in Colorado east of the Continental Divide.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 20992 (Sub-No. 43), filed December 19, 1977. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vcehicle, over irregular routes, transporting: (1) *Irrigation systems and pipe, and parts and accessories*, for irrigation systems, from Elk Point, S. Dak., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; and (2) *materials, parts and supplies*, used in the manufacture, assembly and distribution of irrigation systems and pipe, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and from points in Washington to Elk Point, S. Dak.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 36422 (Sub-No. 9), filed December 19, 1977. Applicant: MERCHANTS CONTRACT DELIVERIES, INC., 1212 East 19th Street, Kansas City, Mo. 64108. Applicant's representative: Leonard Rose, 1011 Commerce Bank Building, 922 Walnut, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, premiums, pharmaceuticals, hospital and druggist supplies, sundries*, and *related products* between the offices and warehouses of McPike, Inc., located in Kansas City, Mo. or its commercial zone, on the one hand, and, on the other, points in Nebraska and Iowa, under a continuing contract or contracts with McPike, Inc. located in Kansas City, Mo.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 44735 (Sub-No. 34), filed December 21, 1977. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials*, from the plantsite of CertainTeed Corp., Kansas City, Mo., to points in Indiana and Kentucky.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 59150 (Sub-No. 111), filed December 20, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections* and *materials, supplies* and *accessories* used in the manufacture and installation thereof (except in bulk in tank vehicles), between the facilities utilized by Robintech, Inc., located at or near West Palm Beach, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

Note.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 59241 (Sub-No. 5), filed December 22, 1977. Applicant: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, Pa. 19013. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *cleaning products*, (2) *nutritional foods, and* (3) *related articles, materials, supplies and equipment* used in the manufacture, distribution, or sale of the commodities in (1) and (2) above (except in bulk), between the plantsite of Drackett Products Company at or near East Stroudsburg, Pa., on the one hand, and, on the other, Connecticut, Massachusetts and Rhode Island.

Note.—If a hearing is deemed necessary applicant requests that it be held in either Philadelphia, Pa. or Washington, D.C. Common control may be involved.

No. MC 66886 (Sub-No. 60), filed December 19, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, from the facilities utilized by Johns-Manville Sales Corp. at or near Natchez, Miss., to points in Texas, Oklahoma and Arkansas.

Note.—If a hearing is deemed necessary applicant requests that it be held at New Orleans, La.

No. MC 66886 (Sub-No. 62), filed December 19, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and hydrants, valves, fittings, couplings and materials, and supplies* used in the installation thereof, from the facilities of Clow Corp. at or near Buckhannon, W. Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Texas and Wisconsin.

Note.—If a hearing is deemed necessary applicant requests that it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 68860 (Sub-No. 29), filed December 19, 1977. Applicant: RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory, Jr., 444 Glenmore Drive, Salem, Va. 24153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Iron and steel articles, viz; galvanized sheets, coils, roofing and roofing accessories* (1) from Dover, Ohio, to points in Virginia on and West of Interstate Highway 81; (2) from Dover, Ohio to Lynchburg, Richmond, Danville and Norfolk, Va. and points in Tennessee east of U.S. Highway 25W, and points in North Carolina, South Carolina, Pennsylvania, Maryland, District of Columbia, Delaware and New Jersey.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Roanoke, Va., or Washington, D.C.

No. MC 72465 (Sub-No. 9), filed December 19, 1977. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic Street, Lebanon, N.H. 03766. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain stores and food business houses, and in connection therewith, equipment, materials, and supplies used in conduct of such business (except commodities in bulk, in tank vehicles), between the plantsites and facilities of First National Stores, Inc., located between Somerville, Mass., Windsor Locks, Conn., and Lebanon, N.H., on the one hand, and, on the other, points in New Hampshire and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H., or Montpelier, Vt.

No. MC 82492 (Sub-No. 173) filed December 20, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and Garden Care Spreaders*, from Vermilion, Ohio, to points in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 85530 (Sub-No. 3), filed December 19, 1977. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, S.C. 29402. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except commodities in bulk, class A and B explosives and other dangerous commodities, and household goods as defined by the Commission), (1) between points in Charleston County, S.C., and (2) between points in Charleston County, S.C., on one hand, and, on the other, points in South Carolina; (B) *General commodities* (except commodities in bulk, and explosives) between points in Charleston County, S.C.; and (C) *Asphalt*, in drums, *furniture* (including stadium furniture or wood and steel bleachers), *household goods, pulpwood by-products, and service station equipment*, from points in Charleston County, S.C., to points in South Carolina.

NOTE.—The purpose of this application is to convert Certificate of Registration No. MC 85530 (Sub-No. 2), served August 31, 1967, to a certificate of public convenience and necessity. Applicant is concurrently filing an application for operating rights between points in more than one state. If a hearing is deemed necessary, applicant requests that it be held at Columbia, S.C.

No. MC 85530 (Sub-No. 4), filed December 19, 1977. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, S.C. 29402. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and film*, from points in Transylvania and Henderson, Counties, N.C., to Charleston, S.C., restricted to traffic having an immediately subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Charlotte, N.C.

No. MC 103926 (Sub-No. 64) (correction), filed November 2, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished as corrected this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mabelton, Ga. 30059. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed or ground slate*, in bags (except in bulk), from the facilities of Georgia Lightweight Aggregate Co., located at Polk County, Ga., to points in Alabama, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this correction is to indicate the addition of Virginia and the District of Columbia as destination points. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103993 (Sub-No. 918), filed December 23, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, plywood, including particleboard and paneling*, from the facilities of Vanply, Inc., at or near Many, La., to points in the United States in and east of the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 106194 (Sub-No. 32), filed December 20, 1977. Applicant: HORN TRANSPORTATION, INC., 3008 East 4th Street, Pueblo, Colo. 81001. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Grapeland, Tex., to points in Arizona, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Houston, Tex.; or (2) Dallas, Tex.

No. MC 107403 (Sub-No. 1053), filed December 19, 1977. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting *liquid latex*, in bulk, in tank vehicles, from Allyn's Point, Conn., to points in Maine, New Hampshire, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 1122), filed December 12, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of (1) *Petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters*, from points in Marion County Tenn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, and Wisconsin, restricted to traffic originating at points in Marion County, Tenn.; (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in part I above (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; and (3) *petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters*, from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed to be necessary, applicant requests that it be held at Washington, D.C.

No. MC 108341 (Sub-No. 77), filed December 19, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, building panels, and building parts*, and (2) *materials, accessories, and supplies* used in the construction, installation, and erection of the commodities set out in (1) above (except commodities in bulk), from the facilities of Pascoe Steel Corp. at or near Columbus, Ga., to points in the United States in and east of Michigan, Ohio, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 132), filed December 19, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts* of electrical and gas appliances and *equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances (except commodities in bulk, in tank vehicles), (1) between Livonia, Mich. on the one hand, and, on the other, points in Hancock, Seneca, Franklin, Mercer, Darke, Auglaize, Shelby, Miami, Clark, Champaign, Logan, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Holmes, Knox, Morrow, Marion, Union, Delaware, Licking, Muskingum, Guernsey, Madison, Pickaway, Fairfield, Perry, Morgan, Noble, Athens, Hocking, Ross, Vinton, Pike, Jackson, Preble, Montgolnery, Greene, Fayette, Butler, Warren, Clinton, Highland, Clermont, Brown, and Hamilton Counties, Ohio; and (2) between Livonia, Mich., and Dayton, Ohio, on the one hand, and, on the other, points in Franklin, Ripley, Dearborn, Jefferson, Ohio, and Switzerland Counties, Ind.; and Boone, Gallatin, Kenton, Campbell, Brant, Pendleton, Bracken, and Mason Counties, Ky., under continuing contract or contracts with Whirlpool Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 108676 (Sub-No. 116), filed December 9, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith. From the plantsite and storage facilities of FMC Corp. Crane and Excavator Division located at Lexington, Ky. to points in Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 109397 (Sub-No. 382), filed December 16, 1977. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, plywood, millwork, lumber* and *millwork, lumber* and *lumber products*, from Holly Hill and Walterboro, S.C., to points in Alabama, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Charleston, S.C. or Atlanta, Ga.

No. MC 109397 (Sub-No. 383), filed December 19, 1977. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, plywood* and *wall panels*, from Davie County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Charlotte, N.C. or Atlanta, Ga.

No. MC 110525 (Sub-No. 1220), filed December 19, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins, dru, in bulk, in tank vehicles*, from Delaware City, Del. to Anderson, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in New York, N.Y.

No. MC 110525 (Sub-No. 1221), filed December 19, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada located at or near Rooseveltown, N.Y. to points in New Jersey, New York and Massachusetts, restricted to traffic originating at Cornwall, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in New York, N.Y.

No. MC 110988 (Sub-No. 354), filed December 19, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, Wis. 54911. Applicant's representative: Paul C. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical coatings, and resins* (other than petroleum), in bulk, in tank vehicles, (1) from Garland, Tex. to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) from points in Kentucky, Tennessee, and West Virginia to Garland, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 111274 (Sub-No. 29), filed December 19, 1977. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, Ill. 61550. Applicant's representative: Frederick C. Schmidgall, P.O. Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain elevator machinery and grain elevator machinery components* (except in bulk in tank vehicles) from the facilities of Hunter Manufactur-

ing, Inc., located at or near Mackinaw, Ill. to the ports of entry on the U.S.-Canadian boundary located in Michigan, Minnesota, North Dakota, Montana, Idaho, Washington, New York and Wisconsin, for furtherence into British Columbia, Quebec, Alberta, Manitoba, Saskatchewan, and Ontario, under a continuing contract or contracts with Hunter Manufacturing, Inc. of Mackinaw, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill. or St. Louis, Mo.

No. MC 111302 (Sub-No. 114), filed December 21, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen, P.O. Box 10470, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium sulphate*, in bulk, in tank vehicles, from Lowland, Tenn. to points in Georgia, Kentucky, North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111720 (Sub-No. 15), filed December 23, 1977. Applicant: WILLIAMS TRUCK SERVICE, INC., 1812 K Avenue, P.O. Box 40, Sioux Falls, S. Dak. 57101. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsites and/or warehouse facilities utilized by Iowa Beef Processors, Inc., located at or near Denison and Fort Dodge, Iowa; Luverne, Minn.; Dakota City and West Point, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under a continuing contract or contracts with Iowa Beef Processors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa or Omaha, Nebr.

No. MC 112617 (Sub-No. 381), filed December 19, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: DRY FERTILIZERS, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113651 (Sub-No. 249), filed December 19, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* as described in sections A, B and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville and Humboldt, Iowa to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Restriction: Restricted to shipments originating at the plantsites and storage facilities of John Morrell & Co. at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 250), filed December 19, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as described in sections A, B and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak. to Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: Restricted to traffic originating at the plantsite and storage facilities of John Morrell & Co. located at or near Sioux Falls, S. Dak. and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 316), filed December 12, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable, telephone equipment, materials and supplies* between the plantsite and storage facilities of Western Electric Co. at or near Omaha, Nebr., on the one hand, and, on the other, points in Ohio and Martinsburg, W. Va. Restricted to traffic originating at or destined to the plantsite or storage facilities utilized by Western Electric Co. at or near Omaha, Nebr.

NOTE.—The purpose of this application is to substitute single-line service for existing joint-line service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114273 (Sub-No. 321), filed December 9, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Grundy Center, Iowa to points in the lower peninsula of Michigan. Restricted to traffic originating at Grundy Center, Iowa and destined to the named area.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 401), filed December 19, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof, between the facilities utilized by Robintech Inc. at or near Riviera Beach (West Palm Beach), Fla. on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 282), filed December 20, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Howard Gore, P.O. Box 5088 Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, and *meat products* (except commodities in bulk); from Searcy, Ark. to Denver, Colo.





NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, Colo.

No. MC 115841 (Sub-No. 584), filed December 12, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and storage facilities of Carolina Frozen Foods, Inc., a Division of Silver Mill Frozen Foods, Inc., at or near Inman and Greenville, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held Chicago, Ill. or Washington, D.C.

No. MC 115841 (Sub-No. 589), filed December 20, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cameron, Hidalgo and Bexar Counties, Tex. to points in California, Arizona, Colorado, Montana, New Mexico, Utah, Nevada, Nebraska, Kansas, Montana, Iowa, Oklahoma, Arkansas, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Louisiana, Mississippi, Illinois, Kentucky, Ohio, Oregon, Washington, Idaho, Michigan, Wyoming, Georgia, Alabama, North Carolina, South Carolina, Indiana, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at McAllen or San Antonio, Tex.

No. MC 115904 (Sub-No. 91), filed December 19, 1977. Applicant: GROVER TRUCKING CO., 1710 West Braodway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boisc, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Albuquerque, N. Mex., to points in California, Nevada, North Dakota, South Dakota, Utah, and Minnesota.

NOTE.—If a hearing is deemed necessary applicant requests that it be held in Boise, Idaho.

No. MC 116133 (Sub-No. 15), filed December 12, 1977. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, D.C. 20001. Applicant's representative: Peter A. Greene, Caldwell & Greene, 900 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities.* (except articles of unusual value, household goods as defined by the Commission, and commodities which because of their size and weight require special equipment), between Philadelphia International Airport, Philadelphia, Pa., Newark International Airport, Newark, N.J., and John F. Kennedy International Airport, Jamaica, N.Y., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 116710 (Sub-No. 30), filed December 23, 1977. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., 2001 East Texas Street, P.O. Box 6176, Bossier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten polypropylene*, in bulk, in tank vehicles, from the plantsite of Crowley Chemical Co., Inc. at or near Crowley, La. to Dalton, Ga., Cincinnati, Ohio, Menasha, Wis., and Valdosta, Ga., under continuing contract or contracts with Crowley Chemical Co., Inc.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Shreveport or New Orleans, La., or Houston, Tex.

No. MC 117589 (Sub-No. 47), filed December 19, 1977. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: Michael D. Duppenthaler, 607 Third Avenue, 515 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits, frozen vegetables and frozen berries*, (2) *frozen potato products and juice*, and (3) *commodities*, the transportation of which would be otherwise exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with commodities listed in (1) and (2) above, (1) above, from Kennewick and Grandview, Wash., to points in Colorado, (2) and (3) above, from points in Washington and Oregon to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 117686 (Sub-No. 191), filed November 23, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 500 South Lewis Boulevard, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, From Charleston, S.C. to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 117940 (Sub-No. 247), filed December 16, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, (except commodities in bulk in tank vehicles), from points in Wisconsin to Springfield, Mo., restricted to traffic originating at named origins and destined to the plant sites and warehouse facilities of Kraft, Inc. at named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 248), filed December 16, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, (except commodities in bulk in tank vehicles), from points in Wisconsin to the plant site and warehouse facilities of Kraft, Inc. at or near Decatur, Ga. Restricted to traffic originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 250), filed December 23, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and wearing apparel accessories, and such commodities* as are used in the operations of retail department stores, from Alsip, Ill., to

Minneapolis and St. Paul, Minn. Restricted to traffic originating at the facilities of K Mart Apparel Corp. at named origin and destined to named destinations.

NOTE.—If a hearing is deemed necessary applicant requests it be held in New York, N.Y.

No. MC 118142 (Sub-No. 166), filed December 19, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, articles distributed by meat-packing plants and feedstuffs (except hides and commodities in bulk); (1) from the plantsite of Geo. A. Hormel & Co. at Fort Dodge, Iowa, to points in California; and (2) from the plantsite of Geo. A. Hormel & Co. at Austin, Minn. to points in California. Restricted to products originating at the named origins and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 118811 (Sub-No. 11), filed December 19, 1977. Applicant: LAWRENCE McKENZIE d.b.a. McKENZIE TRUCKING SERVICE, Route 5, Box 111, Winchester, Ky. 40391. Applicant's representative: William L. Willis, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, (1) between points in Gallia and Jackson Counties, Ohio, on the one hand, and, on the other, the plantsites of Kentucky Electric Steel Co., located at or near Ashland, Ky., and Mansbach Metal Co. located at or near Ashland, Ky.; (2) from Ironton, Ohio, to the plantsite of Kentucky Electric Steel Co., located at or near Ashland, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington, Ky., Frankfort, Ky., or Louisville, Ky.

No. MC 118989 (Sub-No. 172), filed December 21, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Granite City, Ill., to points in Arkansas, Indiana, Kentucky, Michigan, Ohio, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119789 (Sub-No. 405), filed December 19, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail variety stores and *materials, equipment and supplies* utilized in the distribution thereof from Arkansas, Connecticut, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee and Texas to Atlanta, Georgia. Restricted to the transportation of shipments destined to the facilities of Singer & Co. at Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 119789 (Sub-No. 406), filed December 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carriers Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Salt Lake City, Utah to Dallas, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 119789 (Sub-No. 408), filed December 19, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines*, and related display and advertising material, in mechanically refrigerated equipment; (1) from New Brunswick, South Plainfield, and Somerset, N.J., and Michigan City, Ind., to Washington; and (2) from Michigan City, Ind., to Georgia, Kansas, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, or Washington, D.C.

No. MC 120978 (Sub-No. 20), filed December 16, 1977. Applicant: REINHART MAYER d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slate, stone and rock* from points in Montana, New Mexico, North Dakota, and South Dakota to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. 128217 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 121654 (Sub-No. 10), filed December 20, 1977. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, Ga. 31408. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *lumber, plywood*, rough or finished native, from Pearson, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed to be necessary, the applicant requests that it be held at Savannah, Ga., or Atlanta, Ga.

No. MC 123407 (Sub-No. 431), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture and distribution of rafters, joists, and roof trusses (except commodities in bulk and those which because of size or weight require special equipment)* from points in Arizona, Minnesota, Nebraska and Wisconsin to Dubuque, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Dubuque, Iowa, or Chicago, Ill.

No. MC 124004 (Sub-No. 43), filed December 20, 1977. Applicant: RICHARD DAHN., INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representataive: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal offal*, unprocessed or rendered, *animal and poultry feed* and *animal and poultry feed ingredients*, Between points in South Carolina, on the one hand, and, on the other points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, North Carolina, and the District of Columbia; (2) *fishmeal*, from Port Monmouth, N.J. to points in Georgia; (3) *animal and poultry feed, animal, poultry and pet feed ingredients and supplements; and cracklings*, from points in Massachusetts, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Virginia, North Carolina, Ohio, Indiana, Michigan, Illinois, and Maine

Note.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.





No. MC 124692 (Sub-No. 187), filed December 19, 1977. Applicant: SAMMONS TRUCKING, a coroporation, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, nonferrous metals* and *plastic* in mixed shipments from the facilities of Joseph T. Ryerson and Son, Inc., at Chicago, Ill., to the warehouse facilites of Joseph T. Ryerson & Son at Seattle and Spokane, Wash., and Emeryville and Los Angeles, Calif. Restricted to traffic originating at the destined to above named sites.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124947 (Sub-No. 91), filed December 19, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Herbicides, insecticides, fertilizer, vermiculite*, from Kenosha and Union Grove, Wis. to points in the United States (excluding Alaska and Hawaii). Restricted to shipments originating at the shipping and storage facilities of Koos, Inc., located at or near Kenosha and Union Grove, Wisconsin and further restricted against shipments in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 125045 (Sub-No. 15), filed December 19, 1977. Applicant: SHERMAN MOLDE d.b.a. Molde Trucking Co., 2014 14th Street NW., Minneapolis, Minn. 55901. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, ice cream and ice cream novelties* between points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and the Upper Peninsula of Michigan, under a continuing contract or contracts with Marigold Foods, Inc., of St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 125433 (Sub-No. 135), filed December 12, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel fence posts and accessories*, (except in bulk), from Livermore, Calif. to Nevada, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif. or Salt Lake City, Utah.

No. MC 125433 (Sub-No. 136), filed December 12, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel gabions* (except in bulk), from Reno, Nev. to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco Calif., or Salt Lake City, Utah.

No. MC 125433 (Sub-No. 139), filed December 19, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in, or used by the Wickes Corp. and its subsidiaries, between points in the United States, excluding Alaska and Hawaii. Restricted to shipments originating at or destined to the shipping and storage facilities of the Wickes Corp. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Salt Lake City, Utah.

No. MC 125433 (Sub-No. 142F), filed February 1, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite* (except in bulk), and *lignite*, treated or untreated, (1) from the facilities of American Colloid Co. located at or near Malta, Mont. to points in the United States (except Alaska and Hawaii), (2) from the facilities of American Colloid Co. located at or near Gascoyne, N. Dak. to Louisiana, Oklahoma, Texas, New Mexico, and California, and (3) from the facilities of American Colloid Co. located at or near Lovell, Wyo., to points in Arizona, Nevada, California, Oklahoma, Texas, New Mexico, Oregon, and Washington.

NOTE.—Common control may be involved. Hearing: Set for hearing on March 8, 1978, at 9:30 a.m. local time at Salt Lake City, Utah.

No. MC 127042 (Sub-No. 199), filed December 19, 1977. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* (except in bulk), from Watsonville, Calif. to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

NOTE.—If a hearing is necessary, applicant requests that it be held in San Francisco, Calif.

No. MC 128122 (Sub-No. 10), filed December 19, 1977. Applicant: STATE TRANSPORT CO., a corporation, P.O. Box 1022, Corvallis, Oreg. 97330. Applicant's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* (except in bulk in tank or hopper-type vehicles), from Valley, Wash. to points in Benton County, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 128273 (Sub-No. 276), filed December 20, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of the International Paper Co. at or

near Jay and Livermore Falls, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, and points in New York on and west of Interstate Highway 81, Pennsylvania on and west of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary by the Commission, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 133119 (Sub-No. 130), filed December 19, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, (1) from points in Colorado, Kansas, Michigan, Missouri, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Arizona, California, Idaho, Washington, Oregon, and Montana, to the ports of entry on the International Boundary line between the United States and Canada, located at or near Pembina, N. Dak., and Noyes, Minn., restricted to the transportation of traffic moving in foreign commerce to points in Manitoba, Canada; (2) from points in Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, South Dakota, Missouri, Kansas, Colorado, Texas, Oklahoma, and Nebraska, to ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton and Calais, Maine, restricted to the transportation of traffic moving in foreign commerce to points in New Brunswick and Nova Scotia, Canada; (3) from points in Michigan, Missouri, Ohio, North Dakota, Kansas, Colorado, Wisconsin, Texas, Oklahoma, Tennessee, Arizona, California, Washington, Oregon, and Idaho, to the ports of entry on the International Boundary line, located at or near Port Huron and Detroit, Michigan, and Niagara Falls and Champlain, N.Y., restricted to the transportation of traffic moving in foreign commerce to points in Ontario and Quebec, Canada; (4) from points in Arizona, California, Washington, Oregon, Idaho, and Montana to the ports of entry on the International Boundary line, located at or near Sweetgrass, Mont., and Portal, N. Dak., restricted to the transportation of traffic moving in foreign commerce to points in Saskatchewan and Alberta, Canada; (5) from points in Colorado, Arizona California, Idaho, Oregon, Washington, Montana, and North Dakota, to the port of entry on the International Boundary line, located at or near Blaine, Washington, restricted to the transportation of traffic moving in foreign commerce to points in British Columbia, Canada; and (6) from the ports of entry on the International Boundary line, located at or near Noyes, Minn., and Pembina, N. Dak., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic moving in foreign commerce from points in Manitoba, Canada.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at Omaha, Nebr. or Minneapolis, Minn.

No. MC 133655 (Sub-No. 105), filed December 19, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, Tex. 79120. Applicant's representative: James Steffel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products*, and *synthetic cheese*, (except commodities in bulk), from the plantsites and storaged facilities of or utilized by L. D. Schreiber Cheese Co., Inc. located in Barry, Jasper, Lawrence, and Newton Counties, Mo. to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Chicago, Ill.

No. MC 133959 (Sub-No.7), filed December 19, 1977. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH d.b.a. ALBAUGH TRUCK LINE, 123 Maine Street, Elkhart, Iowa 50073. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail department stores*, between Des Moines, Iowa, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Illinois, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Nevada, Oklahoma, Texas, Utah, Washington, Wyoming and Wisconsin, under contract with Ardan Wholesale, Inc.

NOTE.—If a hearing is deemed to be necessary applicant requests that it be held in Chicago, Ill., Kansas City, Mo., Omaha, Nebr., Minneapolis, Minn.

No. MC 134183 (Sub-No. 4), filed December 19, 1977. Applicant: C. E. ZUMSTEIN, d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from the facilities utilized by Clark Industries, a division of the Clark Grave Vault Co. at Columbus, Ohio to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Clark Industries, a division of the Clark Grave Vault Co.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Cincinnati, Ohio or Columbus, Ohio.

No. MC 135611 (Sub-No. 7), filed December 16, 1977. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North Eighth Street, Brawley, Calif. 92227. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles from Colton and San Diego, Calif., and points in Imperial County, Calif., to points in Yuma County, Ariz.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Yuma, Ariz., or Los Angeles, Calif.

No. MC 135684 (Sub-No. 60), filed December 19, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from the facilities of Midland Glass Co., Inc. at or near Warner Robins, Ga., to the plantsite and storage facilities of Anheuser-Busch, Inc. at or near Williamsburg, Va.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Washington, D.C. or Newark, N.J.

No. MC 135797 (Sub-No. 92), filed December 23, 1977. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 200, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facilities of Mobil Chemical Co., Plastics Division, at or near Frankfort, Ill. to points in California, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, West Virginia, Wisconsin, and Wyoming.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C. Common control may be involved.

No. MC 136786 (Sub-No. 128), filed December 16, 1977. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, Iowa 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55344. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Pepperidge Farm, Inc. at or near Downers Grove, Ill., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138413, (Sub-No. 10), filed December 22, 1977. Applicant: JOHN TOWNROW, doing business as JOHN TOWNROW TRUCKING, 4290 Elton Street, Baldwin Park, Calif. 91706. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and electronic parts*, from Long Beach, Calif. to Amsterdam and Gloversville, N.Y. under a continuing contract or contracts with Coleco Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.; New York, N.Y.

No. MC 138824, (Sub-No. 9), filed December 15, 1977. Applicant: REDWAY CARRIERS, INC., 5910 49th Street, Kenosha, Wis. 53140. Applicant's representative: Paul J. Maton, Suite 1620, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought as a *contract carrier* by motor vehicle over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from Byhalia, Miss. and Pinckneyville, Ill., to Plymouth, Ind., under a continuing contract or contracts with RJR Foods.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139495 (Sub-No. 299), filed December 16, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin and Williamson, N.Y., and Aspers, Pa., to Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Louisiana, South Dakota, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139587 (Sub-No. 9), filed December 22, 1977. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material and supplies* used in the manufacturing of paint and paint products (except commodities in bulk, in tank vehicles), from points in Alabama, Georgia, Illinois, New Jersey, New York, Pennsylvania, and West Virginia to Ennis, Tex., and Casper, Wyo.

NOTE.—Applicant holds contract carrier authority in MC 134142 (Sub-No. 2) and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139961 (Sub-No. 1), filed December 20, 1977. Applicant: ILLINI CONTRACT CARRIERS, INC., P.O. Box 245, Geneseo, Ill. 61254. Applicant's representative: Eugene D. Anderson, 910 Seventeenth Street, NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities owned or utilized by Illini Beef Packers, Inc., located at or near Minneapolis, Minn., and Alachua, Fla., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. Restricted to a transportation service to be performed under a continuing contract, or contracts, with Illini Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 140024 (Sub-No. 84), filed December 19, 1977. Applicant: J. B MONTGOMERY, INC., a Delaware corporation, 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheels and brakes, automobile tractor, tractor trailer, and motor vehicle*, and parts and accessories thereof, from Detroit, Lansing and Wyandotte, Mich., and Akron and Frankfort, Ohio, to the plantsite and facilities of Morgan Wheel & Equipment Co., at Omaha, Nebr., and the plantsite and facilities of Elder-Quinn & McGill, Inc., at Denver, Colo., restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140829 (Sub-No. 68), filed December 19, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Canajoharie, N.Y., to points in Illinois, Indiana, Kentucky, Michigan and Ohio, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 141914 (Sub-No. 27) (correction), filed October 31, 1977, published in the FEDERAL REGISTER issues of December 15, 1977, and January 26, 1978, and republished, as corrected, this issue. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, Okla. 74332. Authority sought by applicant to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate commerce, transporting: *Candies and confectionaries* in temperature controlled vehicles from Salt Lake City, Utah to points in Alabama, Arkansas, California, Florida, Georgia, Kansas, Mississippi, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, Oklahoma and Washington.

NOTE.—The purpose of this correction is to show actual territory requested. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 142079 (Sub-No. 3), filed December 20, 1977. Applicant: MICHIANA TRANSPORT, INC., P.O. Box 435, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, materials and supplies* (except commodities in bulk, in tank vehicles), between the plantsite of United Foam Corp., at or near Bremen, Ind., on the one hand, and, on the other points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Maryland, Mississippi, Nebraska, North Dakota, South Dakota, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Indianapolis, Ind.

No. MC 142516 (Sub-No. 3), filed December 14, 1977. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Waterproofing compounds, hydraulic cement, plastic articles* (except in bulk) *and materials, equipment and supplies* used in the manufacture and sale of the foregoing commodities (except in bulk), between the facilities of Preco Industries, Ltd., Plainview, N.Y., on the one hand, and, on the other, Dallas, Tex., Los Angeles, Calif., Davenport, Iowa, Denver, Colo., Cleveland, Ohio, Atlanta, Ga. and Richmond, Va., under a continuing contract or contracts with Preco Industries, Ltd., Plainview, N.Y.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 142525 (Sub-No. 2), filed December 16, 1977. Applicant: BERNARD D. HARNER AND SON, INC., Rural Route 2, Washington, Ind. 47501. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, dry, in bags, from Richmond, Ind., to Louisville, Ky. and (2) *Dehydrated alfalfa meal*, in bulk, from Vincennes, Ind., to Louisville, Ky. Restrictions: (1) Restricted to movements under a continuing contract or contracts with Ralston Purina Co., and (2) restricted to movements either originating at or destined to the plant and/or storage facilities of Ralston Purina Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind., or Louisville, Ky.

No. MC 143000 (Sub-No. 6), filed December 5, 1977. Applicant: HIGH PLAINS GRAIN CO., INC., P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry processed feed and dry feed ingredients*, (a) from McCook, Nebr. to points in Kansas on and west of U.S. Highway 81, and (b) from McPherson, Kans. to points in Oklahoma on and east of Interstate Highway 35; and (2) *dry animal and poultry feed*, in bulk and bags, using self-unloading equipment, from the facilities of Cargill, Inc., at Kansas City, Kans., and Springdale, Ariz., to points in Oklahoma on and east of Interstate Highway 35.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Kansas City, Mo.

No. MC 143059 (Sub-No. 10), filed December 19, 1977. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 11129, Louisville, Ky. 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings* and *connections;* and *materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robintech Inc., located at or near Riviera Beach (West Palm Beach), Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 143158 (Sub-No. 1), filed December 20, 1977. Applicant: NOEL TRANSPORT, INC., 1001 South 1st Street, Yakima, Wash. 98901. Applicant's representative: Richard L. Wiehl, 415 North Third Street, P.O. Box 526, Yakima, Wash. 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *canned and bottled beverages, other than alcoholic*, and *materials, equipment*, and *supplies used in the soft drink business*, and commodities exempt from regulation under section 203(b)(6) of the Interstate Commerce Act when moving mixed loads with the above commodities, between Yakima, Wash., on the one hand, and, on the other, points in Washington, Oregon, California, Montana, Idaho, Wyoming, Nevada, and Alaska, under a continuing contract, or contracts, with Pepsi Cola Bottling Co. and Noel Canning Corp., of Yakima, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima or Seattle, Wash., or Portland, Oreg.

No. MC 143794 (Sub-No. 1), filed December 19, 1977. Applicant: EAST-WEST FREIGHT, INC., 7270 Hobgood Road, Fairburn, Ga. 30312. Applicant's attorney: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Central heating and air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors*, and (2) *parts, equipment and supplies* used in the manufacture and installation of the commodities in (1) above, from the facilities of Heil-Quaker Corp. in Davidson County, Tenn., to points in California, Montana, Utah and Washington, under a continuing contract or contracts with Heil-Quaker Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Ga.

No. MC 143844 (Sub-No. 1), filed December 23, 1977. Applicant: DOUG GRANT TRUCK TRANSPORTATION, INC., P.O. Drawer GG, Eureka, Calif. 95501. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Lumber* (including plywood), and *wood products* (including chipboard, composition board, fiberboard, flakeboard, hardboard, and particleboard); from the plants and facilities of Louisiana-Pacific Corp. located in California north of Interstate Highway 80 to Reno, Sparks, Carson City, and Las Vegas, Nev. and points in Utah and Colorado located on or north of U.S. Highway 50, under continuing contract or contracts with Louisiana Pacific Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 143897 (Sub-No. 1), filed December 15, 1977. Applicant: LOOMIS ARMORED CAR SERVICE, LTD., 3057 Grandview Highway, Vancouver, British Columbia, Canada, V5M 2E4. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and currency*, between ports of entry on the International boundary line between the United States and Canada located in North Dakota and Minnesota, on the one hand, and, on the other, points in North Dakota and Minnesota, restricted to traffic originating at or destined to points in Manitoba, Canada, under a continuing contract or contracts with banks and banking institutions.





NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Seattle, Wash. Common control may be involved.

No. MC 144150 filed December 21, 1977. Applicant: DELTA BULK, INC., P.O. Box 36, Edgewater, N.J. 07020. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic Granuels* and *Powder*, in bulk, from the facilities of Delta Bulk Packaging & Warehouse, Inc., Edgewater, N.J. to points in the States of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, under a continuing contract or contracts with Delta Bulk Packaging & Warehouse, Inc., Edgewater, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

PASSENGER

No. MC 107586 (Sub-No. 25), filed December 19, 1977. Applicant: CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers between Dallas and San Antonio, Tex.: From Dallas, Tex. over Interstate Highway 35 to San Antonio, Tex., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas and San Antonio, Tex.

FREIGHT FORWARDER

No. FF-209 (Sub-No. 3), filed December 13, 1977. Applicant: LYONS TRANSPORT, INC., a corporation, First Avenue and Route 66, McCook, Ill. 60525. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1760, Chicago, Ill. 60606. Authority sought to operate as a *freight forwarder*, through the use of the facilities of common carriers by railroad, motor vehicle, water and express, in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Omaha, Nebr., Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin to points in Alabama, California, Florida, Louisiana, New York, Oregon, Virginia, Washington, and the ports of entry on the International boundary line between the United States and Canada located at Michigan, Minnesota, and Wisconsin, with furtherance into Halifax, Nova Scotia; Montreal, Quebec; St. John, Newfoundland, Toronto, Ontario; and Vancouver, British Columbia, Canada, insofar as such transportation takes place in the United States, when consigned for export only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Cleveland, Ohio.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4175 Filed 2-15-78; 8:45 am]

[Volume No. 61]

## [7035-01]

### PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

FEBRUARY 10, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before March 20, 1978. Such protest shall comply with Special Rule 247(E) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 118468 (Sub-No. 31) (M1) (Notice of Filing of Petition to Add Contracting Shippers), filed December 1, 1977. Petitioner: UMTHUN TRUCKING CO., a corporation, P.O. Box 166, Eagle Grove, Iowa 50533. Petitioner's representative: William Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Petitioner holds a motor *contract carrier*, Permit in No. MC 118468 (Sub-No. 31), issued May 5, 1976, authorizing transportation, over irregular routes, of: *Lumber, lumber products* and *building materials* (except iron and steel products and except commodities in bulk), (1) from points in Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming, to Eagle Grove, Iowa, Madison, Wis., and St. Paul, Minn.; (2) from Eagle Grove, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (3) from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri; and (4) from St. Paul, Minn., to points in Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with Emmer Bros. Co., Inc. of Minneapolis, Minn. By the instant petition, petitioner seeks to change the contracting shipper paragraph to read as follows: under a continuing contract or contracts with Emmer Bros., Inc., of Minneapolis, Minn., and its affiliated companies Emmer-Eagle Grove, Inc., Emmer-Twin Cities, Inc., and Emmer-Madison, Inc.

No. MC 136285 (Sub-No. 3) (M1) (correction), filed December 9, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, as MC 136258 (Sub-No. 3), and republished as corrected this issue. Petitioner: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Petitioner's representative: William Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Petitioner holds a *motor common carrier* certificate in MC 136285 (Sub-No. 3), issued September 30, 1977, authorizing transportation over irregular routes, of: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or in trailers, having an immediately prior or subsequent movement by water, between Charleston, S.C., Jacksonville, Fla., and Savannah, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. *Empty containers, trailers and trailer chassis*, between points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee. By the instant petition, petitioner seeks to change the restriction reading "in containers or in trailers", to "in or on containers or trailers". The restriction reading "having an immediately prior or subsequent movement by water", be changed to read, "having a prior or subsequent movement by

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

water or rail". And that the restriction reading "commodities in bulk", be deleted and replaced by "the above authority is restricted against the transportation of commodities in bulk except in demountable containers".

NOTE.—The purpose of this correction is to note that the correct MC number is MC 136285 (Sub-No. 3).

No. MC 141695 (Sub-No. 6) (republication) filed May 9, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, and republished this issue. Applicant: OLIVER WENDELL COLLINS, d.b.a. COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oreg. 97910. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. An Order of the Commission, Review Board Number 1, decided January 17, 1978, and served January 23, 1978, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and those which because of size or weight require special equipment), between Jordan Valley and Sheaville, Oreg., on the one hand, and, on the other, the facilities of the De Lamar Silver Mine, at De Lamar (Owyhee County), Idaho; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate applicant's intent to tack the authority sought at Jordan Valley, Oreg., to provide a through service to Ontario, Oreg., and points in Ada and Canyon Counties, Idaho.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATE

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before March 20, 1978. Such pleading shall comply with Special Rule 247 (E) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 8515 (Sub-No.12) (republication), filed January 31, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished this issue. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, Ill. 61362. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. An Order of the Commission, Review Board No. 3, decided November 23, 1977, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Materials, parts, equipment, and supplies* used in the manufacture or remanufacture of heavy power equipment between the facilites of Caterpillar Tractor Co. located in Scott County, Iowa, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at Chicago, Ill., and extending along Interstate Highway 57 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Iowa State line, restricted to the transportation of shipments originating at or destined to the facilities of Caterpillar Tractor Co., located in Scott County, Iowa, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect applicant's actual grant of authority.

No. MC 113382 (Sub-No. 19) (republication), filed June 8, 1977, published in the FEDERAL REGISTER issue of July 28, 1978, and republished this issue. Applicant: NELSON BROS., INC., P.O. Box 613 River Bridge, Nebraska City, Nebr. 68410. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Review Board No. 1, decided January 23, 1978, and served January 27, 1978, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tires, tubes, batteries, and wheels*, from Memphis, Tenn., Batesville and Tupelo, Miss., Texarkana, Ark., Des Moines., Iowa, Warren, Ohio., Salina, Kans., Springfield, Mo., Cumberland, Md., Denver, Colo., and points in California, to points in Iowa, Nebraska, South Dakota, and Wyoming, and (2) *retreading material* from Muscatine, Iowa to Lincoln, Nebr., under a continuing contract or contracts with T. O. Haas Tire Co., Inc. of Lincoln, Nebr., will be consistent with the public interest and the national transportation policy; that applicant if fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to show the additional grant of part (2) above.

No. MC 134323 (Sub-No. 91) (republication), filed December 17, 1976, published in the FEDERAL REGISTER issue of January 27, 1977, and republished this issue. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. An Initial Decision of the Administrative Law Judge, dated November 4, 1977, and served November 14, 1977, finds that operation by applicant, in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastic materials, plastic products, and equipment, materials, and supplies* used in the manufacture and distribution thereof, (1) between the facilities of Union Carbide Corporation, at or near North Seadrift, Texas City, and Houston, Tex., and Taft, La., on the one hand, and, on the other, points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia; and (2) from the storage facilities of Union Carbide Corp. at or near New Orleans, La., to points in the United States (except Alaska and Hawaii) restricted to the performance of a transportation service under a continuing contract, or contracts with Union Carbide Corp.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Rhode Island and Delaware in applicant's actual grant of authority.

No. MC 135078 (Sub-No. 11) (Republication), filed November 19, 1976, published in the FEDERAL REGISTER issue of January 27, 1977, republished in the FEDERAL REGISTER issue of May 26, 1977, and republished this issue. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Fredrick J. Coffman, 521 South 14th Street, P.O. 81849, Lincoln, Nebr. 68501. An Initial Decision of the Administrative Law Judge, dated November 14, 1977, and served November 23, 1977, became the order of the Commission December 23, 1977. The Administrative Law Judge finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Floor covering and floor tile*, from Lancaster, and Landisville, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Washington, Wyoming, and Utah; (b) *carpet lining*, from Derby and Shelton, Conn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; restricted in Parts (a) and (b) above, to traffic originating at the named origins and destined to the named destination States; (2) *new finished furniture*, from Taylor and San Marcos, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio Oklahoma, Pennsylvania, Tennessee, Virginia, and West Virginia, restricted to traffic moving from the facilities of Kerr-Ban Furniture Manufacturing Co., Inc., a Subsidiary of William Volker & Co., and destined to the named destination States; (3) *carpeting and rugs*, from points in Laurens County, Ga., Washington County, Miss., and Dillion County, S.C., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington, Restricted to traffic originating at the named origins and destined to the name destination States; (4) *floor covering, floor tile, carpet padding and lining, and materials, equipment and supplies* used in the installation thereof, from Anaheim and South Gate, Calif., to points in Washington, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the named origins and destined to the named destination States; (5) *new furniture*, crated, from Taylor and San Marcos, Tex., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the named origins and destined to the named destination States; (6) *window rollers, slats, window shades, shutters, and roller fixtures*, from Ogdensburg, N.Y., and Chicago, Ill., to points in California, Colorado, Missouri, Nebraska, Oregon, Texas, Utah, and, Washington, restricted to traffic originating at the named origins and destined to the named destination States; (7) *new unfinished furniture*, (a) from Loveland, Colo., to points in New Mexico and Texas; and (b) from Spangle, Wash., to points in Montana, Utah, and Idaho, restricted in (a) and (b) above to traffic originating at the named origins and destined to the named destination States; (8) *new finished furniture*, from Portland, Oreg., to points in Missouri, Kansas, Nebraska, Idaho, Montana, Colorado, Utah, California, Arizona, New Mexico, Texas, Oklahoma, Washington, and Nevada, restricted to traffic originating at the named origin and destined to the named destination States; (9)(a) *bed frames and accessories*, from Benicia, Calif., to points in Washington, Montana, New Mexico, Arizona, Texas, Oregon, Colorado, Idaho and Utah; and (b) *carpet tacking strip and materials and equipment* used for the installation of carpet, from City of Industry and Los Angeles, Calif., to points in New Mexico, Colorado, Texas, Oklahoma, Idaho, Utah, Arizona, Kansas, Missouri, Louisiana, and Nebraska, restricted in Parts (a) and (b) to traffic originating at the named origins and destined to the named destination States; (10) *floor covering, floor tile and rugs*, from the facilities of William Volker & Co. located at or near Merced, Calif., to points in Washington, Oregon, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the named origin and destined to the named destination States; (11) *new finished furniture*, from the facilities of William Volker & Co. located at or near Cameron, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma, restricted to traffic originating at the named origin and destined to the named destination States; (12) *floor covering, floor tile, carpet padding, and carpet lining*, from Libertyville, and Kankakee, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, restricted to traffic originating at the named origins and destined to the named destination States; (13) *new finished furniture*, from Canby, Oreg., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named destination States; (14) *such commodities*, as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require special equipment for loading and unloading, lumber, and construction and building materials), between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating in and destined to the named States; (15) *carpet padding and materials and supplies* used in the installation of carpet padding (except commodities in bulk), from Dyersburg, Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dalota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named destination States; (16) *carpet lining and padding*, from Norfork, Va., to points in Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, restricted to traffic originating at the named origin and destined to the named destination States; (17) *window shades, shutters, slats, rollers, and roller fixtures*, from Benton Harbor, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named destination States; (18) *carpet lining and padding*, from Richmond, Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the provisions of Part II of the Interstate Commerce Act and to the requirements, rules, and regulations of the Commission thereunder.

The purpose of this republication is to indicate Landisville, Pa. as an addi-

tional origin in part (1)(a) above and also to indicate applicant's actual grant of authority.

No. MC 134599 (Sub-No. 154) (republication), filed January 13, 1977, published in the FEDERAL REGISTER issue of March 3, 1977, and republished this issue. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board No. 3, decided December 27, 1977, and served January 24, 1978, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber* (except commodities in bulk, and those which because of size or weight require special handling or equipment), from the facilities of Reichold Chemical Co. at Cheswold, Del., to points in Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Tennessee, Texas, Utah, Virginia, and Wisconsin, under a continuing contract or contracts with Uniroyal, Inc.; will be consistent with the public interest and the national transportation policy. Applicant is fit, willing, and able properly to perform the authorized service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the change the name of the facilities from Uniroyal, Inc. to Reichold Chemical Co. in the origin.

No. MC 135354 (Sub-No. 3) (republication), filed August 11, 1977, published in the FEDERAL REGISTER issue of September 22, 1977, and republished this issue Applicant: STATESVILLE MOTOR COACH CO., INC., 109 Winston Avenue, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. An Order of the Commission, Review Board No. 2, decided January 12, 1978, and served January 25, 1978, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Alexander, Catawba, Davie, and Irdell Counties, N.C., and extending to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of those States west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana in the territorial portion of applicant's actual grant of authority.

No. MC 141804 (Sub-No. 62) (republication), filed June 6, 1977, published in the FEDERAL REGISTER of July 21, 1977, and republished this issue Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. An Order of the Commission, Review Board No. 1, decided January 24, 1978, and served January 30, 1978, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, home accessories, and grandfather clocks*, from points in California, to those points in the United States in an east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, restricted against the transportation of crated office furniture from the facilities of Steelcase, Inc.; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to show the additional grants of home accessories and grandfather clocks.

No. MC 143380 (republication), filed June 16, 1977, published in the FEDERAL REGISTER issue of August 4, 1977, and republished this issue. Applicant: JAMES J SANTRY TRUCKMEN, INC., 19 Goff Avenue, Staten Island, N.Y. 10309. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board No. 2, decided January 2, 1978, finds that operation by applicant, in interstate or foreign commerce as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Wines and alcoholic liquors* (except in bulk), from Boston, Mass., Hartford, Conn., Linfield, Pa., New York, N.Y., Baltimore, Md., and Philadelphia, Pa., to Union and Pennsauken, N.J., under a continuing contract or contracts with Flagstaff Liquor Co., Joseph H. Reinfeld, Inc., Majestic Wine & Spirits Co., Banner Liquor Co., Flagstaff Liquor Co., and Baxter Warehouse Corporation of Union and Pennsauken, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to show Philadelphia, Pa., and an additional origin and four additional firms' authorized to be served under contract.

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

### NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not includes issues of allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.





No. MC 2379 (Sub-No. 8), filed December 19, 1977. Applicant: JOYNER TRUCKING CO., a corporation, Minton Road, Woodland, N.C. 27897. Applicant's representative: J. Gay Revelle, Jr., Post Office Drawer 448, 201 East Main Street, Murfreesboro, N.C. 27855. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of *baskets, hampers, crates*, and *crate materials* from Murfreesboro, N.C., and points in North Carolina, within 50 miles of Murfreesboro, to points in Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, and South Carolina.

NOTE.—Applicant holds motor common carrier authority in No. MC 2379 (Sub-Nos. 3, 4, 6, and 7), and therefore dual operations may be involved. If a hearing is deemed necessary applicant asks that it be held in either Raleigh, N.C. or Norfolk, Va.

No. MC 3252 (Sub-No. 99), filed December 22, 1977. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Plastic bottles* in shipper and/or carrier trailers, from Portland and Westbrook, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Batavia, N.Y., Berwick, Pa., and Jessup, Md., and (2) *plastic bottles and materials, supplies and equipment* used or useful in the manufacture and sale of plastic bottles in shipper and/or carrier trailers, form Gardner, Mass., to Portland and Westbrook, Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Portland, Maine, or Boston, Mass.

No. MC 4405 (Sub-No. 569), filed December 22, 1977. Applicant: DEALERS TRANSIT, INC., a corporation, 522 South Boston Avenue, Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Trailers* and *trailer chassis*, in initial movements, in truckaway service, from New Tazewell, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville or Chattanooga, Tenn. or Bristol, Va.

No. MC 4405 (Sub-No. 570), filed December 27, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Trailers, semi-trailers*, and *trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movement, in truckaway service and driveaway service, from Great Bend, Kans., to points in the United States (except Alaska and Hawaii); (2) *Tractors* in secondary movements, in driveaway service when drawing trailers, semi-trailers, and trailer chassis, in initial movements, from Great Bend, Kans., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 4405 (Sub-No. 571), filed December 27, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Trailers* and *trailer chassis* other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Boyd, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 4484 (Sub-No. 2), filed December 27, 1977. Applicant: CROWN TRANSPORT, INC., R.D. 2, Wampum, Pa. 16157. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yard tractors* between Lyons, Ill., on the one hand, and, on the other, points in the United States in and east of the States of Minnesota, Iowa, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C. Common control may be involved.

No. MC 5227 (Sub-No. 31), filed December 23, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the facilities of Globe Industries, Inc., at or near Whiting and Hammond, Ind., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Lincoln, Nebr.

No. MC 13087 (Sub-No. 44), filed December 22, 1977. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: WILLIAM L. FAIRBANK, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, Minn., to points in Wisconsin, restricted to the transportation of traffic originating at the above-named origin and destined to the named destination State.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Dallas, Tex. or Kansas City, Mo.

No. MC 19157 (Sub-No. 48), filed December 22, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by rail (except in bulk, those which because of size or weight require the use of special equipment, foodstuffs, alcoholic and malt beverages, lumber, tractors, road making machinery, contractor's machinery, equipment and supplies, iron and steel articles, farm machinery, pipe and wooden posts and poles), between points in the United States in and east of Mississippi, Tennessee, Kentucky, Indiana and Michigan, on the one hand, and, on the other, Magley and Ara, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31389 (Sub-No. 237), filed December 27, 1977. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a

*common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the distribution center of the K mart Corp. located in Coweta County, Ga., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 41406 (Sub-No. 59), filed December 27, 1977. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, including but not limited to plows, planters, bedders and tillage tools; and *machinery, equipment, materials*, and *supplies* used in the manufacture, assembly and distribution thereof, between Moline, Ill., on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Michigan, Kentucky, Maryland, New York, New Jersey, Delaware, Connecticut, Rhode Island, Maine, Massachusetts, New Hampshire, Vermont, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 46518 (Sub-No. 14), filed December 5, 1977. Applicant: R.F.C. TRANSPORT, INC., 7300 Fly Road, P.O. Box 207, East Syracuse, N.Y. 13057. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plant and distribution facilities of Curtice Burns, Inc., located at or near South Dayton, Oakfield, Le Roy, Leicester, Alton, Shortsville, Phelps, Red Creek, Egypt, Waterloo, and Rushville, N.Y., to points in Maine, New Hampshire and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Rochester, Syracuse, or Buffalo, N.Y., or Washington, D.C.

No. MC 50069 (Sub-No. 539), filed December 27, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky. to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above mentioned plantsite.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 51146 (Sub-No. 552), filed December 23, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, Iowa, to points in Colorado, Nebraska, North Dakota, and South Dakota. Restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa. Common control may be involved.

No. MC 59367 (Sub-No. 112), filed December 20, 1977. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, Minn., to Chicago, Ill. restricted to the transportation of traffic originating at the above-named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 59367 (Sub-No. 113), filed December 22, 1977. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, Minn., to points in Wisconsin, restricted to the transportation of traffic originating at the above-named origin and destined to the named destination State.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 63417 (Sub-No. 122), filed December 14, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, (1) from Dublin and Macon, Ga.; Elkin and Goldsboro, N.C.; Sumter, S.C.; Altavista, Appomattox, Dublin, Galax, Pulaski, Roanoke, and Rocky Mount, Va.; and the plantsites and facilities of Bassett Furniture Industries in Henry County, Va.; and at or near Mt. Airy, N.C.; and the plantsite and facilities of Pulaski Furniture Corp. at Martinsville, Va., to points in Missouri and returned shipments of new furniture and furniture parts (2) from points in Missouri to the above origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Roanoke, Va.

No. MC 65525 (Sub-No. 23), filed: December 22, 1977. Applicant: WHITE BROS. TRUCKING CO., a corporation, P.O. Box 96, Wasco, Ill. 60183. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment and handling, and *related parts, materials, and supplies when their transportation is incidential to transportation of commodities* (which by reason of size or weight require the use of special equipment and handling), between points in Illinois, Indiana, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill.

No. MC 69695 (Sub-No. 14), filed December 22, 1977. Applicant: RAY L. BRANDT TRUCKING CO., a corporation, 460 West Philadelphia St., York, Pa. 17404. Applicant's representative: John E. Fullerton, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from the plantsite of National Gypsum Co., in West Manchester Township, York County, Pa., to points in New York (except New York, N.Y.) and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 425), filed December 27, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: R. Cameron Rollins, 830 North 33rd Street, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution equipment, heating and cooling equipment, and parts and accessories* therefor, from the plantsite and facilities of the Fuller Co., at Houston, Tex. to points in the United States in and East of Minnesota, Iowa, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Houston, Tex.

No. MC 74681 (Sub-No. 10), filed December 8, 1977. Applicant: STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, Mich. 48602. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular expanded plastic pads and paddings*, from the plantsite of Reeves Bros., Inc., located in Cornelius, N.C., to the plantsites of Fisher Body Division; GMC, Flint, and Cold Water Rd. plant located in Flint, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Saginaw, Mich. Common control may be involved.

No. MC 95540 (Sub-No. 998), filed December 27, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk in tank vehicles), from the plant site and/or facilities of Rich Products, Corp., located at or near Murfreesboro, Tenn. to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Buffalo, N.Y., or Washington, D.C.

No. MC 100449 (Sub-No. 84), filed December 27, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 85), filed December 27, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at or near Cedar Radips, Iowa to points in Minnesota and Wisconsin, restricted to the transportation of traffic originating at the above named origins and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Dallas, Tex., or Kansas City, Mo.

No MC 100666 (Sub-No. 373), filed December 27, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, between Manhattan and St. Marys, Kans. on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 101219 (Sub-No. 61), filed December 27, 1977. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, on hangers, and materials, supplies and equipment used in the manufacture of wearing apparel*, when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers, between Fall River, Mass., and Smithfield, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102295 (Sub-No. 31), filed December 13, 1977. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Coal* from points in Mahoning County, Ohio to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, New York on and east of U.S. Highway 15, Pennsylvania on and east of a line extending south from the Pennsylvania-New York boundary over U.S. Highway 15 to junction U.S. Interstate Highway 81, thence south over U.S. Interstate 81 to the Pennsylvania-Maryland boundary, Delaware, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 102295 (Sub-No. 32), filed December 23, 1977. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Brick and clay products*, from Richland Township, Bucks County, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Kentucky, Michigan, North Carolina, South Carolina, Georgia, Tennessee, and the District of Columbia. *Brick, clay and clay products*, (a) From Midvale, Ohio, to points in Pennsylvania on and east of U.S. Highway 15 and New Jersey; and (b) From Wallace, S.C., to points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 916), filed December 23, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Ap-

plicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, iron* and *steel articles, plywood, paneling, hardboard, composition board, lumber and lumber products*, from Houston, Tex., and Mobile, Ala., to points in the United States in and east of the states of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at New York, N.Y.

No. MC 103993 (Sub-No. 917), filed December 23, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds*, and *accessories* thereto, from the plantsite and storage facilities at Logan Long Roofing Products, Inc., at or near Tuscaloosa, Ala., to points in Tennessee, Mississippi, Georgia, Florida, and Kentucky.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Birmingham, Ala.

No. MC 105045 (Sub-No. 77) (correction), filed November 25, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, equipment, and supplies, and parts* of or for the above-specified machinery and equipment, between points in Illinois, Indiana, and Kentucky.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Chicago, Ill., or Washington, D.C. The purpose of this republication is to indicate the correct MC number as MC 105045 (Sub-No. 77) in lieu of (Sub-No. 45) as previously published.

No. MC 1066743 (Sub-No. 275), filed December 27, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers in bulk*, from the plantsite of Agrico Chemical Co., at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia. Restricted to the transportation of traffic originating at the above mentioned plantsite.

NOTE.—If a hearing is deemed necessary applicant requests that it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 669), filed December 15, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic composition* (except commodities in bulk), from Cartersville, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Ga.

No. MC 107496 (Sub-No. 1117), filed December 1, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Florida; and (2) *aluminum sulphate*, in bulk, in tank vehicles, from Wisconsin Rapids, Wis., to Waterloo and Des Moines, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 107496 (Sub-No. 1118), filed December 27, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, in bulk, from the plantsite and storage facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill. Common control may be involved.

No. MC 108119 (Sub-No. 75), filed December 27, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yard tractors* between Lyons, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C. Common control may be involved.

No. MC 109397 (Sub-No. 384), filed December 23, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dust, collectors, cyclones, machinery, equipment, and materials, parts, and accessories* used in air handling systems, and (2) *iron and steel articles*, from Greene County, Tenn., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Knoxville, Tenn.

No. MC 109397 (Sub-No. 385), filed December 22, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cut log buildings and parts, attachments, materials, and supplies* for pre-cut log buildings; and (2) *lumber, wood products, and roofing materials*, from points in Arizona and Minnesota, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Las Vegas, Nev.

No. MC 109397 (Sub-No. 388), filed January 3, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power distribution systems, and parts, equipment, and attachments* for power distribution systems, from Tulsa, Okla., to points in the United States (including Alaska but excluding Hawaii); and (2) *materials, equipment, or supplies* (except commodities in bulk) used in the manufacturing and distribution of the commodities described in (1) above, from points in the United States (including Alaska, but excluding Hawaii), to Tulsa, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 109633 (Sub-No. 26), filed December 27, 1977. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facility of Mobil Chemical Co., Plastics Division, at Frankfort, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Illinois, Tennessee, Colorado, Texas, Georgia, New York, South Carolina, West Virginia, Wyoming, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109708 (Sub-No. 79), filed December 23, 1977. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, Fla. 33838. Applicant's representative: Bruce A. Bullock, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors, neutral spirits, wine, and brandy*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to points in Illinois, Indiana, New Jersey, Massachusetts, Maryland, Michigan, Kentucky, Pennsylvania, Ohio, and Louisiana; and (2) *neutral spirits and brandy*, in bulk, in tank vehicles, from Roberta, Ga., to Peoria, Ill., and Scoberyville, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Orlando, Fla., or Miami, Fla.

No. MC 110563 (Sub-No. 214), filed December 27, 1977. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants at/or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 111170 (Sub-No. 245), filed December 27, 1977). Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt cake*, in, bulk, from East Camden, Ark., to points in Louisiana and Texas; (2) *alumina*, in bulk, from Bauxite, Ark., to points in Texas; (3) *liquid chemicals*, in tank trucks, from points in Union County, Ark., to points in California, Illinois, Mississippi, Pennsylvania, South Carolina, and Wisconsin; and (4) *alkyldimethylamine*, from the facilities of Ethyl Corp., located in Columbia County, Ark., to Memphis, Tenn.; Janesville, Wis.; and Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111720 (Sub-No. 17), filed December 30, 1977. Applicant: WILLIAMS TRUCKS SERVICE, INC., P.O. Box 40, Sioux Falls, S. Dak. 57101. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities utilized by John Morrell & Co. at or neat Esterville, Iowa, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Mississippi, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Chicago, Ill.

MC 111720 (Sub-No. 18), filed December 27, 1977. Applicant: WILLIAMS TRUCK SERVICE, INC., P.O. Box 40, Sioux Falls, S. Dak. 57101. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and articles distributed by meat packing-houses as described in sections A, B, and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsites and or warehouse facilities utilized by John Morrell & Co. at or near Sioux Falls, S. Dak., to points in Illinois, Indiana, and Wisconsin, under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Chicago Ill.

MC 111812 (Sub-No. 554), filed December 27, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at/or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Omaha, Nebr. Common control may be involved.

Docket No. MC 112223 (Sub 105), filing date December 22, 1977. Applicant: QUICKIE TRANSPORT CO., a corporation, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Algona, Spencer, and Garner, Iowa, to points in Minnesota and South Dakota.

NOTE.—If a hearing is deemed necessary the applicant requests be at either Minneapolis or St. Paul, Minn.

No. MC 112304 (Sub-No. 124), filed December 27, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinatti, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment or handling, from the plantsite, warehouse, and storage facilities of the Rockcastle Steel Corp., located in Rockcastle County, Ky., to

points in the Unites States (except Hawaii and Alaska).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio. Common control may be involved.

No. MC 112520 (Sub-No. 346) (correction), filed November 28, 1977, published in the FEDERAL REGISTER issue of January 26, 1978, and republished as corrected, this issue. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Monroe County, Ala., on the one hand, and, on the other, points in Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala. or Atlanta, Ga. The purpose of this republication is to reflect applicant's MC number as MC 112520 (Sub-No. 346) in lieu of (Sub-No. 246) as previously published.

No. MC 112539 (Sub-No. 19), filed December 22, 1977. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, Pa. 18201. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *beryl ore*, from Hazleton, Pa. to Delta, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 113106 (Sub-No. 50), filed December 22, 1977. Applicant: THE BLUE DIAMOND CO., a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages, from the facilities of Watkins Salt Co., at White Marsh, Md., to Watkins Glen, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 113362 (Sub-No. 316), filed December 27, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue, NE., P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen foodstuffs, in containers*, (except meat, meat byproducts, dairy products, and articles distributed by meatpacking houses), from Beaver Valley Canning Co., Grimes, Iowa; Reinbeck Canning Co., Reinbeck, Iowa; Ackley Food Processors, Ackley, Iowa; and Vista Products, Storm Lake, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Restriction: Restricted to the transportation of traffic originating at the above named origin points and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Chicago, Ill.

No. MC 113651 (Sub-No. 252), filed December 22, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Nashville, Tenn., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Baltz Brothers Packing Co., at or near Nashville, Tenn., and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn.

No. MC 113651 (Sub-No. 254), filed December 20, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Meat, meat products and meat byproducts* as described in sections A, B and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Restriction: Restricted to traffic originating at the plantsite and storage facilities of John Morrell & Co., located at or near Sioux Falls, S. Dak., and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 397), filed December 27, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Aircraft, aircraft engines* and *aircraft assemblies*, (2) *equipment* used in the maintenance, servicing and operation of aircraft, and (3) parts of (1) and (2) above, between points in the United States (excluding Alaska and Hawaii) for the account of Scandinavian Airlines System.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 114211 (Sub-No. 337), filed December 29, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Mr. Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier, over irregular routes*, by motor vehicle, transporting: *Plastic pipe* and *plastic products and materials and supplies* used in the manufacture thereof (except commodities in bulk and those which because of size or weight require the use of special equipment), between Geneva County, Ala., on the one hand, and, on the other, points in the United States including Alaska (except Hawaii).

NOTE.—If a hearing is deemed necessary we request that it be held at either Birmingham, Ala., or Washington, D.C., and at the same time and place as similar applications filed by 12 other carriers.

No. MC 114273 (Sub-No. 318), filed December 12, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Plymouth, Minn., to points in Illinois. Restricted to traffic originating at Plymouth, Minn., and destined to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 344), filed December 27, 1977. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, Iowa, to points in Kansas, Missouri, and Nebraska, and the upper peninsula of Michigan. Restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 114457 (Sub-No. 346), filed January 3, 1978. Applicant: DART TRANSIT CO. ( a corporation) 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components and materials and supplies* used in the manufacture and distribution of containers from Baltimore, Md., to points in Michigan, Ohio, and Pennsylvania.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114632 (Sub-No. 127), filed December 27, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Michael L. Carter, P.O. Box 287, Madison, S. Dak. 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the facilities of Switzer Candy Co., Division of Beatrice Foods Corp., at or near St. Louis, Mo. to Phoenix, Ariz.; Cabazon, Los Angeles, Sunnyvale, Calif.; Denver Colo.; Pocatello, Idaho; Portland, Oreg.; Salt Lake City, Utah; Seattle, Spokane, Wash.

NOTE.—Applicant holds motor contract carrier authority in No MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either St. Louis or Kansas City, Mo.

No. MC 114969 (Sub-No. 68), filed December 22, 1977. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia. Restricted to the transportation of traffic originating at the above-named plantsite.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.





No. MC 115162 (Sub-No. 400), filed December 23, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Registered Practitioner, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Monticello, Ga., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 115162 (Sub-No. 402), filed December 22, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, and accessories therewith*, from the facilities utilized by Elk Corp. at or near Stephens and Camden, Ark., to Texas, Louisiana, Mississippi, Oklahoma, Missouri, Tennessee, Kentucky, Illinois, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 115496 (Sub-No. 77), filed December 22, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Monticello, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Augusta, Ga.

No. MC 115730 (Sub-No. 41), December 27, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 Southwest Sixth Street, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Iron and steel articles*, between Chicago, Ill., and points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill., or Washington, D.C.

No. MC 115841 (Sub-No. 590), filed December 22, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Dallas and Fort Worth, Tex., to points in California, Arizona, New Mexico, Colorado, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex., or Washington, D.C.

No. MC 116371 (Sub-No. 8), filed December 21, 1977. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada. Applicant's representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada on the Detroit and St. Clair Rivers, to points in Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y. or Detroit, Mich.

No. MC 117344 (Sub-No. 266), filed December 21, 1977. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-named plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 117686 (Sub-No. 200), filed December 27, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in Descriptions in

Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). From the plantsite and cold storage facilities utilized by Iowa Beef Processors, Inc., at or near Dakota City, Nebr., to points in California. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the above described state.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or St. Paul, Minn. Common control may be involved.

No. MC 117940 (Sub-No. 249), filed December 22, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (except in bulk), from points in Cameron, Hidalgo, and Willacy Counties, Tex., to points in Alabama, Arkansas, Connecticut, Florida, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at San Antonio, Tex.

No. MC 117940 (Sub-No. 252), filed January 3, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores, (except foodstuffs and commodities in bulk), from Chicago, Ill., and Memphis, Tenn., to points in California, restricted to transportation of shipments originating at named origins and destined to the facilities of K Mart Corp. at named destinations.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Detroit, Mich.

No. MC 118159 (Sub-No. 239), filed December 15, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery*, from the plantsite and/or storage facilities of Peter Paul, Inc. at or near Frankfort, Logansport, and Indianapolis, Ind.; to points in Texas, Arkansas, Oklahoma, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 118989 (Sub No. 173), filed December 27, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drums and pails*, from Peotone, Ill. to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub No. 409), filed December 27, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr. to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, Nebr.

No. MC 119789 (Sub No. 410), filed December 27, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routed, transporting: *Meats, meat products, meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hereford, Tex., to points in California, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 121060 (Sub-No. 52), filed December 22, 1977. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings*, and *accessories* therefore (except in bulk), from the facilities of McWane Cast Iron Pipe Co., Inc., in Birmingham, Ala., and the facilities of Union Foundry Co., Inc., in Anniston, Ala. to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 121066 (Sub-No. 6), filed December 27, 1977. Applicant: NEBRASKA TRANSPORT CO., INC., P.O. Box 621, Scottsbluff, Nebr. 68361. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Geo. A. Hormel & Co., located at or near Scottsbluff, Nebr., to points in Iowa and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Minneapolis, Minn. or Lincoln, Nebr.

No. MC 121107 (Sub-No. 16), filed December 14, 1977. Applicant: PITT COUNTY TRANSPORTATION CO., INC., P.O. Box 207, Farmville, N.C. 27828. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, plywood, and forest products* from Kellum, Weyco, Plymouth, and Lewiston, N.C., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Raleigh, N.C. or Washington, D.C.





No. MC 123048 (Sub-No. 381), filed December 23, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, moulding, gypsumboard, plastic articles* and *accessories* used in the installation thereof, from Chesapeake, Va., to Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held either at Washington, D.C., or Philadelphia, Pa.

No. MC 123157 (Sub-No. 37), filed December 13, 1977. Applicant: CTI, P.O. Box 397, Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lime*, in bulk, from Arizona to Clark County, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Phoenix, Ariz. or Los Angeles, Calif.

No. MC 123407 (Sub-No. 428), filed December 22, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address for applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, wall and insulating boards, and materials and supplies used in the installation thereof* (except commodities in bulk), from Beaver Falls, Pa.; Marietta, Pa.; Macon, Ga.; and Pensacola, Fla., to points in Texas, Oklahoma, Arizona, Colorado, and New Mexico; (2) *floor coverings and materials and supplies used in the installation thereof* (except commodities in bulk) from Jackson, Miss., to points in Texas; and (3) *return and refused shipments*, from the destination points in parts 1 and 2 above to the points of origin in parts 1 and 2 above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 123476 (Sub-No. 30), filed December 21, 1977. Applicant: CURTIS TRANSPORT, INC., 3616 Jeffco Boulevard, P.O. Box 388, Arnold, Mo. 63010. Representative: David G. Dimit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, from facilities utilized by Dow Chemical Co. at or near Bay City, Mich., and East Camden, Ark., to points in that part of the United States on and east of U.S. Highway 85.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo. or Springfield, Ill.

No. MC 124511 (Sub-No. 41), filed December 29, 1977. Applicant: JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Mo. 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*, from the facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies located at or near Lansing, Mich.; Grand Rapids, Mich.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Milwaukee, Wis.; Chicago, Ill.; Blue Island, Ill.; Joliet, Ill.; Kokomo, Ind.; Fort Wayne, Ind.; North Judson, Ind.; Elkhart, Ind.; Cicero, Ind.; Centerville, Iowa; West Des Moines, Iowa; Denver, Colo.; Albuquerque, N. Mex.; Jackson, Miss.; Columbus, Ohio; Toledo, Ohio; Kingsport, Tenn.; Knoxville, Tenn.; South Pittsburgh (Richard City), N.C.; Cabot, Pa.; Nazareth, Pa.; North Arlington, N.J.; and Newton, Kans.; to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, and Oklahoma; and (2) *materials, equipment and supplies used in the manufacture and distribution of commodities named in (1) above*, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri and Oklahoma, to the facilities of or utilized by Penn-Dixie Industries, Penn-Dixie Steel Corp. and subsidiaries of the foregoing companies located at or near Lansing, Mich.; Grand Rapids, Mich.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Milwaukee, Wis.; Chicago, Ill.; Blue Island, Ill.; Joilet, Ill.; Kokomo, Ind.; Fort Wayne, Ind.; North Judson, Ind.; Elkhart, Ind.; Cicero, Ind.; Centerville, Iowa; West Des Moines, Iowa; Denver, Colo.; Albuquerque, N. Mex.; Toledo, Ohio; Kingsport, Tenn.; Knoxville, Tenn.; South Pittsburgh (Richard City), Tenn.; Atlanta, Ga.; Salisbury, N.C.; Cabot, Pa.; Nazareth, Pa.; North Arlington, N.J.; and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind.

No. MC 124692 (Sub-No. 189), filed December 27, 1977. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood systems, synthetic flooring systems, hardwood and synthetic flooring* (2) *materials and supplies* used in the installation of the commodities in (1) above, and (3) *lumber, wood products and millwork*, from the facilities of Abendroth-Gamble-Ahonen Inc., at or near Amasa, Mich., to North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 124839 (Sub-No. 31), filed December 5, 1977. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: B. M. Shirley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas, in bulk, in shipper owned tank trailers*, from Hattiesburg, Miss. to Butner, N.C.; Laurinburg, N.C.; Savannah, Ga. and Winder, Ga., under a continuing contract with Johns-Manville Sales Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held either at Atlanta, Ga. or Savannah, Ga.

No. MC 124947 (Sub-No. 92), filed December 20, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74709. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment; (2) *Self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and vehicles moving in driveaway service), and *related machinery tools, parts and supplies* moving in connection therewith; (3) *General commodities* (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act), in mixed loads with the commodities in (1) and (2) above, when the mixed load moves on a single bill of lading from a single consignor; (4) *farm, construction, mining and industrial equipment and parts, attachments, accessories and supplies therefor*; (5) *Machinery, equipment, materi-*

*als and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) injection or removal of commodities into or from holes or wells; (6) *Construction and mining material;* (7) *iron and steel articles;* (8) *Composition board*, between points in New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 125433 (Sub-No. 137), filed December 27, 1977. Applicant: F

F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal ingots* (except in bulk), from Paramount, Calif., to Decatur, Ill.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Salt Lake City, Utah

No. MC 126276 (Sub-No. 188), filed December 23, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and container ends, accessories, materials and supplies used in connection with the manufacture and distribution of containers* (except commodities in bulk and those which because of size or weight, require the use of special equipment), between Worland, Wyo., on the one hand, and, on the other, points in the United States in and east of Montana, Wyoming, Colorado, Oklahoma and Texas, under a continuing contract, or contracts, with Crown Cork & Seal Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 89), filed December 20, 1977. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, and crushed glass*, from the facilities of Potters Industries, Inc., at or near Apex, N.C., to points in South Carolina, Georgia, Mississippi, Tennessee, Kentucky, and Virginia; (2) *materials and supplies* used in the manufacture and sale of beaded and pulverized glass (except in bulk, in tank vehicles), from the destinations named in (1) above to the origin point in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 126736 (Sub-No. 104), filed December 23, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating and process oils*, in bulk in tank vehicles including insulated tanks, from Jacksonville, Fla., to all points in Alabama and Oneida, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 127187 (Sub-No. 32), filed December 13, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Greg C. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite* and *dolomite products*, from points in Bernardino, Inyo, Kern, and Los Angeles Counties in Calif., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, N. Dak. or Minneapolis, St. Paul, Minn.

No. MC 127478 (Sub-No. 6), filed December 22, 1977. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, Ga. 30683. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *frozen foodstuff*, from the plantsite of Kitchens of Sara Lee at New Hampton, Iowa, to Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Deerfield, Ill.

No. MC 127834 (Sub-No. 120), filed December 12, 1977. Applicant: CHEROKEE HAULING & RIGGING, INC., Nashville, Tenn., 37202. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky., 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, from the facilities of Masonite Corp., located in Pulaski County, Ark., to points in Florida, Georgia, Iowa, Kansas, Louisiana, Missouri (except St. Louis), Mississippi, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Nashville, Tenn., or St. Louis, Mo.

No. MC 128205 (sub-No. 44), filed December 27, 1977. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, from Brazil, Ind., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128235 (Sub-No. 19), filed December 13, 1977. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Miller Brewing Co., Milwaukee, Wis., to Minneapolis, Minn.; (2) *alcoholic beverages* (except in bulk), from Peoria, Ill., St. Louis, Mo., Frankfort, Ky., Cincinnati, Ohio, and Lawrenceburg, Ind., to Hibbing, Minn.; (3) *alcoholic beverages* (except in bulk), from Owensboro, Ky., Louisville, Ky., Frankfort, Ky., Lawrenceburg, Ind., Lawrenceburg, Ky., Cincinnati, Ohio, Peoria, Ill., and Plainfield, Ill., to St. Paul, Minn.; and (4) *alcoholic beverages* (except in bulk), from Lawrenceburg, Ind., Cincinnati, Ohio, Louisville, Ky., Frankfort, Ky., Bardstown, Ky., and Owensboro, Ky., to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 128273 (Sub-No. 277), filed December 27, 1977. Applicant: MID-





WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Eldon Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products, pulpboard*, products produced or distributed by manufacturers and converters of paper and paper products, and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment and except commodities in bulk in tank vehicles), (1) between Camden, Ark., and Redwood, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) between Pine Bluff, Ark., on the one hand and, on the other, points within the states of Arizona, California, Colorado, Connecticut, Delaware, Florida, Idaho, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and the District of Columbia; (3) from points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Oklahoma, Tennessee, Texas and Wisconsin, To Pine Bluff, Ark.; (4) between Mobile, Ala., and Moss Point, Miss., on the one hand and, on the other, points in Alabama, Connecticut, Wilmington, Delaware, and its commercial zone as defined by the Commission, points in that part of Florida west of the Apalachicola River, Ga., points in Illinois North and east of a line extending along U.S. Highway 36 from the Illinois-Indiana State line to Springfield, Ill., thence along Illinois Highway 29 to Peru, Ill., thence along U.S. Highway 51 to the Illinois-Wisconsin State line, Indiana, Louisville, Kentucky, and its commercial zone as defined by the Commission, Maryland, Massachusetts, New Jersey, points in that part of New York north and east of U.S. Alternate Highway 20 from Lake Erie to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line, North Carolina, points in that part of Ohio on, west and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Richmond, Va., and its commercial zone as defined by the Commission, points in that part of West Virginia north of U.S. Highway 33, Charleston, W. Va., and its commercial zone as defined by the Commission, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 128746 (Sub-No. 33), filed December 22, 1977. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and related advertising materials, from Eden, N.C., to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, (2) *materials, supplies*, and *equipment* used in the manufacture, sale, and distribution of malt beverages, and returned *empty malt beverage containers* (except commodities in bulk), from points in Delaware, District of Columbia, New York, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, to Eden, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis. or Washington, D.C.

No. MC 129191 (Sub-No. 8), filed December 19, 1977. Applicant: RICHARD T. PLATTNER, doing business as JANS MOTOR SERVICE, 4640 West 120th Street, Alsip, Ill. 60658. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, including shingles, roll roofing, saturated paper, roof coatings, roof cements, floor coverings, and adhesives, and materials and supplies* used in the distribution or installation of building and roofing materials (except in bulk), from the facilities of The Flintkote Co., located at or near Chicago Heights, Ill., to points in Wisconsin, Iowa, Missouri, Michigan, Kentucky, Ohio, and those points in Boone, Delaware, Fountain, Hamilton, Madison, Montgomery, and Randolph Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 129645 (Sub-No. 66), filed December 22, 1977. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership d.b.a. SMEESTER BROTHERS TRUCKING, 1330 South Jackson Stret, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, attorney at law, Route 3, Box 4, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring* and *accessories* used in the installation thereof, in straight or mixed shipments (except those which because of size or weight require the use of special equipment or handling and except commodities in bulk), loose or in bundles, from the plant and warehouse sites of Horner Flooring Co., located at Dollar Bay, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 133559 (Sub-No. 4), filed December 1, 1977. Applicant: CHARLOTTE TRUCK SERVICE, INC., P.O. Box 8414, Charlotte, N.C. 28208. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *wrecked and disabled tractors, wrecked and disabled trailers* (*other than those designed to be drawn by passenger vehicles*), *and wrecked and disabled buses*, from points in Georgia, Florida, South Carolina, Tennessee, and Virginia, to points in Cabarrus County, N.C.; (2) *replacement vehicles* for the vehicles named in (1) above, from points in Cabarrus County, N.C., to the origin points as described in (1) above; (3) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers* (*other than those designed to be drawn by passenger vehicles*), *and wrecked and disabled buses*, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Iredell County, N.C.; (4) *replacement vehicles* for the vehicles named in (3) above, from points in Iredell County, N.C., to the origin points as described in (3) above; (5) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers* (*other than those designed to be drawn by passenger vehicles*), *and wrecked and disabled buses*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia,

Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Lincoln County, N.C.; (6) *replacement vehicles* for the vehicles named in (5) above, from points in Lincoln County, N.C., to the origin points as described in (5) above; (7) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), and wrecked and disabled buses,* from points in the United States (except Alabama, Alaska, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Virginia), to points in Mecklenburg County, N.C.; (8) *replacement vehicles* for the vehicles named in (7) above, from points in Mecklenburg County, N.C., to the origin points as described in (7) above; (9) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), and wrecked and disabled buses,* from points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Virginia, to points in Mecklenburg County, N.C. (except Charlotte, N.C., and points in its Commercial Zone); (10) *replacement vehicles* for the vehicles named in (9) above, from points in Mecklenburg County, N.C. (except Charlotte, N.C., and points in its Commercial Zone), to the origin points as described in (9) above; (11) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), and wrecked and disabled buses,* from points in the United States (except Alaska and Hawaii), to points in Catawba County, N.C., and York County, S.C.; (12) *replacement vehicles* for the vehicles named in (11) above, from points in Catawba County, N.C., and York County, S.C., to the origin points as described in (11) above; (13) *wrecked and disabled trucks, wrecked and disabled tractors, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), and wrecked and disabled buses,* from points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, to point in Chester County, S.C.; (14) *replacement vehicles* for the vehicles named in (13) above, from points in Chester County, S.C., to the origin points as described in (13) above.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Charlotte, N.C.

No. MC 133655 (Sub-No. 106), filed December 21, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, Tex. 79120. Applicant's representative: James Steffel (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal* and *charcoal briquettes,* and *materials, equipment, and supplies* used in the manufacture or distribution of such commodities (except commodities in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 133977 (Sub-No. 24), filed December 27, 1977. Applicant: GENE'S, INC., 10115 Brookville-Salem Rd., Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Ice cream, novelties, sherbert and non-dairy desserts,* in refrigerated trailers, between Bowling Green, Ohio, on the one hand, and, on the other, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio. Applicant holds contract carrier authority in No. MC 134238 (Sub-No. 2), therefore dual operations may be involved.

No. MC 134183 (Sub-No. 5), filed December 22, 1977. Applicant: C. E. ZUMSTEIN, d.b.a. C.E. Zumstein Co., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings, elbows, unions, and joints,* and (2) *materials, equipment and supplies* used in the manufacture, production, distribution and sale of pipe fittings, elbows, unions, and joints (except commodities in bulk), between the facilities utilized by Parker-Hannifan Corp. at or near Eaton, Ohio and at or near Lewisburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Parker-Hannifan Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cleveland, Ohio, or Columbus, Ohio.

No. MC 134477 (Sub-No. 207), filed December 27, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, vermicelli,* with or without cheese, meat, vegetables or other ingredients used or useful in the sale of the above described commodities, (1) from Fairlawn, N.J. to St. James and St. Paul-Minneapolis, Minn. (2) From St. Paul-Minneapolis, Minn. to Charlton and Des Moines, Iowa, and Omaha, Nebraska. Restricted (1) and (2) above to shipments originating at or near the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 134783 (Sub-No. 40), filed December 27, 1977. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, Lubbock, Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides, chromes,* and *tannery products,* from points in Texas, New Mexico, Oklahoma, Nebraska, Iowa, Colorado, Kansas, South Dakota, Minnesota, Wisconsin, North Dakota, Missouri, Illinois, Michigan, Ohio, and Indiana, to points in Texas.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in Docket No. MC 139309 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Lubbock, Tex., or Houston, Tex.

No. MC 134970 (Sub-No. 18), filed: December 27, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural pesticides,* in bulk, from the plantsite and storage facilities utilized by Shell Oil Chemical Co., a division of Shell Co., at or near El Paso, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 135425 (Sub-No. 29), filed December 23, 1977. Applicant:





CYCLES LTD., P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by drug, variety, and food stores, and *materials, supplies, and equipment* used by the manufacturer of such commodities (except commodities in bulk), between St. Paul, Minn., on the one hand, and, on the other, points in Georgia, under continuing contract or contracts with the Gillette Co. located at Boston, Mass.

NOTE.—Applicant has pending an application for common carrier authority in MC 143215, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135732 (Sub-No. 29), filed November 9, 1977. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box, 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* over irregular routes, transporting: (1) *Photographic and reproductive equipment, and parts, and accessories* for the foregoing commodities; cleaning, washing, scouring, weed killing, and softening compounds; chemicals; paper and paper products; plastic articles, plastic sheeting; resins; dyes; paints; and oxides, in vehicles equipped with mechanical refrigeration, and (2) *equipment, materials and supplies* used in the manufacture and sale of the commodities in (1) above (except in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of GAF Corp. at Chicago, Ill. on the one hand, and, on the other, points in Delaware, Iowa, Michigan, New Jersey, New York, Oregon, Virginia, and Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 13597 (Sub-No. 93), filed December 27, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Canned goods and pimientos,* in glass containers, from the facilities of Forrest Park Canning Co., Inc., at Johnson and Springdale, Ark., to points in the United States including Alaska, (except Hawaii). Restricted to the transportation of traffic originating at the above-named facilities. (2) *Canned goods and canned juices,* from Haskell, Okla., to points in the United States including Alaska, (except Hawaii). (3) *Machinery, materials, and supplies* as are used in the manufacture or distribution of the commodities named in (1) and (2) above (except commodities in bulk), from points in the United States including Alaska, (except Hawaii), to Johnson and Springdale, Ark., and Haskell, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fayetteville, Ark., or Tulsa, Okla. Common control may be involved.

No. MC 135874 (Sub-No. 95), filed December 27, 1977. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Kenneth O. Petrick, 550 East 5th Street South, South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier* by motor vehicle transporting: *Frozen foods,* from the plantsites and warehouse facilities of Banquet Foods Corp. at or near Carrollton, Macon, Marshall, or Moberly, Mo., to points in Kansas, Oklahoma, Missouri, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia. Restricted to traffic originating at the named origins and destined to the name destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136168 (Sub-No. 22), filed December 27, 1977. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* (1) from the facilities of or utilized by Del Monte Corp. at or near Tampa and Auburndale, Fla.; Swedesboro, N.J.; and Crystal City, Tex., to the facilities of Del Monte Corp. at or near Rochelle, Ill.; and (2) from the facilities of or utilized by Del Monte Corp. at or near Tampa and Auburndale, Fla.; Swedesboro, N.J.; Crystal City, Tex.; Clearfield and Smithfield, Utah, and Franklin and Burley, Idaho, to the facilities of Del Monte Corp. at or near Pauline, Kans. Restriction: Restricted to a transportation service to be performed under a continuing contract with Del Monte Corp.

NOTE.—Applicant hold motor common carrier authority in No. MC 141641 (Sub-No. 5), therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136212 (Sub-No. 25), filed December 23, 1977. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, Iowa, to points in Kansas east of U.S. Highway 81, and points in Nebraska east of U.S. Highway 81, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 136385 (Sub-No. 8), filed December 27, 1977. Applicant: HALLWAY, INC., P.O. Box 22, Ankeny, Iowa 50021. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at/or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—IF a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill.

No. MC 136553 (Sub-No. 55), filed December 27, 1977. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cellulose insulation,* from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin; (2) *materials and supplies* used in the manufacture and distribution of cellulose insulation, from points in Illinois, Minnesota, and Wisconsin, to Dubuque, Iowa, restricted in parts (1) and (2) to traffic originating at or destined to the plantsite of Cellulose Processing Co.; and (3) *scrap materials* for recycling (except liquids, in bulk), from Dubuque, Iowa, to points in Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Des Moines, Iowa; Chicago, Ill.; or St. Paul, Minn.

No. MC 136786 (Sub-No. 127), filed December 27, 1977. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, Iowa 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55344. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above-named origin and destined to the above-named destination points.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held in Minneapolis, Minn.

No. MC 138104 (Sub-No. 51), filed December 21, 1977. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, in containers, from points in the United States including Alaska (except Hawaii), to the facilities of Todd Research & Technical Division of Todd Shipyards Corp., at Galveston (Pelican Island), Tex.

NOTE.-If a hearing is deemed necessary, applicant requests t be held at either Dallas, Tex., or Houston, Tex.

No. MC 138329 (Sub-No. 4), filed December 27, 1977. Applicant: HICKMAN BROTHERS TRUCKING, INC., Route 2, Box 322, Monroe, N.C. 28110. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, riprap stone, and stone screenings*, in bulk, in dump vehicles, from the site of the Pineville Quarry at or near Charlotte, N.C., to points in York County, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Charlotte, N.C.

No. MC 138359 (Sub-No. 10), filed December 22, 1977. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchinson, Minn. 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from LaCrosse and Milwaukee, Wis., to Jamestown, N. Dak., under a continuing contract or contracts with J. T. Beverage, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn.

No. MC 138882 (Sub-No. 32), filed December 21, 1977. Applicant: WILEY SANDERS INC., P.O. Box 707, Troy, Ala. 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood, particleboard, treated lumber, and lumber mill products*, from points in Alabama, Georgia, Mississippi, Louisiana, Arkansas, North Carolina, South Carolina, to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Pennsylvania, New York, New Jersey, West Virginia, Virginia, Delaware, Tennessee, Maryland, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montgomery or Birmingham, Ala.

No. MC 138941 (Sub-No. 25), filed December 14, 1977. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Kern and Yolo Counties, Calif., to points in Texas, Georgia, Illinois, Massachusetts, New York, and New Jersey, under a continuing contract or contracts with Mobil Chemical Co., Plastics Division.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Buffalo, N.Y., or Los Angeles, Calif.

No. MC 139420 (Sub-No. 26), filed December 27, 1977. Applicant: ART GREENBERG, d.b.a. Glacier Transport, an individual, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waterbed frames* and *matching case goods, waterbed components* and *accessories* therefor, and (2) *new furniture*, from points in California, North Carolina, Virginia, and Mississippi to points in North Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 139495 (Sub-No. 300), filed December 13, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures* and *parts* used in the manufacturing thereof, from the facilities of Lithonia Lighting Division of National Service Industries, Inc. located at or near Conyers, and Cochran, Ga.; and Crawfordsville, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 139495 (Sub-No. 301), filed December 27, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and door hardware, accessories and parts*, from Century, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 139495 (Sub-No. 302), filed December 27, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and door hardware, accessories and parts*, from Williamsport, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 139858 (Sub-No. 19), filed December 22, 1977. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Construction and Mining Equipment Parts*—(1) From Indianapolis, Ind. and Peoria, Ill. to Carlstadt, Newark, and South Plainfield, N.J.; New York, N.Y.; Harrisburg and Pittsburgh, Pa.; Douglas, Tucson, and Phoenix, Ariz.; Baldwin Park, Hayward, Oakland, San Francisco, and





San Leandro, Calif.; Denver, Colo.; Ely and Reno, Nev.; Albuquerque and Farmington, N. Mex.; Salt Lake City, Utah; and Casper and Gillette, Wyo. (2) Between Indianapolis, Ind., and Peoria, Ill. *Crates*, from West Helena, Ark. to Peoria, Ill. Restrictions: The operations authorized above are subject to the following conditions: (1) the product description does not include commodities which because of their size or weight require the use of special equipment. (2) Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Westinghouse Air Brake Co., a subsidiary of American Standard Inc., of New Brunswick, N.J.

NOTES.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; Louisville, Ky. or Cincinnati, Ohio.

No. MC 14064 (Sub. No. 3), filed December 8, 1977. Applicant: DX TRUCKING, INC., 5660 Southwyck Boulevard, Toledo, Ohio 43614. Applicant's representative: Michael M. Briley, 300 Madison Avenue, 12th Fl., Toledo, Ohio 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat Glass, uncrated*, (1) from the plantsite and facilities of Guardian Industries Corp. located at or near Carleton, Mich., to the ports of entry between the United States and Canada located at the international boundary line at the St. Clair, Detroit, Niagara, and St. Lawrence Rivers; and (2) from the ports of entry between the United States and Canada located at the international boundary line at the St. Clair, Detroit, Niagara and St. Lawrence Rivers to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina Vermont, Virginia, West Virgina, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Tennessee, North Carolina, and Washington, D.C. Restriction: Authority under Part (2) above is restricted to transportation of shipments originating at the plantsite and facilities of pilkington Brothers (Canada) Limited and Pilkington Glass, Limited located at Toronto, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicat requests it be held at Toledo, Ohio or Washington, D.C.

No. MC 140484 (Sub-No. 25), filed December 22, 1977. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers, Fla., 33902. Applicant's representative: Chester A Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile, glazed*, from Lawrenceburg, Ky., and Lakeland, Fla., to points in Arizona, California, Colorado, New Nexico, Oregon, Utah, Washington, Nevada, Idaho, Montana, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Lakeland, Fla., or Lexington, Ky.

No. MC 140484 (Sub-No. 26), filed December 22, 1977. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Glassware, chinaware, earthenware, porcelainware, stoneware and plastic bowls, cups, dishes or plates and accessories, from Lake City and Jeannette, Pa., and Sebring and Bedford Heights, Ohio, to points in Alabama, Georgia, Florida, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 140581 (Sub-No. 18), filed December 13, 1977. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in truckaway service, from Jacksonville, Fla., to points in Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 140829 (Sub-No. 70), filed December 27, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, from Lowell, Mass., to points in Illinois, Michigan, Ohio, Wisconsin, and California, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 140829 (Sub-No. 71), filed December 27, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail chain grocery stores and discount stores, from the terminal site and/or storage facilities utilized by Northeast Pennsylvania Shippers' Association in Scranton, Pa., to points in California, Illinois, Missouri, and Texas, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC-136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 141140 (Sub-No. 1), filed December 27, 1977. Applicant: DIPIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, flour mixes, cereals, and frostings*, from Kent, Wash., to points in Oregon, Arizona, Nevada, and California, restricted to service under a continuing contract or contracts with Continental Mills, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash. Applicant holds common carrier authority in No. MC 123023 (Sub-No. 5), therefore dual operations may be involved.

No. MC 141391 (Sub-No. 1), filed December 9, 1977. Applicant: V & J REFRIGERATED SERVICE, INC., 3623 6th Avenue South, Seattle, Wash. 98134. Applicant's representative: Henry C. Winters, 15 South Grady Way, Suite 235, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages* (except in bulk in tank vehicles), between points in Washington, on the one hand, and, on the other, points in California; (2) *hard distilled spirits* (except in bulk, in tank vehicles), between points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Seattle or Olympia, Wash.

No. MC 141924 (Sub-No. 4), filed December 22, 1977). Applicant: GOLDEN VALLEY TRANSPORTATION, INC.,

P.O. Box 208, Roberts, Idaho 83444. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* (except tallow, in bulk, destined to Utah and California), from the plantsite of Golden Valley Packers, Inc. at or near Roberts, Idaho, to points in the United States (except Hawaii and Alaska), under a continuing contract, or contracts, with Golden Valley Packers, Inc., and Interstate Commodities, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roberts, Idaho, or Salt Lake City, Utah.

No. MC 142680 (Sub-No. 6), filed December 27, 1977. Applicant: SUMTER TIMBER COMPANY, INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Lumber*, from the plantsite of Cogle Sawmill (owned by American Can Co.) located at or near Thomasville, Ala., to points in Georgia, Kentucky, Louisiana, Florida, South Carolina, North Carolina, Mississippi, Tennessee, and Mobile and Baldwin Counties, Ala., restricted to shipments having an immediate subsequent movement via water transportation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Cuba, Ala.

No. MC 143512 (Sub-No. 1), filed December 5, 1977. Applicant: ALL CORPS, 838 Hutchison Street, Vista, Calif. 92083. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods*, between the plantsite of Pogens Family Bakery, Inc., at Compton, Calif.; and Boston, Mass., Chicago, Ill., Denver, Colo., Kansas City, and St. Louis Mo., Minneapolis, Minn., Las Vegas, Nev., Philadelphia, Pa., Portland, Oreg., Seattle, Wash., Washington, D.C., Waterbury, Conn., Milwaukee, Wis., and Hempstead, N.Y.; and (2) *Bakery goods ingredients* from Minneapolis, Minn., to the plantsite of Pogens Family Bakery, Inc., at Compton, Calif., under a continuing contract or contracts with Pogens Family Bakery, Inc., located at Compton, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 143758 (Sub-No. 3), filed December 23, 1977. Applicant: KNOWLES TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 39345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pavement marking compounds* (except in bulk), from the plantsite and warehouse facilities of Pave Mark Corp. located at or near Marietta, Ga., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. (2) *Materials and supplies* used in the manufacture and distribution of pavement marking compounds (except commodities in bulk), from points in the states named in (1) above, to the plantsite and warehouse facilities of Pave Mark Corp. located at or near Marietta, Ga., under continuing contract or contracts with Pave Mark Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143929 (Sub-No. 1), filed December 27, 1977. Applicant: BOBBY D. MISTLER & KENNETH G. MISTLER, d.b.a. R. THOMPSON TRUCKING, P.O. Box 191 Colton, Calif. 92324. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus fruit peels*, and *citron melon rinds*, in brine, in bulk, from Bloomington, Calif. to Forest Grove, Oreg. and to port of entry on the International Boundary Line between the United States and Canada located at or near Blaine, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angles, Calif.

No. MC 144089 (Sub-No. 1), filed December 14, 1977. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, Mass. 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation panels*, from Sanford, Maine to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Roofing and felt paper, and foil*, from Lockland, Ohio; Finksburg, Md.; Salem, Ridgefield, and Netcong, N.J.; Attleboro, Mass.; Kaukauna, Wis.; and West Monroe, La. to Sanford, Maine, restricted to a transportation service to be performed under a continuing contract or contracts with NRG Barriers, Inc. of Sanford, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., Concord, N.H., or Portland, Maine.

Docket MC 144118, filed December 23, 1977. Applicant: COMPUTER TRANSPORT OF OHIO, INC., 3699 Interchange Road, Columbus, Ohio 43204. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reproducing or copying machines, computers, verifiers, collators, sorters, receivers, and transmitters, printers, typewriters, X-ray equipment, and supplies, parts, and accessories* used in connection therewith, between Akron, Ohio on the one hand, and, on the other, points in Lawrence and Mercer Counties, Pa., under a continuing contract, or contracts, with Xerox Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 144119, filed December 23, 1977. Applicant: HANSEN CONSOLIDATORS, INC., 5986 East Slauson Avenue, City of Commerce, Calif. 90046. Applicant's representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by health food distributors*, in motor vehicles with temperature control devices, from the warehouse facilities of Hansen Consolidators, Inc. located at or near City of Commerce, Calif. to Sulphur Springs, Ark.; Denver, Colo.; Miami and St. Augustine, Fla.; South Holland, Des Plaines, and Chicago, Ill.; Indianapolis, Ind., Iowa City, Iowa; Glen Burnie, Md.; Brockton, Mass.; Minneapolis, Minn.; Detroit, Troy and Ann Arbor, Mich.; Binghamton and New York City, N.Y.; North Bergen, N.J.; Akron, Cincinnati, and Toledo, Ohio; Tulsa, Okla.; Cornwells Heights, and Philadelphia, Pa.; Dallas, Tex.; and Brattlesboro, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 144127, filed December 26, 1977. Applicant: R & A TRUCKING CO., a corporation, 7929 San Leandro Street, Oakland, Calif. 94621. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Cast iron pipe and fittings, and castings*, from the facilities of the American Brass & Iron Foundry at Oakland, Calif., to points in the States of Arizona, California, Nevada, Oregon, and Washington. 2. *Such commodities as are used in the operations of metal foundries*, from points in the States of Arizona, California, Nevada, Oregon, and Washington, to the facilities of the American Brass & Iron Foundry at Oakland, Calif. 3. *Plastic drain, waste and vent pipe*, from the facilities of the American Brass & Iron Foundry at Halsey, Oreg., to points in the States of Arizona, California, Nevada, Oregon, and Washington, under a continuing contract, or contracts, with the American Brass & Iron Foundry in 1-3 above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco, or Oakland, Calif.

No. MC 144147, filed December 22, 1977. Applicant: HENCO TRUCKING CO., INC., P.O. Box 87, Sellersburg, Ind. 47172. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Ashland City, Tenn. to Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, under a continuing contract, or contracts, with State Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant would prefer that it be held in Nashville, Tenn., or Washington, D.C.

No. MC 144152, filed December 27, 1977. Applicant: COPLEN TRUCKING CO., a corporation, Route 1, Box 353, Irrigon, Oreg. 97844. Applicant's representative: Thomas Y. Higashi, 2075 SW. First Avenue, Suite 2-N, Portland, Oreg. 97201. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *General commodities*, including those in mixed loads containing commodities which are exempt, in containers or in trailers, restricted to traffic having a subsequent movement by water. From points in Ada, Canyon, Owyhee, Gem, and Payette Counties, Idaho; Benton County, Wash.; Hood River, Wasco, Sherman, Gilliam, Wheeler, Morrow, Grant, Baker, Union, Wallowa, and Umatilla Counties, Oreg. to points in Umatilla County, Oreg. (2) *Empty containers, trailers and trailer chassis* between points in the county of Umatilla, Oreg. on the one hand, and points in Idaho, Washington and Oregon on the other. (3) *Iron steel articles* restricted to traffic having a prior or subsequent movement by water between the counties of Umatilla and Gilliam in Oregon

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg.

No. MC 144153, filed December 27, 1977. Applicant: OSCAR G. BJUGSTAD, OSCAR L. BJUGSTAD, AND AUGUST D. BJUGSTAD d.b.a. BJUGSTAD TRUCKING CO., Route 2, Highway 51, Stoughton, Wis. 53589. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Chicago, Ill. to points in Wisconsin and the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Madison, Milwaukee, or Green Bay, Wis.

No. MC 144155, filed December 27, 1977. Applicant: RAYMOND HUSKEY d.b.a. HUSKEY TRUCKING, 8517 Hemlock, Orland Park, Ill. 60462. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal tanks*, from Dolton, Ill. to points in Indiana, Wisconsin, Iowa, Minnesota, and Michigan, under a continuing contract or contracts with Steel City Fabricators, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

## PASSENGERS

No. MC 1515 (Sub-No. 239), (amendment), filed September 19, 1977, published in the FEDERAL REGISTER issue of December 1, 1977, and republished this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (a) *Passengers and their baggage and express and newspapers* in the same vehicle with passengers. Regular routes: (1) Between Dallas, Tex., and Montgomery, Ala., serving all intermediate points; from Dallas, Tex., over U.S. Highway 80 to Montgomery, Ala., and return over the same route; (2) between Dallas, Tex., and junction of U.S. Highway 65 and U.S. Highway 80 at or near Tallulah, La., serving all intermediate points; from Dallas, Tex., over Interstate Highway 20 to its junction with U.S. Highway 65 south of Tallulah, La., thence over U.S. Highway 65 to its junction with U.S. Highway 80 and return over the same route; (3) between the junction of Interstate Highway 20 and U.S. Highway 69 northwest of Tyler, Tex., and the junction of Interstate Highway 20 and U.S. Highway 271, northeast of Tyler, Tex., serving all intermediate points; from the junction of Interstate Highway 20 and U.S. Highway 69 over U.S. Highway 69 to Tyler, Tex., thence over U.S. Highway 271 to junction Interstate Highway 20, and return over the same route; (4) between Tyler, Tex., and junction Interstate Highway 20 and U.S. Highway 259 serving all intermediate points; from Tyler, Tex., over Texas Highway 135 to Kilgore, Tex., thence over U.S. Highway 259 to junction Interstate Highway 20 and return over the same route, (5) between Marshall, Tex., and the junction of Interstate Highway 20 and U.S. Highway 59 serving all intermediate points; from Marshall, Tex., over U.S. Highway 59 to junction Interstate Highway 20 and return over the same route; (6) between Minden, La., and the junction of Interstate Highway 20 and Louisiana Highway 159 and Louisiana Highway 7 serving all intermediate points; from Minden, La., over Louisiana Highway 159 and 7 to junction Interstate Highway 20 and return over the same route; (7) between the junction of unnumbered highway and Interstate Highway 20 north of Grambling, La., and the junction of unnumbered highway and U.S. Highway 80 south of Grambling, La., serving all intermediate points; from the junction of unnumbered highway and Interstate Highway 20 over unnumbered highway via Grambling, La., to junction U.S. Highway 80 and return over the same route; (8) between Ruston, La., and the junction of Interstate Highway 20 and U.S. Highway 167 serving all intermediate points; from Ruston, La., over U.S. Highway 167 to junction Interstate Highway 20 and return over the same route; (9) between the junction of Interstate Highway 20 and U.S. Highway 65 south of Tallulah, La., and the junction of Interstate Highway 20 and U.S. Highway 80 near the Louisiana-Mississippi State line serving all intermediate points; from the junction of Interstate Highway 20 and U.S. Highway 65 over Interstate Highway 20 to junction U.S. Highway 80 and return over the same route; (10) between the junction of Interstate Highway 20 and U.S. Highway 80 near the Louisiana-Mississippi State line and the junction of U.S. Highway 80 and U.S. Highway 80 access highway

near the Mississippi-Alabama State line serving all intermediate points; from the junction of Interstate Highway 20 and U.S. Highway 80 near the Louisiana-Mississippi State line over Interstate Highway 20 to its junction with Interstate Highway 59 at or near Meridian, Miss., thence over Interstate Highway 59 to its junction with U.S. Highway 80 access highway near the Mississippi-Alabama State line, thence over U.S. Highway 80 access highway to its junction with U.S. Highway 80, and return over the same route, (11) between Baton Rouge, La., and Shreveport, La., serving all intermediate points; from Baton Rouge, La., over Business Route U.S. Highway 190 to junction U.S. Highway 190, thence over U.S. Highway 190, to junction U.S. Highway 71, thence over U.S. Highway 71 via Lebeau, La., to junction Business Route U.S. Highway 71, thence over Business Route U.S. Highway 71 to Alexandria, La., thence over Louisiana Highway 1 via Natchitoches, La., to Shreveport, La., and return over the same route; and irregular routes: (b) passengers and their baggage in one-way and round-trip charter operations, from points on the routes described in (a) above to all points in the United States including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; Montgomery, Ala.; and Baton Rouge, La. The purpose of this republication is to amend applicant's proposed authority as to reflect service to Kilgore, Tex., and Grambling, La.

No. MC 114057 (Sub-No. 3), filed December 8, 1977. Applicant: R. H. GAULDIN, d.b.a. SAFETY TRANSIT LINES, 619 Bridge Street, Eden, N.C. 27288. Applicant's representative: Robert H. Gauldin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending in points of Rockingham County, N.C., and extending to points in the United States (except Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests if be held at Greensboro or Raleigh, N.C.

No. MC 136964 (Sub-No. 2), filed December 19, 1977. Applicant: THOMAS MILTON, d.b.a. MILTON BUS SERVICE, Route Box 268, Woodford, Va. 22580. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in *round-trip charter operations*, beginning and ending at Fredericksburg, Va., and points in Stafford, King George, King and Queen, Essex, Caroline, Spotsylvania, Orange, and Culpeper Counties, Va., and extending to points in the United States in and east of the western borders of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Fredericksburg, Va.

No. MC 144154, filed December 27, 1977. Applicant: 336825 ONTARIO, LTD., 24 Coronation Drive, Leamington, Ontario, Canada, NOR 1JO. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, in sightseeing and pleasure tours, beginning and ending at all ports of entry on the United States-Canada boundary lines and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

## BROKER

No. MC 130473, filed January 23, 1978. Applicant: MS, INC., 8800 Queensmere Place, Richmond, Va. 23229. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. 23220. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Richmond, Va., and points in Henrico, Chesterfield, and Hanover Counties, Va., to sell or offer to sell the transportation of: *Passengers and their baggage*, individually and in groups, in round-trip sighseeing, pleasure, and educational tours by motor, rail, and water carriers, beginning and ending at Richmond, Va., and points in Chesterfield, Hanover, and Henrico Counties, Va., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary the applicant requests that if be held at Richmond, Va.

## FINANCE APPLICATIONS NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers, or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13472. Authority sought for purchase by FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre (Dorrance), Pa. 18703, of a portion of the operating rights of EAGLE FOODS, INC., P.O. Box 8, New Britain, Pa. 18901, and for acquisition by DANIEL B. FRIEDMAN, P.O. Box 480, Wilkes-Barre (Dorrance), Pa. 18703, of control of such rights through the transaction. Applicants' attorney: George A. Olsen, Registered Practitioner, P.O. Box 357, Gladstone, N.J. 07934. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Doylestown, Pa., and Riegelsville, N.J., serving all intermediate points, and the off-route points of Stockton and Milford, N.J., and those within 5 miles of Doylestown, Pa.; from Doylestown over U.S. Highway 202 to New Hope, Pa., thence over Pennsylvania Highway 32 to Riegelsville, Pa., and thence across the Delaware River to Riegelsville, N.J., and return over the same route; between Philadelphia, Pa., and Riegelsville, Pa., serving all intermediate points between Doylestown and Riegelsville, Pa., including Doylestown, and the off-route points within 5 miles of Doylestown, and those in Pennsylvania within 3 miles of U.S. Highway 611 between Doylestown and Riegelsville, Pa.; from Philadelphia over U.S. Highway 611 to Riegelsville, and return over the same route. Vendee is authorized to operate as a common carrier in Pennsylvania, New York, New Jersey, Connecticut, Maryland, and Ohio. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 60430 (Sub-No. 26) is a directly related matter.

No. MC-F-13483. Authority sought for purchase by FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., no street address, small community, St. Libory, Ill. 62282, of a portion of the operating rights of J-B Trucking, Inc., 11 S. Meramec, St. Louis, Mo. 63105, to transport as a common carrier over irregular routes: *Dry bulk commodities*, (with certain exceptions) from points in that part of Illinois on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60, with no transportation for compensation on return except as otherwise authorized; and authority sought to be purchased by J-B Trucking, a portion of the operating rights from Frank Beelman, d.b.a. Beelman Truck Co., to transport as a *common carrier* over irregular routes: *Coal*, from points in Madison and St. Clair Counties, Ill., to St. Louis, Mo.; *coal*, from points in Madison and St. Clair Counties, Ill., to points in Shelby, Marion, Monroe, Ralls, Audrain, Pike, Boone, Callaway, Montgomery, Lincoln, Warren, Maries, Crawford, Washington, Jefferson, St. Francois, Ste. Genevieve, and Perry Counties, Mo.; and *coal*, from points in Washington, Jefferson, Perry, Franklin, and Randolph Counties, Ill.; to points in Shelby, Marion, Monroe, Ralls, Audrain, Pike, Boone, Maries, Callaway, Montgomery, Lincoln, Warren, St. Charles, Cole, Osage, Gasconade, Franklin, Phelps, Crawford, Washington, Jefferson, St. Francois, Ste. Genevieve, and Perry Counties, Mo., and from points in Madison and St. Clair Counties, Ill., to points in St. Louis County, Mo., and of control of such rights by Joseph F. Broz. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, 411 North 7th Street, St. Louis, Mo., 63101. Vendee Beelman is authorized to operate as a common carrier in Illinois, Missouri, Indiana, Kentucky, Michigan, Nebraska, Kansas, Oklahoma, Wisconsin, Iowa, Tennessee, Arkansas, and Mississippi. Vendee J-B Trucking, Inc. is authorized to operate as a common carrier in Illinois and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13497. Authority sought for purchase by BRISTOL-JENKINS BUS LINE, INC., 408 East Mary Street, Bristol, Va., 24201, of a portion of the operating rights of Greyhound Lines, Inc., Greyhound Tower, Phoenix, Ariz., 85077. Operating rights sought to be transferred: *Passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, as a *common carrier* over regular routes between points in Kentucky as follows: From Pineville over U.S. Highway 119 to junction U.S. Highway 421, and thence over U.S. Highway 421 to Harlan. Service is authorized to and from all intermediate points on the above-specified route. Vendee is authorized to operate as a common carrier in Kentucky and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13498. Authority sought for control by JACK PATRICK STAFFORD, 2155 Hollyhock Lane, Elm Grove, Wis., 53122, of Dahlman Truck Lines, Inc., 2041 Madison Street, Stevens Point, Wis., 54481, of control of such rights through the transaction. Applicants' attorney: Joseph E. Ludden, P.O. Box 1503, La Crosse Wis., 54601. Operating rights sought to be controlled: *Paper and paper products*, as a *common carrier*, over regular routes from Tomahawk, Wis., to Chicago, Ill., serving the intermediate and off-route points of Merrill and Mosinee, Wis., and those in the town of Bradley, Lincoln County, Wis., and Waukegan, Winnetka, Wilmette, Evanston, Chicago Heights and Joliet, Ill., and the Chicago, Ill., commercial zone as defined by the Commission, from Tomahawk over U.S. Highway 51 to Stevens Point, Wis., thence over U.S. Highway 10 to Fremont, Wis., thence over Wisconsin Highway 110 to Oshkosh, Wis., thence over U.S. Highway 45 to junction Wisconsin Highway 145, thence over Wisconsin Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 21, and thence over Illinois Highway 21 to Chicago; and from Tomahawk to Fremont as specified above, thence over U.S. Highway 10 to junction Wisconsin Highway 114, thence over Wisconsin Highway 114 to Hilbert, Wis., thence over Wisconsin Highway 57 to Milwaukee, Wis., thence over unnumbered highway to junction Wisconsin Highway 38, thence over Wisconsin Highway 38 to Racine, Wis., thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, and thence over Illinois Highway 40 to Chicago; and materials, supplies and equipment used in the manufacture of paper and paper products, from Chicago, Ill. to Tomahawk, Wis., serving the intermediate and off-route points of Merrill and Mosinee, Wis., and those in the town of Bradley, Lincoln County, Wis., and Waukegan, Winnetka, Wilmette, Evanston, Chicago Heights, and Joliet, Ill., and the Chicago, Ill., commercial zone, as defined by the Commission; from Chicago over the above-specified routes to Tomahawk. Veal and eggs, from Edgar, Wis., to Chicago, Ill., serving all intermediate and off-route points in Marathon County, Wis.; from Edgar over unnumbered highway to junction Wisconsin Highway 29, thence over Wisconsin Highway 29 to Wausau, Wis., thence over U.S. Highway 51 via Stevens Point, Wis., to junction U.S. Highway 151, thence over U.S. Highway 151 to Madison, Wis., thence over city streets to junction Wisconsin Highway BB, thence over Wisconsin Highway BB to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. highway 51, thence over U.S. Highway 51 to junction Illinois Highway 72, thence over Illinois Highway 72 to Genoa, Ill., thence over Illinois Highway 23 to Sycamore, Ill., thence over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., and thence over Alternate U.S. Highway 30 to Chicago; and from Edgar to Stevens Point as specified above, thence over U.S. Highway 10 to Fremont Wis., thence over Wisconsin Highway 110 to Oshkosh, Wis., thence over U.S. Highway 45 to junction Wisconsin Highway 175, thence over Wisconsin Highway 175 to Milwaukee, Wis., and thence over U.S. Highway 41 to Chicago; and such merchandise as is handled in rural stores from Chicago, Ill., to Edgar, Wis., serving all intermediate and off-route points in Marathon County, Wis., from Chicago over the above specified routes to Edgar. Paper and paper products, as a common carrier over irregular routes from Tomahawk, Merrill, and Mosinee, Wis., and points in the town of Bradley, Lincoln County, Wis., to Menasha, Wis., with no transportation for compensation on return except as otherwise authorized. Feed and fertilizer, from Chicago, Ill., to points in that part of Wisconsin south of U.S. Highway 8, with no transportation for compensation on return except as otherwise authorized. Pickles, cabbage, and cucumbers, from Waterford, Wis., to Chicago, Ill., with no transportation for compensation on return except as otherwise authorized. Pickles, cabbage, cucumbers and sauerkraut, from Trevor, Wis., to Chicago, Ill., with no transportation for compensation on return except as otherwise authorized. Wire, wire products and fencing supplies, from Sterling, Ill., to points in that part of Wisconsin south of U.S. Highway 8, with no transportation for compensation on return except as otherwise authorized. Farm machinery and farm supplies, from Chicago, Ill., and points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission to Madison, Wis., and points in Wisconsin within 200 miles of Madison located on, north and east of U.S. Highway 12, with no transportation for compensation on return except as otherwise authorized. Seed and fertilizer, from Madison, Wis., to points in that part of Illinois on and north of U.S. Highway 30, with no transportation for compensation on return except as otherwise authorized. Cucumbers, in salt water brine, in bulk, in tank vehicles, from points in Barron, Buffalo, Chippewa, Dunn, Jackson, Pepin, Rusk and Trempealeau Counties, Wis., to West Chicago, Ill; and used salt water brine, in bulk, in tank vehicles, from West Chicago, Ill., to points in Barron, Buffalo, Chippewa, Dunn, Jackson, Pepin, Rusk and Trempealeau Counties, Wis., Casein, food, casein equipment and empty containers for casein, between points in that part of Wisconsin bounded by a line beginning at Antigo, Wis., and extending along Wisconsin Highway 47 to Appleton, Wis., thence along U.S. Highway 41 to Fond du Lac, Wis., thence along Wisconsin Highway 23 to Wisconsin Dells, thence along U.S. Highway 12 to Eau Claire, Wis.;

thence along U.S. Highway 53 to Bloomer, Wis., and thence along Wisconsin Highway 64 to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, Chicago, Ill. Canned goods, from Pittsville, Wis., to Chicago, Ill., with no transportation for compensation on return except as otherwise authorized. Clothing, from Wisconsin Rapids, Wis., to Chicago, Ill.; and cloth, from Chicago, Ill., to Wisconsin Rapids, Wis. Paint, paint supplies and wall paper, between Wisconsin Rapids, Wis., and Chicago, Ill. Such merchandise as is dealt in by wholesale food business houses, and in connection therewith, equipment, materials and supplies, when moving from, to or between warehouses, plants or other facilities of food manufacturing plants or wholesale food business houses, between Chicago, Ill., on the one hand, and, on the other, points in that part of Wisconsin on, north and east of U.S. Highway 12. Paper and paper products, from Stevens Point, Biron and Wisconsin Rapids, Wis., to Chicago, Ill., with no transportation for compensation on return except as otherwise authorized. Jack Patrick Stafford, an individual, holds no authority from the Interstate Commerce Commission but is affiliated with Stafford Trucking, Inc., which holds authority from the Interstate Commerce Commission, MC 117370 as a common carrier and is authorized to operate in the States of Wisconsin, Michigan, Indiana, Illinois, Iowa, Pennsylvania, Minnesota, Ohio, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Missouri, Kentucky, West Virginia, South Dakota, North Dakota and Nebraska. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before March 20, 1978. Such protests shall comply with special rules 247(d) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 60430 (Sub-No. 26), filed January 3, 1978. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes Barre (Dorrance), Pa. 18703. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusal value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Phillipsburg, N.J., and Philadelphia, Pa., from Phillipsburg over Route 31 to junction U.S. Highway 202, then across bridge near Lambertsville, N.J., to reenter Pennsylvania at New Hope, then over U.S. Highway 611 to Philadelphia, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—Applicant states that the purpose of this application is to eliminate the gateway of Regalsville, N.J., and to obtain an alternate route; these are matters directly related to a section 5(2) proceeding in MC-F-13472, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 14314 (Sub-No. 26), (partial correction), filed November 29, 1977, published in the FEDERAL REGISTER issue of January 26, 1978, and republished, as corrected, this issue. Applicant: DUFF TRUCKLINE, INC., Broadway and Vine Street, Lima, Ohio 45802. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, (except class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving to and from points in Marion County, Ind., as intermediate or off-route points in connection with carrier's regular routes operations to or from Indianapolis, Ind.; between Huntington, Ind., and Fort Wayne, Ind., serving no intermediate points, but serving the off-route point of Marion, Ind.; from Huntington over U.S. Highway 24 to Fort Wayne, and return over the same route.

NOTE.—The purpose of this partial correction is to show that applicant intends to serve no intermediate points on the route between Huntington and Fort Wayne, Ind. The rest remains as previously published. This application is directly related to MC-F-13443 published in the FEDERAL REGISTER issue of January 26, 1978. The purpose of the application is to eliminate certain restrictions in the authority sought to be purchased. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 20, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 733) (Cancels Deviation No. 731), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed January 24, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction Virginia Highway 69 and U.S. Highway 52 over Virginia Highway 69 to junction Interstate Highway 77, thence over Interstate Highway 77 to Charlotte, N.C., with the following access routes: (1) From Hillsville, Va., over U.S. Highway 58 to junction Interstate Highway 77, and (2) From Mt. Airy, N.C., over North Carolina Highway 89 to junction Interstate Highway 77 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Virginia Highway 69 and U.S. Highway 52 over U.S. Highway 52 via Hillsville, Va., and Mt. Airy, N.C. to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over North Carolina Highway 115 via Sheperd, Mooresville, Davidson, and Huntersville, N.C., to junction U.S. Highway 21, thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4174 Filed 2-15-78; 8:45 am]





# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FEDERAL REGISTER of February 14, 1978, S-347-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., February 17, 1978.

CHANGES IN THE MEETING: Two additional subjects to be added to the meeting:

Open

1. Raw Sugar Spot Prices: Request by New York Coffee and Sugar Exchange, Inc. for expedited approval under section 5a(12).

Closed

2. Enforcement matter.

[S-365-78 Filed 2-14-78; 3:17 pm]

[6740-02]

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 5914, February 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 15, 1978.

CHANGE IN THE MEETING: The following items have been added:

*Item No., Docket No., and Company*

CP-7.—CP77-273, Arkansas Louisiana Gas Co.

CP-7.—CP77-328, Lone Star Gas Co.

CP-26.—CP78-76, Transcontinental Gas Pipe Line Corp.

CP-27.—CP77-240, Transcontinental Gas Pipe Line Corp.

KENNETH F. PLUMB,
*Secretary.*

[S-367-78 Filed 2-14-78; 3:31 pm]

[7020-02]

3

[USITC SE-78-7]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, March 1, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Luggage (Docket No. 494). (b) Misuse of trademark (Docket No. 495). (c) Certain gems (Docket No. 496).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-366-78 Filed 2-14-78; 3:22 pm]

[7035-01]

4

FEBRUARY 14, 1978.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 21, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular confernce.

MATTERS TO BE CONSIDERED:

1. Status of intercorporate hauling and policy options available. (Briefing by section of operating rights, discussion and possible voting.)
2. Aggregated commodities and the heavy hauler definition (MC-C-9873 Policy Considerations). (Briefing by section of operating rights and discussion.)

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S—368-78 Filed 2-14-78; 3:54 pm]

[7590-01]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., Thursday, February 9, 1978.

APPROVAL: By unanimous vote on February 8, 1978, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than 1 week's notice to the public in order to complete action on the item.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED: Discussion of response to motion by States of New York, Wisconsin, and Ohio regarding economic impacts of the uranium fuel cycle in the S-3 Rulemaking Proceeding (continued from February 8, 1977.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: February 9, 1978.

WALTER MAGEE,
*Chief, Operations Branch, Office of the Secretary.*

[S-364-78 Filed 2-14-78; 3:00 pm]

[8010-01]

6

SECURITIES AND EXCHANGE COMMISSION.

CHANGES IN THE MEETING SCHEDULE: Additional meeting held.

The Commission held a closed meeting on February 13, 1978, at 1 p.m. to discuss the following matter:

Suspension of trading.

The General Counsel of the Commission, or his designee, certified that,

in his opinion, the Item considered at the closed meeting was so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(9) and (10).

Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the additional matter to be considered and that no earlier notice thereof was possible.

FEBRUARY 13, 1978.

[S-361-78 Filed 2-14 78; 10:46 am]

[8010-01]

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant tothe provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 21, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, February 21, 1978, at 10 a.m. An open meeting will be held on Wednesday, February 22, 1977, at 10 a.m., followed by the closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 21, 1978, at 10 a.m. will be:

Formal order of investigation.

Referral of investigative files to Federal, State or Self-Regulatory authorities.

Chapter X proceeding.

Institution of injunctive actions.

Settlement of injunctive action.

Institution of administrative proceeding of an enforcement nature.

Request for no-action letter.

Other litigation matter.

The subject matter of the open meeting scheduled for Wednesday, February 22, 1978, at 10 a.m. will be:

1. Consideration of the continued issuance by the Division of Corporation Finance of no-action letters to the effect that the sales of tax-exempt securities by non-profit entities to finance low rent housing under section 8 of the Housing Act of 1937 are exempt from registration under the Securities Act of 1933 pursuant to section 3(a)(2).
2. Consideration of a request by Mr. Darwan DeLapp that the Commission review the determination of the Division of Corporation Finance concerning a shareholder proposal that Mr. DeLapp submitted to American Cyanamid Co.
3. Consideration of a request by Mr. Irwin Jaffe that the Commission review the determination of the Division of Corporation Finance concerning a shareholder proposal that Mr. Jaffe submitted to Uniroyal, Inc.
4. Consideration of whether the Commission should deny the no-action requests of Citicorp, Motorola, and issuers similarly situated, on the basis that a representation that business activities in the Republic of South Africa constitute less than 1 percent of the issuers' total sales, earnings or assets is not determinative of whether the subject matters of the proposal is significantly related to the business of the issuers within the meaning of Rule 14a-8(c)(5) of the Securities Exchange Act of 1934.
5. Consideration of the issuance of a release extending until August 1, 1978, the temporary provisions of the net capital rule (Rule 15c3-1 of the Securities Exchange Act of 1934) concerning specific receivables and undue concentration deductions relating to transactions in municipal securities.

The subject of the closed meeting scheduled for Wednesday, February 22, 1978, immediately following the 10 a.m. open meeting, will be:

Opinion.

FOR FURTHER INFORMATION CONTACT:

Myrna Siegel at 202-755-1183, or John P. Sweeney at 202-376-7077.

FEBRUARY 13, 1978.

[S-362-78 Filed 2-14-78; 10:46 am]



federal register

THURSDAY, FEBRUARY 16, 1978
PART II

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## PROPOSED NEW YORK VESSEL TRAFFIC SERVICE

[4910-14]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[33 CFR Part 161]

[CGD 77-087]

### NEW YORK VESSEL TRAFFIC SERVICE

### Proposed Rule

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes regulations establishing a vessel traffic service (VTS) in New York Harbor and adjacent waters of New York and New Jersey. The regulation would require vessels subject to the Vessel Bridge-to-Bridge Radiotelephone regulations (33 CFR Part 26) and all vessels which carry 10 or more passengers for hire to comply with VTS communications, reporting, and special operating rules for certain areas. The New York Harbor area ranks among the leaders of U.S. ports in dollars lost in damage to vessels, in environmental pollution, and in deaths and injuries caused by vessel casualties. It is estimated that about 40 percent of collisions and about 31 percent of all accidents could have been prevented by a VTS.

DATES: 1. Written comments must be received on or before April 17, 1978. 2. A public hearing will be held on March 29, 1978, at 9 a.m. in room Great Hall, 2d floor, at the New York Chamber of Commerce, 65 Liberty Street, New York, N.Y. 10005.

ADDRESS: Written comments should be submitted to Commandant (G-CMC/81), (CGD 77-087), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. A copy of the economic assessment from which the summary in this document is taken is also available for examination at the above address. All other studies mentioned in this proposal are available for examination at the office of the New York Vessel Traffic Service, Building 400, Section N, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include the commenter's name and address, identify this notice (CGD 77-087) and the specific section of the proposal to which the comment applies, and give reasons for each comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments notify Captain Greiner at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request.

### Drafting Information

The principal persons involved in drafting this proposal are Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

### Discussion of Proposed Regulations

On July 10, 1972, the President signed into law the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340, 86 Stat. 424). The purpose of Title I of this act is "* * * to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss."

The authority to implement the provisions of Title I of the Act, except in the St. Lawrence Seaway, has been delegated to the Commandant of the Coast Guard, who may * * *:

(1) Establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic;

(2) Require vessels which operate in an area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system.

The Coast Guard is now operating major vessel traffic services in Puget Sound, San Francisco, the Houston-Galveston area, the lower Mississippi River, and Prince William Sound, Alaska. Regulations have been published for Puget Sound and Prince William Sound VTS's. Participation in the San Francisco, Houston-Galveston, and lower Mississippi River VTS's is voluntary at this time. This notice proposes regulations only for the New York Harbor area.

The Coast Guard is establishing the New York VTS because of the congested traffic in this, the busiest harbor in the United States. A Coast Guard "Vessel Traffic Systems Issue Study", completed in 1973, identified New York Harbor as the United States port most in need of a vessel traffic service. Nearly 8,000 deep-draft vessels arrive from sea every year. Approximately 300 tugs and other harbor craft operate in the harbor, over 100,000 yearly transits are made on two ferry routes. In 1975, the most recent year for which complete data is available, almost 178 million short tons of cargo passed through the port of New York. The Issue Study indicates that approximately 600 daily vessel transits would be handled by the New York VTS.

A committee called the New York Harbor Vessel Traffic Service Advisory Committee was chartered in February 1973 and formed in April 1973 in accordance with the Federal Advisory Committee Act (Pub. L. 92-463). It is composed of members of the maritime community including pilot associations, shipping lines, insurance underwriters, and government agencies. The complete list of member organizations follows:

State of New York Board of Commissioners of Pilots
American Institute of Merchant Shipping
Interport Pilots Associates, Inc.
Yacht Racing Association of Long Island Sound, Inc.
United New York Sandy Hook Pilots' Benevolent Association
United New Jersey Sandy Hook Pilots' Benevolent Association
State of New Jersey Board of Commissioners of Pilots
Military Sealift Command
New York City Department of Marine and Aviation
U.S. Environmental Protection Agency
Port Authority of New York and New Jersey
U.S. Army Corps of Engineers
U.S. Department of Commerce, Maritime Administration
American Institute of Marine Underwriters
New York Harbor Panel, Marine Towing and Transportation Ind.

The Committee held 15 public meetings where various proposals and aspects of the VTS were discussed. The minutes of these meetings are available for inspection at the Office of the New York Vessel Traffic Service, Building 400, Section N, Governors Island, New York, N.Y. 10004. The Committee has been vital in the design of the VTS and the procedures it would use. It provided a forum for a broad spectrum of interested people to comment on the VTS and affect the design before it reached this stage of Proposed Regulations.





Generally, New York Harbor consists of the area within a 25-mile radius of the Statute of Liberty in the Upper Bay. The harbor contains numerous blind bends, narrow channels, and areas where multiple traffic routes intersect, resulting in high vessel traffic density. Under these conditions, there exists a threat of collisions, rammings, and groundings with an ensuing high potential for loss of life, property damage, and environmental pollution. The vessel traffic service in New York Harbor would reduce the probability of these occurrences. Advance information on the movements of other vessels, traffic congestion, weather conditions, and other potential hazards to navigation would be provided to the mariner, enabling him to operate more safely.

The regulations in this proposal would make participation in the New York VTS mandatory for certain vessels. However, before mandatory operation, a voluntary operational period is planned to familiarize users with the service.

The VTS regulations would apply to vessels in the lower and upper New York Bays, Raritan Bay and River to Sandy Point, the New York and New Jersey Channels, Newark Bay north to the junction of the Hackensack and Passaic Rivers, the Hudson River as far north as the Yonkers Pilot Station, the East River and Western Long Island sound to a line between Oak Neck Point on Long Island and Great Captain Island on the North Shore of the Sound, and the Harlem River. In the proposed regulations, this area is defined as the "VTS Area" and is described in § 161.580.

VTS participation would be required of vessels subject to the Bridge-to-Bridge Radiotelephone Act and all vessels, regardless of size, carrying 10 or more passengers for hire. These passenger vessels operate in significant numbers in and near channels used by other VTS participants. Many carry a large number of passengers (sometimes as many as 100), although they are less than 100 gross tons. Because of the large number of people involved and the potential for confict with other vessels, their participation should be required.

The New York VTS has been in the planning and procurement stage since April 1973. The Coast Guard would provide two surveillance systems and a VHF-FM radiocommunications system within the VTS Area. Surveillance would be by one of two radar systems or by television. The first radar system would provide coverage of Upper New York Bay; the second would provide coverage of Lower New York Bay, Raritan Bay, and the seaward approaches to and from Ambrose Light. Low-light level, closed-circuit television cameras would be installed at three locations along the New York and New Jersey channels and at three locations along the East River. The combination of radar and television coverage would provide nearly 100 percent surveillance of the more heavily travelled of the New York Harbor channels.

Communications equipment would be installed at five locations in the VTS Area. This would provide complete coverage on designated VHF-FM frequencies as well as monitoring of Channel 13, the Bridge-to-Bridge frequency. All of the surveillance and communications equipment would be operated from a Vessel Traffic Center (VTC), located on Governors Island. A modern high-speed digital computer would be installed in the VTC to maintain a constant dead-reckoning plot of all vessels participating in the VTS. The computer generated plot could provide advance warning of encounters between vessels.

The proposed VTS is intended to handle the problems of vessel congestion, reduced visibility, and navigational hazards, not only by requiring vessels to comply with these rules, but also by providing VTS users with timely, pertinent information needed for safe navigation. With this information, persons on each vessel would be aware of surrounding vessel traffic, developing congestion, and unusual navigational circumstances and could adjust course, speed, or route accordingly to avoid hazardous situations. The Coast Guard's radar and television surveillance systems, computer-derived plot, and VHF-FM radiocommunications network would be the primary means of collecting and providing this information.

The most thoroughly discussed and studied aspect of these proposed regulations has been the concept of radio frequency sectorization. The Coast Guard estimates that between 50 to 100 vessels subject to these rules would be underway in the VTS Area at any given time. It would be impossible for the VTC to process all of the information required for this number of vessels on one radio channel. Accordingly, sectorization for VTS operations is necessary.

The Coast Guard has studied all aspects of communications for the New York VTS. These studies indicate that it would be impossible to add VTS communications to Channel 13. That frequency is intended for intervessel communications, and, in New York, it is heavily burdened with that traffic. Adding VTS communications to that channel would make it unusable for its intended purpose. These studies also indicated that a single, dedicated frequency would be inadequate for the New York VTS. Frequency use often would approach the saturation point, preventing immediate access in an emergency. Alternatives to multiple VTS frequencies have been explored. Foremost among these was sectorization by power output, using multiple, single frequency, low-power transmitters located on the waterfront throughout the VTS Area. Evaluation indicated that this would be extremely expensive and ineffective. Debilitating interference between sectors would result in frequency saturation. The Coast Guard recognizes that there might be a small risk of a mariner shifting to the wrong frequency when crossing from one sector to another. However, vessels participating in the VTS are required to guard Channel 13 also. This provides a back-up frequency, continuously monitored by other vessels and the VTC.

The VTS Area would be divided into five sectors for communications purposes. One of the three frequencies reserved for VTS use by 47 CFR 81.357 and 81.361 (Channels 11, 12, and 14 VHF-FM), would be used in each sector for communications between participating vessels and the VTC. The sectors are designed so that the same frequency can be used in more than one sector with negligible interference. Sector boundaries are described in § 161.581. Frequencies for individual sectors would be assigned by the VTC. This information would be included in the New York VTS Operating Manual, described below.

The communications system of the vessel traffic service would allow reliable communication of information in the VTS Area. The VHF-FM channel specified for a given sector would be reserved for VTS communications within that sector. The VTC would also maintain a continuous guard on channel 13. All communications to or from the VTC would be recorded and the recording equipment could provide instant playback for VTC personnel.

Reports from vessels and information retrieved from the radar and television surveillance systems would enable the Coast Guard personnel in the VTC to plot the progress of each vessel in the VTS Area by means of the computer. Persons on vessels would then be informed of the positions and intentions of other vessels that might be encountered along their intended routes. Persons on vessels would also be informed of abnormal conditions along their routes, including reported defects in aids to navigation, reduced visibility, adverse weather, concentrations of vessels that could affect navigation, and ice or floating debris. Persons on vessels would also be advised of vessels along their routes with navigational difficulties, equipment failures, or carrying hazardous cargoes.

If reports from vessels, radar or television surveillance, or the computer-derived plot indicated a danger of col-

lision or grounding, the VTC would coordinate traffic flow to prevent it. Advisories or recommendations would normally suffice. If necessary, vessels would be required to comply with VTC directives.

To help users of the service operate under these VTS rules, the Commander, Third Coast Guard District, would publish a New York VTS Operating Manual. The manual would contain the VTS regulations plus other useful information such as anchorage regulations. Copies could be obtained from the Marine Inspection Office or by writing directly to the Commander, Third Coast Guard District.

The concept of a Limited Traffic Area (LTA) is introduced in proposed §§ 161.570, 161.572, and 161.582. These are areas where the channel becomes effectively blocked when a large vessel or unhandy tow is maneuvering through a turn, and blind bends, where a vessel cannot see far enough ahead to be aware of oncoming traffic. In general, mariners coordinate their movements in these areas by Bridge-to-Bridge Radiotelephone. Traffic is usually limited to a single vessel, particularly when large, less maneuverable vessels or tows are involved. The proposed regulations would authorize the VTC to regulate the flow of traffic through the LTAs. The VTC would assume the role of mediator to resolve differences and establish order of passage as necessary. The restrictions on entering an LTA, described in proposed § 161.572, generally would be the basis for the resolution of differences. The VTC would recommend, and if necessary direct, which vessel may proceed ahead of another through the LTA.

Proposed § 161.573, regarding vessels with tows crossing Kill Van Kull to enter Pierhead Channel along the Bayonne, New Jersey side of the Upper Bay, codifies a local practice that is being followed to good effect. It would require tows to cross the Channel between Kill Van Kull buoys 3 and 4. This would ensure that all vessels would know where this maneuver is to be performed and can be prepared for it should it occur.

Proposed § 161.574 would prohibit all but the New York City Ferries and public vessels from entering the area off the St. George, Staten Island, ferry slips. This rule is intended to eliminate potentially hazardous crossing situations near the ferry slips, thereby decreasing the chance of an accident in this area.

The possibility of including an "East River Rule" in these regulations has been discussed at great length. This would have codified the existing local practice of shallow draft vessels, whether north or southbound, keeping to the west side of the East River between Corlears Hook and Newtown Creek, reserving the east side for deep draft traffic. There are times, however, when strict adherence to this practice is neither practical nor safe. Therefore, the Coast Guard feels it best to describe the practice in the Operating Manual, but not to make it mandatory.

Under proposed § 161.507 the VTC could control the movements of vessels or terminate an unsafe practice. This authority is vital to the VTS mission of increasing harbor safety by preventing collisions, rammings, and groundings. For example, it would give the VTC the authority to require a vessel proceeding at an unsafe speed to alter that speed, and to require a vessel experiencing equipment difficulty to moor at a suitable place, proceed to an anchorage, or remain moored until the difficulty is corrected.

Speed and draft limitations were considered for inclusion in this section. However the Coast Guard has concluded that it is impossible to specify adequately speed or draft limitations in rules that will cover the widely varying circumstances of vessel size and characteristics and weather and traffic conditions encountered in the VTS area. Rules would have to be overly detailed to cover all vessels, waterways, and weather conditions. It is more effective for the VTC, with its overall view of weather and traffic conditions, to advise the vessel operator on a safe and prudent speed. The costs to the maritime industry and the risk of pollution incidents caused by additional lightering operations outweighs the value of specific draft restrictions. Instead, the VTC would be given the authority to limit draft on a case-by-case basis as necessary for safety, taking into account the characteristics of the particular vessel and the present state of the weather, tide, and other vessel traffic.

Proposed §§ 161.536 through 161.539 describe the Vessel Movement Reporting System (VMRS). In the event of reduced visibility in the television surveillance areas or other loss of surveillance capability, the VTC would require participation in the VMRS. Under the VMRS, each vessel would report its position at reporting points listed in § 161.540 and at Sector Boundaries. This would enable the VTC to maintain a plot of participating vessels and would permit the VTC to provide information needed for safe navigation. The VTC could activate the VMRS in the entire VTS area, or in one or more Sectors as circumstances dictated.

As stated in the beginning of the discussion, The Ports and Waterways Safety Act provides that "In order to prevent damage to * * * any vessel * * * on or in the navigable waters of the United States * * *", the Coast Guard may "(1) establish * * * vessel traffic services." In the New York VTS, the limit of the navigable waters of the U.S. falls inshore of the Ambrose Channel Lighted Whistle Buoy and does not include Ambrose Light, which marks the convergence of the three legs of the Traffic Separation Schemes for New York harbor. In the interest of vessel safety, however, the New York VTC will provide traffic advisory information to vessels operating in international waters inshore of Ambrose Light. Voluntary compliance with VTS advisories would be encouraged. The reporting requirement in § 161.536, which would require vessels to report to the VTC at least 15 minutes before entering the VTS Area, could occur outside the navigable waters of the U.S.; however this is consistent with the coverage of the Ports and Waterways Safety Act as this reporting requirement is needed by the VTC to prevent damage to vessels in the navigable waters of the U.S.

The Coast Guard submitted a Final Environmental Impact Statement to the Council on Environmental Quality on December 17, 1974. Notice of its availability was published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7704).

The only cost to VTS users would be the purchase price of communications equipment, if not already installed. Many vessels would need no additional equipment. Some might have to rechannelize at a cost of about $60 per crystal, installed. Some might have to purchase a single or multichannel guard receiver, which could cost as much as $500.

A communications survey, done in 1974 by the Commander, Third Coast Guard District, indicated that there are about 300 harbor craft operating in New York. Of these, 77 percent of tugs and 56 percent of other craft already had a 3 channel guard capability. Thus, about 40 percent of harbor craft would need more equipment. That survey also showed, however, that it was unusual for large vessels to have that capability, although the survey did not count the portable radio usually brought aboard by pilots. In all, about 3,000 large vessels would be covered by these rules. Assuming a worst case situation in which 3,000 large vessels and 300 harbor craft would be required to purchase and install a high-quality multichannel guard receiver at a cost of about $500, the total cost of compliance to users would be $3,300 \times \$50 = \$1,650,000$.

Some potential users of the New York VTS have voiced concern that "traffic control" will cause costly delays in vessel movements, levying an indirect but very real cost on shippers. In the absence of VTS experience in New York, we can only extrapolate from existing services. No undue VTS caused delays have been reported. In fact, the Houston-Galveston area has experienced an overall 5 percent decrease in transit time since VTS implementation. Therefore, it seems reasonable to assume that a VTS would cause no negative impact on vessel movement in New York Harbor.





In consideration of the foregoing, it is proposed to amend Part 161 of Title 33, Code of Federal Regulations, by adding new sections as follows:

NEW YORK VESSEL TRAFFIC SERVICE

GENERAL RULES

Sec.
161.501 Purpose and applicability.
161.503 Definitions.
161.504 Vessel operation in the VTS Area.
161.505 Laws and regulations not affected.
161.506 VTS Operating Manual.
161.507 VTC directions.
161.509 Authorization to deviate from these rules.
161.511 Emergencies.

COMMUNICATIONS RULES

161.520 Radio listening watch.
161.522 Radiotelephone equipment.
161.524 English language.
161.526 Time.
161.528 Radio failure.
161.530 Report of emergency or radio failure.
161.532 Report of imparlment to the operation of the vessel.

VESSEL MOVEMENT REPORTING SYSTEM RULES

161.536 Initial report.
161.537 Follow-up reports.
161.538 Movement reports.
161.539 Invoking of the VMRS rules.
161.540 VMRS Reporting Points.
161.542 Final report.

SPECIAL RULES

161.570 Communications in Limited Traffic Areas (LTA).
161.572 Entering on LTA.
161.573 Entering Pierhead Channel from Kill Van Kull.
161.574 St. George Special Rule.
161.575 Action during reduced visibility.

DESCRIPTIONS AND GEOGRAPHIC COOORDINATES

161.580 VTS Area.
161.581 Communications Sector Boundaries.
161.582 Limited Traffic Areas.
161.583 St. George Special Rule Area.

AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).

## NEW YORK VESSEL TRAFFIC SERVICE

### GENERAL RULES

### § 161.501 Purpose and applicability.

(a) Sections 161.501 through 161.583 prescribe rules for vessel operation in the New York Vessel Traffic Service (VTS) Area to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.501 through 161.507 and the St. George Special Rule in § 161.574 apply to the operation of all vessels.

(c) The Communications Rules in §§ 161.520 through 161.532, the Vessel Movement Reporting System Rules in §§ 161.534 through 161.542, and the Special Rules in §§ 161.570, 161.572, 161.573, 161.575, and 161.577 apply only to the operation of—

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each vessel carrying 10 or more passengers for hire;

(4) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(5) Each dredge and floating plant.

### § 161.503 Definitions.

As used in §§ 161.501 through 161.583:

"ETA" means estimated time of arrival.

"Limited Traffic Area (LTA)" means any subarea within the VTS Area where the special rules in §§ 161.570 and 161.572 apply. These areas are described in § 161.582.

"Master" means licensed masters or operators or, on vessels not requiring a licensed operator, the person in command of the vessel.

"New York VTS Operating Manual" includes the VTS regulations and navigational information. The Manual is available from the U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York, N.Y. 10004, and at Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004.

"Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

"Sector" means a particular area within the VTS Area as described in § 161.581.

"Sector Frequency" means the VHF-FM radio frequency designated for use in a particular VTS sector.

"Vessel Movement Reporting System (VMRS)" is a system by which vessel progress is monitored by reports from the vessel rather than be electronic surveillance.

"Vessel Traffic Center (VTC)" means the shore-based facility that operates the New York Vessel Traffic Service.

### § 161.504 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.501 through 161.583.

### § 161.505 Laws and regulations not affected.

Nothing in §§ 161.501 through 161.583 is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers and Inland Waters Generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this Chapter);

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(e) Any other laws or regulations.

### § 161.506 VTS Operating Manual.

The master and pilot of a vessel shall ensure that a copy of the current edition of the New York Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS Area.

### § 161.507 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from, the VTS Area.

(b) When a vessel is navigating in an unsafe manner, navigating or attempting to navigate in the VTS Area with insufficient bottom clearance, or with equipment not functioning properly, the VTC may direct the vessel's movement, including directing it to anchor or moor.

(c) The master of a vessel in the VTS Area shall comply with each direction issued to the vessel under this section.

### § 161.509 Authorization to deviate from these rules.

(a) The Commander, Third Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.501 through 161.583 if he finds that the proposed operation can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in this Part for a voyage or part of a voyage on which a vessel is embarked or about to embark.

### § 161.511 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.501 through 161.583 to the extent necessary to avoid endangering persons, property, or the environment.

### COMMUNICATIONS RULES

### § 161.520 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated by the VTC for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

**§ 161.522 Radiotelephone equipment.**

Each report required by the New York VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on Channels 11, 12, and 14 VHF-FM. The radiotelephone must be capable of being operated on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

**§ 161.524 English language.**

Each report required by §§ 161.501 through 161.583 must be made in the English language.

**§ 161.526 Time.**

Each report required by §§ 161.501 through 161.583 must specify time using—

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

**§ 161.528 Radio failure.**

Whenever a vessel's radiotelephone equipment fails—

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.520, 161.538, and 161.539 is not required; and

(2) Compliance with §§ 161.536, 161.537, and 161.542 is not required unless those reports can be made by other means.

(b) Before getting underway in the VTS Area, permission to get underway must be obtained from the VTC; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

**§ 161.530 Report of emergency or radio failure.**

Whenever the master of a vessel deviates from any rule in §§ 161.501 through 161.583 because of an emergency or experiences radio failure, he shall report the deviation or radio failure to the VTC as soon as possible.

**§ 161.532 Report of impairment to the operation of the vessel.**

The master of a vessel in the VTS Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as fire, defective propulsion machinery, defective steering equipment, or defective radar; and

(b) Any tow that the towing vessel is unable to control or can control only with difficulty.

NOTE.—In the New York VTS Area the reports required in 33 CFR Part 164 to be made to the COTP may be made to the VTC instead.

VESSEL MOVEMENT REPORTING RULES

**§ 161.536 Initial report.**

At least 15 minutes before a vessel enters or begins to navigate in the VTS Area, the master of the vessel shall report the following information to the VTC:

(a) The type and name of the vessel.

(b) The point of entry in the VTS Area.

(c) Destination and route in the VTS Area.

(d) Length and deepest draft of the vessel.

(e) Speed of advance of the vessel.

(f) Any dangerous cargo listed in § 124.14 of this chapter that is onboard the vessel.

(g) Any impairment to the operation of the vessel as described in § 161.532 (a) and (b).

**§ 161.537 Follow-up reports.**

When entering or beginning to navigate in the VTS Area, or if the vessel deviates from its route plan as reported in the initial report, the master of the vessel shall report the following information by radiotelephone to the VTC:

(a) Vessel name.

(b) Location of the vessel.

(c) Any revisions to the initial report in § 161.536.

**§ 161.538 Invoking of the VMRS rules.**

In the event of impairment of surveillance capability or when otherwise required for the safety of navigation the Vessel Movement Reporting System (VMRS) may be invoked by the VTC.

**§ 161.539 Movement reports.**

When the VMRS is in operation, or at other times when directed by the VTC, the master of a vessel passing a reporting point listed in § 161.540 or sector boundary listed in § 161.581 shall report the following to the VTC by radiotelephone:

(a) Vessel name.

(b) Reporting point, sector boundary, or location of the vessel.

**§ 161.540 VMRS Reporting Points.**

| No. | Position description | Geographic location |
|---|---|---|
| | Sector 1 | |
| 11 | Ambrose sea buoy | Ambrose Channel lighted whistle buoy (Mo A) LL1569 |
| 12 | Buoy A | Swash Channel south lump buoy A (Nun). |
| 13 | Buoy 2A | Sandy Hook approach lighted horn buoy 2A LL1618.70. |
| 14 | Buoy 10 | Ambrose Channel lighted gong buoy No. 10 LL 1581. |
| 15 | West Bank light. | West Bank light (when the vessel is in Chapel Hill Channel). |
| | Sector 2 | |
| 21 | Buoy 20A | Gowanus Flats lighted bell buoy 20A LL1594. |
| 22 | Con Hook Range. | Approaching Kill Van Kull just prior to coming on Con Hook Range. |
| | Sector 3 | |
| 31 | Red Bank | Raritan Bay light 42 LL1695. |
| 32 | Outerbridge | Outerbridge crossing. |
| 33 | Smoking Point. | Arthur Kill light 14 LL1760. |
| 34 | Carteret | North end of Island of Meadows. |
| 35 | Grasselli | Passing under the overhead power cable in the vicinity of Grasselli and Piles Creek. |
| 36 | Howland Hook. | ½ m northeast of the Goethals Bridge. |
| 37 | Newark Bay | Entering Newark Bay, middle reach or Newark Bay south reach. |
| | Sector 4 | |
| 41 | Ventilator shaft. | Between the tunnel ventilator shafts at pier 34 Manhattan and pier 9 New Jersey, Hudson River. |
| 42 | Manhattan Bridge. | Passing Manhattan Bridge East river. |
| | Sector 5 | |
| 51 | 72d St | 72d St., East River. |
| 52 | Sunken Meadow. | Sunken Meadow light 16 LL 1272. |
| 53 | 125th St | Triborough Bridge, Harlem River. |
| 54 | Hunts Point. | Due south of Hunts Point. |
| 55 | Whitestone bridge. | Whitestone Bridge, East River. |
| 56 | Stepping Stones. | Stepping Stones Light, LL991. |

**§ 161.542 Final report.**

When a vessel anchors in, moors in, or departs from, the VTS Area, the master shall report the place of anchoring, mooring, or departing to the VTC.

SPECIAL RULES

**§ 161.570 Communications in limited traffic areas (LTA).**

Before a vessel meets, crosses ahead of, or overtakes another vessel in any area described in § 161.582, the master shall attempt to arrange a safe passage with the master of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act.

**§ 161.572 Entering an LTA.**

A vessel may not enter any of the areas described in § 161.582 when advised by the VTC that it will encounter another vessel unless—

(a) Safe passage has been arranged in accordance with § 161.570; or

(b) The VTC grants the vessel permission to proceed.





**§ 161.573 Entering Pierhead Channel from Kill Van Kull.**

Each vessel proceeding easterly in Kill Van Kull intending to use the Pierhead Channel shall cross the Constable Hook Reach toward Pierhead Channel between Kill Van Kull Lighted Buoy 3, at latitude 40°38'58" N., longitude 74°05'11" W. and Kill Van Kull Lighted Buoy 4 at latitude 40°38'55" N., longitude 74°05'39" W.

**§ 161.574 St. George special rule.**

Except for ferries operated by the City of New York and public vessels, no vessel may enter the St. George Special Rule Area, described in § 161.583, without the permission of the VTC.

**§ 161.575 Action during reduced visibility.**

When visibility is less than 2 nautical miles, any vessel that is operating without radar shall notify the VTC immediately.

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

**§ 161.580 VTS area.**

The VTS area consists of the navigable waters of the United States inshore of a line from a point on the Long Island shore opposite the south end of the Marine Parkway Bridge at latitude 40°33'43" N., and longitude 73°52'44" W., thence southwesterly to a point at latitude 40°28'33" N., longitude 73°55'47" W., thence southerly to Sandy Hook Approach Lighted Horn Buoy 2A at latitude 40°26'33" N., and longitude 73°55'01" W., thence southwesterly to Highlands Light at latitude 40°23'47" N., longitude 73°59'11" W.; including Lower New York Bay, Rockaway Inlet east to the Marine Parkway Bridge at latitude 40°34'24" N., longitude 73°53'07" W., Raritan Bay and Raritan River west to a east-west line through Sandy Point at latitude 40°30'03" N., and longitude 74°17'03" W., Arthur Kill, Newark Bay north to an east-west line through the junction of the Hackensack and Passaic Rivers at latitude 40°42'27" N., and longitude 74°01'10" W., Kill Van Kull, Upper New York Bay, and the Hudson River north to an east-west line through the Yonkers Pilot Station at latitude 40°56'21" N., and longitude 73°54'10" W., the Harlem and East Rivers and Western Long Island Sound east to a line between Oak Neck Point on the Long Island shore at latitude 40°54'53" N., and longitude 73°34'20" W., thence northerly to Great Captain Island Light at latitude 40°58'57" N., and longitude 73°37'25" W., thence due north to the Connecticut shore at latitude 41°00'40" N., and longitude 73°37'25" W.

**§ 161.581 Communications sector boundaries.**

The New York vessel traffic service area is divided into five sectors with the following boundaries:

(a) *Sector One:* Lower Bay. Includes the area bounded by the following:

(1) Seven mile radius around Ambrose Light.

(2) Marine Parkway Bridge (Rockaway Inlet).

(3) East-West line through Coney Island Light (Norton Point).

(4) North-South line through Raritan Bay West Reach Light No. 20.

(b) *Sector Two:* Upper Bay, Kill Van Kull entrance. Includes the area bounded by the following:

(1) East-West line through Coney Island Light (Norton Point).

(2) North-South line through Kill Van Kull at Platty Kill Creek.

(3) Entrance to Gowanus Creek Channel.

(4) A line bearing 270 degrees true from Governors Island extension light (LL 1605) to the New Jersey shore; a line bearing 142 degrees true from Governors Island extension light to Red Hook (Brooklyn shore).

(c) *Sector Three:* Newark Bay, Kill Van Kull, Arthur Kill, Raritan Bay, and entrance to Raritan River. Includes the area bounded by the following:

(1) North-south line through Kill Van Kull at Platty Kill Creek.

(2) East-west line through Newark Bay light (LL 1841) at the junction of the Hackensack and Passaic Rivers.

(3) East-west line through the Raritan River at Sandy Point.

(4) North-south line through Raritan Bay west reach light No. 20.

(d) *Sector Four:* Lower Hudson River, the Battery, and Lower East River. Includes the area bounded by the following:

(1) East-west line through the Hudson River at the Yonkers pilot station.

(2) Junction of the Harlem River and Hudson River (Spuyten Duyvil).

(3) Line bearing 270 degrees true from Governors Island extension light (LL 1605) to New Jersey shore and a line bearing 142 degrees true from Governors Island extension light to Red Hook (Brooklyn shore).

(4) A line bearing 284 degrees true from Poorhouse Flats range rear light to the Manhattan shore.

(e) *Sector Five:* Upper East River, Harlem River, and western Long Island Sound. Includes the area bounded by the following:

(1) A line bearing 284 degrees true from the Poorhouse Flats range rear light to the Manhattan shore.

(2) Junction of the Harlem River and Hudson River (Spuyten Duyvil).

(3) A line bearing 150 degrees true from Great Captain's Island light (LL 979) to the Long Island Shore (Oak Neck Point).

**§ 161.582 Limited traffic areas (LTA).**

The LTA's consist of the following:

(a) *Bergen Point LTA.* An area enclosed by a line beginning at the northwestern tip of Shooters Island at latitude 40°38'44" N., and longitude 74°09'43" W., thence north to Kill Van Kull light 16 at latitude 40°38'52" N., and longitude 74°09'43" W., thence easterly to Newark Bay channel lighted buoy 1 at latitude 40°38'49" N., and longitude 74°09'11" W., thence easterly to Newark Bay channel lighted buoy 4 at latitude 40°38'51" N., and longitude 74°08'56" W., thence southerly to Bergen Point light 12A at latitude 40°38'34" N., and longitude 74°08'52" W., thence southerly to Kill Van Kull buoy 11 at latitude 40°38'25" N., and longitude 74°08'55" W., thence westerly to a point on the shore of Staten Island at latitude 40°38'25" N., and longitude 74°09'42" W., thence to origin.

(b) *Bayway LTA.* An area enclosed by an east-west line drawn through the end of the pier on the New Jersey shoreline at latitude 40°37'48" N., and longitude 74°12'16" W., and the railroad lift bridge centered at latitude 40°38'15" N., and longitude 74°11'45" W.

(c) *Tremley Point LTA.* An area enclosed by a line beginning at Pralls Island channel range front light at latitude 40°36'12" N., and longitude 74°12'19" W., thence northeasterly to Arthur Kill lighted buoy 38 at latitude 40°36'17" N., and longitude 74°12'09" W., thence southeasterly through Arthur Kill buoy 36 at latitude 40°36'02" N., and longitude 74°11'56" W., thence southerly to Arthur Kill lighted buoy 34 at latitude 40°35'49" N., and longitude 74°11'58" W., thence due west to the intersection with the New Jersey shoreline, thence following the New Jersey shoreline north to the origin.

(d) *Tufts Point LTA.* An area enclosed by a line through Arthur Kill lighted buoy 21 at latitude 40°33'40" N., and longitude 74°12'59" W., perpendicular to the navigable channel to the eastern edge of the navigable channel at latitude 40°33'39" N., and longitude 74°12'53" W., thence following the eastern limit of the channel south and west to Arthur Kill lighted buoy 18 at latitude 40°33'35" N., and longitude 74°13'10" W., thence northerly to Arthur Kill lighted buoy 17 at latitude 40°33'31" N., and longitude 74°13'11" W., thence following the northwest side of the channel northeasterly to the origin.

(e) *Hell Gate LTA.* An area enclosed by a line beginning at the railroad bridge across the East River whose center is at latitude 40°46'56" N., and longitude 73°55'21" W., thence following the shoreline of Queens, N.Y., south and west to a point on the shoreline at latitude 40°46'28" N., and longitude 73°56'17" W., thence across the

East River to the northern tip of Roosevelt Island at latitude 40°46'22" N., and longitude 73°56'26" W., thence northwest to a point on the Manhattan, N.Y., shoreline at latitude 40°46'28" N., and longitude 73°56'37" W., thence following the Manhattan shoreline north and west to a point on the shoreline at latitude 40°46'46" N., and longitude 73°56'35" W., thence due east to the south western tip of Mill Rock at latitude 40°46'46" N., and longitude 73°56'24" W., thence along the southern edge of Mill Rock to the eastern tip of Mill Rock at latitude 40°46'49" N., and longitude 73°56'17" W., thence northeast to a point on the Bronx, N.Y., shoreline at latitude 40°46'52" N., and longitude 73°56'06" W., thence along the Bronx shoreline north and east to the origin.

(f) *North Brother Island LTA.* An area enclosed by a line beginning on the Bronx, N.Y., shoreline at latitude 40°48'06" N., and longitude 73°54'21" W., thence along the Bronx shoreline easterly to Baretto Point at latitude 40°48'07" N., and longitude 73°53'07" W., thence southwesterly to the northwest tip of Rikers Island at latitude 40°47'52" N., and longitude 73°53'26" W., thence westerly to the southern tip of North Brother Island at latitude 40°47'57" N., and longitude 73°54'02" W., thence northwesterly to the origin.

§ 161.583 St. George special rule area.

The area adjacent to St. George, Staten Island, N.Y., bounded by a line beginning at latitude 40°38'42.2" N., and longitude 74°04'23.0" W., thence to latitude 40°38'49.0" N., and longitude 74°04'16.0" W., thence to latitude 40°38'44.0" N., and longitude 74°04'00" W., thence to latitude 40°38'37.0" N., and longitude 74°03'49.0" W., thence to latitude 40°38'36.0" N., and longitude 74°04'15.7" W.; thence to the beginning.

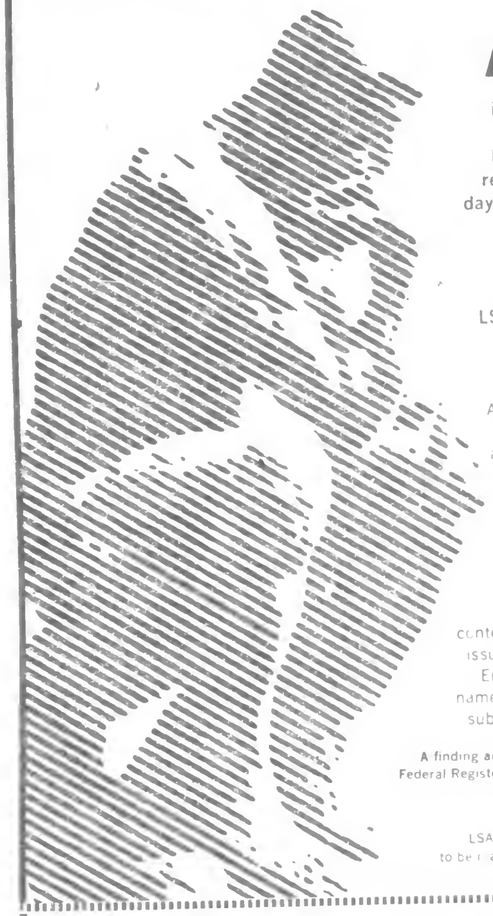
(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: February 14, 1978.

O. W. SILER,
*Admiral,*
*U.S. Coast Guard Commandant.*

[FR Doc. 78-4388 Filed 2-15-78; 8:45 am]



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| Monday | Tuesday | Wednesday | Thursday | Friday |
|---|---|---|---|---|
| DOT/COAST GUARD | USDA/ASCS | | DOT/COAST GUARD | USDA/ASCS |
| DOT/NHTSA | USDA/APHIS | | DOT/NHTSA | USDA/APHIS |
| DOT/FAA | USDA/FNS | | DOT/FAA | USDA/FNS |
| DOT/OHMO | USDA/FSQS | | DOT/OHMO | USDA/FSQS |
| DOT/OPSO | USDA/REA | | DOT/OPSO | USDA/REA |
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| | HEW/FDA | | | HEW/FDA |
| | HEW/HRA | | | HEW/HRA |
| | HEW/HSA | | | HEW/HSA |
| | HEW/NIH | | | HEW/NIH |
| | HEW/PHS | | | HEW/PHS |

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

**ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.**


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# reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

**Rules Going Into Effect Today**

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

**List of Public Laws**

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 2719 ..... Pub. L. 95-230
To authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands. (Feb. 15, 1978; 92 Stat. 28) Price: $.50

H.R. 5798 ..... Pub. L. 95-231
To amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978. (Feb. 15, 1978; 92 Stat. 29) Price: $.50

H.J. Res. 386 ..... Pub. L. 95-229
To provide for the striking of a national medal to commemorate the bicentennial of an outstanding historic event or personality during 1777. (Feb. 14, 1978; 92 Stat. 26) Price: $.50



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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

**Title 5—Administrative Personnel**

**CHAPTER I—CIVIL SERVICE COMMISSION**

**PART 213—EXCEPTED SERVICE**

**Department of Agriculture**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Positions of Agriculture Commodity Graders (Tobacco), GS-9 and below, and Clerks, GS-4 and below for seasonal employment not to exceed 1,280 hours in a service year, are excepted under Schedule A because it is impracticable to examine for them.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3113(f)(5) is added as set out below:

**§ 213.3113 Department of Agriculture.**

• • • • • •

(f) *Agricultural Marketing Service.* • • •

(5) Positions of Agricultural Commodity Graders (Tobacco), GS-9 and below, and Clerks, GS-4 and below for temporary seasonal employment on a full-time, part-time, or intermittent basis not to exceed 1,280 hours in a service year.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78-4454 Filed 2-16-78; 8:45 am]

[6325-01]

**PART 213—EXCEPTED SERVICE**

**Executive Office of the President; Department of Defense; Department of Justice; Department of Labor; Department of Health, Education, and Welfare; Department of Energy; Department of Housing and Urban Development**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature:

Executive Office of the President—one position of Senior Policy Analyst, Office of Science and Technology Policy.

Department of Defense—(1) one additional position of Special Assistant to the Deputy Assistant Secretary (Policy Plans and NSC Affairs), Office of the Assistant Secretary of Defense for International Security Affairs, and (2) one position of Assistant for NATO Rationalization, Force Planning and Cooperative Programs to the Deputy Assistant Secretary (European and NATO Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

Department of Justice—one position of Special Assistant to the Assistant Attorney General, Civil Division.

Department of Labor—one additional position of Special Assistant to the Under Secretary.

Department of Health, Education, and Welfare—one position of Director, Office of Intergovernmental Affairs.

Department of Energy—(1) one position of Technical Assistant to a Member of the Commission; (2) one position of Assistant to the Chairman. This reestablishes these two positions which formerly existed at the Federal Power Commission before its functions were absorbed into the Department of Energy on September 30, 1977.

Department of Housing and Urban Development—one position of Special Assistant to the Deputy Assistant Secretary for Insured and Direct Loan Programs.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3303(k)(3), 213.3306(a)(99), 213.3310(e)(3), and 213.3316(q)(9) are added; 213.3306(a)(98), 213.3315(a)(13), 213.3331(c)(3), (4), and 213.3384(b)(19) are amended; and, 213.3303(k) is reestablished as set out below:

**§ 213.3303 Executive Office of the President.**

• • • • • •

(k) *Office of Science and Technology Policy.* • • •

(3) One Senior Policy Analyst, Office of the Assistant Director for National Security, International, and Space Affairs.

• • • • • •

**§ 213.3306 Department of Defense.**

(a) Office of the Secretary. • • •

(98) Two Special Assistants to the Deputy Assistant Secretary (Policy Plans and NSC Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(99) One Assistant for NATO Rationalization, Force Planning and Cooperative Programs to the Deputy Assistant Secretary (European and NATO Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

• • • • • •

**§ 213.3310 Department of Justice.**

• • • • • •

(e) *Civil Division.* • • •

(3) One Special Assistant to the Assistant Attorney General.

• • • • • •

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.* • • •

(13) Two Special Assistants to the Under Secretary.

• • • • • •

**§ 213.3316 Department of Health, Education, and Welfare.**

• • • • • •

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* • • •

(9) One Director, Office of Intergovernmental Affairs.

• • • • • •

**§ 213.3331 Department of Energy.**

• • • • • •

(c) *Federal Energy Regulatory Commission.* • • •

(3) Three Assistants to the Chairman.

(4) Six Technical Assistants to Members of the Commission.

• • • • •

§ 213.3381 Department of Housing and Urban Development.

• • • • •

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* • • •

(19) One Executive Assistant and one Special Assistant to the Deputy Assistant Secretary for Insured and Direct Loan Programs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78-4455 Filed 2-16-78; 8:45 am]

[6325-01]

## PART 213—EXCEPTED SERVICE

### Department of Justice; Department of the Interior; Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature.

Department of Justice—One position of Confidential Assistant (Private Secretary) to the Chairman, U.S. Parole Commission.

Department of the Interior—One position of Confidential Assistant to the Deputy Director for Programming, Bureau of Outdoor Recreation.

Department of Energy—(1) One position of Staff Assistant to the Director, Executive Secretariat; (2) one position of Confidential Assistant (Secretary) to the Director, Executive Secretariat; (3) this amendment also changes the title of one Private Secretary to the Executive Director, formerly excepted under Schedule C in the Federal Power Commission and subsequently transferred to the Department of Energy on September 30, 1977, to one Private Secretary to the Executive Director, Federal Energy Regulatory Commission. This position has never been officially published in the FEDERAL REGISTER under the Department of Energy prior to this time. This change in title is appropriate in order to reflect the current title of the superior.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3310(z); 213.3312(m)(4); 213.3331 (c)(5), (s) (1), (2) are added as set out below:

§ 213.3310 Department of Justice.

• • • • •

(z) *U.S. Parole Commission.*
(1) One Confidential Assistant to the Deputy Director for Programming.

• • • • •

§ 213.3312 Department of the Interior.

• • • • •

(m) *Bureau of Outdoor Recreation.* • • •

(4) One Confidential Assistant to the Deputy Director for Programming.

• • • • •

§ 213.3331 Department of Energy.

• • • • •

(c) *Federal Energy Regulatory Commission.* • • •

(5) One Private Secretary to the Executive Director.

• • • • •

(s) *Office of the Director, Executive Secretariat.*
(1) One Staff Assistant to the Director.
(2) One Confidential Assistant (Secretary) to the Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the U.S. Civil Service Commission.

JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78 4511 Filed 2-16-78; 8:45 am]

[3410-02]

### Title 7—Agriculture

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 133; Lemon Reg. 132, Amdt. 1]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 19-25, 1978, and increases the quantity of such lemons that may be so shipped during the period February 12-18. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 19, 1978, and the amendment is effective for the period February 12-18, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on February 14, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.433 Lemon Regulation 133

*Order.* (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 19, 1978, through February 25, 1978, is established at 230,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.





2. Paragraph (a) of § 910.432 Lemon Regulation 131 (43 FR 5796) is amended to read as follows:

§ 910.432 Lemon Regulation 131.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period February 12, 1978 through February 18, 1978, is established at 240,000 cartons.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: February 15, 1978.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-4624 Filed 2-16-78; 11:18 am]

[7590-01]

### Title 10—Energy

## CHAPTER I—NUCLEAR REGULATORY COMMISSION

## EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

### Export and Import of Nuclear Facilities and Materials

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations by adding a new part providing for standards, procedures and rules of practice for licensing the export and import of utilization facilities, source, byproduct and special nuclear materials. Conforming changes are also made to other parts of the Commission's regulations relating to export and import matters. The new part, designed to codify in one place export and import regulations, deals principally with the standards for grant or denial of license applications; the information required to be submitted in license applications; the general procedures followed for Commission review and for obtaining Executive Branch views on license applications; public notification of applications; the conduct and format of public procedures on export and import license applications; and enforcement actions and rulemaking relating to exports and imports.

EFFECTIVE DATE: May 3, 1978.

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such reviews as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of this rule becomes effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3512(c)(2).)

FOR FURTHER INFORMATION CONTACT:

Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; telephone: 301-492-7437 or Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; telephone: 301-492-7984.

SUPPLEMENTARY INFORMATION: On June 30, 1977, in 42 FR 33317, the Commission published for comment a proposed new part 110 to CFR entitled "Export and Import of Nuclear Facilities and Materials", with conforming changes made to other parts of the Commission's rules.

Under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (Commission) is responsible for licensing the export and import of nuclear utilization facilities (nuclear Reactors), and source, byproduct and special nuclear materials.

During its first year as an independent regulatory agency, the Commission, in conjunction with the Executive Branch, developed procedures for obtaining the unified view of Executive Branch agencies on pending export and import license applications. These procedures were made formal for the Executive Branch in early 1976 by issuance of Executive Order 11902. Also, beginning in January of 1976 the Commission undertook a comprehensive examination of its export and import licensing provisions. This rule is a result of this study and the comments received on the proposed rule.

The Commission, Executive Branch, and Congress are examining the substantive standards and criteria for granting or denying export license applications to be added to Part 110. Any changes to the substantive standards and criteria set forth in these regulations will be the subject of a separate rulemaking and FEDERAL REGISTER notice.

### SUMMARY OF REGULATIONS

The export and import regulations are set forth in a new Part 110 entitled "Export and Import of Nuclear Facilities and Materials". Conforming changes are made to other parts of the Commission's rules.

The basic purposes of the new Part 110 are twofold: first, to reflect in its procedures the basic differences between the Commission's export and import licensing functions and its domestic licensing functions; and second, to consolidate the Commission's export and import licensing provisions, presently scattered throughout the Commission's regulations, into one part for the convenience of the public.

Briefly, the new Part 110 includes:
(1) Required contents of export and import license applications;
(2) Procedures for Commission review of export and import license applications;
(3) Exemptions from licensing requirements and grants of general licenses for exports and imports;
(4) Substantive standards for grant or denial of export and import license applications;
(5) The Commission's relationship to Executive Branch agencies in nuclear export and import matters;
(6) Provisions for public notification of the receipt of export and import license applications;
(7) Procedures for public participation in the Commission's export and import licensing review process, including provisions for granting or denying requests for hearings and petitions for leave to intervene, and provisions for the hearings themselves.
(8) Provisions regarding access to, and introduction of, classified information in hearings;
(9) Procedures for rulemaking on nuclear export and import matters;
(10) Recordkeeping requirements for export and import licensees; and
(11) Enforcement actions concerning export and import licenses.

Most of the substantive provisions have been developed (with some revision and updating) from other parts of the Commission's regulations on nuclear exports and imports in 10 CFR Parts 30, 31, 32, 33, 36, 40, 50 and 70. However, the provisions in the new Part 110 regarding public participation in the Commission's nuclear export and import licensing review process differ from the procedures used in the Commission's domestic licensing review process and deserve further explanation.

### PUBLIC PARTICIPATION IN EXPORT AND IMPORT LICENSING

On March 2, 1976, the Commission received, for the first time in its history or the history of its predecessor, the Atomic Energy Commission (AEC), a petition for leave to intervene and request for a hearing on an export license application. The Commission held that the petitioners lacked standing to intervene in the case, but decided as a matter of discretion that the conduct of a legislative-type hearing would be in the public interest. *Edlow International Company* (Tarapur), 3 NRC 563 at 568 and 580 (1976).

The Commission adopted procedures which afforded the petitioners in that proceeding an opportunity to make their views known in a manner and under a procedural format compatible with the orderly conduct of the licensing process and the nature of the issues involved in the matter, includ-

ing sensitive foreign relations and national security considerations. Id. at 568, 580, 590-591. The procedural aspects of the Commission's decision in *Edlow* are presently under judicial review by the U.S. Court of Appeals for the D.C. Circuit.

In a subsequent opinion on another export license application, the Commission discussed its export licensing procedures, the sensitive and policy-oriented character of the issues involved, and the Commission's treatment of these matters. *Westinghouse Electric Corporation* (ASCO II), 3 NRC 739 (1976).

The Commission is authorized by the Atomic Energy Act to issue a license for a particular export or import only after determining that issuance would not be inimical to the common defense and security of the United States, or the health and safety of the United States public, and (in the case of nuclear facilities and certain nuclear materials) after determining that the export would be within the scope of, and consistent with, an agreement for cooperation in the civil uses of atomic energy between the United States and another nation or group of nations.

Pursuant to section 123 of the Atomic Energy Act, agreements for cooperation become effective only after: (1) They are approved and authorized by the President of the United States, who is required to make a determination in writing that "the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security"; and (2) they have been submitted to Congress for review under a special statutory arrangement.

The statutory finding which the Commission makes before issuing an export or import license often requires consideration of highly sensitive foreign policy and national security matters, some of which may have an impact well beyond the specific nuclear export or import being considered. For example, the Commission examines, among other matters, the safeguards and assurances provided by the recipient government to ensure that U.S.-supplied facilities and materials are not diverted to unauthorized uses, and the relationship of the Commission's grant or denial of an export license application to overall U.S. policies on the proliferation of nuclear explosives. In contrast, domestic licensing usually involves factual matters, relating to the domestic public health and safety and the environment, associated with discrete applications for the construction and operation of nuclear power plants. Moreover, the Commission's export and import licensing review process constitutes only one part of this country's broader activities in the nuclear import and export control area—activities which are part of United States foreig policy and nuclear nonproliferation efforts.

As the Commission has noted, the procedures applicable to domestic licensing are not in general well-suited to the Commission's conduct of its export and import licensing functions. See *Edlow International, supra.* In case of material covered by import licensing proceedings, if certain domestic health, safety, environmental and safeguards issues are raised, which are similar to issues commonly raised in domestic licensing proceedings, these issues may be properly addressed using domestic licensing procedures to the extent that they are separable from other issues associated with the license. Thus, persons or organizations establishing in an import licensing proceeding that they have an interest which may be affected, may be accorded additional procedural rights in the resolution of factual issues regarding protection of the U.S. public health, safety and environment.

The Commission has statutory discretion to formulate appropriate procedures for export and import licensing. Section 189a. of the Atomic Energy Act provides:

> In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, * * * the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit such person as a party to such proceeding.

This language does not by its terms provide for an "on-the-record" hearing calling into play the formal adjudicatory requirements of sections 5, 7, and 8 of the Administrative Procedure Act, in each and every context in which a hearing is required. For example, such requirements do not apply where the Commission engages in rulemaking. *Siegel* v. *AEC*, 400 F. 2d 788 (D.C. Cir. 1968). What the language requires in each instance is to be settled by reference to congressional intent, established practice and sound policy.

It is clear from the legislative history of the provision, consistent agency practice, and indeed the general structure and conduct of government that formal adjudicatory procedures are required for controversies arising out of domestic licensing. Id. at 785. There is no similar indication concerning export or import licensing. During its 20-year administration of the Atomic Energy Act, the AEC did not once conduct a public or formal export or import licensing proceeding. The legislative history of the Energy Reorganization Act is equally devoid of any hint that Congress expected the Commission to follow formal adjudicatory procedures in export or import licensing.

Indeed, Congress' first explicit consideration of export procedures came in 1975, after enactment of the Energy Reorganization Act. Thus, neither congressional expectation nor established practice requires on-the-record adjudication of export or import licensing matters.

The absence of congressional concern over the informal nature of AEC export or import reviews is particularly significant in light of the unique relationship the *Siegel* court recognized between the Commission and the Congress, one designed to keep Congress fully and currently informed about this agency's views and actions. 400 F.2d at 783. See also *Union of Concerned Scientists* v. *AEC*, 499 F.2d 1069, 1079 (D.C. Cir. 1974). Congress was fully aware of the Commission's export and import licensing procedures, under the Commission's legal obligation to keep the Joint Committee on Atomic Energy "fully and currently informed with respect to all * * * (its) activites" including its export licensing practices. See section 202a. of the Atomic Energy Act.

The Commission's understanding of section 189 is also supported by more general considerations touching the nature of the issues, the practices of other federal agencies, and the appropriateness of adopting procedures other than adjudicatory hearings for nuclear export and import licensing.

As indicated before, the statutory finding which the Commission must make for an export or import, and the statutory context in which that finding is made, often require consideration of highly sensitive foreign policy and national security issues, including other countries' intentions and policies. An attempt to resolve these issues in the format of a formal adjudicatory hearing could seriously impair the conduct of United States foreign relations. It could appear to place on trial a foreign government's intentions on matters concerning its own vital national interests. These statutory findings are inherently policy decisions, committed to agency discretion, and singularly inappropriate for resolution in a formal adjudicatory context.

Finally, to the Commission's knowledge, no other agency holds adjudicatory hearings on such sensitive foreign policy issues.

Indeed, even if section 189 itself were to be construed to require formal adjudicatory procedures on all Commission licensing proceedings, Section 5 of the Administrative Procedure Act permits modification of those formal procedures where the conduct of foreign affairs functions is involved. Thus, regardless of the precise interpretation to be accorded the term





"hearing" in section 189, a similar result obtains under Section 5 of the Administrative Procedure Act—formal adjudicatory procedures are not required and are inappropriate for Commission export and import licensing.

"It is part of the genius of the administrative process that its flexibility permits adoption of approaches subject to expeditious adjustment in the light of experience." *American Airlines, Inc.* v. *Civil Aeronautics Board*, 359 F.2d 624, 633 (D.C. Cir. 1966). The Commission has endeavored in the new Part 110 to provide for procedures that will facilitate effective public participation in export and import licensing—procedures that are designed to be fair and consistent with the nature of the issues involved. Also, the Commission has endeavored to provide a structure for public participation that is sufficiently comprehensive so as to eliminate or substantially decrease the need for time consuming case-by-case development of procedures for export and import license applications.

ELEMENTS OF PUBLIC PARTICIPATION ON EXPORT AND IMPORT LICENSING MATTERS

In brief, the New Part 110 establishes the following procedures for public participation in export and import licensing matters. First, public notices is given for all major export and import license applications by periodically publishing a list of those applications received in the FEDERAL REGISTER—the Commission intends to do this twice a month; by placing copies of all export and import license applications in the Commission's Public Document Room; and by periodically mailing a list of export and import license applications received to persons or organizations requesting such information.

Second, the new part explicitly provides for public participation through written comments to the Commission. The Commission encourages and will consider carefully any written comments received on pending export and import license applications.

Third, provision is made for both hearings consisting of written comments and oral hearings where the Commission believes these would be in the public interest and of assistance in making its export and certain import licensing determinations. In keeping with the nature of the issues, oral hearings will be modelled on those used by legislative bodies. At such hearings, participants may be questioned by the presiding office (ordinarily the presiding officer will be the Commission itself). Also, participants in the hearing may submit proposed questions to the presiding officer, to be addressed by others at the discretion of the presiding officer.

Finally, the Commission will give careful consideration to all relevant written comments received, and the record of any hearings, in making its decision. However, in reaching its decision, the Commission may draw on material not included in the hearing record and may consult with its staff, Executive Branch agencies and other persons.

COMMENTS.—Twenty-four letters of comment were received from a total of 23 persons, companies or organizations: 14 from the domestic nuclear industry; 1 law firm representing nuclear industry clients; 2 foreign industry groups; 2 public interest groups; 3 State government agencies; the Department of Commerce; and the Department of State. Copies of these comments have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. The commentors had both general and detailed remarks on the procedures and most offered detailed drafting changes to the proposed regulations. The general comments and their resolutions are as follows:

(1) Industry commentors basically suported the promulgation of consolidated export regulations at this time. However, one public interest commentor (representing several organizations) suggested the adoption of the regulations was inappropriate prior to enactment of comprehensive nonproliferation legislation pending before the 95th Congress. One industry commentor supported this view.

Part 110 was drafted with the nonproliferation legislation in mind and, if legislation is enacted, appropriate provisions will be integrated into the new regulations (for example, more detailed export licensing criteria under § 110.42). The Commission has endeavored to draft Part 110 in a manner consistent with the latest versions of proposed legislation, as well as Commission statements of its intention to develop comprehensive export/import regulations at an early date. The new part is warranted on its own merits.

(2) Industry comments also reflected support for adopting legislative hearings as the typical format for public participation in export licensing. A few thought the public participation regulations were too broad and were an invitation to abuse by groups having only a remote interest in the subject matter. Several companies urged a rule requiring a stronger showing of interest before permitting interventions in NRC export licensing proceedings. On the other hand, comments by some environmental and public interest groups objected to adoption of a legislative hearing format and urged that the regulations be amended to provide for adjudicatory hearings (including full party status for intervenors, formal discovery by interrogatory, subpoenas for witnesses, cross-examination, on-the-record decisions, and the right of public parties to initiate enforcement proceedings).

As previously detailed, the procedures applicable to domestic licensing are not in general well-suited to the Commission's conduct of its export and import licensing functions. On the other hand, the Commission does not feel that the public participation regulations adopted are too broad and sees no sound reason why a stronger showing interest should be required for intervention.

(3) Several commentors suggested various ways for the Commission to expedite the licensing review process. It was suggested that the Commission (1) act on an export license within a specified time, ranging from 90 days to 6 months following receipt of an application, (2) limit the review process for routine applications such as reactor fuel reloads, and (3) provide a preliminary export license commitment, such as an advisory opinion, similar in principle to that granted by the Eximbank and the Commerce Department.

In response to these comments, it should be noted that the Commission has been actively working with the executive branch to expedite the licensing review process. Section 110.40 sets a guideline period for processing applications and stipulates that, if the guideline period is not met, the applicant will be informed in writing of the reason and given appropriate follow-up reports. Routine export license applications for low-enriched fuel shipments subsequent to an initial core-load, such as those for a facility in a country adhering to the Nuclear Nonproliferation Treaty (NPT), will not ordinarily be referred to the Commissioners for review. Applications involving non-parties to the NPT, intervention petitions or requests for a hearing, or changed circumstances are considered non-routine.

The more detailed comments and responses are noted below. The proposed rule has been revised, as appropriate, in response to general comments suggesting simplification and clarification. This has been accomplished throughout the proposed rule without altering the substance.

CONFORMING CHANGES

(1) In response to a comment concerning §§ 30.41, 40.51, and 70.42, new subparagraphs (b)(6) are added to these sections to clarify that persons authorized to possess nuclear material are authorized to transfer the material to a person abroad pursuant to an export license issued under Part 110 of this chapter.

(2) Material identification requirements, previously implemented by import license conditions, have been incorporated into § 70.54

SUBPART A—GENERAL PROVISIONS

(3) § 110.1, "Purpose and scope", is simplified, clarified and expanded to note that certain Department of Defense and Department of Energy activities are excluded from coverage by statute.

(4) In response to several comments, definitions are added for "packaging" (§ 110.2(v)), "reexport" (§ 110.2(bb)), "transfer" (§ 110.2(ii)), and "transport" (§ 110.2(jj)). Also, definitions for "atomic energy" and "Restricted Data" are deleted as unnecessary, and other definitions are clarified.

The new definitions are designed, in part, to distinguish between "export", "import", and "transfer". A specific export or import license simply authorizes the licensee to arrange for a utilization facility or special, source or by-product material to be conveyed out of or into the U.S. An export or import license does not authorize the licensee to possess the material. A supplier or receiver, the only person with actual physical possession is responsible under existing regulations for providing appropriate packaging and transportation. However, a licensee with a specific license to export or import special nuclear material is responsible for compliance with the physical protection requirements of Part 73, unless a domestic licensee (supplier or receiver) has assumed that responsibility and the Commission has been so notified. See § 110.50(b).

(5) In response to a comment, the definition for "Agreement State" in former § 110.2(c), new § 110.2(b), is changed to clarify that it applies only to "States" in the United States and not to foreign "states."

(6) One commentor suggested that "person" in § 110.2(y) is defined too broadly, in effect granting "standing" to anyone to file written comments, request a hearing or petition for leave to intervene. The definition is unchanged, since there is no direct correlation between "person" and "standing" in Part 110.

(7) One commentor suggested that any reference to "participants", (§ 110.2(x)), be changed to "parties" to give every participant in a hearing equal status and the right to seek judicial review. The definition is unchanged. In effect, the status of participants in a hearing will be equal, depending (1) on the degree of involvement in the hearing (e.g. providing written comments only) or (2) on the framework the Commission sets for any hearing (e.g. providing for an oral hearing). In addition, because legislative-type rather than adjudicatory-type hearings are provided for, the term "participant" rather than "party" seems more appropriate.

This commentor also suggested that all participants are entitled to seek judicial review under section 189b of the Atomic Energy Act. However, only a person who has established an interest that may be affected and is aggrieved (see Hobbs Act, 42 U.S.C. § 2341 et seq.) may seek judicial review.

(8) In response to several comments, § 110.5 is revised to clarify the requirements for a license. Former paragraph (c) is covered elsewhere in Part 110 and is deleted; and former paragraph (d) is deleted and incorporated into a new § 110.6, to clarify procedures for obtaining reexport approval.

SUBPART B—EXEMPTIONS

(9) Many commentors requested various new exemptions or general licenses in connection with Subparts B and C. Many of the proposals are believed to have merit and have been under Commission and executive branch review. These proposals will be addressed in a separate rulemaking proposal to be published in the near future in the FEDERAL REGISTER. Any regulations emerging from this rulemaking would be incorporated into Part 110

(10) In response to several comments, § 110.10 is clarified and also revised to make clear that exemptions granted by the Commission are subject to executive branch review and, where appropriate, public rulemaking proceedings. One commentor suggested an exemption from licensing requirements for Government-to-Government imports of special nuclear material. The staff is analyzing this suggestion and any proposed changes to this part resulting from the staff analysis will be subject to a separate rulemaking proposal.

(11) Former § 110.11, exempting the Department of Defense from export or import licensing to a certain extent, is deleted and incorporated into § 110.1, as noted in the first response.

(12) In response to a comment, former § 110.12, new § 110.11, is clarified to make it parallel to § 70.11 of this chapter.

(13) In response to a comment, former § 110.13 is deleted. The exemption dealing with carriers is subsumed under domestic transfer and licensing requirements.

(14) A new § 110.12 is added to incorporate a recent rulemaking on intergovernmental cooperative activities (see former § 70.15 of this chapter).

SUBPART C—GENERAL LICENSES

(15) In keeping with the comments and revisions in § 110.10, a new § 110.20 is added to explain the authority and requirements for issuance of general licenses, including provision for executive branch review and rulemaking proceedings.

(16) One comment proposed shipment limitations for former §§ 110.20(f), 110.20(g), and 110.21(e) (new §§ 110.21(f), 110.21(g), and 110.22(e)). The suggested limitations have not been adopted in view of the inherently nonsensitive nature of the byproduct and source material under these general licenses. However, in response to another comment, former § 110.21(a), new § 110.22(a), is revised to limit the total amount of source material that a person can export annually to any country.

(17) In response to a comment on former § 110.23, this section is deleted, since information on generally licensed exports can be obtained from U.S. Customs and because there requirements have been difficult to administer.

(18) Several commentors requested that the general license for import, § 110.25, be modified to exclude imports of nuclear waste for disposal. This proposal would require a substantive change to existing regulations. The staff is analyzing this matter and any proposed change will be subject to a separate rulemaking proposal.

SUBPART D—APPLICATIONS FOR SPECIFIC LICENSES

(19) In response to a comment, references to application forms are added to § 110.30.

(20) In response to several comments on § 110.31, former paragraph (a)(3), new paragraph (a)(2), is clarified and former paragraph (a)(9) is deleted since this is covered in § 110.33.

The other comments on this section and their resolution are as follows:

A. One commentor also requested that the requirement for an end-use statement be deleted. This information is essential to licensing review, and the requirement is unchanged.

B. Another commentor requested that the principal initiating a license application (often a foreign government or corporation) should be identified. This is unnecessary if the license applicant, supplier and the receiver are clearly identified.

C. Finally, one commentor suggested that reprocessing and spent-fuel storage plans of the recipient should be included in export license applications. Information on U.S. controls over the reprocessing of U.S. supplied material and on related spent fuel storage considerations is available from governmental sources and considered, as appropriate, in export license reviews. It is unnecessary and inappropriate to request the license applicant to provide such information.

(21) In response to several comments, § 110.32 is clarified so that "items" in paragraph (b) refers to individual shipments and so that paragraph (c) explains why a list is required.

One commentor suggested that jurisdictional lines between the Commission and the Department of Commerce be clarified. Licensing practice





indicates that this clarification is unnecessary. Changes resulting from enactment of pending nonproliferation legislation would be incorporated into future amendments to Part 110.

(22) In response to several comments, § 110.33 is clarified and revised by requiring contract numbers only, if known, in paragraph (a); by deleting former paragraph (c), since shipping and packaging requirements are covered by the Commission's domestic licensing regulations; by adding a new paragraph (e), to identify the country of origin for source and special nuclear material in order to meet international standards; and by deleting former paragraph (f), since the information it requested is often proprietary or classified and is more appropriately obtained government-to-government.

(22) In response to several comments, § 110.34 is clarified and revised by requiring the name of the supplier instead of the owner in new paragraph (c), former paragraph (a)(4); by deleting former paragraph (a)(10), since these requirements are covered by the Commission's domestic licensing regulations; and by clarifying former paragraph (a)(11), new paragraph (i).

(23) In response to a comment, § 110.35 is revised to apply to applicants only.

SUBPART E—REVIEW OF SPECIFIC LICENSE APPLICATIONS

(24) In response to a comment, former § 110.36 is combined with new § 110.53 to further clarify that any person applying for an export or import license must have a U.S. address through which the Commission can take enforcement action or inspect his records, premises and activities related to the export or import shipment.

(25) In response to several comments, § 110.41 is revised by deleting former paragraph (a)(3) as redundant; and by deleting former paragraph (b), since the requirement to forward to the Executive Branch those import license applications involving material for subsequent export is unnecessary in view of the fact that subsequent export will be subject to Executive Branch and Commission review.

The other comments and their resolution are as follows:

A. One commentor suggested that, in situations involving the import of material for subsequent export, the Commission should issue a combined import/export license. This suggestion is not adopted, since applicants may apply simultaneously for import and export licenses, if they wish such matters to be considered concurrently.

B. One commentor suggested that the Commission require the Executive Branch to prepare a nonproliferation assessment, including a timely warning analysis, on each export license application. This is considered unnecessary, since proliferation aspects of each export are already considered in the Executive Branch and Commission review of proposed exports as part of the normal licensing review.

C. Finally, one commentor suggested that the Commission's regulations should set standards governing the quality of Executive Branch analysis. This is unnecessary. The Commission has established procedures for obtaining information from the Executive Branch, its staff and others, and does not make its export licensing determinations until it has received adequate information.

(26) § 110.42 adopts as final an interim rule proposed in 42 FR 43821 (August 31, 1977). See § 70.31(e) of this chapter. In response to a comment received on the interim rule, the final rule requires that the quantity of exempted diluted material may not exceed 100 grams. It should be noted that § 110.42, and the Atomic Energy Act itself, do not require that source material exports be pursuant to an agreement for cooperation. Nevertheless, the Commission will normally require that source material exports for nuclear end-uses be pursuant to an agreement for cooperation in order to satisfy the "noninimicality" determination requirement.

SUBPART F—LICENSE TERMS AND RELATED PROVISIONS

(27) There were numerous comments on § 110.50. This section is revised by:

A. Simplifying paragraphs (a)(1) and (a)(2); deleting former paragraph (a)(3), since it is redundant; clarifying paragraph (a)(4) and renumbering it (b)(9); and deleting former paragraphs (a)(5) and (a)(6), since shipping requirements are covered by the Commission's domestic regulations;

B. Clarifying former paragraph (b)(1) and renumbering it (b)(2); adding a new paragraph (b)(1) to provide for license expiration dates; deleting former paragraph (b)(2), because the Commission has other means to verify the information contained in Shipper's Export Declarations; and adding a new paragraph (b)(5) to indicate the licensee's responsibility with respect to the packaging requirements of Part 71;

C. Renumbering paragraphs (c)(1) and (c)(2) as (b)(8) and (b)(7), respectively;

D. Revising former paragraph (d)(1) to cover packaging and fuel element hardware and renumbering it (a)(5); deleting paragraphs (d)(2) and (d)(3), since reporting and shipping requirements are covered by the Commission's domestic regulations; incorporating former paragraph (d)(4) into new paragraph (a)(3); renumbering paragraph (d)(5) as (b)(6) and revising it to make clear that the export licensee is responsible for compliance with the physical protection requirements in Part 73, unless a domestic licensee of the Commission has assumed that responsibility and the Commission has been so notified; and deleting paragraph (d)(6), since this provision is covered by the Commission's domestic regulations.

E. Deleting paragraphs (e)(1) and (e)(3) through (e)(7), since these requirements are covered by the Commission's domestic regulations; and deleting paragraph (e)(2) and providing for appropriate coverage in a conforming change to Part 73.

(28) A commentor suggested that the Commission revise § 110.51 to require the Commission to provide the licensee notice that his license is about to expire. This suggestion is not adopted because it would impose an unwarranted administrative burden on the Commission. A licensee is fairly chargeable with a duty to review his legal authority to engage in a licensed activity and to take whatever action is required to maintain that authority.

(29) In response to a comment, § 110.54 is deleted, since reporting requirements are adequately covered by the Commission's domestic regulations. This deletion obviates the need to respond to other comments on § 110.54.

(30) In response to a comment, former § 110.55, now incorporated into § 110.53, is revised to clarify the Commission's statutory authority and the coverage of the Commission's inspections.

SUBPART G—VIOLATIONS AND ENFORCEMENT

(31) In response to several comments, §§ 110.60, 110.61, 110.62, 110.63, 110.64 and 110.65 are clarified and simplified. One commentor requested that paragraphs (e) and (f) of § 110.64 be deleted on grounds that section 234 of the Atomic Energy Act does not authorize hearings in connection with civil penalties. Such hearings are authorized by the Atomic Energy Act (see 10 CFR § 2.205) and the request is therefore not adopted. However, these paragraphs are clarified to indicate that any alleged violator does not need to seek an administrative hearing.

SUBPART H—PUBLIC NOTIFICATION AND AVAILABILITY OF DOCUMENTS AND RECORDS

(32) Section 110.70 is clarified and divided into 4 sections in response to several comments suggesting that it was unclear.

The other comments and their resolution are as follows:

A. The Commission is adopting a suggestion that it publish in the FEDERAL REGISTER notice of receipt of applications other than those for utilization facilities. The Commission will

also notice in the FEDERAL REGISTER receipt of applications for 1 effective kilogram or more of special nuclear material and 10,000 kilograms or more of source material. Thus, major applications will be noticed in the FEDERAL REGISTER. The Commission believes, however, that publication in the FEDERAL REGISTER has only marginal value as a means of providing actual notice of applications in minor cases and will continue to notice these by placement in the Commission's Public Document Room.

B. In response to a comment, former paragraph (a)(3) is deleted. It should be noted that, in § 110.80 of Part 110, the Commission encourages written comments from the public. In order to afford the Commission an opportunity to focus on public views and concerns, it requests that, if possible, the comments should be submitted within 30 days after notice of receipt of an application.

C. Finally, in response to a comment, the Commission believes it unnecessary to provide notice to the applicant that his application was received, since this can be verified by telephone.

(33) In response to several comments, former § 110.71, new § 110.73, is clarified and a new paragraph (b) is added to specify that the provisions of §§ 2.790 (b), (c) and (d) of this chapter also may be applied to proprietary information.

SUBPART I—PUBLIC PARTICIPATION PROCEDURES CONCERNING LICENSE APPLICATIONS

(34) In response to several comments, § 110.80 is clarified and provision made for the Commission to provide an applicant with a copy of any comments received and, as appropriate, a reasonable opportunity to respond. It should be noted that the written comment procedure in this section is separate from the procedure for a hearing consisting of written comments.

(35) In response to several comments, § 110.81 is clarified, revised and incorporated into other sections as appropriate.

In response to a comment, the Commission does not consider it necessary to bolster the provisions on untimely intervention petitions or hearing requests and on the documentation and information required from a petitioner or requestor.

In keeping with Commission acceptance of the comment that it should act expeditiously on export license applications, former § 110.81(b), new § 110.81(c), is revised to allow 15 days after public notice of receipt of the application in the Public Document Room for the filing of hearing requests or intervention petitions on minor export or import license applications. As stated before, for major applications published in the FEDERAL REGISTER, hearing requests and intervention petitions will be considered timely only if filed not later than 30 days after notice of receipt in the FEDERAL REGISTER.

(36) In response to comments, § 110.82 is revised by providing equal time limits for filing answers, adding a new provision covering replies, and making these consistent with § 110.81.

(37) In response to several comments, § 110.83 is revised by:

A. Changing paragraph (b)(1) to make clear that a key factor the Commission will consider in acting on an intervention petition or hearing request is the impact of a hearing on the common defense and security of the United States (the Commission has not adopted other suggested criteria, since it believes that the present criteria as revised are adequate);

B. Adding a new paragraph (f) specifying that, where a hearing request or intervention petition does not establish an interest which may be affected, the Commission will not conduct a new hearing on an issue adequately explored in another hearing, unless it determines that changed circumstances or new information warrant a new hearing. If the Commission determines that a hearing request or intervention petition does establish an interest which may be affected, it will grant a hearing and structure it to take account of information on the same issue received in any previous hearing; and

C. Specifying in new paragraph (g) that upon the affirmative vote of two Commissioners a hearing will be ordered.

(38) In response to a comment on §§ 110.84 and 110.85, the distinction between the procedures for oral hearings and hearings consisting of written comments is clarified.

(39) Several commentors stated that the order of the sections in Subpart I, "Public Participation Procedures Concerning License Applications" and Subpart J, "Hearings and Decisions" was unclear. For the most part, Subpart I concerns public participation procedures prior to hearings and Subpart J concerns procedures during hearings. To make the distinction clearer, the two subparts are retitled; former § 110.86 is incorporated into §§ 110.84 and 110.85; former § 110.87 is retitled and renumbered § 110.86; former §§ 110.90, 110.92, 110.93 and 110.95 are deleted from Subpart I, placed in Subpart J and renumbered §§ 110.101, 110.102, 110.103 and 110.105(a)(7) respectively; and §§ 110.94, 110.96, 110.97 and 110.110(c) are renumbered §§ 110.89, 110.88, 110.87 and 110.90, respectively.

SUBPART J—HEARINGS

(40) In response to comments, former § 110.93(d), new § 110.103(d), is revised by deleting the requirement for filing 20 conformed copies; and former § 110.94 (b) and (c), new § 110.89 (b) and (c), is revised by decreasing the time periods to correspond with standard requirements in domestic licensing proceedings.

(41) The comment that the Commission permit interrogatories is not accepted, since, as noted earlier, hearings have a legislative rather than an adjudicatory format. Instead, former § 110.104, new § 110.106, is revised to make clear that participants may address written or oral questions to the Commission or other presiding officer who may refer them to other participants for response.

Although several commentors suggested deletion of former § 110.104(c), new § 110.106(c), concerning import licensing hearings, the Commission is retaining it, as clarified, since it provides an option for according additional procedural rights in certain cases.

(42) In response to several comments, former § 110.105, new § 110.107, is revised by deleting the requirement in paragraph (a) for advance filing of rebuttal testimony; by relettering former paragraph (b) as new paragraph (f); and by inserting new paragraphs (c) and (d) permitting members of groups to testify in their individual capacities and participants to present their own witnesses.

The suggestion that the Commission grant subpoenas at the request of a participant is not adopted. Although the Commission is authorized to issue subpoenas on its own motion (see section 161c. of the Atomic Energy Act), the grant of subpoenas on request would be inconsistent with the legislative format established by these regulations for hearings.

(43) In response to several comments, former § 110.107, new § 110.109, is revised by changing paragraph (a) to require that, when the Commission is not the presiding officer, all motions must be filed initially with the presiding officer and all written motions served on the participants; and by changing the time limit in paragraph (b) to conform with standard practices in domestic licensing.

(44) In response to several comments, former § 110.110, new § 110.113, is revised by changing paragraph (a) to provide for a written Commission opinion after a hearing; by transferring former paragraph (c) to Subpart I and making it new § 110.90; and by making clear in new paragraph (d) that the Commission may act at any time on a license application when the requirements in that paragraph are met.

SUBPART K—SPECIAL PROCEDURES FOR CLASSIFIED INFORMATION IN HEARINGS

(45) One commentor suggested that Subpart K limited the flow of classified information between the Executive Branch and the Commission. The Commission believes that neither the filing of a hearing request or intervention petition nor the granting of these should imply any limit on the flow of classified information, and this subpart has been revised accordingly. Section 110.120 is also clarified to indicate that, whether or not a hearing is conducted, classified information should be declassified to the maximum extent feasible, and, to the extent consistent with classification requirements, public statements by the Executive Branch will reflect consideration of any classified information. This is reaffirmed in § 110.125, incorporating former § 110.121.

(46) In response to a comment, former § 110.122, new § 110.121, is revised by clarifying procedures for obtaining access to classified information. The distinction between access to classified information introduced and not introduced into a hearing is retained.

(47) In response to a comment, former § 110.124, new § 110.123, is revised by clarifying that, when a participant does not intend to introduce classified information into a hearing, a notice of intent should not be filed.

(48) In response to a comment, former § 110.125, new § 110.123(a), is revised by clarifying that a hearing participant must file a notice of intent to introduce classified information at the earliest possible time after the hearing notice.

(49) One commentor questioned the need for paragraphs (b) and (c) of former § 110.126, new § 110.125 (b)(2) and (b)(3), and recommended deletion. These paragraphs are clarified but remain essentially unchanged. They simply note that all participants should attempt to ensure that any classified information introduced in a hearing is, to the extent consistent with classification requirements, declassified and reflected in the public hearing record.

(50) In response to a comment, § 110.127 is deleted as unnecessary. The Commission will, in any event, give appropriate weight to any classified information, whether or not it is introduced into a hearing.

SUBPART L—RULEMAKING CONCERNING THE REGULATIONS IN THIS PART

(51) Subpart L has been clarified to make it consistent with the changes to other subparts.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following new Part 110, together with conforming changes, to Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification.





The conforming changes are as follows:

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

10 CFR Part 2 is amended as follows:

1. The title of 10 CFR Part 2 is changed to read, "Rules of Practice for Domestic Licensing Proceedings";

§ 2.1 [Amended]

2. In § 2.1 of 10 CFR Part 2, the phrase ", other than export and import licensing proceedings described in Part 110," is inserted after the words "all proceedings";

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PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

10 CFR Part 30 is amended as follows:

3. The title of 10 CFR Part 30 is changed to read, "Rules of General Applicability to Domestic Licensing of Byproduct Material";

§ 30.1 [Amended]

4. In § 30.1 of 10 CFR Part 30, the word "domestic" is inserted before the word "licensing" in both places where the latter word appears;

§ 30.3 [Amended]

5. In § 30.3, the word "or" is inserted before the word "use" and the phrase ", import or export" is deleted;

§ 30.4 [Amended]

6. In the introductory sentence of § 30.4 and in § 30.4(b), the term "Parts 31-36" is changed to "Parts 31-35";

7. In § 30.4(l), the phrase "part and Parts 31-35 of this" is inserted before the word "chapter";

8. In § 30.4(q), the term "Parts 31-36" is changed to "Parts 31-35";

§ 30.5 [Amended]

9. In § 30.5, the term "Parts 31-36" is changed to "Parts 31-35";

§30.6 [Amended]

10. In § 30.6, the term "Parts 31-36" is changed to "Parts 31-35";

§ 30.11 [Amended]

11. In § 30.11(a), the term "Parts 31-36" is changed to "Parts 31-35" and the footnote is deleted from the title;

§ 30.12 [Amended]

12. In § 30.12, in the first and last sentences, the word "or" is inserted between the words "possesses," and "uses" and the phrase ", imports, or exports" is deleted in these sentences;

§ 30.13 [Amended]

13. In § 30.13, the term "Parts 31-36" is changed to "Parts 31-35";

§ 30.14 [Amended]

14. In § 30.14(a), the term "Parts 31-36" is changed to "Parts 31-35";

15. In § 30.14(c), the word "and" is inserted before the number "34" and the term "and 36" is deleted;

30.15 [Amended]

16. In § 30.15(a), the word "import" is deleted and the words "initially transfer" are inserted in its place; the word "exports," is deleted; and the term "30-36" is changed to "30-35";

17. In § 30.15(b), the word "import" is deleted and the words "initially transfer" are inserted in its place;

§30.16 [Amended]

18. In § 30.16, the term "30-36" is changed to "30-35"; the word "exports," is deleted; the word "imported" is deleted and replaced with the words "initially transferred"; and the word "import" is deleted and replaced with the phrase "initial transfer for sale or distribution";

§ 30.18 [Amended]

19. In § 30.18(c), the phrase "for purposes of commercial distribution" is inserted after the word "authorize" and deleted after the phrase "import of byproduct material" and the word "import" is deleted and replaced with the word "transfer";

20. In § 30.18(d), the words "import or" are deleted;

§ 30.19 [Amended]

21. In § 30.19(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or initially transfer for sale or distribution" is inserted after the former phrase; the phrase ", or who import such products" and the words "exports" and "imported," are deleted; the term "30-36" is changed to "30-35"; the word "initially" is inserted before the phrase "transferred in accordance with"; and the word "initial" is inserted before the word "transfer";

22. In § 30.19(b), the phrase "or to import" is deleted;

§ 30.20 [Amended]

23. In § 30.20(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or initially transfer for sale or distribution" is inserted after the former phrase; the phrase "or who import such products" and the words "exports," and "imported," are deleted; the term "30-36" is changed to "30-35"; the word "initially" is inserted before the phrase "transferred in accordance with"; and the word "initial" is inserted before the word "transfer";

24. In § 30.20(b), the phrase "to import or" is deleted and the word "initially" is inserted before the words "transfer" and "transferred";

§ 30.31 [Amended]

25. In § 30.31, the term "Parts 32-36" is changed to "Parts 32-35";

§ 30.32 [Amended]

26. In § 30.32(d), the term "Parts 32-36" is changed to "Parts 32-35";

§ 30.33 [Amended]

27. In § 30.33(a)(4), the term "Parts 32-36" is changed to "Parts 32-35";

§ 30.34 [Amended]

28. In § 30.34, the term "Parts 31-36" is changed everywhere it occurs to "Parts 31-35";

29. In § 30.34(c), the word "and" is inserted after the word "own," and the words ", and import" are deleted.

§ 30.39 [Amended]

30. In § 30.39, the term "Parts 32-36" is changed to "Parts 32-35";

§ 30.41 [Amended]

31. In § 30.41(b), paragraph (b)(6) is renumbered (b)(7) and a new paragraph (b)(6) is added to read: "(6) To a person abroad pursuant to an export license issued under Part 110 of this chapter";

§ 30.51 [Amended]

32. In § 30.51, the term "Parts 31-36" is changed everywhere it occurs to "Parts 31-35";

33. In § 30.51 (a) and (c), the word "export," is deleted;

34. In § 30.51(c), paragraph (c)(2) is deleted and reserved;

§ 30.53 [Amended]

35. In § 30.53, the term "parts 31-36" is changed to "Parts 31-35";

§ 30.54 [Amended]

36. In § 30.54(a), the words "or export" are deleted;

37. In § 30.54(b), the word "and" is inserted before paragraph (2), a period is inserted to replace the semicolon after the word "use" at the end of paragraph (2), and paragraphs (3) and (4) are deleted and reserved;

§ 30.55 [Amended]

38. In § 30.55(c), the phrase ", import, or export" is deleted;

39. In § 30.555(e), a period is inserted to replace the semicolon after the word "use" in paragraph (1) and paragraphs (2) and (3) are deleted and reserved;

§ 30.61 [Amended]

40. In § 30.61(a), the term "Parts 31-36" is changed to "Parts 31-35";

## PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

10 CFR Part 31 is amended as follows:

40a. The title of 10 CFR Part 31 is changed to "General Domestic Licenses for Byproduct Material";

§ 31.2 [Amended]

41. In § 31.2 of 10 CFR Part 31, the term ", and 36" is deleted and word "and" is inserted before the number "21";

§ 31.5 [Amended]

42. In § 31.5(b), the word "imported" is deleted and replaced with the words "initially transferred";

43. In § 31.5(c)(7) the phrase "without a specific license pursuant to Parts 30 and 36 of this chapter authorizing such export" is deleted and replaced with the phrase "except in accordance with Part 110 of this chapter";

§ 31.7 [Amended]

44. In § 31.7(a), the word "imported" is deleted and replaced with the words "initially transferred";

45. In § 31.7(d), the phrase "except in accordance with the provisions of Part 36 of this chapter" is deleted;

§ 31.8 [Amended]

46. In § 31.8(b), the phrase "or initially transferred" is inserted after the word "manufactured" and the phrase "to the manufacturer or importer of the sources" is deleted;

47. In § 31.8(c)(2), the word "importer" is deleted and replaced with the words "initial transferor";

§ 31.10 [Amended]

48. In § 31.10(a), the word "imported" is deleted and replaced with the words "initially transferred";

## PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

10 CFR Part 32 is amended as follows:

49. The title of 10 CFR Part 32 is changed to read, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material";

50. In the index to Part 32, in § 32.14, the word "import" is deleted and replaced with the words "initially transfer";

51. In the index to Part 32, in § 32.16, the words "import or" are deleted;

52. In the index to Part 32, in § 32.17, the word "import" is deleted and replaced with the words "initially transfer";

53. In the index to Part 32, in § 32.22, the word "import" is deleted and the word "initially" is inserted before the word "transfer";

54. In the index to Part 32, in § 32.25, the words "import or" are deleted;

55. In the index to Part 32, in § 32.26, the word "import" is deleted and the word "initially" is inserted before the word "transfer";

56. In the index to Part 32, in § 32.29, the words "import or" are deleted;

57. In the index to Part 32, in § 32.51, the title is changed to "Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture or initially transfer.";

57a. In the index to Part 32, a new § 32.51a is inserted entitled "Same: conditions of licenses.";

58. In the index to Part 32, in § 32.53, the word "import" is deleted and replaced with the words "initially transfer";

59. In the index to Part 32, in § 32.57, the word "import" is deleted and replaced with the words "initially transfer";

60. In the index to Part 32, in § 32.61, the word "import" is deleted and replaced with the words "initially transfer";

§ 32.1 [Amended]

61. In § 32.1(a) of 10 CFR Part 32, the words ", distribute or import" are deleted and replaced with the words "or initially transfer" and the words "sale or" are inserted before the word "distribution";

§ 32.14 [Amended]

62. In the title of § 32.14, the word "import" is deleted and replaced with the words "initially transfer";

63. In § 32.14, in the introductory clause, the word "import" is deleted and replaced with the phrase "initially transfer for sale or distribution";

63a. In § 32.14(b)(6), the word "importer" is deleted and replaced with the words "initial transferor";

§ 32.15 [Amended]

64. In § 32.15(d), the word "importer" is deleted and replaced with the words "initial transferor";

§ 32.16 [Amended]

65. In the title of § 32.16, the words "import or" are deleted;

66. In § 32.16, the phrase "imported for sale or distribution or" is deleted and the words "imported or transferred" and "imports or" are deleted everywhere they occur;

§ 32.17 [Amended]

67. In the title of § 32.17, the word "import" is deleted and replaced with the words "initially transfer";

68. In § 32.17, in the introductory clause, the word "import" is deleted and replaced with the words "initially transfer";

69. In § 32.17(c)(1), the word "imported" is deleted and replaced with the words "initially transferred";

§ 32.18 [Amended]

70. In § 32.18, the word "import," in the introductory sentence, is deleted;





§ 32.22 [Amended]

71. In § 32.22, in the title, the word "import," is deleted and the word "initially" is inserted before the word "transfer";

72. In § 32.22(a), the phrase "or to import" is deleted and the word "initially" is inserted before the word "transfer";

73. In § 32.22(a)(2)(x), the word "importer" is deleted and replaced with the words "initial transferor";

§ 32.25 [Amended]

74. In § 32.25, the words "imports or" in the title are deleted;

75. In § 32.25(b), the word "importer" is deleted and replaced with the words "initial transferor";

76. In § 32.25(c), the phrase "imported for sale or distribution or" is deleted; the words "imported or transferred" in the numbered subparagraphs are deleted; and the words "imports or" are deleted;

§ 32.26 [Amended]

77. In § 32.26, the word "import," in the title, is deleted and the word "initially" is inserted before the word "transfer";

78. In § 32.26, in the introductory sentence, the phrase "or to import" is deleted and the word "initially" is inserted before the word "transfer";

79. In § 32.26(b)(10), the word "importer" is deleted and replaced with the words "initial transferor";

§ 32.29 [Amended]

80. In § 32.29, in the title, the words "imports or" are deleted;

81. In § 32.29(b), the word "importer" is deleted and replaced with the words "initial transferor";

82. In § 32.29(c) the phrase "imported for sale or distribution or" is deleted; the words "imported or transferred" in the numbered subparagraphs are deleted; and the words "imports or" are deleted;

§ 32.40 [Amended]

83. In § 32.40, the word "import" is deleted in the introductory sentence and replaced with the words "initially transfer";

§ 32.51 [Amended]

84. In § 32.51, the words ", import or distribute", in the title, are deleted and replaced with the words "or initially transfer";

85. In § 32.51(a), the words ", import, or distribute" are deleted and replaced with the words "or initially transfer";

86. In § 32.51(a)(3)(iii), in the main text and in footnote 1, the words ", importer, or distributor" are deleted and replaced with the words "or initial transferor";

§ 32.52 [Amended]

87. In § 32.52, in the introductory sentence, the word "distribute" is deleted and replaced with the words "initially transfer";

§ 32.53 [Amended]

88. In § 32.53, in the title and in the introductory sentence, the word "import" is deleted and replaced with the words "initially transfer";

§ 32.54 [Amended]

89. In § 32.54 (a) and (b), the word "import" is deleted and replaced with the words "initially transfer" and the word "importer" is deleted everywhere it occurs, including the footnote, and replaced with the words "initial transferor";

§ 32.57 [Amended]

90. In § 32.57, the word "import" is deleted in the title and the introductory sentence and replaced with the words "initially transfer";

§ 32.58 [Amended]

91. In § 32.58, the word "importer" is deleted and replaced with the words "initial transferor";

§ 32.61 [Amended]

92. In § 32.61, the word "import" is deleted in the title and the introductory sentence and replaced with the words "initially transfer";

§ 32.62 [Amended]

93. In § 32.62, the introductory sentence is deleted;

## PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

10 CFR Part 33 is amended as follows:

94. The title of 10 CFR Part 33 is changed to "Specific Domestic Licenses of Broad Scope for Byproduct Material";

§ 33.11 [Amended]

95. In §§ 33.11(a), (b) and (c) of 10 CFR Part 33, the word "and" is inserted between the words "use" and "transfer" and the words ", and import" are deleted;

## PART 36—[RESERVED]

96. 10 CFR Part 36 is deleted in its entirety and reserved;

## PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

10 CFR Part 40 is amended as follows:

97. The title of 10 CFR Part 40 is changed to "Domestic Licensing of Source Material";

98. In the index to Part 40, § 40.23 is deleted and reserved;

99. In the index to Part 40, § 40.24 is deleted and reserved;

100. In the index to Part 40, § 40.33 is deleted and reserved;

§ 40.1 [Amended]

101. In § 40.1(a) of CFR Part 40, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.3 [Amended]

102. In § 40.3, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.11 [Amended]

103. In § 40.11, the word "or" is inserted between the words "transfers" and "delivers" in both places where these words appear and the phrase ", or imports into or exports from the United States" is deleted in both places where it appears;

§ 40.13 [Amended]

104. In § 40.13(a), the word "or" is inserted before the word "delivers" and the phrase ", or imports into or exports from the United States" is deleted;

105. In § 40.13(b), the word "or" is inserted before the word "transfers"; the phrase ", or imports into the United States" is deleted; and the last sentence is deleted;

106. In § 40.13(c), in the introductory sentence, the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted; and in subparagraph (7)(ii) the word "or" is inserted before the word "transfer" and the phrase ", or import into the United States" is deleted;

107. In § 40.13(d), the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted;

§ 40.21 [Amended]

108. In § 40.21, the words "import, export" are deleted;

§ 40.22 [Amended]

109. In § 40.22(a), the last clause beginning with the words "; and provided further" is deleted and a period is inserted to replace the semicolon after the word "year";

§ 40.23 [Deleted]

110. § 40.23 is deleted in its entirety and reserved;

§ 40.24 [Deleted]

111. § 40.24 is deleted in its entirety and reserved;

§ 40.25 [Amended]

112. In § 40.25(b), the words, "imported either" are deleted and replaced with the words "initially trans-

ferred"; and the phrases "to the manufacturer or importer of the products or devices" and "to the manufacturer" appearing before the phrase "by an Agreement State" are deleted;

113. In § 40.25(d), paragraph (5) is deleted and reserved;

§ 40.31 [Amended]

114. In § 40.31(a), the phrase ", or on Form NRC-7, 'Application for License to Export Byproduct or Source Material,' as appropriate" is deleted;

§ 40.32 [Amended]

115. In § 40.32, in the introductory sentence, the phrase "for purposes other than export" is deleted;

§ 40.33 [Deleted]

116. § 40.33 is deleted in its entirety and reserved;

§ 40.34 [Amended]

117. In § 40.34, paragraph sign (a) and the introductory sentence are deleted; and subparagraph (1) is changed to paragraph (a) and the following paragraphs and subparagraphs are relettered and renumbered accordingly;

118. In § 40.34(a)(1), the phrase "or to import" is deleted and the word "initially" is inserted before the word "transfer";

§ 40.35 [Amended]

119. In § 40.35, paragraph sign (a) is deleted and the following paragraphs and subparagraphs are relettered and renumbered accordingly; in paragraph (a), the letter (a) in "§ 40.34(a)" is deleted; and in § 40.35(a)(2)(i), the word "importer" is deleted and replaced with the words "initial transferor", and the word "imported" is deleted and replaced with the words "initially transferred";

§ 40.41 [Amended]

120. In § 40.41(c), the word "and" is inserted after the word "possess" and the words "and import" are deleted;

121. In § 40.41(e), the word "and" is inserted after the word "use" and the phrase ", import and export" is deleted;

§ 40.45 [Amended]

122. In § 40.45, a "§" sign before the number "40.32" is deleted and the term "and 40.33" is deleted;

§ 40.51 [Amended]

123. In § 40.51(b), paragraph (b)(6) is renumbered (b)(7) and a new paragraph (b)(6) is added to read: "(6) To any person abroad pursuant to an export license issued under Part 110 of this chapter;";

§ 40.61 [Amended]

124. In § 40.61(a), the word "export," is deleted;

125. In § 40.61(c), the word "export," is deleted from paragraph (1) and paragraph (2) is deleted and reserved;

§ 40.64 [Amended]

126. In § 40.64(a), the phrase "and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c), and (d)," is deleted;

§ 40.90 [Deleted]

127. § 40.90 is deleted in its entirety and reserved and the word "Schedule" above it is deleted;

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## PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

10 CFR Part 50 is amended as follows:

128. The title of 10 CFR Part 50 is changed to "Domestic Licensing of Production and Utilization Facilities";

129. In the index to Part 50, § 50.65 is deleted and reserved and the words "Export Licenses" above it are deleted;

§ 50.2 [Amended]

130. In § 50.2 of 10 CFR Part 50, paragraph (d) is deleted and reserved.

§ 50.10 [Amended]

131. In § 50.10(a), the word "or" is inserted before the word "use" and the phrase ", import, or export" is deleted;

§ 50.21 [Amended]

132. In § 50.21, in the introductory sentence the word "or" is inserted before the word "use" and the phrase ", import, or export under the terms of an agreement for cooperation" is deleted;

§ 50.22 [Amended]

133. In § 50.22, paragraph sign (a) is deleted; the word "or" is inserted after the word "possess"; and the phrase ", import, or export under the terms of an agreement for cooperation," is deleted;

§ 50.38 [Amended]

134. In § 50.38, the phrase "except a license authorizing export only pursuant to an agreement for cooperation" is deleted;

§ 50.53 [Amended]

135. In § 50.53, the phrase "except insofar as the export of production of utilization facilities is authorized" is deleted;

§ 50.65 [Deleted]

136. § 50.65 is deleted in its entirety and reserved and the words "Export Licenses" above it are deleted;

## PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

10 CFR Part 51 is amended as follows:

§ 51.5 [Amended]

137. In § 51.5(d)(3) of 10 CFR Part 51, the word ", or" before the number "100" is deleted and the words ", or 110" after the number "100" are added.

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## PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

10 CFR Part 70 is amended as follows:

138. The title of 10 CFR Part 70 is changed to "Domestic Licensing of Special Nuclear Material";

139. In the index to Part 70, in § 70.39, the word "import" is deleted and replaced with the words "initial transfer";

§ 70.1 [Amended]

140. In § 70.1(a) of 10 CFR Part 70, the words "and initially" are inserted after the word "use" and the phrase ", import, and export" is deleted;

§ 70.3 [Amended]

141. In § 70.3, the word "or" is inserted before the word "transfer" and the phrase ", import or export" is deleted;

§ 70.11 [Amended]

142. In § 70.11, the word "or" is inserted before the word "transfers" in the introductory sentence and in subsection (c), and the phrase ", imports or exports" is deleted in the introductory sentence and in subsection (c);

§ 70.15 [Reserved]

143. § 70.15 is deleted in its entirety and reserved;

§ 70.19 [Amended]

144. In § 70.19(b), the words "or initially transferred" are inserted after the word "manufactured," and the phrases "by the Commission or the Atomic Energy Commission to the manufacturer or importer of the sources" and "to the manufacturer" are deleted;

145. In § 70.19(c)(2), the word "Importer" is deleted and replaced with the words "initial transferor";

§ 70.22 [Amended]

146. In § 70.22, in subsection (a), the phrase ", other than an application for a license authorizing export only" is deleted, and subsection (c) is deleted and reserved;

§ 70.23 [Amended]

147. In § 70.23(a), the phrase ", other than a license for export," is deleted;





§ 70.31 [Amended]

148. In § 70.31, subsection (e) is deleted and reserved;

149. In § 70.32(b), in the introductory sentence the word "and" is inserted before the word "transfer" and the phrase ", import and export" is deleted;

§ 70.39 [Amended]

150. In § 70.39, in the title and in subsection (a), the word "import" is deleted and replaced with the words "initial transfer" and "initially transfer" respectively;

151. In § 70.39(b), the word "Importer" is deleted and replaced with the words "initial transferor";

§ 70.41 [Amended]

152. § 70.41(c) is deleted in its entirety and reserved;

§ 70.42 [Amended]

153. In § 70.42(b), paragraph (b)(6) is renumbered (b)(7) and a new paragraph (b)(6) is added to read: "(6) To any person abroad pursuant to an export license issued under Part 110 of this chapter;";

§ 70.51 [Amended]

154. In § 70.51(b), in paragraph (1), the words "import, export," are deleted; in paragraph (3) the word "or" is inserted before the word "physical" and the words ", or import" and "or export" are deleted; and paragraph (4) is deleted and reserved;

§ 70.54 [Amended]

155. In § 70.54, the following sentence is inserted after the first sentence: "Each licensee who receives such material from a foreign source shall complete both the suppliers and receivers portion of Form NRC-741; perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and indicate the results of these tests on the receivers portion of the form.";

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## PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.1 [Amended]

156. In § 73.1(b)(2), the words "and Part 110" are inserted after the words "Part 70";

§ 73.36 [Amended]

157. In § 73.36(b), a new paragraph (3) is added as follows: "The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A, shall be notified immediately if entry of any shipment authorized by an import license is refused by the U.S. Customs Service;

158. New Part 110 is added as follows:

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## PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

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110.2 Definitions.
110.3 Interpretations.
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110.120 Purpose and scope.
110.121 Security clearances and access to classified information.
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### Subpart L—Rulemaking

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AUTHORITY: Secs. 51, 53, 62, 63, 64, 65, 81, 82, 103, 104, 161, 181, 182, 183, 189, Pub. L. 83-703, 68 Stat. 929, 930, 932, 933, 936, 937, 948, 953, 954, 956, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2201, 2231, 2232, 2233, 2239); secs. 201, as amended, 202, 206, Pub. L. 93-438, 88 Stat. 1242, 1244, 1246, Pub. L. 94-79, 89 Stat. 413-414 (42 U.S.C. 5841, 5842, 5846).

Sec. 110.50 also issued under sec. 184, Pub. L. 83-703, 68 Stat. 954, as amended (42 U.S.C. 2234); sec. 110.52 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 2238).

For the purposes of sec. 223, Pub. L. 83-703, 68 Stat. 958, as amended (42 U.S.C. 2273), secs. 110.50 and 110.120-110.126 also issued under sec. 161i., Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(i)), and sec. 110.53 also issued under sec. 161o., Pub. L. 83-703, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Secs. 110.80-110.113 also issued under 5 U.S.C. 552, 554; secs. 110.130-110.135 also issued under 5 U.S.C. 553.

### Subpart A—General Provisions

**§ 110.1 Purpose and scope.**

(a) The regulations in this part apply to all persons in the United States including persons in Agreement States, and prescribe procedures and standards, pursuant to the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974, as amended, for the export and import of utilization facilities, special nuclear material, source material and byproduct material.

(b) These regulations do not apply to the export or import of nuclear facilities, material or technology by the Departments of Energy and Defense under the authority of sections 54, 57b., 64, 82, 91 and 144b. and 144c. of the Atomic Energy Act.

(c) These regulations contain no authority for the export or import of production facilities.

**§ 110.2 Definitions.**

(a) "Agreement for cooperation" means any agreement with another nation or group of nations concluded under section 123 of the Atomic Energy Act.

(b) "Agreement State" means any State of the United States with which the Nuclear Regulatory Commission, or its predecessor, the Atomic Energy Commission, has entered into an agreement under section 274b. of the Atomic Energy Act.

(c) "Atomic Energy Act" means the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).

(d) "Byproduct material" means radioactive material (except special nuclear material) produced by exposure to the radiation incident to the process of producing or using special nuclear material.

(e) "Classified information" means National Security Information classified pursuant to Executive Order No. 11652 or any superseding order.

(f) "Commission" means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(g) "Common defense and security" means the common defense and security of the United States.

(h) "Department of Energy" means that Government agency succeeding to the Energy Research and Development Administration's nuclear export and import responsibilities.

(i) "Depleted uranium" means uranium in which the isotope uranium-235 is less than 0.711 percent by weight of the total uranium present.

(j) "Effective kilograms of special nuclear material" means:

(1) For plutonium and uranium-233, their weight in kilograms;

(2) For uranium enriched 1 percent or greater in the isotope U-235, its element weight in kilograms multiplied by the square of its enrichment expressed as a decimal weight fraction; and

(3) For uranium enriched below 1 percent in the isotope U-235, its element weight in kilograms multiplied by 0.0001.

(k) "Energy Reorganization Act" means the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801).

(l) "Executive Branch" means those United States government agencies, other than the Commission, which are not part of the Legislative or Judicial Branches.

(m) "Export" means export from the United States.

(n) "General license" means an export or import license effective without the filing of a specific application with the Commission or the issuance of licensing documents to a particular person.

(o) "Government agency" means any Executive Branch department, commission, independent establishment or corporation, wholly or partly owned by the United States and which is an instrumentality of the United States.

(p) "Import" means import into the United States.

(q) The phrase "introduced into a hearing" means the introduction or incorporation of testimony or documentary matter into the record of a hearing.

(r) "License" means a general or specific export or import license issued pursuant to this part.

(s) "Licensee" means a person authorized by a specific or a general license to export or import pursuant to this part.

(t) "Non-nuclear-weapon State" means any State not a nuclear-weapon State as defined in the Treaty on the Non-Proliferation of Nuclear Weapons. "Nuclear-weapon State" means any State which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

(u) "NRC records" means any documentary material made by, in the possession of, or under the control of the Commission under Federal law or in connection with the transaction of public business as evidence of any of the Commission's activities.

(v) "Nuclear reactor" means an apparatus, other than an atomic weapon or nuclear explosive device, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(w) "Packaging" means one or more receptacles and wrappers and their contents, excluding any special nuclear material, source material or byproduct material, but including absorbent material, spacing structures, thermal insulation, radiation shielding, devices for cooling and for absorbing mechanical shock, external fittings, neutron moderators, nonfissile neutron absorbers and other supplimentary equipment.

(x) "Participant" means a person, identified in the hearing notice or other Commission order, taking part in a hearing conducted by the Commission under this part, including any person to whom the Commission grants a hearing or leave to intervene in an export or import licensing hearing, either as a matter of right or as a matter of discretion.

(y) "Person" means any individual, corporation, partnership, firm association, trust, estate, institution, group, Government agency other than the Commission or the Department of Energy; any State or political entity within a State; any foreign government or political entity of such government; and any authorized representative of the preceding.

(z) "Public Document Room" means the place at 1717 H Street NW., Washington, D.C. where public records of the Commission are ordinarily available for inspection.

(aa) "Public health and safety" means the public health and safety of the United States.

(bb) "Reactor coolant pressure boundary" means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors such as pressure vessels, piping, pumps and valves, which are:

(1) Part of the reactor coolant system; or

(2) Connected to the reactor coolant system, up to and including (i) the outermost containment isolation valve in system piping which penetrates primary reactor containment; (ii) the second of two valves normally closed during normal reactor operation in system piping which does not penetrate primary reactor containment; and (iii) the reactor coolent system safety and relief valves. For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

(cc) "Reexport" means the transport from one foreign country to another of a utilization facility, special nuclear material, source material or byproduct material previously exported from the United States.

(dd) "Sealed source" means any special nuclear material or byproduct material encased in a capsule designed to prevent leakage or escape of that nuclear material.

(ee) "Secretary" means the Secretary of the Commission.

(ff) "Source material" means:

(1) Uranium or thorium, other than special nuclear material; or





(2) Ores which contain by weight 0.05 percent or more of uranium or thorium, or any combination of these.

(gg) "Special nuclear material" means plutonium, uranium-233 or uranium enriched above 0.711 percent by weight in the isotope uranium-235.

(hh) "Specific license" means an export or import license issued to a named person or entity upon an application filed pursuant to this part.

(ii) "Transfer" means the transfer of possession from one person to another person.

(jj) "Transport" means the physical movement of material from one location to another.

(kk) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone, and Puerto Rico.

(ll) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

**§ 110.3 Interpretations.**

Except as authorized by the Commission in writing, only the written interpretations of the meaning of the regulations in this part by the Commission's General Counsel are binding upon the Commission.

**§ 110.4 Communications.**

Unless otherwise specified in this part, all communications concerning this part should be addressed to the Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered in person to the Commission's offices at 1717 H Street NW., Washington, D.C. or 7735 Old Georgetown Road, Bethesda, Md.

**§ 110.5 License requirements.**

Except as exempted under this part, no person may export or import a utilization facility, special nuclear material, source material or byproduct material, other than as authorized by a specific or general license issued pursuant to this part.

**§ 110.6 Reexport.**

(a) No person may reexport a utilization facility, special nuclear material, source material or byproduct material unless:

(1) At the time of the original export, the material could have been exported to the new country of ultimate destination under the authority of an exemption from licensing requirements or of a general license; or

(2) The reexport has been specifically authorized by the Department of Energy in response to a request submitted by the original license applicant or by the foreign consignee or government.

(b) Reexport requests shall be sent to the Department of Energy, Office of Nuclear Affairs, International Programs, Washington, D.C. 20545.

### Subpart B—Exemptions

**§ 110.10 General.**

(a) In response to a petition or upon its own initiative, the Commission may grant an exemption from the regulations in this part, provided it determines that the exemption is authorized by law, is not inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety.

(b) Exemptions under the provisions of the Atomic Energy Act will be granted only after coordination with the Executive Branch pursuant to Executive Order 11902 and after completion of rulemaking proceedings pursuant to Subpart L of this part.

(c) Exemptions do not relieve any person from complying with the regulations of other Government agencies applicable to exports or imports under their authority.

***§ 110.10 Prime contractors of the Department of Energy.**

Any prime contractor of the Department of Energy is exempt from the requirements of sections 53, 62 and 81 of the Atomic Energy Act and from the regulations in this part to the extent that the contractor, under his prime contract, exports or imports special nuclear material, source material or byproduct material for:

(a) The performance of work for a Department of Energy activity not licensed by the Commission at a Government-owned or controlled site, including the transportation of such material to or from the site and the performance of contract services during temporary interruptions of the transportation;

(b) Research in, or development, manufacture, storage, testing or transportation of atomic weapons or their components; or

(c) The use or operation of nuclear reactors or other nuclear devices in a Government-owned vehicle or vessel.

**§ 110.12 Intergovernmental cooperative activities.**

Government agencies are exempt from the requirements of section 53 of the Atomic Energy Act and from the regulations in this part to the extent that they export, at any one time, up to 3 grams of any type of special nuclear material for use in activities authorized by an intergovernmental cooperative agreement between the United States and a foreign nation, group of nations or international organization, provided the Commission is notified of the destination and purpose of the export.

**§ 110.13 Export of byproduct material.**

Any person is exempt from the requirements of section 81 of the Atomic Energy Act and from the regulations in this part to the extent that such person exports the following:

(a) Timepieces or hands or dials containing not more than the following specified quantities of byproduct material and not exceeding the following specified levels of radiation:

(1) 25 millicuries of tritium per timepiece;

(2) 5 millicuries of tritium per hand;

(3) 15 millicuries of tritium per dial (bezels will be considered as part of dial);

(4) 100 microcuries of promethium-147 per watch hand or 200 microcuries of promethium-147 per any other timepiece;

(5) 20 microcuries of promethium-147 per watch hand or 40 microcuries of promethium-147 per other timepiece hand;

(6) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per other timepiece dial (bezels will be considered as part of the dial);

(7) The levels of radiation from hands and dials containing promethium-147, when measured through 50 milligrams per square centimeter of absorber, will not exceed 0.1 millirad per hour at 10 centimeters from any surface for wrist watches; 0.1 millirad per hour at 1 centimeter from any surface for pocket watches; and 0.2 millirad per hour at 10 centimeters from any surface for any other timepiece;

(b) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber;

(c) Precision balances containing not more than 1 millicure of tritium per balance or nor more than 0.5 millicurie of tritium per balance part;

(d) Automobile shift quadrants containing not more than 25 millicuries or tritium;

(e) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas;

(f) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat;

(g) Electron tubes,[1] provided that no

[1] For purposes of this subparagraph "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

tube has a level of radiation exceeding 1 millirad per hour at 1 centimeter from any surface, when measured through 7 milligrams per square centimeter of absorber, and that no tube contains more than one of the following specified quantities of byproduct material:

(1) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(2) 1 microcurie of cobalt-60;

(3) 5 microcuries of nickel-63;

(4) 30 microcuries of krypton-85;

(5) 5 microcuries of cesium-137; or

(6) 30 microcuries of promethium-147; and

(h) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, byproduct material not exceeding the applicable quantity set forth in § 30.71, Schedule B, of this chapter;

(i) Synthetic plastic resins containing scandium-46 which are designed for sand-consolidation in oil wells and which have been manufactured or otherwise obtained in accordance with a specific license issued pursuant to § 32.17 of this chapter or equivalent regulations of an Agreement State;

(j) Tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced or transferred in accordance with a specific license issued pursuant to § 32.22 of this chapter, provided that the tritium, krypton-85 or promethium-147 is not used in products primarily for frivolous purposes or in toys or adornments; or

(k) Byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards and manufactured, processed, produced or transferred in accordance with a specific license issued pursuant to § 32.26 of this chapter;

(l) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons per hour (11.4 liters per hour).

### § 110.14 Export of unimportant quantities of source material.

Any person is exempt from the requirements of section 62 of the Atomic Energy Act and from the regulations in this part to the extent that such person exports source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than 0.05 percent.

## Subpart C—General Licenses

### § 110.20 General.

(a) In response to a petition or upon its own initiative, the Commission may issue a general license for the export or import of special nuclear material, source material and byproduct material, provided it determines that any exports or imports made pursuant to the general license will not be inimical to the common defense and security or constitute an unreasonable risk to the public health and safety.

(b) General licenses will be issued only after coordination with the Executive Branch pursuant to Executive Order 11902 and after completion of rulemaking proceedings pursuant to Subpart L of this part.

(c) General licenses do not relieve any person from complying with the regulations of other Government agencies applicable to exports or imports under their authority.

### § 110.21 Export of byproduct material.

The following general licenses are hereby issued authorizing any person to export:

(a) The following to any country, except Southern Rhodesia or countries listed in § 110.24:

(1) Byproduct material having an atomic number from 3 to 83, inclusive; or

(2) Tritium contained in luminous safety devices installed in aircraft as generally licensed items pursuant to § 31.7 of this chapter.

(b) Byproduct material having an atomic number from 3 to 83, inclusive, to Southern Rhodesia, to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy.

(c) 5,000 curies of tritium and 5,000 curies of polonium-210 in a calendar quarter to any country, except Southern Rhodesia, Poland or Rumania or countries listed in § 110.24, provided that no more than 1,000 curies of tritium may be exported by any person to any one country in a calendar quarter; that no more than 100 curies of tritium may be exported by any person in a single shipment under this general license; and that the material is in one or more of the following forms or products:

(1) Tritium activitated luminous paint;

(2) Tritium labeled organic compounds;

(3) Tritiated accelerator targets;

(4) Polonium-210 static eliminators;

(5) Polonium-210 neutron sources;

(6) Tritium or polonium-210 calibration standards;

(7) Luminescent light sources;

(8) Tritium sources for chromatography instruments;

(9) Electron tubes; or

(10) Tritium as a contaminant of helium-3 in a concentration not to exceed 2.5 millicuries of tritium per liter of helium-3.

(d) Byproduct material as specified in paragraph (c) to Southern Rhodesia, to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy.

(e) Americium-241 to any country, except Southern Rhodesia, Poland, Rumania or countries listed in § 110.24.

(f) Byproduct material having an atomic number from 3 to 83, inclusive, in labeled organic or inorganic compounds, in quantities up to 1 curie per shipment, to any country listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Southern Rhodesia.

(g) Tritium in labeled organic compounds in quantities up to 100 curies per shipment, to Rumania, Poland, and any country listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Southern Rhodesia.

### § 110.22 Export of source material.

The following general licenses are hereby issued authorizing any person to export:

(a) At any one time up to 1 kilogram of source material to any country, except Southern Rhodesia or countries listed in § 110.24, provided that no more than 100 kilograms per year may be exported by any one person to any one country.

(b) Thorium in incandescent gas mantles to any country, except Southern Rhodesia or countries listed in § 110.24.

(c) Depleted uranium in the form of counterweights installed in aircraft, rockets, projectiles or missiles, to any country, except Southern Rhodesia or countries listed in § 110.24, provided that such counterweights have been manufactured under a specific license issued by the Commission or the Atomic Energy Commission and have been impressed with the following statement, clearly legible after plating: "Depleted Uranium".

(d) Thorium contained in finished aircraft engine parts containing nickel-thoria alloy to any country, except Southern Rhodesia or countries listed in § 110.24, provided that:

(1) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(2) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

(e) Depleted uranium when fabricated as shielding and contained in radiographic exposure or teletherapy devices, X-ray units, radioactive thermoelectric generators or packaging for the transportation of radioactive materials, in quantities up to 1,000 kilograms per shipment to any country, except Southern Rhodesia or countries listed in § 110.24.

(f) Depleted uranium when fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed 500 pounds per device, to Southern Rhodesia, to the extent that such devices are for use in medical diagnosis or therapy.

### § 110.24 Schedule A.

(a) Albania, (b) Bulgaria, (c) Cambodia, (d) Cuba, (e) Czechoslovakia, (f) Estonia, (g) German Democratic Republic (including East Berlin), (h) Hungary, (i) Laos, (j) Latvia, (k) Lithuania, (l) North Korea, (m) Outer Mongolia, (n) Peoples Republic of China, (o) Union of Soviet Socialist Republics, (p) Vietnam.

### § 110.25 General license for import.

A general license is hereby issued authorizing any person to import byproduct material and source material which he is authorized to possess or transfer for sale or distribution in the United States under a specific or general license issued by the Commission or an Agreement State.

## Subpart D—Applications for Specific Licenses

### § 110.30 Filing a license application.

(a) A license application shall be filed with the Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered in person to the Commission's offices at 1717 H Street, NW., Washington, D.C., or 7735 Old Georgetown Road, Bethesda, Md.

(b) An application for the export of special nuclear material, source material and byproduct material should be filed on Form NRC-7.

(c) An application for the export of utilization facilities and for all imports should be submitted by letter.

(d) If an import license application involves material which is intended for subsequent export, applicants may simultaneously apply for the appropriate export license. The issuance of an import license does not imply approval for a subsequent export.

### § 110.31 General requirements for contents of an export license application.

(a) Each application for an export license shall state:

(1) Name and U.S. address of applicant;

(2) Name and address of supplier of material, if different from applicant;

(3) Name and address of ultimate consignee;

(4) Name and address of intermediate consignees;

(5) Date of proposed first shipment;

(6) Date of proposed completion of final shipment;

(7) Contractual delivery dates, if established;

(8) Proposed expiration date of export license; and

(9) End-use of material or equipment by all consignees, intermediate and ultimate, with sufficient detail to permit accurate evaluation of the justification for the proposed export.

(b) Information contained in previous applications may be incorporated by reference.

### § 110.32 Additional requirements for contents of an export license application for a utilization facility.

Each application for a license to export a utilization facility shall contain the following information in addition to the general requirements in § 110.31:

(a) General information:

(1) Type of facility;

(2) Design power level in thermal and (where appropriate) electrical watts;

(3) Name of the facility, if known;

(4) Location where the facility is to be installed or built;

(5) Proposed criticality date or date of start of operation; and

(6) Total dollar value of all items under the proposed export.

(b) A list of structures, systems or components to be exported which are associated with the construction, maintenance and operation of the utilization facility proposed for export and which are in the categories described in paragraphs (b)(1) through (b)(6) of this section. Except for those individually shipped items with a value exceeding $100,000, such list need only identify the items by appropriate category titles.

(1) Reactor coolant pressure boundary: Those structures, systems and components of a nuclear reactor located within or forming a part of the reactor coolant pressure boundary.

(2) Instrumentation: Instrumentation systems for indication, control and protection of a nuclear reactor, including their associated equipment, which are directly associated with structures, systems and components located within or forming part of the reactor coolant pressure boundary and which are normally required for routine startup, power operation, or shutdown of the reactor, or for periodic testing. Portions of other instrumentation systems of the facility mounted in a common panel with the covered systems are included in this category.

(3) Fuel handling equipment: Fuel handling equipment used to load new or recycled fuel into a reactor core, to unload fuel from a reactor core, or to transfer fuel within a reactor facility and place it into a facility provided for onsite storage or into fuel shipping equipment.

(4) Experimental facilities: Experimental facilities whose primary purpose is the irradiation or activation of material by radiation from a nuclear reactor, or which are used with a reactor to provide a source of nuclear radiation for tests or experiments.

(5) Spare or replacement components: Spare or replacement components or parts for items in paragraphs (b)(1) through (b)(4) of this section which are furnished during the duration of the export license as part of the initial purchase or under a warranty from the vendor.

(6) Equipment or tools: Special equipment or tools needed to service, maintain, or replace items in paragraphs (b)(1) through (b)(5) of this section. If equipment or tools in this category are not intended by the applicant to remain with the facility being exported but are intended to be reexported, resold, retransferred, disposed of or returned to the United States, such actions shall be described.

(c) An itemized list of other structures, systems or components to be exported which are associated with the construction, maintenance and operation of the utilization facility proposed for export but which do not fall within the categories listed in paragraph (b) of this section. The itemized list should identify the specific items to be exported and should reflect the commodity control list numbers in the regulations of the Office of Export Administration, U.S. Department of Commerce (see 15 CFR Part 399). (The Commission will determine for each listed item whether it should license the export.)

(d) Identification of any application filed with the Department of Commerce for components of the same facility.

### § 110.33 Additional requirements for contents of an export license application for special nuclear material, source material and byproduct material.

Each application for a license to export special nuclear material, source material or byproduct material shall contain the following, in addition to the general requirements specified in § 110.31:

(a) Any applicable contract number, if known, of material supplied under a Department of Energy enrichment, lease or sale contract;

(b) Where materials are intended for use in a utilization facility, estimated date of first use by ultimate or intermediate consignee;

(c) Chemical and physical form, including, for enriched uranium, the weight percentage of isotopic enrichment, and, for plutonium, the sum of the percentages of P-239 content and Pu-241 content;

(d) Quantity in grams or kilograms (curies for byproduct material) including the total weight of (1) the material in the form exported, (2) the con-

tained uranium or plutonium, and (3) the contained U-235 in enriched uranium; and

(e) For source and special nuclear material, the country of origin, including the country where the special nuclear material was produced.

**§ 110.34 Requirements for contents of an import license application.**

Each application for an import license shall state:

(a) Name and U.S. address of applicant;

(b) Country and facility from which material is being imported;

(c) Name and address of supplier of material;

(d) Destination and ultimate disposition of material (e.g., will material be subsequently exported);

(e) Date of proposed first shipment;

(f) Date of proposed completion of final shipment;

(g) Chemical and physical form, including, for enriched uranium, the weight percentage of enrichment and, for plutonium, the sum of the percentages of Pu-239 content and Pu-241 content; and

(h) Quantity in grams or kilograms including the total weight of (i) the material in the form imported, (ii) the contained uranium or plutonium, and (iii) the contained U-235 in enriched uranium.

(i) Mode of transport and package identification (including IAEA Certificate of Component Authority number).

**§ 110.35 Further information from an applicant.**

(a) The Commission may require further information from the applicant if necessary to complete the review of the application.

(b) Each applicant shall file an amendment to his application whenever there is any substantive change in the information described in his application.

**§ 110.36 Fees.**

No fees are required for export or import licenses.

**§ 110.37 Withdrawal of an application.**

(a) An applicant may withdraw an application at any time.

(b) An applicant shall withdraw an application when it is superseded by a new application or when he no longer intends to use his license if issued.

(c) The withdrawal of an application does not authorize the removal of any NRC record from Commission files.

**Subpart E—Review of Specific License Applications**

**§ 110.40 Commission review.**

(a) Except as the Commission may provide otherwise, applications for the following will be reviewed by the Commissioners after the Commission receives, whenever appropriate, the views of the Executive Branch:

(1) A utilization facility;

(2) 1 effective kilogram or more of special nuclear material, except for routine export license applications for reloads of low-enriched uranium fuel for use in power reactors with respect to which a previous export license to receive fuel has been issued;

(3) 10,000 kilograms or more of source material; and

(4) Any other license application determined by the staff or any Commissioner to warrant review by the Commission.

(b) If the Commission is unable to complete its review within 60 days after receipt of Executive Branch views, or after receipt of the license application when Executive Branch views are not required, it will inform the applicant in writing of the reason for delay and, as appropriate, provide follow-up reports.

**§ 110.41 Executive Branch review.**

(a) Except as provided in paragraph (c), the Commission will forward export license applications to the Department of State (Designated by Executive Order as lead agency for Executive Branch review) requesting Executive Branch views on:

(1) Whether the proposed export would be inimical to the common defense and security, along with relevant supporting information or documentation; and

(2) Where applicable, whether the proposed export would be under the terms of an agreement for cooperation.

(b) The Commission may request the Executive Branch to provide additional information and briefings, both classified and unclassified, as necessary.

(c) The Executive Branch and the Commission have agreed that export license applications in the following categories will not require case-by-case Executive Branch review:

(1) Byproduct material: All types and quantities except tritium in quantities exceeding 100 curies;

(2) Source material: All exports for non-nuclear end-uses, and exports for nuclear end-uses under 250 kilograms;

(3) Low-enriched uranium: 1 Kilogram or less of U-235 in uranium enriched to less than 20 percent in U-235;

(4) High-enriched uranium: 40 effective grams or less of U-235 in uranium enriched to 20 percent or more in U-235 (calculated in accordance with § 70.4 of this chapter); and

(5) Plutonium: 10 grams or less. This paragraph does not apply to exports with end-uses related to uranium enrichment, chemical reprocessing, heavy water production, plutonium handling and breeder reactors, and is subject to other limitations which the Executive Branch or the Commission may, from time-to-time, deem necessary.

**§ 110.42 Standards and procedures for issuing a license.**

(a) After receipt, whenever appropriate, of Executive Branch views, the Commission will issue a license if it determines:

(1) That the proposed export or import would not be inimical to the common defense and security or constitute an unreasonable risk to the public health and safety; and

(2) That the proposed export of a utilization facility or of special nuclear material would be under the terms of an agreement for cooperation, except for a proposed export of up to 100 grams per shipment of special nuclear material which is (i) diluted so that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or (ii) is practicably irrecoverable.

(b) After receipt, whenever appropriate, of Executive Branch views, the Commission may deny a license applicantion if it determines that the proposed export or import does not meet the standards of paragraph (a). The applicant will be notified in writing of the reason for denial or proposed denial.

**Subpart F—License Terms and Related Provisions**

**§ 110.50 Terms.**

(a) General and specific licenses.

(1) Each license is subject to all applicable provisions of the Atomic Energy Act and to all applicable rules, regulations, decisions and orders of the Commission.

(2) Each license is subject to amendment, suspension, revocation or incorporation of separate conditions when required by amendments of the Atomic Energy Act or other applicable law, or by other rules, regulations, decisions or orders issued in accordance with the terms of the Atomic Energy Act or other applicable law.

(3) Each license authorizes export or import only and does not authorize any person to receive title to, acquire, receive, possess, deliver, use or transfer a utilization facility, special nuclear material, source material or byproduct material.

(4) Except for packaging and fuel element hardware, each special nuclear material, source material or byproduct material license authorizes the export or import of the material only.

(b) Specific licenses.

(1) Each specific license will have an expiration date.





(2) Each licensee with a specific license may export or import only for the purpose stated in his license application.

(3) Each licensee with a specific license shall surrender his export license to the U.S. Collector of Customs or U.S. Postmaster, as appropriate, upon completion of shipment of the quantity licensed.

(4) Each licensee with a specific license shall promptly return any license which has expired or is revoked, unused or partially used and not intended to be used further, to the Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5) Each licensee with a specific license authorized to export or import special nuclear material shall not proceed to export or import and shall notify the Commission promptly if he knows or has reason to believe that the packaging requirements of Part 71 of this chapter have not been met.

(6) Each licensee with a specific license authorized to export or import special nuclear material is responsible for compliance with the physical protection requirements of Part 73 of this chapter, unless a domestic licensee of the Commission has assumed that responsibility and the Commission has been so notified.

(7) Each licensee with a specific license authorized to export a utilization facility may export under his license only items specifically required for that utilization facility.

(8) A specific license to export or import a utilization facility confers no authority to export or import any special nuclear material, source material or byproduct material.

(9) A specific license may be transferred, assigned or disposed of to another person only with the approval of the Commission by license amendment.

**§ 110.51 Amendments.**

(a) A licensee may request an amendment to change any part of his license.

(b) A licensee shall request an amendment whenever it is necessary to maintain compliance with the terms, conditions and other provisions of his license.

(c) If a licensee requests an amendment to renew his license within 30 days prior to the scheduled expiration date, the license will remain valid until the Commission has acted on his request.

(d) The Commission will review requests for amendments using, as appropriate, the same procedures and standards as for original license applications.

**§ 110.52 Revocation, suspension and modification.**

(a) A license may be revoked, suspended or modified for a condition which would warrant denial of the original license application.

(b) The Commission may require further information from a licensee for the purpose of determining whether a license should be revoked, suspended or modified.

(c) Except when the common defense and security or public health and safety requires otherwise, no license will be revoked, suspended or modified before the licensee is informed in writing of the condition which warrants such action and afforded the opportunity to reply and be heard under procedures patterned on those in Subpart J.

**§ 110.53 United States address for an applicant; records and inspections.**

(a) Each license applicant shall state on his application an address in the United States where papers may be served and where records required by the Commission will be maintained.

(b) Each licensee shall maintain records concerning his exports or imports for 5 years after each export or import, except that byproduct material records shall be maintained for 2 years.

(c) Each licensee shall permit the Commission to inspect his records, premises and activities pertaining to his export and import shipments when necessary to fulfill the requirements of the Atomic Energy Act and the Energy Reorganization Act.

**Subpart G—Violations and Enforcement**

**§ 110.60 Violations.**

(a) Any licensee who violates any provision of the Atomic Energy Act or Energy Reorganization Act or of any rule, regulation, license, decision or order promulgated under these Acts, may be guilty of a crime, and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

(b) An injunction or other court order may be sought to prohibit any violation.

(c) A court order may be sought for payment of a civil penalty imposed pursuant to section 234 of the Atomic Energy Act or section 206 of the Energy Reorganization Act.

(d) A violation (which may be a material false statement, including a material omission) may result in the revocation, suspension or modification of a license.

**§ 110.61 Notice of violation.**

(a) Before instituting any enforcement action for an alleged violation, including an action to impose a civil penalty, the Commission will serve on the licensee written notice of violation, except as provided in paragraph (d) of this section.

(b) The notice will state the alleged violation and require the licensee to respond in writing, within 20 days or other specified time, either by denying the allegations or stating the corrective steps taken or to be taken and the date when full compliance will be achieved.

(c) If an adequate reply is not received within the time specified, the notice may provide that an order to show cause may be issued pursuant to § 110.62 or a proceeding instituted to impose a civil penalty pursuant to § 110.64.

(d) The notice of violation may be omitted and an order to show cause issued in cases where the Commission determines that the violation is willful or that the public interest so requires.

**§ 110.62 Order to show cause.**

(a) In response to a violation, the Commission may institute a proceeding to revoke, suspend or modify a license by issuing an order to show cause:

(1) Stating the alleged violation and proposed enforcement action; and

(2) Informing the licensee of his right, within 20 days or other specified time, to file a written answer and demand a hearing.

(b) A licensee's answer consenting to the issuance of an order in substantially the same form proposed in the order to show cause shall constitute a waiver by the licensee of a hearing and of all rights to seek further Commission or judicial review of the order.

(c) The order to show cause may be omitted and an order issued to revoke, suspend or modify the license in cases where the Commission determines that the violation is willful or that the public interest so requires.

**§ 110.63 Order for revocation, suspension or modification.**

(a) In response to a violation, the Commission may revoke, suspend or modify a license by issuing an order:

(1) Stating the alleged violation and the effective date of the proposed enforcement action;

(2) Informing the licensee of his right, within 20 days or other specified time, to file a written answer and demand a hearing.

(b) If an answer is not filed within the time specified, the enforcement action will become effective and permanent as proposed.

(c) If a timely answer is filed, the Commission, after considering the answer, will issue an order dismissing the proceeding, staying the effectiveness of the order or taking other appropriate action.

(d) The order may be made effective immediately, with reasons stated,

pending further hearing and order, when the Commission determines that the violation is willful or that the public interest so requires.

§ 110.64 Civil penalty.

(a) In response to a violation the Commission may institute a proceeding to impose a civil penalty under section 234 of the Atomic Energy Act by issuing a notice to the licensee:

(1) Stating the alleged violation and the amount of the proposed penalty;

(2) Informing the licensee of his right, within 20 days or other specified time, to file a written answer and demand a hearing; and

(3) Advising that a delinquent payment for a subsequently imposed penalty may be referred to the Attorney General for collection pursuant to section 234c of the Atomic Energy Act.

(b) If an answer is not filed within the time specified, the Commission will issue an order imposing the proposed penalty.

(c) If a timely answer is filed, the Commission, after considering the answer, will issue an order dismissing the proceeding or imposing a penalty subject to any required hearing.

(d) Except when the matter has been referred to the Attorney General for collection, payment of penalties shall be made by check, draft or money order payable to the Treasurer of the United States, and mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(e) An enforcement action to impose a civil penalty will not itself revoke, modify or suspend any license under this part.

§ 110.65 Settlement and compromise.

At any time after issuance of an order for any enforcement action under this subpart, an agreement may be entered into for settlement of the proceeding or compromise of a penalty. Upon approval by the Commission, the terms of the settlement or compromise will be embodied in the order disposing of the enforcement action.

§ 110.66 Enforcement hearing.

(a) If the licensee demands a hearing, the Commission will issue an order specifying the time and place.

(b) A hearing pursuant to this subpart will be conducted under the procedures in Subpart G of Part 2.

Subpart H—Public Notification and Availability of Documents and Records

§ 110.70 Public notice of receipt of an application.

(a) The Commission will notice the receipt of each export or import license application by placing a copy in the Public Document Room.

(b) The Commission will also notice in the FEDERAL REGISTER receipt of applications for:

(1) A utilization facility;

(2) 1 effective kilogram or more of special nuclear material; and

(3) 10,000 kilograms or more of source material.

(c) Periodic lists of applications received may be obtained upon request addressed to the Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

§ 110.71 Notice of withdrawal of an application.

The Commission will notice the withdrawal of an application by placing a copy of the withdrawal request in the Public Document Room.

§ 110.72 Availability of documents in the Public Document Room.

Unless exempt from disclosure under Part 9 of this chapter, the following documents pertaining to each license application and license will be made available in the Public Document Room:

(a) License application and any requests for amendments;

(b) Commission correspondence with the applicant or licensee;

(c) FEDERAL REGISTER notices;

(d) Commission letter requesting Executive Branch views;

(e) Correspondence from the State Department with Executive Branch views;

(f) Correspondence from foreign governments and international organizations;

(g) Filings pursuant to Subpart I and Commission and Executive Branch responses, if any;

(h) If a hearing is held, the hearing record and decision;

(i) A statement of staff conclusions; and

(j) License, requests for license amendments and amendments.

§ 110.73 Availability of NRC records.

(a) Commission records under this part will be made available to the public only in accordance with Part 9 of this chapter.

(b) Proprietary information provided under this part may be protected under Part 9 and § 2.790 (b), (c) and (d) of this chapter.

Subpart I—Public Participation Procedures Concerning License Applications

§ 110.80 Written comments.

(a) The Commission encourages written comments from the public regarding export and import license applications. The Commission will consider and, if appropriate, respond to these comments.

(b) If possible, these comments should be submitted within 30 days after public notice of receipt of the application and addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(c) The Commission will provide the applicant with a copy of the comments and, if appropriate, a reasonable opportunity for response.

§ 110.81 Hearing request or intervention petition.

(a) A person may request a hearing or petition for leave to intervene on a license application.

(b) Hearing requests and intervention petitions shall:

(1) State the name, address and telephone number of the requestor or petitioner;

(2) Set forth the issues sought to be raised;

(3) Explain how a hearing or an intervention would contribute to a sound licensing decision; and

(4) Specify, when a person asserts that his interest may be affected, both the facts pertaining to his interest and how it may be affected, with particular reference to the factors in § 110.83.

(c) Hearing requests and intervention petitions will be considered timely only if filed not later than:

(1) 30 days after notice of receipt in the FEDERAL REGISTER, for those applications published in the FEDERAL REGISTER;

(2) 15 days after notice of receipt in the Public Document Room, for all other applications; or

(3) Such other time as may be provided by the Commission.

§ 110.82 Answers and replies.

(a) Unless otherwise specified by the Commission, an answer to a hearing request or intervention petition may be filed within 30 days after the request or petition has been filed, for those applications noticed in the FEDERAL REGISTER, or within 10 days for all other applications.

(b) Unless otherwise specified by the Commission, a reply to an answer may be filed within 10 days after all timely answers have been filed.

(c) Answers and replies should address the factors in § 110.83.

§ 110.83. Commission action on a hearing request or intervention petition.

(a) If a hearing request or intervention petition asserts an interest which may be affected, the Commission will consider:

(1) The nature of the alleged interest;

(2) How that interest relates to issuance or denial; and

(3) The possible effect of any order on that interest, including whether the relief requested is within the Commission's authority, and, if so, whether granting relief would redress the alleged injury.

(b) If a hearing request or intervention petition does not assert or establish an interest which may be affected, the Commission will consider:

(1) The likely effect of the hearing on the public interest, particularly the common defense and security; and

(2) The extent to which a hearing is likely to provide information useful to the Commission in carrying out its licensing responsibilities.

(c) Untimely hearing requests or intervention petitions may be denied unless good cause for failure to file on time is established. In reviewing untimely requests or petitions, the Commission will also consider:

(1) The availability of other means by which the requestor's or petitioner's interest, if any, will be protected or represented by other participants in a hearing; and

(2) The extent to which the issues will be broadened or action on the application delayed.

(d) Prior to granting or denying a hearing request or intervention petition, the Commission may request further information from the petitioner, requestor, the Commission staff, the Executive Branch or others, and will not grant a hearing request prior to receipt and evaluation of Executive Branch views on the license application.

(e) The Commission will deny a request or petition that pertains solely to matters outside its jurisdiction.

(f) If an issue has been adequately explored in a previous licensing hearing conducted pursuant to this part, a request for a new hearing in connection with that issue will be denied:

(1) Unless a hearing request or intervention petition establishes that an interest may be affected; or

(2) Unless the Commission determines that changed circumstances or new information warrants a new hearing.

(g) After consideration of the factors covered by paragraphs (a) through (f), the Commission will issue a notice or order approving or denying a hearing request or intervention petition. Upon the affirmative vote of two Commissioners a hearing will be ordered. A notice granting a hearing will be published in the FEDERAL REGISTER and will specify whether the hearing will be oral or consist of written comments. A denial notice will set forth the reasons for denial.

§ 110.84 Notice of hearing consisting of written comments.

(a) A notice of hearing consisting of written comments will:

(1) State the issues to be considered;

(2) Provide the names and addresses of participants;

(3) Specify the time limits for participants and others to submit written views and respond to any written comments; and

(4) State any other instructions the Commission deems appropriate.





(b) The Secretary will give notice of any hearing under this section and § 110.85 to any person who so requests.

§ 110.85 Notice of oral hearing.

(a) A notice of oral hearing will:

(1) State the time, place and issues to be considered;

(2) Provide the names and addresses of participants;

(3) Designate the presiding officer;

(4) Specify the time limit for participants and others to indicate whether they wish to present views; and

(5) State any other instructions the Commission deems appropriate.

(b) If the Commission is not the presiding officer, the notice of oral hearing will also state:

(1) When the jurisdiction of the presiding officer commences and terminates;

(2) The powers of the presiding officer; and

(3) Instructions to the presiding officer to certify promptly the completed hearing record to the Commission without preliminary decision or findings, unless the Commission directs otherwise.

§ 110.86 Conditions in a notice or order.

(a) A notice or order granting a hearing or permitting intervention may restrict irrelevant or duplicative testimony, or require common interests to be represented by a single spokesman.

(b) If a participant's interests do not extend to all the issues in the hearing, the notice or order may limit his participation accordingly.

(c) Unless authorized by the Commission, the granting of participation will not broaden the hearing issues.

§ 110.87 Authority of the Secretary.

The Secretary is authorized to prescribe time schedules and other procedural arrangements, when not covered by this part, and rule on related procedural requests.

§ 110.88 Filing and service.

(a) Hearing requests, intervention petitions, answers, replies, and accompanying documents shall be filed with the Commission by delivery or by mail or telegram to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) All filings and Commission notices and orders shall be served, as appropriate, upon the applicant; the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C. 20555; the Executive Secretary, Department of State, Washington, D.C. 20520; and participants, if any.

(c) Service is complete by:

(1) Delivering the paper to the person; or leaving it in his office with someone in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if he has no office or it is closed, leaving it at his usual place of residence with some occupant of suitable age and discretion;

(2) Depositing it with a telegraph company, properly addressed and with charges prepaid;

(3) Depositing it in the United States mail, properly stamped and addressed; or

(4) Any other manner authorized by law, when service cannot be made as provided in paragraphs (1) through (3).

(d) Proof of service, stating the name and address of the person served and the manner and date of service, shall be shown, and may be made by:

(1) Written acknowledgement of the person served or his authorized representative; or

(2) The certificate or affidavit of the person making the service.

(e) The Commission may make special provisions for service when circumstances warrant.

§ 110.89 Computation of time.

(a) In computing time, the first day of a designated time period is not included and the last day is included. If the last day is a Saturday, Sunday, or legal holiday at the place where the required action is to be accomplished, the time period will end on the next day which is not a Saturday, Sunday, or legal holiday.

(b) In time periods of 7 days or less, Saturdays, Sundays, and holidays are not counted.

(c) Whenever an action is required within a prescribed period by a paper served pursuant to § 110.88, 3 days shall be added to the prescribed period if service is by mail.

(d) An interpretation of this section is contained in § 8.3 of this chapter.

§ 110.90 Commission consultations.

(a) The Commission may consult at any time on a license application with the staff, Executive Branch or other persons.

(b) Where the Commission seeks public comment on procedural questions involving grant or denial of intervention petitions, the views of the Commission staff and the Executive Branch on standing and a hearing as a matter of right will be expressed through their public responses, except to the extent that classified information is involved.

(c) The views of the Commission staff and the Executive Branch on whether a hearing should be held as a matter of discretion will be placed in the Public Document Room upon receipt by the Commissioners, except to the extent that:

(1) These views are classified; or

(2) Contain information submitted by the NRC staff which it has deter-

mined would adversely affect the common defense and security or the conduct of U.S. foreign policy if released at that time. The Commissioners will review any Commission staff decision to withhold its views.

The petitioners and the applicant will be notified at the time views on discretionary hearings are placed in the Public Document Room and provided a copy upon request.

### Subpart J—Hearings

**§ 110.100 Public hearings.**

Hearings under this part will be public unless the Commission directs otherwise.

**§ 110.101 Filing and service.**

Filing and service of hearing documents shall be pursuant to § 110.88.

**§ 110.102 Hearing docket.**

For each hearing, the Secretary will maintain a docket which will include the hearing transcript, exhibits and all papers filed or issued pursuant to the hearing.

**§ 110.103 Acceptance of hearing documents.**

(a) Each document filed or issued shall be bound on the left side, clearly legible, and shall bear the docket number, license application number and hearing title.

(b) Each document shall be filed in one original and signed by the participant or his authorized representative, with his address and date of signature indicated. The signature is a representation that the document is submitted with full authority, the signator knows its contents and that, to the best of his knowledge, the statements made in it are true.

(c) A document not meeting the requirements of this section may be returned with an explanation for nonacceptance and, if so, will not be docketed.

**§ 110.104 Presiding officer.**

(a) The full Commission will ordinarily be the presiding officer at a hearing under this part. However, the Commission may provide in a hearing notice that one or more Commissioners, or any other person as provided by law, will preside.

(b) A participant may submit a written motion for the disqualification of any person presiding. The motion shall be supported by affidavit setting forth the alleged grounds for disqualification. If the presiding officer does not grant the motion or the person does not disqualify himself, the Commission will decide the matter.

(c) If any presiding officer designated by the Commission deems himself disqualified, he shall withdraw by notice on the record after notifying the Commission.

(d) If a presiding officer becomes unavailable, the Commission will designate a replacement.

(e) Any motion concerning the designation of a replacement presiding officer shall be made within 5 days after the designation.

(f) Unless otherwise ordered by the Commission, the jurisdiction of a presiding officer other than the Commission commences as designated in the hearing notice and terminates upon certification of the completed hearing record to the Commission, or when the presiding officer is disqualified.

**§ 110.105 Responsibility and power of the presiding officer in an oral hearing.**

(a) The presiding officer in any oral hearing shall conduct a fair hearing, develop a record that will contribute to informed decisionmaking, and, within the framework of the Commission's orders, have the power necessary to achieve these ends, including the power to:

(1) Take action to avoid unnecessary delay and maintain order;

(2) Dispose of procedural requests;

(3) Question participants and witnesses, and entertain suggestions as to questions which may be asked of participants and witnessess;

(4) Order consolidation of participants;

(5) Establish the order of presentation;

(6) Hold conferences before or during the hearing;

(7) Establish reasonable time limits;

(8) Limit the number of witnesses; and

(9) Strike or reject duplicative or irrelevant presentations.

(b) Where the Commission itself does not preside:

(1) The presiding officer may certify questions or refer rulings to the Commission for decision;

(2) Any hearing order may be modified by the Commission; and

(3) The presiding officer will certify the completed hearing record to the Commission, which may then issue its opinion on the hearing or provide that additional testimony be presented.

**§ 110.106 Participation in a hearing.**

(a) Unless otherwise limited by this part or by the Commission, participants in a hearing may submit:

(1) Initial and concluding written statements of position on the issues;

(2) Written questions to the presiding officer; and

(3) Written responses and rebuttal testimony to the statements of other participants.

(b) Participants in an oral hearing may also submit oral statements, questions, responses and rebuttal testimony.

(c) A participant in an import licensing hearing establishing that his interest may be affected, may be accorded additional procedural rights under Subpart G of Part 2 with respect to resolution of domestic factual issues regarding the public health, safety and environment, and the protection of the U.S. public against domestic theft, diversion or sabotage, to the extent that such issues are separable from the non-domestic issues associated with the license application.

**§ 110.107 Presentation of testimony in an oral hearing.**

(a) All direct testimony in an oral hearing shall be filed no later than 7 days before the hearing or as otherwise ordered or allowed.

(b) Written testimony will be received into evidence in exhibit form.

(c) Unless proscribed under § 110.86, members of groups which are designated as participants may testify in their individual capacities.

(d) Participants may present their own witnesses.

(e) Testimony by the Commission and the Executive Branch will be presented only by persons officially designated for that purpose.

(f) Participants and witneses will be questioned orally or in writing and only by the presiding officer. Questions may be addressed to individuals or to panels of participants or witnesses.

(g) The presiding officer may accept written testimony from a person unable to appear at the hearing, and may request him to respond to questions.

(h) No subpoenas will be granted at the request of participants for attendance and testimony of participants or witnesses or the production of evidence.

**§ 110.108 Appearance in an oral hearing.**

(a) A participant may appear in a hearing on his own behalf or be represented by an authorized representative.

(b) A person appearing shall file a written notice stating his name, address and telephone number, and if an authorized representative, the basis of his eligibility and the name and address of the participant on whose behalf he appears.

(c) A person may be excluded from a hearing for disorderly, dilatory or contemptuous conduct, provided he is informed of the grounds and given an opportunity to respond.

**§ 110.109 Motions and requests.**

(a) Motions and requests shall be addressed to the presiding officer, and, if written, also filed with the Secretary and served on other participants.

(b) Other participants may respond to the motion or request. Responses to written motions or requests shall be filed within 5 days after service.





(c) When the Commission does not preside, in response to a motion or request, the presiding officer may refer a ruling or certify a question to the Commission for decision and notify the participants.

(d) Unless otherwise ordered by the Commission, a motion or request, or the certification of a question or referral of a ruling, shall not stay or extend any aspect of the hearing.

**§ 110.110 Default.**

When a participant fails to act within a specified time limit, the presiding officer may consider him in default, issue an appropriate ruling and proceed without further notice to the defaulting participant.

**§ 110.111 Waiver of a rule or regulation.**

(a) A participant may petition that a Commission rule or regulation be waived with respect to the license application under consideration.

(b) The sole ground for a waiver shall be that, because of special circumstances concerning the subject of the hearing, application of a rule or regulation would not serve the purposes for which it was adopted.

(c) Waiver petitions shall specify why application of the rule or regulation would not serve the purposes for which it was adopted.

(d) Other participants may, within 10 days, file a response to a waiver petition.

(e) When the Commission does not preside, the presiding officer will certify the waiver petition to the Commission, which, in response, will grant or deny the waiver or direct any further proceedings.

(f) Regardless of whether a waiver is granted or denied, a separate petition for rulemaking may be filed pursuant to Subpart L of this part.

**§ 110.112 Reporter and transcript for an oral hearing.**

(a) A reporter designated by the Commission will record an oral hearing and prepare the official hearing transcript.

(b) Except for any classified portions, transcripts will be placed in the Public Document Room, and copies may be purchased from the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) Corrections of the official transcript may be made only as specified by the Secretary.

**§ 110.113 Commission action.**

(a) Upon completion of a hearing, the Commission will issue a written opinion including its decision on the license application, the reasons for the decision and any dissenting views.

(b) While the Commission will consider fully the hearing record, the licensing decision will be based on all relevant information, including information which might go beyond that in the hearing record.

(c) If the Commission relies upon information not in the hearing record in reaching its licensing decision, the hearing participants will be informed and, if not classified or otherwise privileged, the information will be placed in the Public Document Room and furnished to the participants.

(d) The Commission may issue a license before completion of a hearing if it finds that:

(1) The standards in § 110.42 are met;

(2) Prompt issuance is required in the public interest, particularly the common defense and security; and

(3) A participant establishing that his interest may be affected has been provided a fair opportunity to present his views.

(e) The Commission may:

(1) Defer any hearings;

(2) Consolidate applications for hearing;

(3) Narrow or broaden the hearing issues; and

(4) Take other action, as appropriate.

### Subpart K—Special Procedures for Classified Information in Hearings

**§ 110.120 Purpose and scope.**

(a) This subpart contains special procedures concerning access to, and introduction of, classified information into hearings under this part.

(b) These procedures do not in any way apply to classified information exchanged between the Executive Branch and the Commission not introduced into a hearing. Such information will be declassified to the maximum extent feasible. The public statements of the Commisssion staff and Executive Branch will, to the extent consistent with classification requirements, reflect consideration of any such classified information.

**§ 110.121 Security clearances and access to classified information.**

(a) No person without a security clearance will have access to classified information.

(b) Only the Commission will act upon an application for access to classified information.

(c) To the extent practicable, applications for access to classified information shall describe the information to which access is desired and its level of classification (confidential, secret or other); the reasons for requesting access; the names of individuals for whom access is requested; and the reasons why access is requested for those individuals.

(d) The Commission will consider requests for appropriate security clearances in reasonable numbers; conduct its review and grant or deny these in accordance with Part 10 of this chapter; and make a reasonable charge to cover costs.

(e) The Commission will not grant security clearances for access to classified information, unless it determines that the available unclassified information is inadequate on the subject matter involved.

(f) When an application demonstrates that access to classified information not introduced into a hearing may be needed to prepare a participant's position on the hearing issues, the Commission may issue an order granting access to this information to the participant, his authorized representative or other persons. Access will be subject to the conditions in paragraphs (e) and (j) and will not be granted unless required security clearances have been obtained.

(g) Once classified information has been introduced into a hearing, the Commission will grant access to a participant, his authorized representative or such other persons as the Commission determines may be needed by the participant to prepare his position on the hearing issues. Access will be subject to the conditions in paragraphs (e) and (j) and will not be granted unless required security clearances have been obtained.

(h) For good cause, the Commission may postpone action upon an application for access to classified information.

(i) The Commission will grant access to classified information only up to the level for which the persons described in paragraphs (f) and (g) of this section are cleared and only upon an adequate commitment by them not to disclose such information subject to penalties as provided by law.

(j) The Commission will not in any circumstances grant access to classified information:

(1) Unless it determines that the grant is not inimical to the common defense and security; and

(2) Which it has received from another Government agency, without the prior consent of the originating agency.

(k) Upon completion of a hearing, the Commission will terminate all security clearances granted pursuant to the hearing and may require the disposal of classified information to which access has been granted or the observance of other procedures to safeguard this information.

**§ 110.122 Classification assistance.**

On the request of any hearing participant or the presiding officer (if other than the Commission), the Commission will designate a representative to advise and assist the presiding officer or the participants with respect to security classification of information

and the protective requirements to be observed.

§ 110.123 Notice of intent to introduce classified information.

(a) A participant shall seek the required security clearances, where necessary, and file with the Secretary a notice of intent to introduce classified information into a hearing at the earliest possible time after the notice of hearing.

(b) If a participant has not filed a notice of intent in accordance with this section, he may introduce classified information only if he gives to the other participants and the Commission prompt written notice of intent and only as permitted by the Commission when it determines that the public interest will not be prejudiced.

(c) The notice of intent shall be unclassified and, to the extent consistent with classification requirements, state:

(1) The subject matter of the classified information, which it is anticipated will be involved;

(2) The highest level of classification of the information (confidential, secret or other);

(3) When it is anticipated that the information would be introduced; and

(4) The relevance and materiality of the information to the hearing issues.

§ 110.124 Rearrangement or suspension of a hearing.

When a participant gives notice of intent to introduce classified information and other participants do not have the required security clearances, subject to § 110.121, the Commission may:

(a) Suspend or rearrange the normal order of the hearing to give other participants an opportunity to obtain the required security clearances with minimum delay in the conduct of the hearing; or

(b) Take such other action as it determines to be in the public interest.

§ 110.125 Unclassified statements required.

(a) It is the obligation of hearing participants to introduce information in unclassified form wherever possible, and to declassify, to the maximum extent feasible, any classified information introduced into the hearing. This obligation rests on each participant whether or not any other participant has the required security clearances.

(b) When classified information is offered for introduction into a hearing:

(1) The participant offering it shall, to the extent consistent with classification requirements, submit to the presiding officer and other participants an unclassified statement describing the substance of the classified information as accurately and completely as possible;

(2) In accordance with procedures agreed upon by the participants or prescribed by the presiding officer, and after notice to all participants an opportunity to be heard on the notice, the presiding officer will determine whether an unclassified statement may be substituted for the classified information in the hearing record without prejudice to the interest of any participant or the public;

(3) If the Commission determines that the unclassified statement (together with such unclassified modifications as it finds are necessary or appropriate to protect the interest of other participants and the public) adequately sets forth information in the classified matter which is relevant and material to the issues in the hearing, it will direct that the classified matter be excluded from the record of the hearing; and

(4) The Commission may postpone any of the procedures in this section until all other evidence has been received. However, a participant shall not postpone service of the unclassified statement required in this section.

§ 110.126 Protection of classified information.

Nothing in this subpart shall relieve any person from safeguarding classified information as required by law and the rules, regulations or orders of any Government agency.

Subpart L—Rulemaking

§ 110.130 Initiation of rulemaking.

The Commission may initiate action to amend the regulations in this part on its own initiative or in response to a petition.

§ 110.131 Petition for rulemaking.

(a) A petition for rulemaking shall be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) The petition shall state the basis for the rulemaking.

(c) The petition may request the Commission to suspend all or part of any licensing proceeding under this part pending disposition of the petition.

(d) The Secretary will assign a docket number to the petition, place a copy in the Public Document Room and notice its receipt in the FEDERAL REGISTER.

(e) Publication may be limited by order of the Commission to the extent required by Section 181 of the Atomic Energy Act.

§ 110.132 Commission action on a petition.

(a) The Commission may accept or deny the petition.

(b) If the petition is accepted, a notice of proposed rulemaking or a notice of adoption will be published in the FEDERAL REGISTER.

(c) If the petition is denied, the petitioner will be informed of the grounds.

(d) Commission action on each petition will normally follow, whenever appropriate, receipt and evaluation of Executive Branch views.

(e) The Commission, in exercising the discretion authorized by Section 4(a)(1) of the Administrative Procedure Act for rulemaking on this part, will decide what, if any, public rulemaking procedures will be followed.

§ 110.133 Notice of proposed rulemaking.

(a) When the Commission proposes to amend the regulations in this part, it will normally publish a notice of proposed rulemaking in the FEDERAL REGISTER.

(b) A notice of proposed rulemaking will include:

(1) The authority for the proposed rule;

(2) The substance and purpose of the proposed rule;

(3) Directions for public participation;

(4) The time and place of any public hearing; and

(5) If a hearing is to be held by other than the Commission, designation of a presiding officer and instructions for the conduct of the hearing.

(c) A notice of proposed rulemaking will not be published less than 15 days before any hearing unless the Commission for good cause provides otherwise in the notice.

§ 110.134 Public participation.

(a) The Commission may hold an oral hearing on a proposed rulemaking or permit any person to participate in a rulemaking proceeding through the submission of written comments.

(b) When it is in the public interest, public rulemaking procedures may be omitted and a notice of adoption published pursuant to § 110.135.

§ 110.135 Notice of adoption of a final rule.

(a) Upon approval of an amendment, the Commission will publish in the FEDERAL REGISTER a notice of adoption which includes a statement of purpose, reasons for adoption, effective date and, where appropriate, any significant variations from the amendment as initially proposed in any notice of proposed rulemaking.

(b) The effective date of adoption will normally be no earlier than 30 days after publication of the notice of adoption, unless the Commission for good cause provides otherwise in the notice.

(Sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 7th day of February 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc. 78-4348 Filed 2-16-78; 8:45 am]





[4810-22]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-61]

PART 153—ANTIDUMPING

Railway Track Maintenance Equipment, Consisting of Ballast Regulators and Tampers Only, From Austria

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the U.S. International Trade Commission, respectively, have resulted in determinations that railway track maintenance equipment, consisting of ballast regulators and tampers only, from Austria is being, or is likely to be, sold at less than fair value and that those sales are injuring, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise will be liable for the possible assessment of special dumping duties. As "railway track maintenance equipment" for purposes of this notice consists only of tamping machines and ballast regulators, any other types of machinery used in maintenance of railway track are excluded from this finding.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Barbara J. Victor, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that railway track maintenance equipment from Austria is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), published in the FEDERAL REGISTER of August 16, 1977 (42 FR 41339-40)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on Novembver 11, 1977, it notified the Secretary of the Treasury, that less than fair value imports of railway track maintenance equipment, consisting of ballast regulators and tampers only, from Austria are injuring an industry in the United States. (Published in the FEDERAL REGISTER of November 17, 1977 (42 FR 59430-32)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to railway track maintenance equipment, consisting of ballast regulators and tampers only, from Austria.

Section 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect:

| Merchandise | Country | T.D. |
|---|---|---|
| Railway track maintenance equipment consisting of ballast regulators and tampers only | Austria ..... | 78-61 |

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173).)

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 13, 1978.

[FR Doc. 78-4366 Filed 2-16-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Panel on Review of Skin Test Antigens; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Pursuant to § 14.55 (21 CFR 14.55) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Panel on Review of Skin Test Antigens and amends the regulations to delete it from the list of standing advisory committees. The panel was terminated on August 24, 1977, because it was no longer needed.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Clay Sisk, Bureau of Biologics (HFB-5), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

SUPPLEMENTARY INFORMATION: The panel's functions were to review the data and information submitted and to prepare a report on the safety, and efficacy of biological products containing skin test antigens. The conclusions and recommendations in the panel's report was published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52674).

Accordingly, the usefulness of the panel had been served and the panel was no longer needed. On August 24, 1977, the charter of this panel expired and renewal will not be requested of the Secretary of Health, Education, and Welfare.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 *List of standing advisory committees* by deleting paragraph (b)(1)(iv) and marking it reserved.

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately February 17, 1978.

Dated: February 13, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4368 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 77C-0208]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Ferric Ammonium Ferrocyanide; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of August 30, 1977, of a regulation on the use of ferric am-

monium ferrocyanide in externally applied drugs and cosmetics, including those drugs and cosmetics intended for use in the area of the eye. The specifications for the color additive are being revised in response to objections containing data on levels of nickel and cobalt.

DATE: Effective date confirmed: August 30, 1977. Revision effective date: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of July 29, 1977 (42 FR 38562) added §§ 73.1298 and 73.2298 (21 CFR 73.1298 and 73.2298) to Subparts B and C, respectively, of Part 73 (21 CFR Part 73) to provide for the safe use of ferric ammonium ferrocyanide in externally applied drugs and cosmetics, including those drugs and cosmetics intended for use in the area of the eye. The regulation also amended § 81.1(g) (21 CFR 81.1(g)), by deleting "ferric ferrocyanide (iron blue)" from the provisionally listed colors.

Three objections to the regulation were received. None of the objections requested a hearing.

One objection was filed by a manufacturer. This objection was to the following aspects of the published regulation:

1. The identity given for this color additive, presented in § 73.1298(a)(1).
2. The change in the name from ferric ferrocyanide to ferric ammonium ferrocyanide wherever given in this order, including the cosmetic labeling presented in the second column of page 38562 of the order.
3. The last specification given in the order, presented in § 73.1298(b), giving the total iron (Fe) in the range of 33 to 37 percent.

These objections arise because the manufacturer's color additive, ferric ferrocyanide (iron blue), does not correspond to the ferric ammonium ferrocyanide described in the regulation. The manufacturer stated that in 1972 it began production and marketing of ferric ferrocyanide (iron blue) for use as a color additive in cosmetics. The manufacturer stated that it was guided by the continued appearance of the name ferric ferrocyanide (iron blue) on the provisional list of colors for use in externally applied cosmetics (§ 81.1(g)). The manufacturer documents its claim of identity of the color additive with references to the listings for ferric ferrocyanide in the "Kirk-Othmer Encyclopedia of Chemical Technology" (2d ed., vol. 12, Interscience 1967, A. Standen, ed., pp. 33-35 and in the "Merck Index," 8th ed., 1968, p. 452). Because this color additive does not correspond to the color additive described in the regulation, the objector asked that the published identity, name, and specifications be changed, or alternatively that ferric ferrocyanide be listed as a separate color additive, either permanently or provisionally.

The Commissioner of Food and Drugs has evaluated the information submitted by the manufacturer and has determined that the color additive described by the manufacturer is distinct from ferric ammonium ferrocyanide, which is described in the July 29 regulation. The petition that resulted in the listing of ferric ammonium ferrocyanide (CAP 8C0082) contained data that supported the identity of the color additive as described in the regulation of July 29, 1977. Manufacturers of ferric ammonium ferrocyanide were requested by the petitioner, i.e., the Cosmetic, Toiletry and Fragrance Association, Washington, D.C., to submit information relating to the identity and manufacture of this color additive in 1970. Although the Kirk-Othmer Encyclopedia of Chemical Technology does indicate that the chemistry and identity of the iron blues are ambiguous and that current techniques indicate that all the various iron blues have essentially the same structure, it also states that: "In the manufacture of blues the reaction is carried out in the presence of a large amount of ammonium sulfate, and the commercial products contain ammonium ion partially or entirely replacing the alkali metal." It describes the present commercial method of manufacturing the color. The product manufactured by this process, which includes the use of ammonium sulfate, will be mainly ferric ammonium ferrocyanide along with lesser amounts of ferric sodium ferrocyanide and ferric potassium ferrocyanide. This is the compound described in the petition and which was the subject of the listing regulations for ferric ammonium ferrocyanide, §§ 73.1298 and 73.2298, that published in the FEDERAL REGISTER of July 29, 1977.

Because establishing safe conditions of use is the primary consideration in regulating color additives, it is imperative that the color additive be adequately identified so that it can be uniformly manufactured, and be identical with samples used to establish the safety profile. It is the manufacturer's burden to establish that the color additive it produces is in compliance with the material listed in the regulation. Reliance solely on the name of the color additive to identify it is insufficient. The entries for ferric ferrocyanide in the "Merck Index" and the "Colour Index" do not mention the presence of ammonium sulfate in the manufacturing process, nor do they list the use of ferric ferrocyanide as a color additive in cosmetics.

The manufacturer did not submit data on its color as part of the color additive petition for approval of ferric ammonium ferrocyanide for use in cosmetics. Instead, the data were submitted after publication of the regulation that "permanently" listed ferric ammonium ferrocyanide for use in externally applied drugs and cosmetics, including those intended for use in the area of the eye. The regulation simultaneously removed ferric ferrocyanide (iron blue) from the provisional list. Accordingly, the Commissioner concludes that the manufacturer has no basis for any of its objections, and the regulation of July 29, 1977 became effective August 30, 1977.

In lieu of amending the regulation, the manufacturer requested that ferric ferrocyanide be continued on the provisional list until safe conditions of use could be established for it. One condition of the provisional listing of a color for any use is that it have a history of commercial use as a color additive prior to the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act. The manufacturer, however, has not submitted data to establish this prior history of use. The Commissioner concludes that it will be necessary for the manufacturer to submit a new color additive petition proposing amendment of the color additive regulations to provide for its particular additive. Before the Commissioner can consider provisional listing of ferric ferrocyanide as described by the objector, the objector will have to submit data showing it was marketed prior to July 12, 1960.

A letter was received after expiration of the objection period. This letter from another manufacturer is similar to that discussed above as the first objection. This manufacturer's color additive also appears to be different from ferric ammonium ferrocyanide as described in CAP 8C0082. As with the first objection, the manufacturer should have presented data to FDA on its color additive during the petition review process either as part of the above-named petition or as a separate petition, not after publication of the regulation.

On this basis, the Commissioner judges that this manufacturer should submit a new color additive petition proposing amendment of the color additive regulations to provide for its particular additive, and the necessary data as described above to support continued provisional listing of ferric ferroyanide.

A third objection was received from the petitioner, i.e., the Cosmetic, Toiletry and Fragrance Association. This objection concerns the restrictions for nickel and cobalt listed under § 73.1298(b). The petitioner states that the specifications are unnecessarily stringent, since their main purpose is to ensure that other grades of ferric ammonium ferrocyanide, such as the alkali-resistant grade, are not inadvertently used. The manufacturers cannot meet the 30 ppm levels established in the specifications in § 73.1298, but could meet a 60 ppm specification, which would still be sufficient to differentiate between the regulated color additive and the alkali-resistant grade of ferric ammonium ferrocyanide.

The Commissioner has evaluated this objection, along with new information that shows that the small amounts of nickel and cobalt present in the color are most likely strongly complexed in the color additive. Because the complexed nickel and cobalt would not be biologically available in externally applied drugs or cosmetics, the Commissioner concludes that the tolerances for nickel and cobalt may be safely increased to 60 ppm each. The regulations set forth below amend the tolerances for nickel and for cobalt to 60 ppm.

The Cosmetic, Toiletry, and Fragrance Association also pointed out an error in the listing of ferric ammonium ferrocyanide under § 73.2298(b) "Uses and restrictions" as it appeared in the FEDERAL REGISTER of July 29, 1977 (42 FR 38562). Although the uses of ferric ammonium ferrocyanide as given in the summary and preamble of the final order were "externally applied drugs and cosmetics, including those drugs and cosmetics intended for use in the area of the eye," § 73.2298(b) inadvertently lists "ferric ammonium ferrocyanide as safe for use in coloring cosmetics generally * * *." Section 73.2298(b) is amended as set forth below to correct this error.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner (21 CFR 5.1): *It is ordered*, That the regulation adding §§ 73.1298 and 73.2298, and amending § 81.1(g) as published in the FEDERAL REGISTER of July 29, 1977, became effective August 30, 1977: *It is further ordered*, That Part 73 is amended:

1. In the listing in § 73.1298(b) by changing the tolerances for nickel and cobalt to read as follows:

§ 73.1298 Ferric ammonium ferrocyanide.

* * * * * *

(b) * * *

* * * * * *

Nickel (as Ni), not more than 60 parts per million.

Cobalt (as Co), not more than 60 parts per million.

* * * * * *

2. In § 73.2298, by revising paragraph (b) to read as follows:

§ 73.2298 Ferric ammonium ferrocyanide.

* * * * * *

(b) *Uses and restrictions.* Ferric ammonium ferrocyanide is safe for use in coloring externally applied cosmetics, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

* * * * * *

*Effective dates.* (1) Effective date confirmed: August 30, 1977; (2) the amendments set forth above are effective February 17, 1978.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), (d)).)

Dated: February 6, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4137 Filed 2-16-78; 8:45 am]





[4110-03]

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 77N-0411]

PART 291—DRUGS USED FOR TREATMENT OF NARCOTIC ADDICTS

**Relationship Between Federally Operated Methadone Treatment Programs and State Methadone Authorities**

AGENCIES: Food and Drug Administration and the National Institute on Drug Abuse.

ACTION: Final rule.

SUMMARY: This rule amends the methadone regulations to clarify the role of State methadone authorities in federally operated methadone treatment programs. Questions have arisen whether, under the methadone regulations, State officials have authority to inspect or approve methadone treatment programs operated by the Federal Government or to require that Federal authorities submit program reports to State authorities. This action exempts methadone treatment programs operated by the Federal Government from regulation by a State authority and announces that Federal agencies will voluntarily cooperate with State authorities by permitting inspection and by sending a copy of pertinent reports to such State authorities.

EFFECTIVE DATE: March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Buddy F. Stonecipher, Bureau of Drugs (HFD-340), Food and Drug Administration, Department of Health, and Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3414.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 29, 1973 (38 FR 32944), the Commissioner of Food and Drugs proposed to amend § 291.505 Conditions for use of methadone (21CFR 291.505, formerly § 310.505 prior to recodification published in the FEDERAL REGISTER of September 16, 1977 (42 FR 46698)) to state that Federal agencies have agreed to cooperate voluntarily with State agencies by granting permission on an informal basis for designated State representatives to visit Federal facilities and by furnishing the State authority a copy of Federal reports, including the reports required under § 291.505. Interested persons were invited to comment on the proposed rule within 60 days.

The Commissioner advises that the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA) have agreed that after April 29, 1976 all future regulations pertaining to narcotic treatment standards will be issued jointly. This agreement resulted from the Secretary of Health, Education, and Welfare's delegating his authority under section 4 of Title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (section 4, Pub. L. 91-513). This section directs the Secretary to determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts. The Secretary's authority under this section to determine the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of naroctic addicts has been delegated to the Commissioner of Food and Drugs (21 CFR 5.1). The Secretary's authority under this section relating to the determination of the appropriate methods of professional practice in the treatment of narcotic addicts has been delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, who has redelegated his authority to the Director of NIDA. Because of the agreement between FDA and NIDA, this final regulation is being issued jointly by the Commissioner of FDA and the Director of NIDA.

Two comments on the proposed rule are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. A summary of these comments and the conclusions of the Commissioner and the Director are as follows:

1. The director of a privately operated methadone program neither op-

posed nor supported the proposed rule, but suggested that FDA amend the methadone regulations to establish qualification standards for personnel of both State and Federal methadone authorities.

This suggestion is beyond the scope of the proposed rule. The Commissioner recognizes his responsibility and authority for establishing standards for FDA employees, including those involved in methadone activities. Although State agencies have the primary responsibility for establishing standards for their employees, FDA has conducted a training course for State methadone authority investigators who were under contract to conduct inspections of methadone programs for FDA. During 1975, FDA conducted three regional training courses for FDA investigators who inspect methadone treatment programs. These courses, held in Chicago, New York City, and San Francisco, were open to all State investigators, notwithstanding the existence of a contractual relationship with FDA. Many FDA and State authority investigators took advantage of this training opportunity. The agency plans to conduct additional regional training courses that will be open to personnel from methadone treatment programs as well as to State and Federal investigators.

2. The Office of General Counsel of the Veterans' Administration commented that although the preamble to the proposed rule specifically stated that State officials have no legal authority to inspect, approve, or require reports from Federal methadone programs, the proposed regulation merely implied that such legal authority did not exist. The Veterans' Administration suggested that the Commissioner slightly modify the final rule to clarify this issue.

The Commissioner believes that the language in the preamble to the proposed rule, read together with the text of the proposed rule, sufficiently informed the public that he was proposing to make the exemption of Federal programs explicit and to pledge simultaneously the cooperation of these programs with State regulatory authorities. However, the Commissioner agrees with the suggestion that the text of the final rule should clearly state that methadone treatment programs operated by the Federal Government are exempt from regulation by State authorities. The final rule is amended accordingly.

The Food and Drug Administration and the National Institute on Drug Abuse have determined that this document does not contain an agency action covered by § 25.1(b) (21 CFR 25.1(b)), and consideration by the agencies of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal, Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a))), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257(a)), and under authority delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration and redelegated to the Director of NIDA (38 FR 27315-27316, October 2, 1973) and the Commissioner of Food and Drugs (21 CFR 5.1), Part 291 is amended in § 291.505 by adding new paragraph (b)(1)(vi) to read as follows:

§ 291.505 Conditions for use of methadone

* * * * *

(b) * * *

(1) * * *

(vi) *Exemption of Federal programs.* The provisions of this section requiring approval (or permitting disapproval or revocation of approval) by the State authority, compliance with requirements imposed by State law, or the submission of applications or reports required by the State authority do not apply to programs operated directly by the Veterans' Administration or by any other department or agency of the United States. Federal agencies operating methadone treatment programs have agreed to cooperate voluntarily with State agencies by granting permission on an informal basis for designated State representatives to visit Federal methadone treatment programs and by furnishing a copy of Federal reports to the State authority, including the reports required under this regulation.

* * * * *

*Effective date.* This regulation shall be effective March 20, 1978.

(Secs. 505, 701(a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a)); sec. 4, 84 Stat. 1241 (42 U.S.C. 257(a)).)

NOTE.—This final order was proposed prior to Executive Order 11821, requiring agencies in the executive branch to review regulatory and legislative proposals they initiate for economic impact, and so does not require economic impact review

Dated: Feburary 1, 1978.

DONALD KENNEDY,
*Commissioner of Food and Drugs.*

Dated: February 8, 1978.

ROBERT L. DUPONT,
*Director, National Institute on Drug Abuse.*

[FR Doc. 78-4127 Filed 2-16-78; 8:45 am]

[1505-01]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Diethylcarbamazine Citrate Tablets

*Correction*

In FR Doc. 87-2826, appearing on page 4601 in the issue of Friday, February 3, 1978, make the following changes:

1. In the first column, the word which runs from the fourth to the fifth line of the "SUMMARY" paragraph should read, "anthelmintic".

2. In the second column, the first word in the last line of § 520.622a(a)(1) should read, "diethylcarbamazine" and the third complete word in the sixth to last line of § 520.622a(a)(3)(iii) should read, "activity".

[4110-03]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Diethylcarbamazine Citrate Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval for a new animal drug application (NADA) providing for use of an anthelmintic tablet as an aid in treatment of ascarids in dogs and cats and prevention of heartworm disease in dogs. The application was filed by Philips Roxane, Inc.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., St. Joseph, Mo. 64502, filed an NADA (108-863V) providing for use of diethylcarbamazine citrate chewable tablets as an aid in treatment of ascarid (*T. canis* and *T. leonina*) infections in dogs and cats and prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

In accordance with the freedom of information regulations and § 514.11 (e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by revising § 520.622c the existing text to read as follows:

§ 520.622c Diethylcarbamazine citrate chewable tablets.

(a) *Sponsors.* (1) See No. 000010 in § 510.600(c) of this chapter for use as in paragraph (c)(2) (i) and (iii) of this section.

(2) See No. 011519 for use as in paragraph (c)(2) (i) and (ii) of this section.

(b) *Specifications.* (1) For 000010: 30 or 120 milligrams diethylcarbamazine citrate per tablet.

(2) For 011519: 60 or 180 milligrams of the drug per tablet.

(c) *Conditions of use*—(1) *Amount.*—3 milligrams per pound of body weight per day for prevention of heartworm disease; 25 to 50 milligrams per pound of body weight for treatment of ascarid infections.

(2) *Indications for use.* (i) For prevention of infection with *Dirofilaria immitis* (heartworm disease) in dogs.

(ii) As an aid in treatment of ascarid (*Toxocara canis* and *Toxascaris leonina*) infections in dogs.

(iii) As an aid in treatment of ascarid (*Toxocara canis* and *Toxascaris leonina*) infections in dogs and cats.

(3) *Limitation.* Tablets are administered orally or pulverized and given in the feed. For treatment of ascarid infections, a repeat dose should be given in 10 to 20 days to remove immature worms which may enter the intestine from the lungs after the first dose. Dogs with established heartworm infections should not receive the drug until they have been converted to a negative status by the use of adulticidal and microfilaricidal drugs. Inadvertent administration to heartworm-infected dogs may cause adverse reactions due to pulmonary occlusion. Overdosage may cause emesis. For prevention of heartworm disease in heartworm-endemic areas, administration of the drug should start at the beginning of mosquito activity and be continued daily throughout the mosquito season and for approximately a month thereafter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* February 17, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 8, 1978.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 78-4206 Filed 2-16-78; 8:45 am]

[4110-03]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Piperazine Phosphate Capsules

AGENCY Food and Drug Administration

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application filed by Burroughs Wellcome Co., providing for use of a piperazine phosphate capsule as an anthelmintic for the treatment of dogs and cats.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-12), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709, filed a new animal drug application (NADA) (91-260V) providing for 120-, 300-, and 600-milligram piperazine phosphate capsules to be used as an anthelmintic for the treatment of dogs, cats, kittens, and puppies.

Piperazine, as the adipate, sulfate, monohydrochloride, and dihydrochloride, was the subject of an NAS/NRC review, published in the FEDERAL REGISTER of February 14, 1969 (34 FR 2213). In this publication, the Academy concluded, and FDA concurred, that the products are effective in dogs and cats for the treatment of infections of *Toxocara canis* and *Toxascaris leonina*, when administered at the rate of 20 to 30 milligrams of piperazine per pound of body weight. In view of the NAS/NRC evaluation for *Toxocara spp.*, FDA has also evaluated the use of piperazine in the treatment of cats for *Toxocara mystax* infections. Based on data and information available, FDA concludes that piperazine is also effective for the treatment of *Toxocara mystax* infections in cats.

The NAS/NRC review was published to inform holders of NADA's as to the findings of the Academy and FDA, and to inform all interested persons that such articles may be marketed providing they are the subject of approved NADA's or otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act. NADA's submitted for piperazine drugs, which reflect those conditions of use which were NAS/NRC approved, do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(vi) of the animal drug regulations. In lieu of such data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. (The guideline is available with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.) Those conditions of use are identified in the regulation by a footnote.

In accordance with the freedom of information regulations and § 514.11 (e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by adding new § 520.1804 to read as follows:

§ 520.1804 Piperazine phosphate capsules.

(a) *Specifications.* Each capsule contains 120, 300, or 600 milligrams of piperazine phosphate monohydrate.

(b) *Sponsor.* See No. 000081 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 60 milligrams of piperazine phosphate monohydrate per pound of body weight.[1]

(2) *Indications for use*—(i) *Dogs.* It is used for the removal of large roundworms (ascarids) *Toxocara canis* and *Toxascaris leonina*.[1]

(ii) *Cats.* It is used for the removal of large roundworms (ascarids) *Toxocara mystax* and *Toxascaris leonina*.[1]

(3) *Limitations.* Administer in animal's food or milk. For animals up to 1 year of age administer every 2 or 3 months; for animals over 1 year old, administer periodically as necessary. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.[1]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

EFFECTIVE DATE. This regulation becomes effective February 17, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 8, 1978.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary, Medicine.*

[FR Doc. 78-4207 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 75N-0374]

**PART 540—PENICILLIN ANTIBIOTIC DRUGS**

**Penicillin Streptomycin Powder; Penicillin Dihydrostreptomycin Powder; Revocation of Antibiotic Certification Provision**

AGENCY: Food and Drug Administration (FDA).

ACTION: Rule.

SUMMARY: The agency is revoking a regulation (21 CFR 540.174b) that provides for certification of certain animal drugs containing penicillin-streptomycin whose approvals are being withdrawn in a corresponding document (FDA Docket No. 75N-0373), published in the "Notices" section in this issue of the FEDERAL REGISTER.

DATES: Effective February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald Gable, Office of the Associate Director for Scientific Evaluation (HFV-100), Bureau of Veterinary Medicine, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: The Director of the Bureau of Veterinary Medicine issued a notice of opportunity for hearing, published in the FEDERAL REGISTER of July 9, 1976 (41 FR 28340), proposing to withdraw the new animal drug applications (NADA's) for certain penicillin, streptomycin, vitamin combination products. In the same issue of the FEDERAL REGISTER (41 FR 28313), the Director proposed to revoke § 540.174b, which includes the provisions providing for the certification of these drugs pursuant to the requirements of section 512(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(n)).

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is denying a hearing and withdrawing the approvals for these combination products. The basis upon which the subject applications are being withdrawn and the certification provisions revoked is fully discussed in that order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 540 is amended by revoking,

§ 540.174b **Penicillin-streptomycin powder; penicillin-dihydrostreptomycin powder.**

*Effective date.* This amendment becomes effective February 17, 1978.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b).)

Dated: February 7, 1978.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc. 78-4236 Filed 2-16-78; 8:45 am]

[4830-01]

**Title 26—Internal Revenue**

**CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY**

**SUBCHAPTER A—INCOME TAX**

[T.D. 7534; LR-280-74]

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

**Assignment or Alienation of Benefits**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the assignment or alienation of retirement benefits due an employee under certain employee plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law, and affect all employees who are entitled to receive retirement benefits under certain employee plans.

EFFECTIVE DATE: The regulations are effective as of January 1, 1976.

FOR FURTHER INFORMATION CONTACT:

Norman J. Misher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3737 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 28, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(13) of the Internal Revenue Code of 1954 (41 FR 56334). The amendments were proposed to conform the regulations to section 1021(c) of the Employee Retirement Income Security Act of 1974 (88 Stat. 937). A public hearing was held on April 15, 1977. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

GENERAL RULE

The regulations provide that a trust will not be qualified under section 401 unless the plan of which the trust is a part provides that plan benefits may not be anticipated, assigned, alienated, or subject to attachment, garnishment, levy, execution, or other legal or equitable process.

EXCEPTIONS TO GENERAL RULE

The regulations also provide that a plan provision satisfying the general rule does not preclude (1) the enforcement of a Federal tax levy made pursuant to section 6331 of the Code or (2) the collection on a judgment resulting from an unpaid Federal Tax assessment. Although several commentators stated that there is no statutory basis for distinguishing between a Federal tax levy and any other levy, the Employee Retirement Income Security Act of 1974 ("ERISA") and the Code provide sufficient statutory authority for this rule.

Section 206(d) of ERISA (which is in Title I of the Act) contains provisions which are substantially identical to that of section 401(a)(13) of the Code. However, section 514(d) of ERISA provides that no provision should be construed in such a way as to affect any other Federal law or any rule or regulation issued under that law. Section 6334(c) of the Code, which was in effect before the enactment of ERISA, provides that notwithstanding any other law of the United States, no property or right to property is exempt from a Federal tax levy other than certain property which is specifically made exempt under section 6334(a). The specific exemptions set forth in section 6334(a) do not include the type of benefits with which the regulations are concerned. Accordingly, it has been concluded that the enforcement of a Federal tax levy is not affected by the application of the general rule prohibiting assignments or alienations under sections 206(d) of ERISA and 401(a)(13) of the Code.

PREEMPTION OF STATE LAW

Several comments requested that the final regulations clarify whether the various State laws (including the laws of community property States) and State court orders which are or may be in conflict with the general rule of section 401(a)(13) are preempted by section 514 of ERISA. As the Internal Revenue Service does not have the authority to prescribe regulations under Title I of ERISA, which includes section 514, these regulations do not address this issue.

DEFINITION OF ASSIGNMENT AND ALIENATION

The regulations state that the terms "assignment" or "alienation" include any arrangement whereby a party acquires a legally enforceable right or interest in, or to, a plan benefit payment. Also included under the definition of these terms is any arrangement providing for the payment to the employer of plan benefits which otherwise would be due the participant under the plan.

The regulations also list certain arrangements which are specifically excluded from being considered an assignment or alienation.

PERMISSIBLE ASSIGNMENTS AND ALIENATIONS

Section 401(a)(13) provides for two exceptions to the general rule prohibiting any assignments or alienations. The first exception is that a plan may provide for a voluntary and revocable assignment or alienation of benefits (not to exceed 10 percent of any benefit payment) by participants or beneficiaries who are in pay status, provided that it is not made for the purpose of defraying plan administration costs. The second exception is that a participant may use his vested benefits as collateral to secure certain loans. The regulations state that this exception is limited to loans from the plan and is not applicable to loans from parties other than the plan.

The prohibition of third party loans was contained in the proposed regulations and was subject to several comments which suggested that there was no statutory basis for the prohibition. However, in view of the statement in the legislative history of ERISA that "vested benefits may be used as collateral for reasonable loans from a plan" (Report of the Conference Committee, H.R. Rep. No. 93-1280, 93d Cong., 2d Sess. 280 (1974); a similar statement is found in the Report of the Committee on Ways and Means, H.R. Rep. No. 93-807, 93d Cong., 2d Sess. 69 (1974)), it has been concluded that there is no basis for extending the loan exception to third party loans.

SPECIAL RULE FOR CERTAIN ARRANGEMENTS

The regulations contain a special rule which provides that an arrangement in which the participant directs the payment of all or a portion of a benefit payment to a third party (which includes the participant's employer) will not be considered an "assignment or alienation" so long as certain conditions are met. These conditions require that the arrangement be revocable at any time, and that the third party file a written acknowledgement with the plan administrator.

Under the proposed regulations, this special rule was only applicable to arrangements involving third parties, other than the employer. However, several commentators pointed out that in many instances an arrangement with the employer provides greater benefits for the employee than any other third party arrangement. Accordingly, the final regulations extend the special rule to cover employer arrangements.

The proposed regulations also required the third party to deliver an acknowledgement to each participant as well as the plan. However, under the special rule contained in the final regulations, a third party is only required to file a written acknowledgement with the plan administrator. The change will result in much less of an administrative burden for the plan and third party. The regulations also state that a blanket written acknowledgement for all participants who are covered under an arrangement with the third party satisfies the acknowledgement requirement.

Finally, in response to several requests, the regulations have extended the time within which the written acknowledgements must be filed with the plan administrator.

EFFECTIVE DATE

The regulations require that the plan provision providing for no assignment or alienation must be effective as of January 1, 1976. In addition, the regulations contain a special "grandfather" provision for attachments and garnishments that are made before January 1, 1976, as well as for certain irrevocable assignments made before that date.

DRAFTING INFORMATION

The principal author of this regulation was Norman J. Misher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended by adding the following new section immediately before § 1.401(a)-14:

§ 1.401(a)-13 **Assignment or alienation of benefits.**

(a) *Scope of the regulations.* This section applies only to plans to which section 411 applies without regard to section 411(e)(2). Thus, for example, it does not apply to a governmental plan, within the meaning of section 414(d); a church plan, within the meaning of section 414(e), for which there has not been made the election under section 410(a) to have the participation, vesting, funding, etc. requirements apply; or a plan which at no time after September 2, 1974, provided for employer contributions.

(b) *No assignment or alienation.*—(1) *General rule.* Under section 401(a)(13), a trust will not be qualified unless the plan of which the trust is a part provides that benefits provided under the plan may not be anticipated, assigned (either at law or in equity), alienated or subject to attachment, garnishment, levy, execution or other legal or equitable process.

(2) *Federal tax levies and judgments.* A plan provision satisfying the requirements of subparagraph (1) of this paragraph shall not preclude the following:

(i) The enforcement of a Federal tax levy made pursuant to section 6331.

(ii) The collection by the United States on a judgment resulting from an unpaid tax assessment.

(c) *Definition of assignment and alienation.*—(1) *In general.* For purposes of this section, the terms "assignment" and "alienation" include—

(i) Any arrangement providing for the payment to the employer of plan benefits which otherwise would be due the participant under the plan, and

(ii) Any direct or indirect arrangement (whether revocable or irrevocable) whereby a party acquires from a participant or beneficiary a right or interest enforceable against the plan in, or to, all or any part of a plan benefit payment which is, or may become, payable to the participant or beneficiary.

(2) *Specific arrangements not considered an assignment or alienation.* The terms "assignment" and "alienation" do not include, and paragraph (e) of this section does not apply to, the following arrangements:

(i) Any arrangement for the recovery of amounts described in section 4045(b) of the Employee Retirement Income Security Act of 1974, 88 Stat. 1027 (relating to the recapture of certain payments),

(ii) Any arrangement for the withholding of Federal, State or local tax from plan benefit payments,

(iii) Any arrangement for the recovery by the plan of overpayments of benefits previously made to a participant,

(iv) Any arrangement for the transfer of benefit rights from the plan to another plan, or

(v) Any arrangement for the direct deposit of benefit payments to an account in a bank, savings and loan association or credit union, provided such

arrangement is not part of an arrangement constituting an assignment or alienation. Thus, for example, such an arrangement could provide for the direct deposit of a participant's benefit payments to a bank account held by the participant and the participant's spouse as joint tenants.

(d) *Exceptions to general rule prohibiting assignments or alienations.*—(1) *Certain voluntary and revocable assignments or alienations.* Not withstanding paragraph (b)(1) of this section, a plan may provide that once a participant or beneficiary begins receiving benefits under the plan, the participant or beneficiary may assign or alienate the right to future benefit payments provided that the provision is limited to assignments or alienations which—

(i) Are voluntary and revocable;

(ii) Do not in the aggregate exceed 10 percent of any benefit payment; and

(iii) Are neither for the purpose, nor have the effect, of defraying plan administration costs.

For purposes of this subparagraph, an attachment, garnishment, levy, execution, or other legal or equitable process is not considered a voluntary assignment or alienation.

(2) *Benefits assigned or alienated as security for loans.* (i) Notwithstanding paragraph (b)(1) of this section, a plan may provide for loans from the plan to a participant or a beneficiary to be secured (by whatever means) by the participant's accrued nonforfeitable benefit provided that the following conditions are met.

(ii) The plan provision providing for the loans must be limited to loans from the plan. A plan may not provide for the use of benefits accrued or to be accrued under the plan as security for a loan from a party other than the plan, regardless of whether these benefits are nonforfeitable within the meaning of section 411 and the regulations thereunder.

(iii) The loan, if made to a participant or beneficiary who is a disqualified person (within the meaning of section 4975(e)(2)), must be exempt from the tax imposed by section 4975 (relating to the tax imposed on prohibited transactions) by reason of section 4975(d)(1). If the loan is made to a participant or beneficiary who is not a disqualified person, the loan must be one which would be exempt from the tax imposed by section 4975 by reason of section 4975(d)(1) if the loan were made to a disqualified person.

(e) *Special rule for certain arrangements.*—(1) *In general.* For purposes of this section and notwithstanding paragraph (c)(1) of this section, an arrangement whereby a participant or beneficiary directs the plan to pay all, or any portion, of a plan benefit payment to a third party (which includes the participant's employer) will not constitute an "assignment or alienation" if—

(i) It is revocable at any time by the participant or beneficiary; and

(ii) The third party files a written acknowledgement with the plan administrator pursuant to subparagraph (2) of this paragraph.

(2) *Acknowledgement requirement for third party arrangements.* In accordance with paragraph (e)(1)(ii) of this section, the third party is required to file a written acknowledgement with the plan administrator. This acknowledgement must state that the third party has no enforceable right in, or to, any plan benefit payment or portion thereof (except to the extent of payments actually received pursuant to the terms of the arrangement). A blanket written acknowledgement for all participants and beneficiaries who are covered under the arrangement with the third party is sufficient. The written acknowledgement must be filed with the plan administrator no later than the later of—

(i) August 18, 1978; or

(ii) 90 days after the arrangement is entered into.

(f) *Effective date.* Section 401(a)(13) is applicable as of January 1, 1976, and the plan provision required by this section must be effective as of that date. However, regardless of when the provision is adopted, it will not affect—

(1) Attachments, garnishments, levies, or other legal or equitable process permitted under the plan that are made before January 1, 1976;

(2) Assignments permitted under the plan that are irrevocable on December 31, 1975, including assignments made before January 1, 1976, as security for loans to a participant or beneficiary from a party other than the plan; and

(3) Renewals or extensions of loans described in subparagraph (2) of this paragraph, if—

(i) The principal amount of the obligation outstanding on December 31, 1975 (or, if less, the principal amount outstanding on the date of renewal or extension), is not increased;

(ii) The loan, as renewed or extended, does not bear a rate of interest in excess of the rate prevailing for similar loans at the time of the renewal or extension; and

(iii) With respect to loans that are renewed or extended to bear a variable interest rate, the formula for determining the applicable rate is consistent with the formula or formulae prevailing for similar loans at the time of the renewal or extension.

For purposes of subparagraphs (2) and (3) of this paragraph, a loan from a party other than the plan made after December 31, 1975, will be treated as a new loan. This is so even if the lender's security interest for the loan arises from an assignment of the participant's accrued nonforfeitable benefit made before that date.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
*Commissioner of Internal Revenue.*

Approved: February 8, 1978.

ROBERT H. MUNDHEIM,
*General Counsel.*

[FR Doc. 78-4340 Filed 2-15-78; 12:19 pm]

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[4510-27]

**Title 29—Labor**

**SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR**

**PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS**

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document authorizes Regional Solicitors/Regional Attorneys to file complaints under the Service Contract Act directly with the Office of Administrative Law Judges. This change will expedite the processing of Service Contract Act administrative proceedings.

DATE: This regulation is a procedural change which is effective on February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Alvin Bramow, Acting Associate Solicitor for General Legal Services, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-8293.

SUPPLEMENTARY INFORMATION: Enforcement proceedings before an Administrative Law Judge in Service Contract Act matters are presently instituted by the Deputy Solicitor. To expedite the bringing of such proceedings this document also authorizes Regional Solicitors/Regional Attorneys to bring such actions.

This document was prepared under the direction and control of Alvin Bramow, Acting Associate Solicitor for General Legal Service, Office of the Solicitor.

Paragraph (a) of § 6.3, 29 CFR Part 6 is revised as follows:

**§ 6.3 Complaints.**

(a) Enforcement proceeding may be instituted by the Deputy Solicitor, or Regional Solicitors/Regional Attorneys by issuing a complaint and causing the complaint to be served upon the respondent.

* * * * *

Signed at Washington, D.C. on this 10th day of February 1978.

DONALD E. ELISBURG,
*Assistant Secretary for Employment Standards.*

[FR Doc. 78-4169 Filed 2-16-78; 8:45 am]





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[6560-01]

**Title 40—Protection of Environment**

[FRL 856-8]

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**

**PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS: ARIZONA**

**Sulfur Oxide Control Strategy and Regulations for Existing Nonferrous Smelters**

AGENCY: Environmental Protection Agency.

ACTION: Deferral of effectiveness of rule.

SUMMARY: This action temporarily defers the effectiveness of the State implementation plan regulations governing the emission of sulfur dioxide from the seven Arizona copper smelters. Those regulations were published on January 4, 1978 (43 FR 755). The effectiveness of the regulations is being deferred to ensure that the affected smelters have an opportunity to apply to EPA for primary nonferrous smelter orders (NSOs) under section 119 of the Clean Air Act prior to the effective date of any requirement of the SIP regulations. The dates for required compliance with the SIP regulations will be reestablished as soon as EPA has completed and made public the contents of the NSO program and its application process under section 119.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-0217.

SUPPLEMENTARY INFORMATION: On January 4, 1978, EPA published State implementation plan regulations under section 110 of the Clean Air Act for the control of sulfur dioxide emissions at seven existing copper smelters in Arizona. Among the contents of these regulations were schedules for compliance with the requirements of the State implementation plan (SIP), as well as a date for the attainment of the national ambient air quality standards for sulfur dioxide.

As the January 4, 1978, notice indicated, all Arizona smelters may apply to EPA for primary nonferrous smelter orders (NSOs) under section 119 of the Clean Air Act. Any smelter granted an NSO would be permitted on an interim basis to use dispersion techniques to prevent violations of the national ambient air quality standards in its vicinity, instead of complying with the emission limitations contained in the SIP. It was the Agency's intent, in formulating the compliance schedules contained in the regulations, to afford the Arizona smelters approximately sixty days after the publication of the regulations during which they might commence the process of applying for NSOs, prior to the arrival of the first compliance date required by the SIP regulations.

EPA believes that such a period is consistent with the intent of Congress in enacting section 119. Because the Agency has not yet completed the development of the NSO program, including its application process, EPA is today temporarily deferring the effectiveness of the SIP regulations. When the Agency has completed and made public the contents of the NSO program and its application process, new compliance and attainment dates will be established. Those dates will provide the same intervals of time for compliance (adjusted to the time of reinstatement), including the sixty day decision period, as did the original regulations.

The Administrator hereby finds that good cause exists to publish this notice of final rulemaking without prior opportunity for public comment and to make it effective immediately. That cause is the need to defer the effectiveness of the regulations prior to the time the first compliance date would have been reached.

This rule is published under the authority of sections 110, 119, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7419, and 7601).

Dated: February 14, 1978.

DOUGLAS COSTLE,
*Administrator.*

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

**Subpart D—Arizona**

1. In § 52.125, paragraph (e) is added to read as follows:

**§ 52.125 Control Strategy and regulations: sulfur oxides.**

* * * * *

(e) *Deferral of effectiveness.* Notwithstanding the provisions of paragraph (d) of this section or of § 52.131 of this subpart, the requirement of compliance with the provisions of paragraph (d) of this section is hereby temporarily deferred until its reestablishment by the Administrator.

[FR Doc. 78-4466 Filed 2-16-78; 8:45 am]

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[6820-24]

**Title 41—Public Contracts and Property Management**

**CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS**

[FPR Amdt. 188]

**PART 1-16 PROCUREMENT FORMS**

**New Editions of Standard Forms**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations prescribes the October 1977 edition of Standard Form 37, Report on Procurement by Civilian Executive Agencies, and the July 1977 (first) edition of Standard Form 37A, Report on Procurement by Executive Agencies which will supplement Standard Form 37. The action is taken to incorporate the changes on the forms which are necessary to measure compliance with the provisions of the Small Business Act as amended by the provisions of Pub. L. 95-89, August 4, 1977, and to respond to a request by the Administrator, Office of Federal Procurement Policy. The amendment will provide a means to evaluate the results achieved under Pub. L. 95-89, and will provide for the reporting of procurement data on a Government-wide basis as requested by OFPP.

EFFECTIVE DATE: This amendment is effective October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

SUPPLEMENTARY INFORMATION: It is anticipated that copies of the forms will be available for use by March 31, 1978, and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the appropriate GSA regional office.

The table of contents of Part 1-16 is amended to add the following:

Sec.
1-16.901-37A Standard Form 37A: Report on Procurement by Executive Agencies (Supplement to Report on Procurement by Civilian Executive Agencies for Procurements in Excess of $10,000).

**Subpart 1-16.8—Miscellaneous Forms**

1. Section 1-16.804-2 is revised to read as follows:

§ 1-16.804-2 Agencies required to report.

(a) Each executive agency (including Department of Defense) shall report its procurement to the General Services Administration for the agency as a whole and for each bureau or comparable major organizational unit of the agency. When procurement is performed by one agency for another, the agency performing the procurement shall report the transactions; however, when an agency establishes contracts for use by other agencies, only the agencies procuring under such contracts shall report (see § 1-16.804-3(c)(2)). Agencies shall submit negative reports if no reportable procurements are made during the reporting period.

(b) The Department of Defense (DOD) need not report data regarding total set-asides (small business or otherwise) to be performed in labor surplus areas. This reflects the Maybank Amendment of the DOD Appropriations Act. Preference awards by DOD for performance in labor surplus areas should be reported on Standard Form 37 under remarks.

2. Section 1-16.804-3 is amended to revise paragraph (a) to read as follows:

§ 1-16.804-3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(a) *Forms prescribed.* Report on Procurement by Civilian Executive Agencies (Standard Form 37, October 1077 edition) and Report on Procurement by Executive Agencies (Supplement to Report on Procurement by Civilian Executive Agencies for Procurements in Excess of $10,000), (Standard Form 37A, July 1977 edition), are prescribed for use when reporting on procurement in accordance with this section. Both forms are now applicable to the Department of Defense as well as to civilian executive agencies. Where determined advantageous by the reporting agency, mechanized printout reports containing the same information and in the same format as called for by the standard format may be submitted in lieu of Standard Forms 37 and 37A.

. . . . .

3. Section 1-16.804-4 is amended to revise paragraph (b) to read as follows:

§ 1-16.804-4 Contracts placed in labor surplus areas.

. . . . .

(b) Detailed listings showing the dollar amounts of contracts placed in specific labor surplus areas shall not be submitted to the General Services Administration pursuant to the requirements of this section. To the extent required, the reporting of such data will be in accordance with a separate reporting requirement.

**Subpart 1-16.9—Illustrations of Forms**

Section 1-16.901-37 is revised to illustrate the new edition of Standard Form 37.





§ 1-16.901-37 Standard Form 37: Report on Procurement by Civilian Executive Agencies.

(a) Page 1 of Standard Form 37.

| REPORT ON PROCUREMENT BY CIVILIAN EXECUTIVE AGENCIES (See Instructions on reverse) | Interagency Report Control No. 1118-GSA-SA | PERIOD COVERED | FORM APPROVED OMB No. 29-R0018 |
|---|---|---|---|

REPORTING AGENCY (Include bureau, office, etc.)

REFER QUESTIONS TO (Name and title) | TELEPHONE NO. (or Code and Extension)

PART I—TOTAL PRIME PROCUREMENT

| PROCUREMENTS REPORTED (a) | NET DOLLAR AMOUNT PROCURED (Round to nearest thousand) TOTAL (+4) (b) | Small Business Concerns (c) | Other Than Small Business (d) | Minority Business Enterprise (e) |
|---|---|---|---|---|
| 1. Total (2+3+4) | | | | |
| 2. Formally advertised | | | | |
| 3. Negotiated | | | | |
| 4. Procurements under other agency contracts (5+6) | | | | |
| 5. Fed. Sup. Sched. & other GSA contracts | | | | |
| 6. Other agency contracts | | | | |

PART II—STATISTICS ON SELECTED TYPES OF PROCUREMENT
(Breakouts of procurements reported in Part I)*

| PROCUREMENTS REPORTED (a) | NET DOLLAR AMOUNT PROCURED (Round to nearest thousand) TOTAL (+4) (b) | Small Business Concerns (c) | Other Than Small Business (d) |
|---|---|---|---|
| 7. Small business set-asides (8+9+10) | | | |
| 8. Total set-asides other than construction (No. of actions ) | | | |
| 9. Partial set-asides other than construction (No. of actions ) | | | |
| 10. Construction set-asides (No. of actions ) | | | |
| 11. Public or private organizations or individuals (No. of actions ) | | | |
| 12. Procurements in labor surplus areas (13 + 16)(No. of actions ) | | | |
| 13. Under preference procedures (14+15) (No. of actions ) | | | |
| 14. Total labor surplus set-asides (Small Bus.) (No. of actions ) | | | |
| 15. Total labor surplus set-asides (General) (No. of actions ) | | | |
| 16. Under nonpreference procedures (No. of actions ) | | | |
| 17. Procurement of construction (No. of actions ) | | | |
| 18. Procurement from educational institutions and nonprofit organizations (No. of actions ) | | | |

*Procurement not broken out under the agency's reporting system, due to dollar value floors on reportable transactions, may be omitted from Part II. However, the dollar amounts of such cut-offs must be entered under "Remarks."

PART III—SMALL BUSINESS SUBCONTRACTING PROGRAM

| | | | |
|---|---|---|---|
| 19. Dollar amount of subcontract and purchase commitments under the Small Business Subcontracting Program | | | |
| 20. No. of prime contractors submitting small business subcontracting reports | | | |

PART IV—MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

| PROCUREMENTS REPORTED (a) | NET DOLLAR AMOUNT PROCURED (Round to nearest thousand) TOTAL (b) | Minority Business Enterprises (c) | Other Than Minority Business Enterprises (d) |
|---|---|---|---|
| 21. Dollar amount of subcontract and purchase commitments under the Minority Business Enterprises Subcontracting Program | | | |
| 22. No. of prime contractors submitting minority business enterprises subcontracting reports | | | |

Remarks

SUBMITTED BY (Signature) | TITLE | DATE

SPECIMEN

37-106

STANDARD FORM 37 (Rev. 10-77)
Prescribed by GSA FPR (41 CFR) 1-16.804

(b) Page 2 of Standard Form 37.

I. GENERAL INSTRUCTIONS

A. Submission of Reports. Cumulative reports are to be submitted semi-annually, within 45 calendar days after the end of each reporting period. One report for the 6 month period ending March 31, and the other for the 12 month period ending September 30 of each year.

B. Procurements to be Reported. Except as otherwise provided herein, the report shall include the dollar amount of all commitments which obligate the Government to an expenditure of funds for property and services (including maintenance, repair and construction of buildings, roads, etc.; and research and development). The dollar amount for small purchases under $10,000 may be developed by generally accepted statistical sampling methods; and purchases under $100 may be excluded from lines numbered 2 and 3. Also, exclude procurements (1) from Governmental sources of supply, such as D.C. Government, Federal Prisons Industries, Inc., Government Printing Office, and General Services Administration (supply depots, fuel yards, etc.), and (2) for transportation by government bill of lading and transportation of personnel.

C. Definitions.

(1) "Net Dollar Amount Procured" or "Dollar Amount" means the actual or estimated cost to the Government of the property or services procured. In most instances, this is the obligation incurred.

(2) "Small Business Concern" means any firm which meets the criteria established by Title 13, Chapter 1, Part 121 of the Code of Federal Regulations.

(3) "Labor Surplus Area" means any geographical area of substantial unemployment, persistent unemployment, and any section of concentrated unemployment or underemployment, as defined and classified in the Department of Labor publication "Area Trends in Employment and Unemployment." (See FPR 1-16.804-4 regarding principal place of performance.)

(4) "Other Than Small Business" means large business concerns, non-profit organizations, educational institutions, and any others which do not meet the criteria for classification as a small business concern.

(5) "Minority Business Enterprise" is a "business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negro(s), Spanish speaking American persons, American Orientals, American Indians, American Eskimos, and American Aleuts.

II. INSTRUCTIONS FOR LINE ENTRIES

(Except self-explanatory lines)

Small Business Act (See section 502(c) of Public Law 95-89, August 4, 1977, 15 USC 644(c)).

Line 13. Enter the dollar amount of procurements awarded by the reporting agency in Labor Surplus Areas under preference procedures, including set asides and tie bids. (See FPR 1-1.807).

Line 16. Enter the dollar amount of procurements awarded by the reporting agency in Labor Surplus Areas under non preference procedures (see FPR 1-1.807).

Line 17. Enter the dollar amount of contracts for construction, alteration, and repair (including painting and decorating) of buildings, bridges, roads or other real property.

Line 19. Enter the dollar amount of subcontract and purchase commitments reported by prime contractors under the Small Business Subcontracting Program (see 1-16.804-5). Due to timing factors, this dollar amount need not be directly related to prime contracts placed during any reporting period.

Line 20. Enter the number of prime contractors that are currently submitting small business subcontracting reports.

Line 21. Enter the dollar amount of subcontract and purchase commitments reported by prime contractors under the Minority Business Enterprises Subcontracting Program (see FPR 1-16.804-5). Due to timing factors, this dollar amount need not be directly related to prime contracts placed during any reporting period.

Line 22. Enter the number of prime contractors that are currently submitting minority business enterprises subcontracting reports.

Standard Form 37 (Rev. 10-77)





Section 1-16.901-37A is added to illustrate the first edition of Standard Form 37A.

§ 1-16.901-37A Standard Form 37A, Report on Procurement by Executive Agencies (Supplement to Report on Procurement by Civilian Executive Agencies for Procurements in Excess of $10,000).

| REPORT ON PROCUREMENT BY EXECUTIVE AGENCIES *(Supplement to Report on Procurement by Civilian Executive Agencies For Procurements in Excess of $10,000)* | 1118-GSA/SA | | 29-R0018 |
|---|---|---|---|

| PROCUREMENTS REPORTED (a) | NET DOLLAR AMOUNT PROCURED (Round to nearest thousand) TOTAL (c+d+e) (b) | SMALL BUSINESS CONCERNS (c) | OTHER THAN SMALL BUSINESS (d) | MINORITY BUSINESS ENTERPRISE (e) | EDUCATION AND OTHER NON PROFIT INSTITUTIONS (f) |
|---|---|---|---|---|---|
| **PART I – NEGOTIATED PRIME PROCUREMENT** | | | | | |
| 1 Negotiated (2+3) | | | | | |
| 2 Competitive | | | | | |
| 3 Non Competitive | | | | | |
| **PART II – SERVICES *(Non Personal)*** | | | | | |
| 4 Services (5+6+7+8) | | | | | |
| 5 Construction | | | | | |
| 6 Professional Services | | | | | |
| 7 Transportation | | | | | |
| 8 Other | | | | | |
| **PART III – PERSONAL PROPERTY** | | | | | |
| 9 Personal Property *(Equipment and supplies)* | | | | | |

| SUBMITTED BY (Signature) | TITLE | DATE |
|---|---|---|
| | | |

17-201

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 7, 1978.

JAY SOLOMON,
*Administrator of General Services.*

[FR Doc. 78-4384 Filed 2-16-78; 8:45 am]

[4110-07]

**Title 45—Public Welfare**

**CHAPTER II—SOCIAL AND REHABILITATION SERVICE, (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING OF ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS**

**Dissemination of Information on Public Assistance**

AGENCY: Social Security Administration and Health Care Financing Administration, HEW.

ACTION: Final regulation.

SUMMARY: The amendment to the regulation makes it clear that information concerning the public assistance programs under titles I, IV-A, X, XIV, XVI (AABD), and XIX of the Social Security Act must be made available to all persons, whether they are actual or potential applicants or merely persons seeking information. The information that must be made available refers only to information about coverage, conditions of eligibility, scope, related services available, and the rights and responsibilities of applicants for and recipients of assistance of the programs involved and not to information about identifiable claimants. This amendment is needed because some State and local agencies have interpreted the furnishing of information provisions in the regulation to mean that only persons who have made a signed application for public assistance shall be given information about the programs. The intended effect of this amendment to the regulation is to ensure that State and local agencies furnish information to any person who seeks information about the financial assistance and medical assistance programs.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Miss Helen Hamilton, Assistance Payments Program Specialist, Office of Family Assistance, Switzer Building, 330 C Street SW., Washington, D.C. 20201, telephone 202-245-1721.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was published in the FEDERAL REGISTER on December 30, 1976 (41 FR 56832). The amendment to the regulation is responsive to reports from recipient group representatives that some State and local agencies have not made printed or oral information about the public assistance programs available to persons seeking information unless they are applicants as defined in 45 CFR 206.10(b)(1). The basis of the

amendment is the belief of the Social Security Administration (SSA) and the Health Care Financing Administration (HCFA) that clarification is needed to prevent misinterpretation by State and local agencies and to ensure that any person who wishes information receives it. Accordingly, paragraphs (a)(1) and (a)(2)(i) of 45 CFR 206.10 are being revised to specify that information concerning the program shall be provided to any person who requests it, and applicants and all persons who inquire about the programs shall be informed of the eligibility requirements and the rights and obligations of individuals under the programs.

Interested persons were given the opportunity to submit, within 45 days, data, views, or arguments with regard to the proposed changes. The comment period has expired and comments were received from nine State welfare agencies, one hospital association, and one legal aid society. All comments received were in favor of the proposed amendment. Of these respondents, the legal aid society and three State welfare agencies requested clarification of the terms "information" and "coverage and conditions of eligibility" and "how and to what extent information is to be made available." The following is a discussion of their comments and SSA's responses:

1. *Comment:* One State welfare agency suggested a conclusive definition of "information" to differentiate from information available under the regulations in 45 CFR 205.70.

*Response:* Information as referred to in this regulation is confined to oral accounts and handout materials, such as pamphlets and brochures, that convey information regarding coverage and conditions of eligibility to those applicants for, or recipients of, assistance or to other individuals who seek information on the types of assistance or services that can be provided under the assistance programs. 45 CFR 205.70, however, limits the types of information a person may seek to program manuals, policy issuances, and State agency rules and regulations that relate to administrative practices within the State.

2. *Comment:* One State welfare agency asked how and to what extend should program pamphlets be published and made available in quantity.

*Response:* Program pamphlets which are published by the State about the public assistance programs must be in sufficient supply to be made available to all persons inquiring about the program or applying for assistance. The system by which the State makes this information available and the quantity available for distribution are procedural matters for which the State is responsible.

3. *Comment:* One State welfare agency objected to the words "conditions of eligibility" as they are constantly being changed. The agency felt that this necessitated revision and reprinting of pamphlets at a great expense to the agency.

*Response:* Although eligibility conditions change as a result of change in law, it is expected that even as instructional material is made available to agency staff regarding program eligibility changes, an informational flyer could also be prepared for public dissemination.

4. *Comment:* The legal aid society felt that (a) the language of the proposed amendment does not spell out clearly enough those persons to whom the information must be given; (b) a lack of awareness by poor people of the different programs available could mean that these people would fail to present the total problem to the intake worker; (c) the intake worker needs to provide basic eligibility information regarding all available programs; and (d) there should be an oral explanation of pamphlets.

*Response:* The revision specifies that "applicants and all individuals who inquire about the program shall be informed. * * *" It is inherent that workers will explain the programs available in the discussion regarding coverage and scope of the program, etc. A further revision concerning the dissemination of information on public assistance programs is being undertaken by SSA and HCFA and these comments will be considered.

Accordingly, after consideration of all comments and suggestions, the proposed amendment is hereby adopted with minor editorial changes for clarity as set forth below.

(Sec. 1102 of the Social Security Act; 49 Stat. 647, as amended; 42 U.S.C. 1302.)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program and 13.761, Public Assistance—Maintenance Assistance (State Aid).)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1977.

DON WORTMAN,
*Acting Commissioner of Social Security.*

Dated: January 16, 1978.

ROBERT A. DERZON,
*Administrator, Health Care Financing Administration.*

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary of Health, Education, and Welfare.*

Part 206 of Chapter II of Title 45 of the Code of Federal Regulations is amended by revising paragraphs (a)(1) and (a)(2)(i) of §206.10 to read as follows:

**§ 206.10 Application, determination of eligibility and furnishing of assistance.**

(a) *State plan requirements.* A State plan under title I, IV-A, X, XIV, XVI, or XIX of the Social Security Act shall provide that:

(1) Each individual wishing to do so shall have the opportunity to apply for assistance under the plan without delay and information concerning the program shall be provided to any individual who requests it. Under this requirement:

(i) Each individual may apply under whichever of the State plans he chooses;

(ii) The agency shall require a written application, signed under a penalty of perjury, on a form prescribed by the State agency, from the applicant himself, or his authorized representative, or, where the applicant is incompetent or incapacitated, someone acting responsibly for him;

(iii) An applicant may be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them; and

(iv) (A) Individuals found eligible for financial assistance under a State plan for title I, IV-A, X, XIV, or XVI (AABD) are eligible for medical assistance without a separate application.

(B) Aged, blind, or disabled individuals found eligible for Supplementary Security Income benefits under Title XVI of the Act or for State supplemental payments are eligible for medical assistance without a separate application to the extent provided for in agreements between the individual's State of residence and the Social Security Administration; and

(C) Individuals not found eligible as specified in paragraph (a)(1)(iv) (A) or (B) of this section must file a separate application for medical assistance.

(v)(A) For assistance under title XIX, the agency shall request on the application the social security number (SSN) of each individual (including children) for whom assistance is requested. Under this requirement, the agency shall advise the applicant whether disclosure of such number is mandatory or voluntary, by what statute or other authority such number is requested, and what uses will be made of it. Disclosure of the SSN may be made mandatory only if the State had in existence and operating prior to January 1, 1975, a system of welfare or Medicaid records for which disclosure of the SSN was required, by statute or regulation, in order to verify the identity of the individual. If any individual cannot provide a SSN either because he has not been issued one or he does not know his SSN, and wishes to secure one, the agency shall assist him in filling out an application for such number on such forms and under such procedures as may be required by the Social Security Administration (SSA) and shall transmit it to the SSA. Under this requirement, the agency shall also obtain such evidence as may be required under SSA regulations to establish the age, citizenship or alien status, and true identity of such applicant, and, where the case record attests that a previous social security number has been issued, request verification of the number by SSA. Where disclosure of the SSN is voluntary, no individual who is otherwise eligible shall be denied assistance because of failure or refusal to disclose or apply for a SSN, and the individual shall be so informed.

(B) The provisions of paragraph (a)(1)(v)(A) of this section shall apply to title IV-A for the period prior to July 1, 1975.

(C) The agency shall not deny or delay assistance to an eligible individual pending issuance by SSA or verification by the agency of his SSN.

(2)(i) Applicants and all individuals who inquire about the program shall be informed about the eligibility requirements and the rights and obligations of individuals under the program. Under this requirement individuals are given information in written form, and orally as appropriate, about coverage, conditions of eligibility, scope of the program, and related services available, and the rights and responsibilities of applicants for and recipients of assistance. Specifically developed bulletins or pamphlets explaining the rules regarding eligibility and appeals in simple, understandable terms, are publicized and available in quantity.

* * * * *

[FR Doc. 78-4437 Filed 2-16-78; 8:45 am]





[7035-01]

**Title 49—Transportation**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

**PART 1033—CAR SERVICE**

[Service Order No. 1273-A]

**DISTRIBUTION OF FREIGHT CARS**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1273-A).

SUMMARY: Service Order No. 1273 authorized the Chicago, Rock Island & Pacific Railroad to substitute two 40-ft. plain boxcars for each 50-ft. or larger boxcar ordered. The Rock Island had surplus 40-ft. boxcars stored while experiencing shortages of 50-ft. and larger plain boxcars. Because the Rock Island no longer has a surplus of 40-ft. boxcars, Service Order No. 1273-A vacates Service Order No. 1273.

DATE: Effective February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of February 1978.

Upon further consideration of Service Order No. 1273 (42 FR 46055, 57317, and 63788), and good cause appearing therefor:

*It is ordered,* That:

§ 1033.1273 Car Service Order No. 1273.

(a) Distribution of freight cars is vacated effective February 14, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered,* That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members, Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4452 Filed 2-16-78; 8:45 am]

[4310-55]

**Title 50—Wildlife and Fisheries**

**CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 26—PUBLIC ENTRY AND USE**

**Opening of Union Slough National Wildlife Refuge, Iowa, to Public Entry and Use**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public entry and use of Union Slough National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATE: As stated in "Special Conditions".

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Richard Antonette, R#1 Box 32-B, Titonka, Iowa 50480, telephone number 515-928-2523.

SUPPLEMENTARY INFORMATION:

**§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.**

Public access on the Union Slough National Wildlife Refuge, Iowa, is permitted during daylight hours only on the following areas as designated by signs and delineated on maps available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116. The following areas are open under special conditions:

1. Union Slough Auto Tour Route is open Saturday and Sunday during the last two weekends in April, July, and September, 1978, weather permitting. Foot travel in designated areas is permitted.

2. Deer Meadow Picnic Area and Indian Bluff Nature Trail are open April 15 to September 30, 1978 for access by foot travel. Parking is permitted in designated parking area only.

3. Vanishing Prairie Grassland Area is open July 15 through September 30, 1978 for access by foot travel. Parking is permitted in designated parking area only.

4. Deer Observation Area is open from date of publication in the FEDERAL REGISTER until December 31, 1978. Parking is permitted.

5. Pets must be on a leash less than ten feet in length, at all times.

The provisions of this special regulation supplement the regulations which govern public entry and use on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26 and are effective through December 31, 1978.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement

under Executive Order 11949 and OMB Circular A-107.

BARB MEYER,
*Acting Refuge Manager.*

JANUARY 27, 1978.

[FR Doc. 78-4386 Filed 2-16-78; 8:45 am]

[4310-55]

## PART 33—SPORT FISHING

### Opening of Union Slough National Wildlife Refuge, Iowa, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Union Slough National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 15, 1978 through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Richard Antonette, R#1 Box 32-B, Titonka, Iowa 50480, telephone number 515-928-2523.

SUPPLEMENTARY INFORMATION:

**§ 33.5 Special regulations; sport fishing: for individual wildlife refuge areas.**

Sport fishing is permitted on the Union Slough National Wildlife Refuge, Iowa, during daylight hours only on the areas designated by signs as being open to fishing. These areas comprising 8 acres and road right-of-ways traversing the refuge are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

1. The use of boats, canoes, or other floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

BARB MEYER,
*Acting Refuge Manager.*

JANUARY 27, 1978.

[FR Doc. 78-4385 Filed 2-16-78; 8:45 am]

[3510-22]

## CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

## SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

## PART 260—INSPECTION AND CERTIFICATION

### Lot Inspection—Contract Basis

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Final rule.

SUMMARY: This document establishes rates to be charged for the conduct of lot inspections of fishery products performed on a written contract basis. By making provisions for the conduct of lot inspection service on a written contract, guaranteed minimum usage basis, the inspection program can make more efficient use of inspector's time, which, in turn, will reduce the cost of the service to those parties who use it on a continuing basis.

EFFECTIVE DATE: These amended rates become effective February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Irving D. Sackett, Jr., Director of Inspection Services, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

SUPPLEMENTARY INFORMATION: On pages 41440 and 41441 of the FEDERAL REGISTER of August 17, 1977, there was published a proposal to amend § 260.70(b)(3). Interested persons were given until September 15, 1977 to submit comments.

No comments have been received. The proposed amendment is hereby adopted and is set forth below. Note that while no changes were made in the proposed rule, the schedule of fees, § 260.70, was revised upwards in a separate action after the proposal was published on August 17, 1977.

Accordingly, 50 CFR Part 260 § 260.70(b)(3) is amended to read as follows:

**§ 260.70 Schedule of fees.**

* * * * *

(b) * * *

(3) Type III—Miscellaneous Inspection and Consultative Services. When any inspection or related service, including but not limited to, initial and final establishment surveys, appeal inspection sanitation evaluation, SIFE inspections, sampling, product evaluation, label and product specifications review, and lot inspection—contract basis, rendered is such that charges based on the foregoing section are clearly inapplicable, charges will be based on the rates set forth below:

| | *Per hour* |
|---|---|
| Regular time | $21.55 |
| Overtime | 27.50 |
| Sunday and legal holidays (2 hr minimum) | 35.00 |
| Minimum fee | 16.25 |

For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: $21.55 per hour. For miscellaneous inspections and consultative services performed at times Monday through Friday other than 7 a.m. to 5 p.m. and on Saturdays (2 hr. minimum): $27.50 per hour.

For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hr. minimum): $35 per hour. The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be $16.25.

Dated: February 9, 1978.

THEODORE P. GLEITER,
*Assistant Administrator, for Administration.*

[FR Doc. 78-4389 Filed 2-16-78; 8:45 am]

[3510-12]

## CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These regulations implement the fishery management plan prepared by the Mid-Atlantic Fishery Management Council for the surf clam and ocean quahog fisheries which was approved by the Secretary on November 17, 1977. These regulations are similar to and supersede the emergency regulations which were first promulgated on November 17, 1977. New sections have been added which create a moratorium on entry into the fishery, and establish a permit system.

EFFECTIVE DATE: 0001 hours e.s.t., February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Section 305 of the Fishery conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (Act), authorizes the Secretary of Commerce (Secretary) to promulgate necessary regulations to implement approved fishery management plans.

These regulations were published in the FEDERAL REGISTER in substantially the same form as proposed rulemaking on January 3, 1978, and public comments were solicited at that time. Two commentors suggested that the Regional Director be given the authority to take management measures at the beginning of each quarter rather than wait until 50% of the quarterly quota was taken. This additional flexibility will allow the Regional Director to reduce the level of effort to ensure that fishing for surf clams will continue throughout the entire quarter. Such a measure should have a beneficial impact on individuals in the fishery. Section 652.7 has been changed to provide the Regional Director with this additional flexibility. Management measures taken at the beginning of any quarter will be based on historical catch records with the emphasis on the previous quarter's catch as reflected by the statistics provided to the Northeast Region.

A number of comments were received which reflected a concern over the selection of the specific days a vessel could fish for surf clams after the Regional Director had made the management decision to reduce the effort from four to two days. Commentors indicated that the present system fo fishing only on the two days indicated on the vessels permit application is too restrictive, because some of the smaller vessels are limited in their ability to fish on bad weather days. If the bad weather coincides with their selected fishing day, it results in the permanent loss of a day's fishing. A number of schemes for allowing individuals to change their selected fishing days were suggested. The comments received are not directed toward the proposed regulations but rather toward a management measure that can, and has in the past been taken by the Regional Director. As such these comments will be taken into consideration by the Regional Director when and if he reduces the effort from four to two days for any quarter. A Notice addressing these comments will be published in the near future.

No other substantive comments were received.

The regulations are similar to the emergency regulations that they replace and which were implemented on November 17, 1977, for 45 days and repromulgated January 1, 1978, for an additional 45 days. The basic differences are the moratorium provision (§ 652.9); the permit section (§ 652.10), and the increased authority of the Regional Director to take management measures for surf clams, (§ 652.7). The moratorium, which prevents the entry of vessels into the surf clam fishery, was established on the original effective date of the emergency regulation (November 17, 1977) and will remain in effect until November 16, 1978, unless terminated on an earlier date. The plan provides that the moratorium may be extended one additional year if necessary. The permit requirement has several provisions. First, any person desiring to fish for or land surf clams or ocean quahogs caught in the fishery conservation zone must first obtain a permit. The criteria for eligible vessels is also included. This is followed by a description of the application and a discussion of the procedures (including appeal procedures) for obtaining a permit. Finally, this section describes what actions must be taken to keep a permit in force. The expansion of the Regional Director's management authority has already been described above.

A special restriction on fishing effort for the remainder of the first quarter of 1978 is necessary because approximately 175,000 bushels of the quarterly surf clam quota, originally established at 350,000 bushels for the period January 1, 1978, to March 31, 1978, has already been caught under the emergency regulations. Due to the circumstances described in the Preamble to the emergency regulations (42 FR 59948) and the need for continued regulation of the surf clam and ocean quahog fishery it has been determined that these regulations shall be effective on February 17, 1978.

NOTE.—The appropriate environmental impact statement has been filed with the President's Council on Environmental Quality. The Department of Commerce has determined that this document contains a major proposal requiring preparation of an economic impact statement under Executive Orders 11821 and 11949, and OMB Circular A-107 and certifies that an economic impact statement has been prepared.

Signed at Washington, D.C., this 15th Day of February 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

Part 652 is added to read as follows:

Sec.
652.1 Purpose.
652.2 Definitions.
652.3 Foreign fishing.
652.4 Restrictions.
652.5 Penalties.
652.6 Catch allocations.
652.7 Effort restrictions.
652.8 Closed areas.
652.9 Vessel moratorium.
652.10 Vessel permits.
652.11 Vessel identification.
652.12 Facilitation of enforcement.
652.13 Reports and records.

AUTHORITY: Sec. 305 of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended.

**§ 652.1 Purpose.**

This section regulates fishing for surf clams (*Spisula solidissima*) and ocean quahogs (*Arctica islandica*) in that portion of the Atlantic Ocean in which the United States exercises exclusive fishery management authority.

**§ 652.2 Definitions.**

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this Part 652 shall have the following meaning (some definitions in the Act have been repeated here to aid fishermen in understanding the regulations).

(a) *Act.* The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq. as amended;

(b) *Assistant Administrator.* Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

(c) *Authorized official.* (1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified Enforcement or Special Agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of the Commandant of the Coast Guard to enforce the provisions of the Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

(d) *Bushel.* A standard unit of measure presumed to contain 1.88 cubic feet of surf clams or ocean quahogs in the shell.

(e) *Directed fishery.* With respect to any species, means a fishery conducted for the purpose of catching that species.

(f) *Fish.* Finfish, mollusks (including surf clams and ocean quahogs), crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

(g) *Fishery Conservation Zone (FCZ).* The zone contiguous to the territorial sea of the United States, the inner boundary of which is a line coterminous with the seaward boundary of each of the coastal States and the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(h) *Fishing.* (1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity

described in subparagraphs (1) through (3).

(5) The term "fishing" does not include any scientific research activity which is conducted by a scientific research vessel.

(i) *Fishing vessel.* Any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (1) Fishing; or (2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing.

(j) *Operator.* With respect to any vessel, means the master or other person in charge of that vessel.

(k) *Owner.* With respect to any vessel, means any person who owns that vessel, or any charterer, whether bareboat, time, or voyage; or any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel.

(l) *Person.* Any individual, corporation, partnership, association, or other entity.

(m) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-3600.

(n) *Secretary.* The Secretary of Commerce or a designee of the Secretary.

(o) *Vessel of the United States.* (1) A vessel documented or numbered by the Coast Guard under United States law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

### § 652.3 Foreign fishing.

Fishing for surf clams or ocean quahogs in the Fishery Conservation Zone by any vessel other than a vessel of the United States is prohibited.

### § 652.4 Restrictions.

(a) No person shall catch and retain on board any surf clam or ocean quahog:

(1) During closed seasons; or

(2) In closed areas as specified in these regulations; or

(3) On days of the week on which fishing for that species is not permitted.

(b)(1) Possession of surf clams or ocean quahogs, by any person aboard any fishing vessel engaging in those fisheries, in closed areas or more than 12 hours after a season closure announcement becomes effective pursuant to the provisions of section 652.6(c) shall be prima facie evidence that such clams or quahogs were taken in violation of the provisions of the Act and these regulations.

(2) Possession of surf clams, by any person aboard any fishing vessel engaging in the surf clam fishery, more than 12 hours after a weekly closure occurs under the provisions of section 652.7(a) shall be prima facie evidence that such surf clams were taken in violation of the Act and these regulations.

(c) No person shall possess, have custody of or control of, ship, transport, offer for sale, deliver for sale, sell, purchase, import, export or land, any surf clam, ocean quahog, or part thereof, which was taken in violation of the Act, these regulations, or any other regulations issued under the Act.

(d) No person engaging in the surf clam or ocean quahog fisheries as an owner or operator, or as a dealer, processor or buyer shall unload or cause to be unloaded, or sell or buy, any surf clam or ocean quahog whether on land or at sea, without preparing and submitting the documents required by section 652.13.

(e) No person shall: (1) Refuse to permit an authorized officer to board a fishing vessel subject to such a person's control for purposes of conducting any search, no matter where that vessel may be situated, in connection with the enforcement of the Act, these regulations, or any other regulations issued under the Act.

(2) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in subparagraph (1) of this paragraph;

(3) Resist a lawful arrest for any act prohibited by these regulations; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has commited any act prohibited by these regulations.

### § 652.5 Penalties.

Any person or vessel found to be in violation of these regulations shall be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act and pertinent regulations.

### § 652.6 Catch quotas.

Catch quotas for the period from February 15, 1978 to September 30, 1979, for vessels of the United States permitted to fish for surf clams or ocean quahogs are as follows:

(a) *Surf clams:*

| | *Bushels* |
|---|---|
| Feb. 15, 1978, through Mar. 31, 1978 | 175,000 |
| Apr. 1, 1978, through June 30, 1978 | 550,000 |
| July 1, 1978, through Sept. 30, 1978 | 550,000 |
| Oct. 1, 1978, through Dec. 31, 1978 | 350,000 |
| Jan. 1, 1979, through Mar. 31, 1979 | 350,000 |
| Apr. 1, 1979, through June 30, 1979 | 550,000 |
| July 1, 1979, through Sept. 30, 1979 | 550,000 |

(1) If the actual catch of surf clams in any quarter falls more than 5,000 bushels short of the specified quarterly quota, the Regional Director shall add the amount of the shortfall to the next succeeding quarterly quota. If the actual catch of surf clams in any quarter exceeds the specified quarterly quota, the Regional Director shall subtract the amount of the excess from the next succeeding quarterly quota.

(2) The Assistant Administrator shall publish a notice in the FEDERAL REGISTER whenever the Regional Director adjusts the quarterly quota of surf clams under subparagraph (1) above.

(b) *Ocean Quahogs:*

| | *Bushels* |
|---|---|
| Feb. 15, 1978, to Dec. 31, 1978 | 2,625,000 |
| Jan. 1, 1979, to Sept. 30, 1979 | 2,250,000 |

If necessary, the Regional Director may establish quarterly quotas for ocean quahogs, and, in that event, the Assistant Administrator shall publish a notice of such quarterly quotas in the FEDERAL REGISTER.

(c) *Closure.* If the Regional Director determines (based on logbook reports, processor reports, vessel inspections, or other information), that the quota of surf clams or ocean quahogs for any time period indicated in § 652.6 will be exceeded, the Assistant Administrator shall publish a notice in the FEDERAL REGISTER stating the determination and, if necessary, stating a date and time for closure of the surf clam or ocean quahog fishery for the remainder of the time period. The Regional Director shall send notice of the action, by certified mail, to each surf clam or ocean quahog processor and to each surf clam or ocean quahog vessel owner or operator. No person shall fish for surf clams or ocean quahogs after the date and time specified in the notice for closure of that fishery.

### § 652.7 Effort restriction.

(a) *Surf clams.* (1) Fishing for surf clams shall be permitted only four days per week, from 12:01 a.m. Monday to 12 midnight Thursday, except as adjusted under subparagraphs (2) and (3) below. Fishing for any part of a day will be counted as one day of fishing. In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds.

(2) Prior to the beginning of each quarter specified in Section 652.6(a), the Regional Director shall determine what level of effort will allow for the continued catch of surf clams throughout the entire quarter. This determination will be based on historical catch records with emphasis given to the data from the previous completed quarter. If the Regional Director determines that a reduction in the number of days during which fishing for surf clams will be permitted is necessary, he may make the reduction.





Each quarterly determination will be made in a timely manner, and published in the FEDERAL REGISTER.

(3) When 50 percent of the quarterly quota (as adjusted under subparagraph 652.6(a)(1)) of surf clams has been caught, the Regional Director shall estimate whether the total catch of surf clams during that quarter will exceed the quarterly quota. If the Regional Director determines that the quarterly quota probably will be exceeded, he may reduce the number of days per week during which fishing for surf clams is permitted during that quarter. If the Regional Director determines that the quarterly quota probably will not be exceeded, he may increase the number of days per week during which fishing for surf clams is permitted during that quarter.

(4) If less than 25 percent of the quarterly quota has been caught during the first 45 days of any quarter, the Regional Director may increase the number of days per week during which fishing for surf clams is permitted for that quarter if he determines that the reduced catch rate is not caused by a decline in abundance of stocks of surf clams.

(5) The Assistant Administrator shall publish a notice in the FEDERAL REGISTER of any reduction or increase in days per week during which fishing for surf clams is permitted. The reduction or increase shall take effect immediately upon publication in the FEDERAL REGISTER. The Regional Director shall also send notice of the change by certified mail to each surf clam or ocean quahog processor in the fishery and to each surf clam or ocean quahog vessel owner or operator.

(b) *Ocean quahogs.* (1) Fishing for ocean quahogs shall be permitted seven days per week.

(2) When 50 percent of the quota of ocean quahogs for any time period indicated in section 652.6(b) above has been caught, the Regional Director shall estimate whether the total catch of ocean quahogs during the applicable time period will exceed the quota for that time period. If the Regional Director determines that the quota probably will be exceeded, he may reduce the number of days per week during which fishing for ocean quahogs is permitted for the remainder of that time period.

(3) The Assistant Administrator shall publish a notice in the FEDERAL REGISTER of any reduction in days per week during which fishing for ocean quahogs is permitted. The reduction shall take effect immediately upon publication in the FEDERAL REGISTER. The Regional Director shall also send notice of any reduction by certified mail to each surf clam or ocean quahog processor in the fishery and to each surf clam or ocean quahog vessel owner or operator.

### § 652.8 Closed areas.

(a) It shall be unlawful to fish for surf clams in any designated closed surf clam area.

(b) Areas may be closed to surf clam and ocean quahogs fishing upon a determination by the Regional Director (based on logbook entries, processors' reports, surveys cruises, or other information) that the area contains surf clams of which:

(1) 60 percent or more are smaller than 4⅛ inches in size; and

(2) Not more than 15 percent are larger than 5½ inches in size. (Sizes shall be measured at the longest dimension of the surf clam.)

(3) The Regional Director shall publish notice of any closed area in the FEDERAL REGISTER. The Regional Director shall send notice of the closed area, by certified mail, to each surf clam or ocean quahog processor and to each surf clam or ocean quahog vessel owner or operator.

### § 652.9 Vessel moratorium.

(a) A moratorium which became effective on November 17, 1977, prohibits the entry of additional vessels into the surf clam fishery.

(b) The moratorium shall remain in effect until November 16, 1978, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, to terminate the moratorium at an earlier date.

### § 652.10 Vessel permits.

(a) A vessel owner or operator must obtain a permit in order to:

(1) Conduct a directed fishery for surf clams or ocean quahogs within the FCZ; or

(2) Land any surf clams or ocean quahogs or part thereof caught within the FCZ.

(b) A vessel is eligible for a surf clam permit if it meets any of the following criteria:

(1) The vessel has landed surf clams in the course of conducting a directed fishery for surf clams between November 18, 1976, and November 17, 1977; or

(2) The vessel was under construction for, or was being re-rigged for, use in the directed fishery for surf clams on November 17, 1977. For the purpose of this subparagraph, "under construction" means that the keel had been laid, and "being re-rigged" means physical alteration of the vessel or its gear had begun to transform the vessel into one capable of fishing commercially for surf clams; or,

(3) The vessel is replacing a vessel of substantially similar harvesting capacity which involuntarily left the surf clam fishery during the moratorium, and both the entering and replaced vessels are owned by the same person.

(c) Permit applications may be obtained by contacting the Regional Director in Gloucester, Massachusetts. The owner or operator may apply for a permit by submitting in duplicate an application form supplied by the Regional Director containing the following information:

(1) Names, addresses, and telephone numbers of the owner and operator;

(2) The name of the vessel;

(3) The vessel's United States Coast Guard documentation number or State license number;

(4) Engine and pump horsepower;

(5) Homeport of the vessel;

(6) Directed fishery or fisheries;

(7) Fish hold capacity (in "cages" or bushels);

(8) Dredge size;

(9) Amount of surf clams and ocean quahogs landed in the past year (in bushels, if applicable);

(10) Number of fishing trips in the past year; and

(11) Date of beginning of construction or re-rigging (if applicable).

(d) The Regional Director shall issue a permit for each eligible vessel for which an application is submitted. The eligibility of a vessel to fish for surf clams will be determined consistent with this subsection. There will be no fee for a new permit; a lost or mutilated permit will be replaced at a cost of $25.

(e) Any applicant denied a permit by the Regional Director may appeal to the Assistant Administrator for review of the denial. Any of the following grounds may form the basis for the review:

(1) Applicant believes denial was in error;

(2) Applicant was prevented by circumstances beyond his control from meeting relevant criteria;

(3) Applicant has new or additional information which might change the initial decision;

(4) Applicant can show that significant and unusual hardship will result from the denial.

(f) The appeal may be presented, at the option of the applicant, at a hearing before a person appointed by the Assistant Administrator to hear the appeal.

(g) The decision of the Assistant Administrator shall be the final decision of the Department of Commerce.

(h) A permit is valid only for the vessel for which it is issued. The permit must be carried, at all times, on board the vessel for which it is issued, and must be maintained in legible condition. The permit, the vessel, its gear and catch shall be subject to inspection by any authorized official.

(i) Except as provided in subparagraph (i)(2), a permit shall expire:

(1) When the owner or operator retires the vessel from the fishery (it shall be a rebuttable presumption that

failure to land any surf clams or ocean quahogs for 52 consecutive weeks constitutes retirement from the fishery); or

(2) When the ownership of the vessel changes; however, the Assistant Administrator may authorize continuation of a vessel permit for the surf clam fishery, if he determines that expiration of the vessel permit would cause substantial economic hardship to a person who had participated in the surf clam fishery for at least one year immediately prior to November 17, 1977. Petitions for continuation of a permit must be addressed to the Assistant Administrator and contain sufficient evidence to support the claim of economic hardship.

**§ 652.11 Vessel identification.**

(a) Each fishing vessel 25 feet in length or greater subject to these regulations shall display its official number on both sides of the deckhouse or hull, and on an appropriate weather deck. Vessels under 25 feet in length do not need to display any number. The official number is that number issued by the U.S. Court Guard associated with the documentation of the fishing vessel or the official number issued by a State or the U.S. Coast Guard for undocumented vessels.

(b) Such markings shall be at least eighteen (18) inches in height and be legibly painted in a contrasting color.

(c) The operator of each vessel shall:

(1) Keep the required markings clearly legible and in good repair; and

(2) Insure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) In lieu of (a) and (b) above, vessels licensed under New Jersey law may use the appropriate vessel identification markings established by that State.

**§ 651.12 Facilitation of enforcement.**

(a) The owner or operator of any vessel subject to these regulations shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(b) Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly;"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you;" and

(3) "AA AA AA etc." which is the call to an unknown station; to which the signalled vessel should respond by illuminating the vessel identification required by § 652.11 above.

(c) A vessel signalled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide a ladder for the authorized officer and his party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as necessary to ensure the safety of the authorized officer and his party and to facilitate the boarding.

**§ 652.13 Reports and records.**

(a) *Dealers.* (1) All persons who buy surf clams or ocean quahogs from vessels engaged in the surf clam or ocean quahog fishery shall provide to the Regional Director on a weekly basis the following information, on forms to be supplied by the Regional Director:

(i) Dates of purchases;

(ii) Number of bushels purchased, by species;

(iii) Name and permit number of the vessel from which surf clams or ocean quahogs are landed or received;

(iv) Price per bushel, by species;

(v) Mailing address of dealer or processing plant;

(vi) Size distribution of surf clams and ocean quahogs purchased, by species on a percentage basis;

(vii) Meat yield per bushel by species;

(viii) Number of dealer or processing plant employees;

(ix) Number of employees processing surf clams and ocean quahogs; and

(x) Total payroll of surf clam and ocean quahog processing.

(2) All persons purchasing or receiving any surf clams or ocean quahogs at sea for transport to any port of the United States must maintain and provide to the Regional Director on a weekly basis records identical to those required under subparagraph (a)(1) of this paragraph.

(b) *Owners and operators.* (1) The owner or operator of any vessel landing surf clams or ocean quahogs must maintain an accurate log for each fishing trip, including:

(i) Name and permit number of vessel;

(ii) Total amount in bushels of each species taken;

(iii) Date(s) caught;

(iv) Time at sea;

(v) Duration of fishing time;

(vi) Locality fished;

(vii) Crew size;

(viii) Crew share by percentage;

(ix) Landing port;

(x) Date sold;

(xi) Price per bushel; and

(xii) Buyer.

(2) The owner or operator shall make the log available for inspection by an authorized official at any time during or after a trip.

(3) The owner or operator shall keep each logbook for one year after the date of the last entry in the log.

(4) The owner or operator shall submit weekly logbook reports to the Regional Director, on forms supplied by the Regional Director.

(5) The Assistant Administrator may revoke, modify or suspend the permit of a vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 CFR Part 621.

[FR Doc. 78-4517 Filed 2-16-78; 8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[1505-01]

## DEPARTMENT OF AGRICULTURE

**Food Safety and Quality Service**

**[7 CFR Part 2853]**

**MEATS, PREPARED MEATS, AND MEAT PRODUCTS**

**Grading Certification and Standards**

*Correction*

In FR Doc. 78-2065, appearing at page 3140 in the issue for Monday, January 23, 1978, on page 3142, in the center column, in the second full paragraph, the 19th and 20th lines reading, "The only reason that carcass No. 2 graded after removal of these fats.", should be deleted.

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[3410-34]

**Animal and Plant Health Inspection Service**

**[9 CFR Part 92]**

**IMPORTATION OF HORSES**

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document would permit the unrestricted entry of certain horses into the United States from the United Kingdom, Ireland, and France which are countries affected with contagious equine metritis (CEM) when specific conditions are met. This action is needed to provide for the importation of horses from CEM-affected countries when this can be done without risk of introducing CEM into the United States. The effect of this action would be to provide for the importation of certain horses from CEM-affected countries.

DATE: Comments on or before March 20, 1978.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 4 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

Section 92.2(i)(1) of the regulations (9 CFR 92.2(i)(1)) prohibits the importation of certain horses from the countries of Australia, Ireland, France, and the United Kingdom due to the existence of CEM in such countries.

Section 92.2(i)(2) of the regulations exclude geldings, weanlings or yearlings whose ages are certified on the import health certificate from the requirements of the applicable regulations. It also allows the temporary importation of horses into the United States from CEM-affected countries for a period not to exceed 90 days for purposes other then breeding if accompanied by an import permit, and a certificate stating that the horses have not been on any breeding premises since reaching two years of age, and if they are restricted to specified premises while in the United States.

On-site inspections have been made of facilities and records of individual animal histories of certain horses in the United Kingdom, Ireland, and France, and it appears that sufficient specific information is available on certain horses in those countries to enable reliable certifications to be made that will establish the fact that since reaching two years of age they have not been on any premises where breeding is carried out; and that this certification, together with a series of three negative cultures for CEM at least 7 days apart, and an import permit should provide satisfactory assurances that such horses imported from those countries, are not likely to introduce CEM into the United States.

Due to physiological changes in the system of a horse and the CEM organism, it is not possible to detect the CEM organism in a horse at any given place at any given time. Therefore, it is proposed that culturing three separate swabbings from each area of a horse where it is believed most likely that the CEM organism may reside would provide a reasonable assurance of detecting the presence of the organism in a horse. It should also be noted that with regard to female horses, it is proposed that one of the three culture specimens must be taken at the time of estrus. This is being proposed because it has been established that it is easier to detect the CEM organism at that time as opposed to periods other than estrus.

Further, the docket proposes that the specimens be cultured at laboratories approved by the National Veterinary Service of the country of origin to conduct cultures for CEM. The Department believes that it can rely on the countries involved to require accurate culturing procedures to determine the presence of CEM.

The docket also proposes that the last of the tests be performed within 30 days of the date of importation. This is being proposed because it is believed that the results of the test would closely approximate the health status of the horse on the date of importation. Additionally, it should afford time to the importer to make appropriate shipping arrangements for the horse.

Therefore, it is proposed to exempt from the prohibition in § 92.2(i)(1) of the regulations, those horses which are accompanied by an import permit and certificate stating that the horses have had three negative cultures for CEM taken at least seven days apart. In order to clarify how and what kind of an import permit will be necessary, § 92.4 would be amended to include horses from countries affected with CEM listed in § 92.2(i)(1) of the regulations. These proposed provisions apply to the United Kingdom, Ireland, and France. They are not applicable to Australia since on-site inspections have not been made in that country to determine whether health history records exist or are adequate to rely upon in making a certification that a horse has not been on a breeding premises since reaching two years of age.

Additionally, the phrase "officially found" in § 92.17 of the regulations would be changed to "found by an official of the Veterinary Services of the national government of the country where such premises are located" for the purpose of clarification.

This action is to provide for the importation of horses from certain CEM-affected countries in a manner that does not create an undue risk of introducing CEM into the United States.

Accordingly, it is proposed that Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 92.2, paragraph (i) would be amended to add subparagraph (2)(iv) to read:

§ 92.2 General prohibitions; exceptions.

. . . . . .

(j) • • •
(2) • • •

(iv) Horses imported for permanent entry from the United Kingdom, Ireland, and France, if such animals are accompanied by import permits in accordance with § 92.4 of the regulations and are accompanied by a certificate signed by an official of the National Veterinary Service of such country stating that:

(A) Individual health history records that he certifies to be true and factual show that since reaching two years of age such horses have not been on premises where breeding was carried out;

(B) For fillies and mares, that three negative cultures for CEM were conducted from specimens collected from each of the mucosal surfaces of the urethral and clitoral fossa, cervix, and uterus for each culture, at intervals of no less than 7 days, that one culture specimen was collected at time of estrus, and that the last of these tests was conducted within 30 days of the date of exportation;

(C) For male colts and stallions, that three negative cultures were conducted from specimens collected from each of the surfaces of the urethral fossa, the urethra and the penile sheath for each culture at intervals of no less than seven days, and that the last of these tests was conducted within 30 days of the date of exportation; and

(D) At the time each specimen for culturing is taken, a licensed veterinarian of such country has clinically examined such horses and has certified that such horses are clinically free of evidence of CEM.

All specimens shall be cultured in a laboratory approved by the National Veterinary Service of such country to conduct cultures for CEM.

§ 92.4 [Amended]

2. The heading of § 92.4 would be amended by inserting the phrase "horses from countries affected with CEM" immediately after "swine" and prior to "poultry."

3. The first sentence in § 92.4 (a)(1) and (a)(3) and the fourth sentence in § 92.4(b) would be amended by inserting the phrase "horses from countries listed in § 92.2(i)(1) of the regulations" immediately after the term "poultry" and immediately preceding the term "animal semen."

4. In § 92.17, that part of the first sentence after the fourth semicolon and preceding the first proviso would be amended to read:

§ 92.17 Horses, certification and accompanying equipment.

• • •; and except as provided in § 92.2(i)(2)(i) and § 92.2 (i)(2)(iv), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States; they have not been on any premises at any time during which time such premises were found by an official of the Veterinary Services of the national government of the country where such premises are located, to be affected with CEM; that the horses have not been bred by or bred to any horse from an affected premises; and that they have had no other contact with horses that have been found to be affected with CEM or with horses that were imported from countries affected with CEM. • • •

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Md. 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number in this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 78-4453 Filed 2-16-78; 8:45 am]

[3410-34]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS

Miscellaneous Amendments; Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Proposed rule.

SUMMARY: This proposed amendment would add two new sections to the regulations under the Virus-Serum-Toxin Act regarding the requirements for purify, safety, potency, and efficacy to be met by all biological products containing Salmonella Choleraesuis Bacterin and Salmonella Dublin Bacterin. At the present time, requirements appear in each Outline of Production for such products filed with Veterinary Services. This proposed amendment would make uniform requirements available to all licensees.

DATE: Comments must be received on or before April 18, 1978.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulation to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: Standard Requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating biological products for purity, safety, potency, and efficacy. Until such Standard Requirements are developed by Veterinary Services and are codified in the regulations (9 CFR Part 113), the test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensee and are written into the applicable Outline of Production which is requred to be filed with Veterinary Service.

When Standard Requirements for a biological product have been developed by Veterinary Services, they are proposed for codification in the regulations. Such codification assures uniformity and general availability of such Standard Requirements to all licensees and to the general public. This proposed amendment contains the Standard Requirements for evaluating all licensed products containing Salmonella Choleraesuis Bacterin and Salmonella Dublin Bacterin.

The first letter of each word in the heading for §§ 113.107 and 113.108 shall be capitalized. Part 113 would be amended by adding two new sections to read:

§ 113.107 Salmonella Choleraesuis Bacterin.

Salmonella Choleraesuis Bacterin shall be prepared from a culture of *Salmonella choleraesuis* which has been inactivated and is nontoxic. Each serial of biological product containing *Salmonella choleraesuis* fraction shall meet the applicable requirements in 9 CFR 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in 9 CFR 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be ½₀ of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three fivefold dilutions shall be made with the Standard and the same fivefold dilution shall be made for each Unknown. The dilutions shall be made in Phosphate-Buffered Saline.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 vaccinated mice per group shall be challenged intraperitoneally 7 to 10 days after the second vaccination with a 0.25 ml dose containing 10-1,000 mouse $LD_{50}$ as determined by titration of a suitable culture of *Salmonella choleraesuis*. All survivors in each group of mice shall be recorded 14 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

RP = Reciprocal of 50 percent endpoint dilution of Unknown/Reciprocal of 50 percent endpoint dilution of Standard.

(7) If the RP of the Unknown is less than 0.50, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested: *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

§ 113.108 Salmonella Dublin Bacterin.

Salmonella Dublin Bacterin shall be prepared from a culture of *Salmonella dublin* which has been inactivated and is nontoxic. Each serial of biological product containing *Salmonella dublin* fraction shall meet the applicable requirements in 9 CFR 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in 9 CFR 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be ½₀ of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three tenfold dilutions shall be made with the Standard and the same tenfold dilutions shall be made for each Unknown. The dilutions shall be made in Phosphate-Buffered Saline.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 vaccinated mice per group shall be challenged intraperitoneally 7 to 10 days after the second vaccination with a 0.25 ml dose containing 1,000-100,000 mouse $LD_{50}$ as determined by titration of a suitable culture of *Salmonella dublin*. All survivors in each group of mice shall be recorded 14 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

RP = Reciprocal of 50 percent endpoint dilution of Unknown/Reciprocal of 50 percent endpoint dilution of Standard.

(7) If the RP of the Unknown is less than 0.30, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested: *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 13th day of February 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 78-4432 Filed 2-16-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 210, 211, 212]

KEROSENE-BASE JET FUEL DECONTROL

Advance Notice of Proposed Rulemaking and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Advance notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is considering proposing amendments to

exempt kerosene-base jet ("kerojet") fuel from the Mandatory Petroleum Allocation and Price Regulations. The ERA is issuing this advance notice of proposed rulemaking and public hearing to obtain comment on whether its findings justify such an exemption. The DOE is concurrently issuing its Preliminary Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations ("Preliminary Findings"), copies of which are available to the public. If the DOE concludes that kerojet fuel should be exempted from regulation, after it has considered all public comments, then the DOE will transmit a decontrol proposal to the Federal Energy Regulatory Commission ("FERC") for consideration by the FERC.

DATES: Comments by March 27, 1978. Hearing: Thursday, March 23, 1978. Requests to speak by: March 10, 1978.

ADDRESSES: Send comments and requests to speak to Public Hearing Management, Box RM, 2000 M Street NW., Room 2313, Washington, D.C. 20461.

Hearing: 9:30 a.m., Thursday, March 23, 1978, 2000 M Street NW., Room 2105, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Gerald P. Emmer (Economic Regulatory Administration), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7209.

Thomas B. DePriest (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Introduction,
II. Exemption Procedure,
III. Proposed Exemption, and
IV. Hearing and Comment Procedures.

## I. Introduction

Following a preliminary analysis of the impact of the regulation of kerojet fuel pursuant to the regulations promulgated under the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159 ("EPAA"), the DOE has tentatively concluded that this product should be exempted from the Mandatory Petroleum Allocation and Price Regulations (10 CFR Parts 210, 211, and 212). Therefore, by this advance notice of proposed rulemaking and public hearing, the ERA is considering proposing two amendments to be submitted as energy actions to the Congress, in accordance with the provisions of section 12 of the EPAA, section 551 of the Energy Policy and Conservation Act, as amended, Pub. L. 94-163 ("EPCA"), and section 102 of the Energy Conservation and Production Act, as amended, Pub. L. 94-385 ("ECPA") to exempt kerojet fuel from the regulations. The amendments would convert the regulations to standby authority with respect to the pricing and allocation of kerojet fuel. This advance notice of proposed rulemaking and public hearing is issued concurrently with the Preliminary Findings of the DOE. On this date, the ERA has also issued an advance notice of proposed rulemaking and related Preliminary Findings as to the exemption of aviation gasoline from the price and allocation regulations.

The DOE requests public comment with respect to the Preliminary Findings. If, after it has fully considered all comments received during the public comment period, the DOE concludes that its preliminary findings and views are correct, the Secretary of Energy or his designee will then transmit to the FERC, for consideration pursuant to section 402(c)(1) and 404 of the Department of Energy Organization Act, Pub. L. 95-91 ("DOE Act"), a notice of proposed rulemaking setting forth the proposed exemptions. After receiving public comments on a proposed exemption, the FERC may, under section 404(b) of the DOE Act, concur in the adoption of the proposed exemptions, concur in the adoption only with such changes as it may recommend, or recommend that the exemptions not be adopted. Ultimately, if the FERC does concur, the Secretary of Energy may submit to the Congress (with any changes recommended by the FERC) two energy actions to exempt kerojet fuel from regulation.

During 1976, after extensive hearings on each proposal, the Federal Energy Administration ("FEA") exempted from the mandatory Petroleum Allocation and Price Regulations a number of petroleum products pursuant to section 12 of the EPAA. On June 1, 1976, the exemption of residual fuel oil became effective (41 FR 13896, April 1, 1976); on July 1, 1976, middle distillates were so exempted (41 FR 24516 and 24518, June 16, 1976). Effective September 1, 1976, naphthas, gas oils, greases, lubricants, certain petrochemical feedstocks and other specialty products were exempted (41 FR 30096, July 22, 1976); and on October 1, 1976, naphtha-base jet fuel was exempted (41 FR 40451 and 40452, September 20, 1976). In each case, the FEA was able to make the required statutory findings in support of the exemption. Furthermore, each exemption was submitted to and not disapproved by the Congress pursuant to the review procedures set forth in section 551 of the EPCA. In addition, the FEA issued a notice of proposed rulemaking to exempt motor gasoline (42 FR 40915, August 12, 1977). However, in contemplation of the transfer of authority from the FEA to the newly-established DOE, effective October 1, 1977, the FEA deferred any action on the motor gasoline proposal to afford the FERC an opportunity to consider the proposal under section 402(c) of the DOE Act (42 FR 54423, October 6, 1977). The FERC has not yet made its recommendations to the Secretary, but it has communicated to the Secretary its tentative determination to concur in the proposal, subject to certain preliminary recommendations on which it solicited the Secretary's views.

## II. Exemption Procedure

Pursuant to section 455 of the EPCA, only one refined product or product category may be exempted from DOE regulations in the same proceeding, and an exemption is not limited to 90 days in length as was previously required. The ERA may propose to exempt an oil or refined product category from the regulations prescribed under section 4(a) of the EPAA if the DOE determines that the exemption is consistent with the attainment of the public policy objectives specified in section (4)(b)(1) of the EPAA. Those objectives are as follows:

A. Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating such as individual homes, apartments and similar occupied dwelling units), and the national defense;

B. Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

C. Maintenance of agricultural operations, including farming, ranching, dairy and fishing activities, and services directly related thereto;

D. Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

E. The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

F. Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

G. Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

H. Economic efficiency; and

I. Minimization of economic distortion, inflexibility, and unnecessary intereference with market mechanisms.

Pursuant to section 12 of the EPAA, an amendment exempting crude oil, residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions, or with respect to any market level, must be submitted to the Congress as an energy action before it takes effect. The exemption will become effective if the amendment is not disapproved by either House of Congress within 15 days following its submission for Congressional review under section 551 of the EPCA.

Section 12 of the EPAA further provides that any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from DOE allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product. A proposed exemption for DOE price regulations must be accompanied by findings that competition and market forces would provide adequate protection for the consumer, and that such amendment would not result in inequitable prices for any class of user. An exemption amendment submitted to the Congress must also be accompanied by a DOE analysis of the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the DOE regulation under section 4(a) of the EPAA is subject to the reimposition of price and allocation controls if the DOE determines that reimposition is necessary for and consistent with the objectives specified in EPAA section 4(b)(1). Pursuant to section 12(f) of the EPAA, subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

In addition, section 102 of the ECPA prohibits the Secretary of Energy from submitting to the Congress as one energy action an amendment proposing exemption of any oil, refined petroleum product, or refined product category from both the allocation and pricing regulations. However, the DOE may concurrently submit to the Congress an energy action relating to price together with an energy action relating to allocation of the same oil, refined petroleum product, or refined product category.

## III. Proposed Exemption

As section 12 (c)(2) of the EPAA requires that an exemption amendment apply to only one refined petroleum product or one refined product category, we plan to propose the exemption of kerojet fuel from DOE price and allocation regulations as a single product. We are considering the exemption of kerojet fuel from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations because recent supplies and market conditions appear to justify an end to both types of controls.

For the purposes of this proposed exemption, kerojet fuel, as defined in DOE allocation regulations (10 CFR §211.142), is an "aviation turbine fuel," which "means all refined petroleum fuel designed to operate aircraft turbine engines. The basic specification is ASTM D-1655 • • • ." The DOE price regulations (10 CFR §212.31) use slightly different language to explain that "aviation fuel (kerosene-type) means a relatively low freezing point distillate of the kerosene type and includes all kerosene products with an average gravity of 40.7° API and 10 percent to 90 percent distillation temperatures of 390° F. to 470° F. covered by ASTM D1655 specifications, and including JP-5 and other fuels meeting military specifications (MIL-T-5624G Amend. 1)."

We have tentatively concluded in our Preliminary Findings on the basis of currently available data that this exemption would be consistent with the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA.

Our preliminary conclusion is that as long as supplies continue to be adequate, the continuation of allocation and price controls on kerojet fuel is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section 4(b)(1)(G)); Adequate supply and the positive effects of increased competition would also insure that an exemption would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). An exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)). We emphasize that these conclusions are preliminary and invite you to submit specific data, views, and arguments with respect to the relationship between the objectives of the EPAA and the exemption contemplated by this notice. In formulating our final proposal, we will consider any further information received with respect to the compatibility of the exemption considered herein with these objectives.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Kerojet fuel is not in short supply.

(2) Exemption of kerojet fuel from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers following exemption of kerojet fuel from regulation.

(4) Exemption of kerojet fuel from regulation will not result in inequitable prices for any class of user of kerojet fuel or other products.

The Preliminary Findings also indicate our tentative views concerning the potential economic effects of exempting kerojet fuel from the Mandatory Petroleum Allocation and Price Regulations. Since we anticipate no changes in the supply or demand as a result of an exemption, and anticipate only a small increase in price, we foresee no adverse state or regional effects. In particular, we expect no effect on any governmental units.

In addition, in a period of adequate supplies, we anticipate no adverse economic effects on the availability of consumer goods or services, the Gross National Product, competition, small business, or the supply and availability of energy resources as fuel or feedstock for industry. An exemption is likewise expected to have no adverse effect on employment or consumer prices. Our preliminary analysis concludes that, since supplies should remain adequate, there will be no effect of an exemption on the rate of

unemployment in the United States, on the Consumer Price Index, or on the implicit price deflator for the Gross National Product.

We have also determined that an exemption would not significantly affect the quality of the environment, and therefore no environmental impact statement is required under the National Environmental Policy Act, as amended, Pub. L. 91-190.

If kerojet fuel prices rise above a predetermined level after being decontrolled, we could reimpose price controls. We are considering monitoring kerojet fuel prices closely at both the retail and refiner levels and are particularly concerned as to the effects a shortage in supplies would have on prices. We are requesting that you submit comments as to whether a price monitoring system might be appropriate to disclose unwarranted price increases following decontrol of kerojet fuel, and also as to the most effective manner for implementing such a system.

### IV. Hearing and Comment Procedures

Our specific preliminary findings and views on an exemption and the data and information in support of an exemption are fully set forth in our Preliminary Findings. To receive a copy of the Preliminary Findings, send your request to the DOE, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies will also be available at the DOE Press Room, Room 3138, 1200 Pennsylvania Avenue NW., Washington, D.C.

The public hearing will begin at 9:30 a.m., e.s.t., on Thursday, March 23, 1978, in Room 2105, 2000 M Street NW., Washington, D.C., and will be continued if necessary at 9:30 a.m., e.s.t., Friday, March 24, 1978, at the same location. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Your request should be directed to Public Hearing Management, Box RM, Room 2313, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on March 10, 1978. You can hand-deliver your request between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Label your request both on the document and on the envelope "Exemption of Kerosene-Base Jet Fuel."

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through March 21, 1978. If we select you to be heard, we will tell you before 4:30 p.m., local time, March 14, 1978. You must submit one hundred copies of your statement to Public Hearing Management, Box RM, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 9 a.m., e.s.t. on March 20, 1978.

We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard.

We will designate a DOE official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to Public Hearing Management, Box RM, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 21, 1978. If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. We will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

We will have a transcript made of the hearing, and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Office of the DOE, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

You are also invited to participate in this rulemaking by submitting data, views, or arguments with respect to the matters considered in this notice to Public Hearing Management, Box RM, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

You should identify your comments on the outside envelope and on documents submitted to Public Hearing Management, Box RM, 2000 M Street NW., Room 2313, Washington, D.C. 20461. You should submit fifteen copies. We will consider all comments received by March 27, 1978, and all relevant information before taking further action on this matter.

Any information or data that you submit pursuant to the above procedures and consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., February 12, 1978.

DAVID J. BARDIN,
*Administrator, Economic Regulatory Administration.*

[FR Doc. 78-4404 Filed 2-16-78; 8:45 am]

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[3128-01]

[10 CFR Parts 210, 211, 212]

## AVIATION GASOLINE DECONTROL

### Advance Notice of Proposed Rulemaking and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Advance Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is considering proposing amendments to exempt aviation gasoline from the Mandatory Petroleum Allocation and Price Regulations. The ERA is issuing this advance notice of proposed rulemaking and public hearing to obtain comment on whether its findings justify such an exemption. The DOE is concurrently issuing its Preliminary Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations ("Preliminary Findings"), copies of which are available to the public. If the DOE concludes that aviation gasoline should be exempted, after it has considered all public comments, then the DOE will transmit a decontrol proposal to the Federal Energy Regulatory Commission ("FERC") for consideration by the FERC.

DATES: Comments by March 27, 1978. Hearing: Wednesday, March 22, 1978. Requests to speak by: March 10, 1978.

ADDRESS: Send comments and requests to speak to Public Hearing Management, Box RL, 2000 M Street NW., Room 2313, Washington, D.C. 20461; hearing: 9:30 a.m., Wednesday, March 22, 1978, 2000 M Street NW., Room 2105, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Gerald P. Emmer (Economic Regulatory Administration), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Thomas B. DePriest (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Exemption Procedure.
III. Proposed Exemption.
IV. Hearing and Comment Procedures.

### I. Introduction

Following a preliminary analysis of the impact of the regulation of aviation gasoline pursuant to the regulations promulgated under the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159 ("EPAA"), the DOE has tentatively concluded that this product should be exempted from the Mandatory Petroleum Allocation and Price Regulations, (10 CFR Parts 210, 211, and 212). Therefore, by this advance notice of proposed rulemaking and public hearing, the ERA is considering proposing two amendments to be submitted as energy actions to the Congress, in accordance with the provisions of section 12 of the EPAA, section 551 of the Energy Policy and Conservation Act, as amended, Pub. L. 94-163 ("EPCA"), and section 102 of the Energy Conservation and Production Act, as amended, Pub. L. 94-385 ("ECPA"), to exempt aviation gasoline from the regulations. The amendments would convert the regulations to standby authority with respect to the pricing and allocation of aviation gasoline. This advance notice of proposed rulemaking and public hearing is issued concurrently with the Preliminary Findings of the DOE. On this date, the ERA has also issued an advance notice of proposed rulemaking and related Preliminary Findings as to the exemption of kerosene-base jet fuel from the price and allocation regulations.

The DOE requests public comment with respect to the Preliminary Findings. If, after it has fully considered all comments received during the public comment period, the DOE concludes that its preliminary findings and views are correct, the Secretary of Energy or his designee will then transmit to the FERC, for consideration pursuant to sections 402(c)(1) and 404 of the Department of Energy Organization Act, Pub. L. 95-91 ("DOE Act"), a notice of proposed rulemaking setting forth the proposed exemptions. After receiving public comments on a proposed exemption, the FERC may, under section 404(b) of the DOE Act, concur in the adoption of the proposed exemptions, concur in the adoption only with such changes as it may recommend, or recommend that the exemptions not be adopted. Ultimately, if the FERC does concur, the Secretary of Energy may submit to the Congress (with any changes recommended by the FERC) two energy actions to exempt aviation gasoline from regulation.

During 1976, after extensive hearings on each proposal, the Federal Energy Administration ("FEA") exempted from the Mandatory Petroleum Allocation and Price Regulations, a number of petroleum products pursuant to section 12 of the EPAA. On June 1, 1976, the exemption of residual fuel oil became effective (41 FR 13896, April 1, 1976); on July 1, 1976, middle distillates were so exempted (41 FR 24516 and 24518, June 16, 1976). Effective September 1, 1976, naphthas, gas oils, greases, lubricants, certain petrochemical feedstocks and other specialty products were exempted (41 FR 30096, July 22, 1976); and on October 1, 1976, naphtha-base jet fuel was exempted (41 FR 40451 and 40452, September 20, 1976). In each case, the FEA was able to make the required statutory findings in support of the exemption. Furthermore, each exemption was submitted to and not disapproved by the Congress pursuant to the review procedures set forth in section 551 of the EPCA. In addition, the FEA issued a notice of proposed rulemaking to exempt motor gasoline (42 FR 40915, August 12, 1977). However, in contemplation of the transfer of authority from the FEA to the newly-established DOE, effective October 1, 1977, the FEA deferred any action on the motor gasoline proposal to afford the FERC an opportunity to consider the proposal under section 402(c) of the DOE Act (42 FR 54423, October 6, 1977). The FERC has not yet made its recommendations to the Secretary, but it has communicated to the Secretary its tentative determination to concur in the proposal, subject to certain preliminary recommendations on which it has solicited the Secretary's views.

### II. Exemption Procedure

Pursuant to section 455 of the EPCA, only one refined product or product category may be exempted from DOE regulations in the same proceeding, and an exemption is not limited to 90 days in length as was previously required. The ERA may propose to exempt an oil or refined product category from the regulations prescribed under section 4(a) of the EPAA if the DOE determines that the exemption is consistent with the attainment of the public policy objectives specified in section (4)(b)(1) of the EPAA. Those objectives are as follows:

A. Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating such as individual homes, apartments and similar occupied dwelling units), and the national defense;

B. Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

C. Maintenance of agricultural operations, including farming, ranching, dairy and fishing activities, and services directly related thereto;

D. Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, non-branded independent marketers, and branded independent marketers;

E. The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

F. Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, non-branded independent marketers, branded independent marketers, and among all users;

G. Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

H. Economic efficiency; and

I. Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

Pursuant to section 12 of the EPAA, an amendment exempting crude oil,

residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions, or with respect to any market level, must be submitted to the Congress as an energy action before it takes effect. The exemption will become effective if the amendment is not disapproved by either House of Congress within 15 days following its submission for Congressional review under section 551 of the EPCA.

Section 12 of the EPAA further provides that any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from DOE allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product. A proposed exemption from DOE price regulations must be accompanied by findings that competition and market forces would provide adequate protection for the consumer, and that such amendment would not result in inequitable prices for any class of user. An exemption amendment submitted to the Congress must also be accompanied by a DOE analysis of the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the DOE regulation under section 4(a) of the EPAA is subject to the reimposition of price and allocation controls if the DOE determines that reimposition is necessary for and consistent with the objectives specified in EPAA section 4(b)(1). Pursuant to section 12(f) of the EPAA, subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

In addition, section 102 of the ECPA prohibits the Secretary of Energy from submitting to the Congress as one energy action an amendment proposing exemption of any oil, refined petroleum product, or refined product category from both the allocation and pricing regulations. However, the DOE may concurrently submit to the Congress an energy action relating to price together with an energy action relating to allocation of the same oil, refined petroleum product, or refined product category.

### III. Proposed Exemption

As section 12(C)(2) of the EPAA requires that an exemption amendment apply to only one refined petroleum product or one refined product category, we propose the exemption of aviation gasoline from DOE price and allocation regulations as a single product. We are considering the exemption of aviation gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations because recent supplies and market conditions appear to justify an end to both types of controls.

For the purposes of this proposed exemption, aviation gasoline, as defined in DOE allocation regulations (10 CFR §211.142), "means petroleum-based fuels designed for use in aircraft internal combustion engines, and complying with MIL-G-5572 specifications (ASTM—specification D-910-70)." The DOE price regulations (10 CFR §212.31) use slightly different language to explain that aviation gasoline "means all of the various grades of aviation gasoline as defined in ASTM D 910-70." Current specifications for the various grades of this product are in ASTM D-910-75.

We have tentatively concluded in our Preliminary Findings on the basis of currently available data that this exemption would be consistent with the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA.

Our preliminary conclusion is that as long as supplies continue to be adequate, the continuation of allocation and price controls on aviation gasoline is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section 4(b)(1)(G)). Adequate supply and the positive effects of increased competition would also insure that an exemption would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). An exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)). We emphasize that these conclusions are preliminary and invite you to submit specific data, views, and arguments with respect ot the relationship between the objectives of the EPAA and the exemption contemplated by this notice. In formulating our final proposal, we will consider any further information we receive with respect to the compatibility of the exemption considered herein with these objectives.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Aviation gasoline is not in short supply.

(2) Exemption of aviation gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers following exemption of aviation gasoline from regulation.

(4) Exemption of aviation gasoline from regulation will not result in inequitable prices for any class of user of aviation gasoline or other products.

The Preliminary Findings also indicate our tentative views concerning the potential economic effects of exempting aviation gasoline from the Mandatory Petroleum Allocation and Price Regulations. As long as supplies remain adequate, we do not anticipate that there will be any adverse state or regional effects resulting from an exemption. As noted in the Preliminary Findings, the price regulations afford refiners the opportunity to pass through a large "bank" of unrecovered costs. The fact that these costs have not been passed through to purchasers is some indication that at the wholesale level prices of aviation gasoline are not being constrained by DOE price regulations. Removal of controls should not result in disparate prices increases for any region.

In addition, in a period of adequate supplies, we anticipate no adverse economic effects on the availability of consumer goods or services, the Gross National Product, competition, small business, or the supply and availability of energy resources as fuel or feedstock for industry. An exemption is likewise expected to have no adverse effect on employment or consumer prices. Our preliminary analysis concludes that, since supplies should remain adequate, there will be no effect of an exemption on the rate of unemployment in the United States, on the Consumer Price Index, or on the implicit price deflator for the Gross National Product.

We have also determined that an exemption would not significantly affect the quality of the environment, and therefore no environmental impact statement is required under the National Environmental Policy Act, as amended, Pub. L. 91-190.

### IV. Hearing and Comment Procedures

Our specific preliminary findings and views on an exemption and the data and information in support of an exemption are fully set forth in our Preliminary Findings. To receive a copy of the Preliminary Findings, send your request to the DOE, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies will also be available at the DOE Press Room, Room 3138, 1200 Pennsylvania Avenue NW., Washington, D.C.

The public hearing will begin at 9:30 a.m., e.s.t., on Wednesday, March 22, 1978, in Room 2105, 2000 M Street NW., Washington, D.C. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Your request should be directed to Public Hearing Management, Box RL, Room 2313, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on March 10, 1978. You may hand deliver your request between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Label your request both on the document and on the envelope "Exemption of Aviation Gasoline."

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through March 21, 1978. If you are selected to be heard, we will notify you before 4:30 p.m., local time, March 14, 1978. You must submit one hundred copies of your statement to Public Hearing Management, Box RL, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 9 a.m., e.s.t. on March 20, 1978.

We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. We may limit the lenght of each presentation, based on the number of persons requesting to be heard.

We will designate a DOE official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to Public Hearing Management, Box RL, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 21, 1978. If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. We will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

We will have a transcript of the hearing made, and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Office of the DOE, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

We also invite you to participate in this rulemaking by submitting data, views, or arguments with respect to the matters considered in this notice to Public Hearing Management, Box RL, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

You should identify your comments on the outside envelope and on the documents you submit to the Public Hearing Management, Box RL, 2000 M Street NW., Room 2313, Washington, D.C. 20461. You should submit fifteen copies. We will consider all comments received by March 27, 1978, and all relevant information before taking further action on this matter.

Any information or data that you submit pursuant to the above procedures and consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267).

Issued in Washington, D.C., February 12, 1978.

David J. Bardin,
*Administrator, Economic Regulatory Administration.*

[FR Doc. 78-4405 Filed 2-16-78; 8:45 am]





[4110-03]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 320]

[Docket No. 77N-0425]

### TRICYCLIC ANTIDEPRESSANTS

### Proposed Bioequivalence Requirement

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish a bioequivalence requirement for certain oral drug products categorized as tricyclic antidepressants used to treat depression characterized by inactivity and regression. This action is taken because available data suggest that the various marketed brands of the same oral tricyclic antidepressant may not have comparable therapeutic effects. The proposed regulations would assure the bioequivalence of different brands of these antidepressant drug products and batch-to-batch uniformity of the same drug product by each manufacturer.

DATES: Comments by April 18, 1978. The Director of the Bureau of Drugs proposes that the final regulation based on this proposal be effective on March 20, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

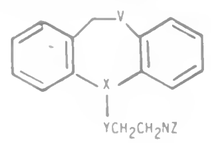
Jerome P. Skelly, Bureau of Drugs, HFD-522, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4750.

SUPPLEMENTARY INFORMATION: Regulations in Subpart C of 21 CFR Part 320 set forth procedures for the Commissioner of Food and Drugs, on his own initiative or in response to a petition from an interested person, to propose and establish a bioequivalence requirement for drug products containing identical amounts of the same active ingredient and in the same dosage form that are intended to be used interchangeably for the same therapeutic effect and for which there is a known or potential bioequivalence problem. The issuance of bioequivalence regulations was delegated to the Director and Deputy Director of the Bureau of Drugs under 21 CFR 5.79 (published in the Federal Register of November 11, 1977 (42 FR 58738)). Data available to the Food and Drug Administration (FDA) suggest that there is well-decumented evidence of

actual bioequivalence differences in oral formulations of imipramine and potential bioequivalence differences in oral formulations of other tricyclic antidepressants among currently marketed brands of the same drug product produced by various manufacturers, based on the criteria set forth in §320.52 (21 CFR 320.52). Therefore, the Director of the Bureau of Drugs (hereafter "the Director"), on his own initiative, tentatively concludes that a bioequivalence requirement involving in vivo testing in humans and in vitro dissolution testing should be established for the following tricyclic antidepressants: Imipramine hydrochloride, desipramine hydrochloride, protriptyline hydrochloride, amitriptyline hydrochloride, nortriptyline hydrochloride, and doxepin hydrochloride. The evidence (Ref. 1) on which the Director bases his tentative conclusion and the proposed bioequivalence requirement are discussed below.

### Background

The tricyclic antidepressants are used in the treatment of depression characterized by inactivity and regression (Ref. 2). Imipramine and its demethylated derivative desipramine, are dibenzazepine derivatives; amitriptyline, nortriptyline, and protriptyline are dibenzocyclohepadiene derivatives; and doxepin is a dibenzoxepine derivative. All are presented together on the basis that they are members of a class of drugs that have close structural similarity (see below), similar physicochemical properties and indistinguishable pharmacological action.




Structural Relationship of Tricyclic Antidepressants

| Drug | V | X-Y | Z |
|---|---|---|---|
| Imipramine HCl | $CH_2$ | >N—$CH_2$— | $(CH_2)_3$ |
| Desipramine HCl | $CH_2$ | >N—$CH_2$— | H, $CH_3$ |
| Protriptyline HCl[1] | $CH_2$ | >CH—$CH_2$— | H, $CH_3$ |
| Amitriptyline HCl | $CH_2$ | >C=CHC— | $(CH_2)_3$ |
| Nortriptyline HCl | $CH_2$ | >C=CH— | H, $CH_3$ |
| Doxepin HCl | O | >C=CH— | $(CH_2)_3$ |

[1] Protriptyline also has a double bond between C-10 and C-11.

The dosage of the tricyclic antidepressants and their solubility in water are shown in the following table:

Antidepressant Drugs; Dosage Forms, Doses, and Solubility

| Drug | Dosage form | Dose (mg/day) range | (Usual) | Water solubility |
|---|---|---|---|---|
| Imipramine HCl | T, A | 50-300 | (200) | Soluble. |
| Desipramine HCl | T, C | 50-200 | (150) | Do. |
| Protriptyline HCl | T | 15-60 | (40) | Do. |
| Amitriptyline HCl | T, V | 30-300 | (100) | Do. |
| Nortriptyline HCl | C, S | 20-100 | (80) | Do. |
| Doxepin HCl | C | 75-300 | (150) | Do. |

T = Tablet; A = Ampul for IM injection; S = Oral solution.
C = Capsule; V = Vial for IM injection.

The therapeutic effects of all the tricyclic antidepressants become evident only after 2 or 3 weeks of treatment (Refs. 2 and 4). The entire class has the pharmacological properties of elevating the mood of patients, possessing sedative properties, blocking the uptake of norepinephrine by adrenergic nerve terminals, and blockade of the reserpine-induced sedative or "depressive" patterns in animals. All the tricyclic antidepressants have prominent anticholinergic responses to therapeutic doses, and all can cause orthostatic hypotension. The metabolic pathways of the tricyclic antidepressants are very similiar. Desipramine, the *N*-desmethyl active metabolite of imipramine, is thought by some to be the active therapeutic moiety responsible for antidepressant effects. Nortriptyline is the *N*-desmethyl active metabolite of amitriptyline (Ref. 2). All tricyclic antidepressants have the same side effects attributable to their anticholinergic effects.

### Evidence To Establish a Bioequivalence Requirement

The following criteria as set forth in §320.52 were considered by the Director in determining that a bioequivalence requirement should be established:

1. Evidence from well-controlled bioequivalence studies that such products are not bioequivalent drug products (21 CFR 320.52(a)). Data submitted to FDA as partial fulfillment of the requirements for approval of an abbreviated new drug application (ANDA) (Ref. 5) indicate that one dosage formulation of imipramine hydrocholoride was only 74.3 percent as available as another on the basis of area under the plasma concentration-time curves (AUC) and peak plasma levels (Cmax).

Tmax, Cmax, and AUC of Tofranil and a Test Product Following Oral Administration of a 75-mg (3 × 25 mg) Dose

| | Tofranil | Test product | Relative bioavailability (pct) |
|---|---|---|---|
| Tmax (hours)..... | 3.4[a]±0.7[b] | 3.8±1.3 | |
| Cmax..... | 46.2±25.1 | 34.5±19.4 | 74.3 |
| AUC (0-5 hrs) (nanograms per milliliter per hour)..... | 122.44±59.6 | 90.9±46.6 | 74.3 |

[a] Mean of 20 Subjects
[b] Standard Deviation.

Further, in this study 60 percent of the subject population (12 of 20 subjects) had significantly lower peak height levels and area under the plasma concentration-time curve for the test drug than for the reference drug, Tofranil.

2. Competent medical determination that a lack of bioequivalence would have a serious adverse effect in the treatment or prevention of a serious disease or condition (21 CFR 320.52(d)). Tricyclic antidepressant dosage is titrated to the individual patient. The substitution of a poorly bioavailable form in the regimen of a patient controlled on a fully available form would result in reversion to the depressed state. Inasmuch as such patients frequently go for long intervals without physician observation, a poorly bioavailable product substituted in the regimen of a patient well controlled on a fully available dosage form might not be discovered.

3. The dissolution rate of one or more such products is slow, e.g., less





than 50 percent in 30 minutes when tested using either a general method specified in an official compendium or a paddle method at 50 revolutions per minute in 900 milliliters of distilled or deionized water at 37° C, or differs significantly from that of an appropriate reference material such as an identical drug product that is the subject of an approved full new drug application (21 CFR 320.52(e)(2)). Data from dissolution testing by FDA in June 1977 (Ref. 6) of various strengths of currently marketed brands of imipramine hydrochloride clearly show that a number of the drug products have slow dissolution rates. The dissolution testing was conducted in water and 0.1N hydrochloric acid using the FDA paddle method at 50 revolutions per minute. With the exception of one brand (C), all others that dissolved slowly in water also had poor dissolution in 0.1N hydrochloric acid. Brand C, which had been shown in many in vivo blood level studies to have excellent bioavailability, dissolved slowly in water but had an improved dissolution rate in 0.1N hydrochloric acid. The results of the dissolution testing for the slowly dissolving brands are shown in the following table:

Percent Dissolution of Imipramine HCl in 60 Minutes

| Brand | Percent dissolution in 60 minutes | |
|---|---|---|
| | Water | 0.1N HCl |
| A (10 mg)..... | 47.5 | 46.0 |
| B (10 mg)..... | 47.0 | 56.6 |
| C (10 mg)..... | 18.9 | 95.0 |
| C (25 mg)..... | 26.2 | 83.6 |
| D (25 mg)..... | 42.5 | 42.9 |
| A[1] (50 mg)..... | 22.4 | 24.2 |
| A (50 mg)..... | 24.6 | 21.4 |
| E (50 mg)..... | 37.0 | 45.2 |

[1] Two lots of brand A were tested.

Imipramine hydrochloride is very soluble in water, and there is little likelihood of a bioavailability problem with it as such. The poor dissolution demonstrated in the above data is due to reported special dosage formulation, e.g., imipramine hydrochloride tablets are coated with a special hydrophobic coating in order to render them impervious to moisture. For the drug to be biologically available it is important that the coating and subsequently the drug dissolve readily in the gastrointestinal tract. The poor dissolution of products both in water and 0.1N hydrochloric acid indicates a potential bioavailability problem.

### The Bioequivalence Requirement

On the basis of these data, the Director tentatively concludes that the evidence meets one or more of the criteria set forth in § 320.52, and he proposes to establish a bioequivalence requirement for single active ingredient oral dosage form drug products containing the following tricyclic antidepressants: imipramine hydrochloride, desipramine hydrochloride, protriptyline hydrochloride, amitriptyline hydrochloride, nortriptyline hydrochloride, and doxepin hydrochloride. The proposed bioequivalence requirement would be applicable to all manufacturers of such drug products and would require each manufacturer, except a manufacturer of a reference material or a manufacturer who has previously conducted in vivo bioavailability/bioequivalence studies fulfilling the requirements of this section, to: (1) Conduct an in vitro dissolution test comparing its drug product to a specified reference material and (2) conduct an in vivo bioavailability study comparing its drug product to a specified reference material. Results of recent dissolution testing by FDA (Ref. 6) have shown that products with acceptable in vivo bioavailability dissolve 50 percent or better in 30 minutes and 75 percent or better in 60 minutes. Therefore, under this proposed requirement, the test drug product would be deemed to meet the bioequivalence requirement if (1) the in vitro data show that the dissolution rate for the test drug product is not less than 50 percent in 30 minutes and not less than 75 percent in 60 minutes, and (2) the in vivo data show that the test drug product meets the following conditions:

1. The test drug product and the reference material indicate no more than 20 percent difference in the comparison of measured parameters, e.g., concentration of the active drug ingredient in the plasma, peak plasma levels (Cmax), time to attain peak plasma levels (Tmax), and area under the plasma concentration-time curves (AUC);

2. In at least 75 percent of the subjects administered the drug, the test drug product has a bioavailability of greater than 75 percent relative to that of the administered reference material utilizing each subject as his own comparison; and

3. Analytical and statistical techniques used are of sufficient sensitivity to detect those differences in rate and extent of absorption that are not attributable to subject variability.

The Director advises that further in vivo studies may be required where data submitted in the application differ significantly from data involving valid studies reported in literature or obtained by the agency using a validated protocol and method.

The Director further proposes that a manufacturer of a drug product selected by FDA as the reference material and a manufacturer of any drug product subject to the requirements of this proposal, who has previously conducted in vivo tests in humans to demonstrate bioavailability/bioequivalence of his drug product in accordance with the provisions of this proposal, would be required to conduct in vitro dissolution testing on three consecutive lots/batches of their product to demonstrate consistent dissolution performance. A manufacturer of a reference material who has not previously conducted in vivo bioavailability/bioequivalence studies fulfilling the requirements of this proposal would be required to conduct an in vivo bioavailability study comparing the reference material with a solution or suspension of an equivalent amount of the tricyclic antidepressant contained in the reference material.

A manufacturer of a drug product subject to these proposed requirements who has previously conducted in vivo bioavailability/bioequivalence studies, e.g., to meet requirements for approval of an ANDA for a drug product covered by a drug efficacy study implementation (DESI) notice, may request that FDA evaluate such studies to determine whether (1) such studies now fulfill the requirements under this proposal, or (2) such studies are adequate and conclusive to assure the bioequivalence of the drug product in light of current scientific knowledge and methodology.

To obtain data necessary to correlate in vivo data with in vitro data, the Director proposes that the same lot/batch of the test product and one of the three lots/batches of the reference material used in the in vitro test be used in the in vivo test, unless a manufacturer has conducted in vivo tests in humans to demonstrate bioavailability/bioequivalence prior to the effective date of these proposed requirements.

General guidelines for the conduct of in vivo testing are set forth in § 320.25 (21 CFR 320.25). Specific guidelines for in vivo testing and for in vitro dissolution testing of tricyclic antidepressants are on file in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and are available on request. The reference material to be used in conducting the in vivo and in vitro tests of each drug product subject to these proposed requirements is named in the guidelines for in vivo bioavailability studies for tricyclic antidepressants.

The Director proposes that the results of the required in vitro dissolution test be submitted to FDA on or before 60 days following the effective date of the final regulation and the results of the required in vivo test be submitted to FDA on or before 180 days following the effective date of the final regulation. The proposed effective date of the final regulation is March 20, 1978. The Director believes

this will be sufficient time for a manufacturer to conduct the required tests, evaluate the data, prepare the necessary reports, and submit them to FDA. The Director advises, however, that in meeting an in vivo bioavailability requirement for some tricyclic antidepressants, the agency may require a manufacturer to conduct a pilot study to determine optimal sampling times and volume of sample needed. An additional extension up to 180 days may be granted by the Director upon request from the manufacturer to allow sufficient time to conduct the pilot study and submit the data to FDA. In addition, FDA encourages the submission of protocols for conducting in vivo bioavailability studies. If a manufacturer submits a protocol for evaluation by FDA, the Director will grant an extension of time necessary for the initial review of the protocol.

The Director advises that drug products subject to this proposal are regarded as new drugs as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)), requiring either an approved full or abbreviated new drug application as a condition to market the product lawfully. Marketing of such a drug product shall be in accordance with the requirements of § 320.58 (21 CFR 320.58).

After the effective date of a final regulation establishing a bioequivalence requirement, each manufacturer, under § 320.56 (21 CFR 320.56), would be required to conduct the in vitro dissolution test on a sample of each batch of the oral tricyclic antidepressant to assure batch-to-batch uniformity.

REFERENCES

Copies of all references cited below are on public display in the office of the Hearing Clerk, FDA.

1. Skelly, J. P., H. R. Murdock, and C. M. Ise in collaboration with W. Barr and S. Sawer, "Tricyclic Antidepressants Monograph."

2. Byck, R., "Drugs and the Treatment of Psychiatric Disorders, II. Drugs Used in the Treatment of Affective Disorders," *in* "The Pharmacological Basis of Therapeutics," 5th ed., edited by L. S. Goodman and A. Gilman, MacMillan, New York, pp. 174-179, 1975.

3. Swinyard, E. A., "Psychopharmacologic Agents," *in* "Remington's Pharmaceutical Sciences," 15th ed., Mack Publishing Co., Easton, pp. 1029-1034, 1975.

4. Oswald, I., V. Brezinova, and D. L. F. Dunleavy, "On the Slowness of Action of Tricyclic Antidepressant Drugs," *British Journal of Psychiatry*, 120:673-677, 1972.

5. Ise, C. M., FDA internal memorandum to J. P. Skelly, "Imipramine: One of the Dibenzazepine Group of Antidepressants, ANDA Summary," July 25, 1977.

6. Dighe, S. V., FDA internal memorandum to J. P. Skelly, "Dissolution Data on Imipramine HCl," October 19, 1977.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a), 52 Stat. 1041-1042 as amended 1050-1053 as amended, 1055, (21 U.S.C. 321(p), 352, 355, 371(a)) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.79), it is proposed that Part 320 be amended by adding to proposed Subpart D new § 320.107 to read as follows:

§ 320.107 Oral tricyclic antidepressants.

(a) *Applicability.* The requirements of this section apply to all single active ingredient oral dosage form drug products containing the tricyclic antidepressants imipramine hydrochloride, desipramine hydrochloride, protriptyline hydrochloride, amitriptyline hydrochloride, nortriptyline hydrochloride, and doxepin hydrochloride.

(b) *Bioequivalence requirement for in vitro testing.* (1) Each manufacturer of a drug product subject to this section, except as provided for in paragraph (b)(3) of this section, shall conduct an in vitro dissolution test comparing its drug product to the reference material.

(2) The test drug product shall be deemed to meet the bioequivalence requirement for in vitro testing if it dissolves not less than 50 percent in 30 minutes and not less than 75 percent in 60 minutes.

(3) Each manufacturer of a drug product subject to this section that is selected by the Food and Drug Administration as the reference material and each manufacturer of a drug product subject to this section, who has previously conducted in vivo tests in humans to demonstrate bioavailability/bioequivalence of its drug product in accordance with the provisions of this section, shall conduct an in vitro dissolution test on three consecutive lots/batches of their drug product to demonstrate consistent dissolution performance.

(4) Each manufacturer of a drug product subject to this section shall submit the results of the required in vitro dissolution test to the Food and Drug Administration on or before (60 days after the effective date of this section).

(c) *Bioequivalence requirement for in vivo testing in humans.* (1) Each manufacturer of a drug product subject to this section, other than a manufacturer of the reference material, who has not conducted in vivo bioavailability/bioequivalence studies fulfilling the requirements of this section prior to the effective date of this section, shall conduct an in vivo bioavailability study in humans comparing its drug product to the reference material.

(2) The test drug product shall be deemed to meet the bioequivalence requirement for in vivo testing in humans if the following conditions are met:

(i) The test drug product and the reference material indicate no more than 20 percent difference in the comparison of measured parameters, e.g., concentration of the active drug ingredient in the plasma, peak plasma levels (Cmax), time to attain peak plasma levels (Tmax), and area under the plasma concentration-time curves (AUC);

(ii) In at least 75 percent of the subjects administered the drug, the test drug product has a bioavailability of greater than 75 percent relative to that of the administered reference material utilizing each subject as his own comparison; and

(iii) Analytical and statistical techniques used are of sufficient sensitivity to detect those differences in rate and extent of absorption that are not attributable to subject variability.

(3) Each manufacturer of a drug product subject to this section that is selected by the Food and Drug Administration as the reference material, who has not conducted in vivo bioavailability/bioequivalence studies fulfilling the requirements of this section prior to the effective date of this section, shall conduct an in vivo bioavailability study in humans comparing its product (i.e., the reference material) with a solution or suspension of an equivalent amount of the tricyclic antidepressant contained in the reference material.

(4) Each manufacturer of a drug product subject to this section shall submit the results of the required in vivo testing to the Food and Drug Administration on or before (180 days after the effective date of this section). The Food and Drug Administration may grant an extension of time up to 180 days upon request for the submission of the results of the required in vivo test when pilot studies are required prior to commencing such tests. An extension of time necessary for an initial review of a protocol will be granted by the Food and Drug Administration when a protocol is submitted.

(5) Each manufacturer of a drug product subject to this section, who has conducted one or more in vivo bioavailability/bioequivalence studies prior to (the effective date of this section), may request an evaluation of such studies to determine whether (i) such studies now fulfill the requirements under this section, or (ii) such studies are adequate and conclusive to assure the bioequivalence of the drug product in light of current scientific knowledge and methodology. Any such request shall contain the new drug application number, the established (generic) name of the drug product, the dosage form and strength of the drug product, and the date(s) of submission of the pertinent study information contained in the new drug application.

(6) If the manufacturer holds an approved or pending full new drug application for the drug product, a request for an evaluation shall be submitted to the Division of Neuropharmacological Drug Products (HFD-120), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857. If the manufacturer holds an approved or pending abbreviated new drug application for the drug product, a request for an evaluation shall be submitted to the Division of Generic Drug Monographs (HFD-530), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

(d) *Reference material and guidelines for testing.* (1) The reference material to be used in the in vivo and in vitro tests is specified in the "Guidelines for In Vivo Bioavailability Studies for Tricyclic Antidepressants." The same lot/batch of the test drug product and one of the three lots/batches of the reference material used in the in vitro test shall be used in the in vivo test, unless a manufacturer has conducted in vivo tests in humans to demonstrate bioavailability/bioequivalence prior to (the effective date of this section).

(2) Guidelines for the conduct of in vivo and in vitro tests of tricyclic antidepressants are on file in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and are available on request to that office.

Interested persons may, on or before April 18, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 9, 1978.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc. 78-4136 Filed 2-16-78/ 8:45 am]





[8320-01]

## VETERANS ADMINISTRATION

[38 CFR Part 21]

### VETERANS EDUCATION

### Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: The Veterans Administration is publishing for public comment new and revised statements of policy and procedures which have been adopted by the Agency to implement the GI Bill Improvement Act of 1977. These policy and procedural statements will better acquaint veterans, eligible persons, educational institutions, and the public at large with the way in which this Act will be administered.

DATES: Comments must be received on or before March 20, 1978.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available at the address shown above during normal business hours until March 30, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: This publication contains DVB Circular 20-78-3. This circular deals with the policy and procedures necessary to implement provisions of the GI Bill Improvement Act of 1977 as to accelerated payment of educational assistance allowance (loan forgiveness). This circular has been implemented and has or will be distributed through normal channels to interested persons.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggstions, or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 30, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 13, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
*Deputy Administrator.*

DEPARTMENT OF VETERANS BENEFITS, VETERANS ADMINISTRATION, WASHINGTON, D.C. 20420

[DVB Circular 20-78-3]

ACCELERATED PAYMENT

JANUARY 23, 1978.

1. *General.* Accelerated payment is a new Federal-State matching program created by Public Law 95-202 which is designed to assist veterans and other eligible persons to attend higher cost schools. Under this program, a veteran or other eligible person could use his or her unused entitlement upon graduation to partially cancel VA (Veterans Administration) education loans made after January 1, 1978. There are numerous eligibility requirements in this program imposed by law, and it must be emphasized that no person can be eligible until an appropriate State or local jurisdiction has established a matching program.

2. *Purpose.* The purpose of this circular is to notify appropriate educational institutions that accelerated payments under 38 U.S.C. 1682A may be available for certain students and to specify the conditions and procedures governing such payments. Students enrolled in correspondence schools or flight schools or apprenticeship or other on-the-job training are not eligible for accelerated payment upon completion of their programs because such students are not eligible for VA education loans under the provisions of 38 U.S.C. 1798.

3. *Definitions.* (a) The term "veteran" refers to a veteran entitled under title 38, chapter 34 (the GI Bill) or an eligible person entitled under title 38, chapter 35 (Dependents Educational Assistance).

(b) The term "accelerated payment" means a payment made from a veteran's remaining entitlement upon satisfactory completion of his or her program which is used to partially cancel outstanding VA education loans made under 38 U.S.C. 1798.

(c) The term "matching payment" means a payment to the VA Education Loan Fund from a State or local governmental unit on behalf of a particular veteran, which matches the maximum or a lesser amount of the accelerated payment to which such veteran is entitled from the VA.

(d) The term "State" refers to the State or States where the educational institutions are located in which the veteran was enrolled during his or her program. The term also refers to a local governmental unit or units (city, county, school district, etc.) with jurisdiction over the geographical area where such educational institutions are located.

(e) For purposes of the accelerated payment program, "school term" is defined as:

(1) Three consecutive quarters for IHL's (institutions of higher learning) operating on a quarter system;

(2) Two consecutive semesters for IHL's operating on a semester system; and

(3) A period of 9 to 11 months for IHL's not operating on a semester or quarter system and for schools which are not institutions of higher learning provided the program of education is divided into segments and at least one segment is completed prior to or during the 9- to 11-month period. (A continuously operated program with no defined segments as shown in the school catalog or other bulletin describing the program, will not qualify as a "school term" for accelerated payment unless the complete program itself if 9 to 11 months in length.)

4. *Eligibility.*—(a) *General Requirements.* (1) The veteran must have some entitlement remaining at the end of his or her program.

(2) The educational institution where the veteran completed his or her program must certify that: (a) The veteran has satisfactorily completed his or her program of education and attained the approved predetermined educational, professional, or vocational objective which such veteran has been pursuing; and (b) the veteran has been awarded by such institution the appropriate educational degree, diploma, or certificate signifying such completion and attainment. A professional or vocational objective will be considered attained for the purpose of this requirement if the veteran has completed the approved program and has been issued a degree, diploma, or certificate from the school.

(3) The application for accelerated payment is received by the VA within 180 days after: (a) The date on which the degree, diploma, or certificate is awarded showing completion of the approved program, or (b) the date on which the appropriate State or local governmental unit establishes a matching program as described in subparagraph b(6) below, whichever date is later.

(b) *Requirements Which Apply to Individual "School Terms."* Eligibility for accelerated payment will be determined separately for each "school term" in which the veteran was enrolled. (No accelerated payment can be made for any enrollment period of less than a full "school term" except for an enrollment period before August 1, 1978, as described in subparagraph c below.) A veteran will be eligible for accelerated payment in connection with a particular "school term" if the following requirements have been met:

(1) Enrollment was full time throughout such "school term."

(2) The veteran was awarded educational assistance allowance for such "school term." This requirement will be considered to have been met even though some or all payments may have been withheld to repay an overpayment.

(3) The veteran received a VA education loan or loans under 38 U.S.C. 1798 after January 1, 1978 for such "school term."

(4) The tuition and fees of the educational institution in which the veteran was enrolled exceeded $700 for such "school term." Adjudication Divisions at VA field stations will compute this requirement using the tuition and fees as shown on the VA Form 22-8725, Education Loan Application, which is filed in the applicable claims file.

(5) The educational institution has certified for such "school term" that no more than 35 percent of all students (computed separately for the main campus and any branch or extension if separate 85-15 percent computations were required) were receiving educational assistance benefits under chapters 31, 32, 34 and 35 of title 38, U.S.C. Each semester or quarter within the "school term" must meet the 35 percent requirement. Adjudication will review the periodic school certifications already made in connection with the 85-15 percent ratio requirement (see DVB Circular 20-76-84, app. H, Revised) to determine if the 35 percent requirement has been met. (Effective immediately, education liaison representatives at VA field stations will retain the 85-15 percent ratio certifications for an indefinite period.)

(6) The State (or local governmental unit) where the educational institution is located pays to the VA, on the individual veteran's behalf, an amount not to exceed the maximum accelerated payment which the VA is authorized to make for such "school term." The State or local matching fund program must be established within 5 years after January 1, 1978. This matching program may limit benefits to veterans who are bona fide residents of such State and may contain such additional provisions as the State may deem appropriate. Additional provisions in the State program may be necessary to define the term "educational institution" (for example, how would out-of-State branches be treated?) and to specify the formulas to be used if there are overlapping jurisdictions (for example, a State and a county). A matching program established by any State or local jurisdiction will not be subject to VA approval.

(c) *Eligibility for Enrollment Periods Prior to August 1, 1978.* Notwithstanding the requirement in subparagraph b above that eligibility for accelerated payment must be based on enrollment for a full "school term", a veteran may be entitled to accelerated payment in connection with a semester or two consecutive quarters beginning after January 1, 1978, and ending prior to August 1, 1978. However, certain eligibility criteria must be prorated as follows:

| *Period for which accelerated payment claimed* | *Loan amount and the tuition and fees each must exceed* |
|---|---|
| One semeter (available prior to Aug. 1, 1978 only) | $350 |
| Two quarters (available prior to Aug. 1, 1978 only) | 450 |

5. *Computation of Accelerated Payment.* (a) The accelerated payment made by the VA in connection with any particular "school term" will be the lesser of:

(1) An amount equal to the educational assistance allowance actually awarded for such "school term;"

(2) An amount equal to ⅓ of the amount by which tuition and fees exceed $700 for such "school term;"

(3) An amount equal to ⅓ of the amount by which the current outstanding VA Education Loan obligation (principal only) exceeds $700 for such "school term;"

(4) An amount equal to the number of months (and fractional months) of remaining entitlement multiplied by the full-time rate (with dependents) in effect for the last month of the program within the delimiting period;

(5) An amount which the State (or local governmental unit or both) pays to the VA Education Loan Fund to match the maximum or a lesser amount of the accelerated payment to which such veteran is entitled from the VA.

(b) The total accelerated payment made by the VA will be the sum of the accelerated payments made in connection with the "school terms" for which eligibility is established. The VA will initially compute the maximum potential accelerated payment for each "school term" and will advise the State or local jurisdiction of this maximum. However, the actual accelerated payment which is made for each "school term" may not exceed the State/local matching payment for such "school term." (See exhibit A for examples.)

6. *Application Procedures.* (a) The veteran's application for a VA education loan, VA Form 22-8725, is the first step leading to possible accelerated payment. After January 1, 1978, loan applications will routinely provide for assignment to the VA of the amount of any accelerated payment to which the veteran may become entitled, as well as assignment of the amount of any matching contribution by a State.

(b) The veteran may apply for accelerated payment at the end of his or her program on VA Form 22-8814, Application for Accelerated Payment, to be published. The school which granted the degree, diploma, or certificate will be required to certify on this application form that the veteran has satisfactorily completed his or her program and attained the educational, professional or vocational objective.

7. *Processing Applications for Accelerated Payment.* Upon receipt of an application for accelerated payment, the adjudicator or education clerk will first determine if there is any State (or local jurisdiction) which has a matching program under which the veteran might possibly be entitled. The education liaison representative will maintain a file of participating jurisdictions for this purpose.

(a) If it is determined that there may be a participating jurisdiction, the maximum potential accelerated payment will be computed separately for each "school term" on VA Form 22-8815, Worksheet for Computing Accelerated Payment, to be issued. (See par. 8 if potential eligibility is established.)

(1) The Finance activity will certify the current amount of the outstanding loan balance for each "school term" for use by the Adjudication Division.

(2) In the event that the entire principal for a loan has been repaid, there will be no entitlement to accelerated or matching payment in connection with that "school term."

(b) If eligibility cannot be established, the adjudicator or education clerk will fully advise the claimant of the reason for the disallowance by means of a dictated letter which will include the right of appeal. If the claim is denied because there is no participating jurisdiction, the veteran will be informed that the claim may be reopened provided the State (or local jurisdiction) establishes a matching program by January 1, 1983.

(c) Whenever a formal claim on VA Form 22-8814 is denied solely because there is no participating jurisdiction, a copy of the disallowance letter should be referred to the education liaison representative for retention in a special local holding file. This file will be used to notify potential claimants of their eligibility in the event an appropriate State or local jurisdiction establishes a matching program at some future date prior to January 1, 1983.

8. *Referral to Participating Jurisdiction.* (a) If potential eligibility is established, a VA Form 22-8816, Notice of Potential Eligibility to Accelerated Payment, will be completed by Adjudication and mailed to the appropriate State or local agency. This notice will inform the State or local jurisdiction of the maximum potential accelerated payment for each "school term." A copy of VA Form 22-8814 will be attached.

(b) The participating jurisdiction(s) will determine the size of the matching payment for each "school term." This matching payment may be equal to or less than the amount of the potential maximum accelerated payment for such "school term." Any matching payment will be made to the VA Education Loan Fund on the individual veteran's behalf. The check for the matching payment will be mailed to the Finance Officer of the VA office which initiated the VA Form 22-8816.

(c) If the State should decline to make a matching payment or make a matching payment of less than the maximum payable, the adjudicator or education clerk will fully inform the veteran. If a veteran disagrees with a denial of matching payment or with the amount of a matching payment, his or her appeal must be to the appropriate State or local jurisdiction. However, all other issues in the accelerated payment program may be appealed through the normal VA appellate process.

9. *Loan Reduction.* (a) Upon receipt of a matching payment on the veterna's behalf, the Finance Officer of the VA regional office will reduce the amount of the outstanding education loan balance(s) for the appropriate "school terms" by an amount equal to:

(1) The amount of the matching payment for each "school term," plus

(2) An amount of the potential maximum accelerated payment for each "school term" which is equal to the matching payment.

(b) The veteran will be promptly notified by the Finance Officer as to the total remaining loan balance and of the remaining entitlement, if any. Adjudication will determine the entitlement charge in accordance with paragraph 10 below.

NOTE.—The loan reduction may occur after the veteran's delimiting date as well as before.

10. *Entitlement Charge.* The veteran's entitlement will be charged based on the total accelerated payment made by the VA (not the matching payment). The total accelerated payment will be divided by the full-time rate (with dependents) in effect for the last month of the program within the delimiting period. Entitlement will be charged in full months and fractions. When the computation results in a period other than a full month, or other than exactly a ¾, ½ or ¼ fractional part of a month, the entitlement charge will be reduced to the next lower quarter fraction of a month. The adjudicator or education clerk will charge the veteran's entitlement by making appropriate 02V corrections to fields 386 and 390 as described in M22-2, Part IV, chapter 4, paragraph 4.10e, footnote 2.

*Example:* Accelerated payment is $600 and the full-time rate is $311. The entitlement charge would be 1¾ months computed as follows: $600/311=1 full month and 289/311 fraction of a month. The fraction would be reduced to the next lower quarter; i.e., ¾. Therefore, the entitlement charge should be 1¾ months. Input to field 386 would show "8" and input to field 390 would show "01" months and "29" days.

11. *End Products.* The Adjudication Division will be responsible for determining eligibility for accelerated payment and for establishing necessary controls. End product 220 will be used for allowances and disallowances. A pending 220 will be established in any case where entitlement appears to exist, and this end product will not be recorded as final until all actions have been completed and the claim is either allowed or disallowed.

12. *Liaison Responsibility.* (a) All States will be notified by Central Office about the existence of the new accelerated program. In the event a State or local jurisdiction should enact a matching program, the education liaison representative will immediately advise Central Office (223A) by teletype or letter of the name of the participating jurisdiction and the full address of the State or local office that will be handling the matching payment referrals. A copy of the State (or local jurisdiction) law which enacts the matching program should also be sent to Central Office (223A) when this document becomes available.

(b) In participating States, the liaison representative will request the State to designate a State agency to serve as the liaison point for all accelerated payment claims within that State.

(c) Central Office will advise all stations by teletype whenever notice is received that a State (or local jurisdiction) has established a matching program. The liaison representative in each station will maintain a centralized file of such notices for subsequent use by the Adjudication Division. Ad-

ditional responsibilities of the liaison representative in the accelerated payment program are noted in paragraphs 4b and 7c of this circular.

EXHIBIT A —EXAMPLES OF ACCELERATED PAYMENT

*Example No. 1*

Facts: Veterans received full-time benefits (no dependents) for "school term" 9/1/78-5/30/79 (2 semesters). Program completed 5/30/79 with 4 months of entitlement remaining. Application for accelerated payment filed 8/1/79. VA education loan of $2,500 made on 10/1/78 for "school term" 9/1/78-5/30/79. Tuition and fees $3,000 for same "school term." School had less than 35 percent VA enrollment for each semester. State has enacted a matching program.

Eligibility: All requirements met.

Maximum Potential Accelerated Payment $600. Computed as the Lessor of:

(a) The educational assistance paid for the "school term" or (9×$311): $2,799.

(b) ⅓ of the amount by which tuition and fees exceed $700 for the "school term" or ⅓ ($3,000−$700): $766.66.

(c) ⅓ of the amount by which the outstanding VA Loan obligation for the "school term" exceeds $700 or ⅓ ($2,500−$700): $600.

(d) Number of months of entitlement multiplied by full-time rate or (4×$311): $1,244.

Matching Payment: Assume $600. (The State could match a lesser amount.)

Actual Accelerated Payment: $600.

Loan Reduction: $1,200.

Entitlement Charge: 1¾ months (computed as $600/$311).

*Example No. 2*

Facts: Veterans received full-time benefits (1 dependent) for "school term" 9/11/78-6/10-79 (2 semesters) and from 6/10/79 to 9/1/79 (summer session). Program completed 9/1/79 with 5 months of entitlement remaining. Application for accelerated payment filed on 12/5/79. VA education loan of $3,325 granted on 10/1/78 for entire period 9/11/78-9/1/79 (Note: Only the $2,500 of this loan which applies to the "school term" may be used in the computation of accelerated payment.) Tuition and fees $3,000 for "school term" (2 semesters). School meets 35 percent requirement for each semester. State has enacted a matching program.

Eligibility: All requirements met.

Maximum Potential Accelerated Payment $600. Computed as the Lessor of:

(a) The educational assistance paid for the "school term" or (9×$370): $3,330.

(b) ⅓ of the amount by which tuition and fees exceed $700 for the "school term" or ⅓ ($3,000−$700): $766.66.

(c) ⅓ of the amount by which the outstanding VA Loan obligation for the "school term" exceeds $700 or ⅓ ($2,500−$700): $600.

(d) Number of months of entitlement multiplied by full-time rate or (5×$370): $1,850.

Matching Payment: Assume $500. (The State could have matched $600 but elected to match a lesser amount.)

Actual Accelerated Payment: $500.

Loan Reduction: $1,000.

Entitlement Charge: 1¼ months (computed as $500/$370).

*Example No. 3*

Facts: Veteran received full-time benefits (no dependents) for 2 semesters from 9/15/77-6/15/78 ("school term" 1 consists of the second semester only which started on 2/1/78) and for 2 semesters from 9/11/78-6/10/79 ("school term" II consists of both of these semesters). Program completed 6/10/79 with 4 months of entitlement remaining. Application for accelerated payment filed 8/1/79. VA education loans of $2,500 made on 2/1/78 for the period 9/15/77-6/15/78 and on 10/1/78 for the period 9/11/78-6/10/79. Tuition and fees $3,000 for both periods (i.e., $1,500 for each semester). School meets 35 percent requirement for each semester of both terms. State has enacted a matching program.

Eligibility: All requirements met.

Maximum Potential Accelerated Payment For Term I: $300. Computed as the lesser of:

(a) The educational assistance paid for the "school term" or (4½×$311): $1,399.50.

(b) ⅓ of the amount by which tuition and fees exceed $350 for the "school term" or ⅓ ($1,500−$350): $383.33.

(c) ⅓ of the amount by which the outstanding VA Loan obligation for the "school term" exceeds $350 or ⅓ ($1,250−$350): $300.

(d) Number of months of entitlement multiplied by full-time rate or (4×$311): $1,244.

Maximum Potential Accelerated Payment For Term II: $600. Computed as the lesser of:

(a) The educational assistance paid for the "school term" or (9×$311): $2,799.

(b) ⅓ of the amount by which tuition and fees exceed $700 for the "school term" or ⅓ ($3,000−$700): $766.66.

(c) ⅓ of the amount by which the outstanding VA Loan obligation for the "school term" exceeds $700 or ⅓ ($2,500−$700): $600.

(d) Number of months of entitlement multiplied by full-time rate or (4×$311) $300 (the amount matched from Term I): $944.

Matching Payment: $900. (This assumes the State matches the maximum amount for each "school term".)

Actual Accelerated Payment: $900.

Loan Reduction: $1,800.

Entitlement Charge: 2¾ months (computed as $900/$311).

*Example No. 4*

Facts: Veteran received full-time benefits (no dependents) for a nondegree program from 4/1/78-8/1/79. Program is divided into segments of approximately 10 weeks each. Program completed 8/1/79 with 10 months of entitlement remaining. Application for accelerated payment filed 11/1/79. VA education loan of $3,325 made on 5/1/78 for 12-month period 4/1/78-3/31/79 (Note: Only $2,500 of this loan may be used in the computation as this is the maximum loan for a "school term.") Tuition and fees $4,000 for full 16-month program. (Note: Only 11/16 of this tuition or $2,750 can be used in computing accelerated payment since a "school term" has been defined as 9-11 months for non-degree programs.) School meets the 35 percent requirement. Local jurisdiction has a matching program.

Eligibility: All requirements met.

Maximum Potential Accelerated Payment: $600. Computed as the lesser of:

(a) The educational assistance paid for the "school term" or (11×$311): $3,421.

(b) ⅓ of the amount by which tuition and fees exceed $700 for the "school term" or ⅓ ($2,750−$700): $683.33.

(c) ⅓ of the amount by which the outstanding VA Loan obligation for the "school term" exceeds $700 or ⅓ ($2,500−$700): $600.

(d) Number of months of entitlement multiplied by full-time rate or (10×$311): $3,110.

Matching Payment. Assume $600. (The local jurisdiction could match $600 or a lesser amount.)

Actual Accelerated Payment: $600.

Loan Reduction: $1,200.

Entitlement Charge: 1¾ months (computed as $600/$311).

[FR Doc. 78-4416 Filed 2-16-78; 8:45 am]

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[7710-12]

## POSTAL SERVICE

**[39 CFR Part 111]**

**FOURTH CLASS**

**Mailing of Books at the Library Rate**

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The purpose of the proposed rule is to clarify and to add certain definitions and conditions to the postal regulation on the mailing of books by publishers and distributors at the fourth-class library rate of postage. In late 1976 Congress expanded eligibility criteria for use of the library rate so as to include books mailed from publishers and distributors to schools, colleges, universities, or libraries. The Postal Service placed the change into effect administratively upon the effective date of the legislation. The proposed rule would clarify that the library rate is limited to books mailed to public libraries and not extended to commercial libraries. It would also define the term distributor, specify that the mail must be addressed to a qualified institution, and specify the circumstances in which books sent to certain bookstores are considered to be sent to schools, colleges, universities, or libraries within the meaning of the legislation.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Written comments must be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1610.

FOR FURTHER INFORMATION CONTACT:

Grayson Poats, 202-245-4602.

SUPPLEMENTAL INFORMATION: The Postal Service proposes to change 135.26c of the Postal Service Manual, chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1, to carry out the purpose described above.

On September 24, 1976, in section 12 of Pub. L. 94-421, Congress added a new subsection (b) to section 3683 of Title 39, United States Code, providing that books mailed from publishers or distributors to schools, colleges, universities, or libraries may use the library rate of postage. Early on in the administration of the amendment a question arose as to whether Congress intended the library rate to be limited to books mailed to "public" libraries, and not extended to commercial libraries, even though the amendment of September 24, 1976, did not so specify. Section 4554(b)(1)(B) of former title 39 permitted "public libraries", among others, to use the library rate. Section 3626(a) of existing title 39 continued the library rates for any "kind of mailer under former sections * * * 4554 of this title," i.e. public libraries. Moreover, we have not found any indication whatever in the legislative history of the new law that Congress intended to permit any libraries other than public libraries to benefit by the lower library rate. For these and other reasons, the Postal Rate Commission has recommended, and the Governors of the Postal Service have approved the recommendation that eligible mailings be limited to those for "public" libraries. Accordingly, we are proposing to modify our regulations at 135.26c to refer specifically to "public" libraries. This is consistent with existing 135. 26 and .26 a and b where reference is made to "public" libraries.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions of the Postal Service Manual:

PART 135—FOURTH CLASS

In 135.2 revise .26c to read as follows:

135.2 Classification.

. . . . . .

.26 Fourth-Class Library Rate.

. . . . . .

c. Books, including books to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books, when mailed from a publisher or distributor to a school, college, university, or public library, may be mailed at the library rate. For purposes of this subsection—

(1) A distributor is an agent, business firm or similar organizations whose business is the sale, resale, shipment, or reshipment of books.

(2) Books must be addressed to the qualifying institution. An individual recipient may only be noted with an attention line.

(3) Books may be mailed to bookstores which are owned, operated and controlled by schools, colleges, or universities, including separately incorporated, nonprofit bookstores owned by those institutions.

(4) Books may not be returned to a publisher or distributor by a school, college, university or public library.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
*Deputy General Counsel.*

[FR Doc. 78-4387 Filed 2-16-78; 8.45 am]

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[1505-01]

## ENVIRONMENTAL PROTECTION AGENCY

**[40 CFR Part 162]**

[FRL 853-7; OPP-250007]

**PESTICIDE PROGRAMS; GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES: SUBPARTS B, D, AND E**

**Notification of the Secretary of Agriculture of a Proposed Regulation**

*Correction*

In FR Doc. 78-3842, appearing on page 5857, in the issue for Friday, February 10, 1978, correct the heading to read as set forth above.

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-34]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[PPQ 639]

### SOIL SAMPLES

### List of Approved Laboratories for Receipt of Certain Soil Samples

Purpose. To amend the list of laboratories which are approved to receive interstate shipments of soil samples for processing, testing, or analysis, and also shipments of soil samples from foreign countries under permit for research or analytical purposes.

This document lists certain laboratories as indicated herein which are approved by the Deputy Administrator for receipt in interstate commerce of soil samples for processing, testing, or analysis pursuant to sections 301.48-3, 301.80-3, 301.81-3, 301.85-3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48-3, 301.80-3, 301.81-3, 301.85-3).

Also, in connection with the regulations relating to the movement into or through the United States of soil from foreign countries or Territories or possessions of the United States (7 CFR 330.300 et seq.), this document lists certain laboratories as indicated herein which the Deputy Administrator has approved for receipt, under permit, of soil samples for research or analytical purposes in accordance with safeguards and other conditions specified in the permits.

The list is amended by deletions, additions, and correcting certain listings as follows:

ADDITIONS

Agricultural Testing, Inc., San Juan, TX[3] (8-31-79).
Auburn University, Plant Disease Clinic & Nematode Analysis Laboratory, Auburn, AL.
Bromwell Engineering, Lakeland, FL[3] (11-30-79).
California, University of, Department of Soil & Plant Nutrition, Berkeley, CA.
Colorado, University of, (at Denver) Natural & Physical Sciences-Geology, Denver, CO[3] (9-30-82).
Cary Arboretum of the New York Botanical Garden, Millbrook, NY[3] (10-31-79).
Chicago, University of, Department of Geography, Chicago, IL[3] (6-30-78).
Eberline Instrument Corp., Alburquerque, NM[3] (6-30-81).
Engineering Consultants, Inc., Denver, CO[3] (9-30-79).
Fruit Growers Laboratory, Inc., Santa Paula, CA[3] (7-31-81).
Georgia, University of, College of Agriculture, Department of Agronomy, Athens, GA[3] (4-30-78).
Georgia, University of, College of Agriculture, Cooperative Extension Service, Extension Agronomy Department, Athens, GA[3] (6-30-81).
Global Sales Co., Malden, MA[3] (7-31-79).
Guam, University of, College of Agriculture & Business, Agana, Guam[3] (12-31-82).
Harvard Semitic Museum, Cambridge, MA[3] (9-30-82).
Herber, Jon P., Austin, TX[3] (11-30-79).
Hoskins-Western-Sonderegger, Inc., Lincoln, NE[3] (11-30-79).
Idaho, University of, Plant and Soil Sciences, Soil Characterization Laboratory, Moscow, ID[3] (6-30-79).
Interkiln Corporation of America, Houston, TX[3] (11-30-79).
Iowa State Highway Commission, Ames, IA.
Kirkland College, Department of Anthropology, Clinton, NY[3] (11-30-82).
Los Alamos Scientific Laboratory, Los Alamos, NM.
Massachusetts Institute of Technology, Department of Chemical Engineering, Cambridge, MA[3] (11-30-82).
Naval Nuclear Power Unit, Construction Battalion Center, Port Hueneme, CA[3] (1-1-79)
North Dakota State University, Department of Geology, Fargo, ND[3] (10-31-82)
Oregon, University of, Museum of Natural History, Eugene, OR[3] (6-30-79).
Rhoads Scientific Co., Colorado Springs, CO[3] (10-31-79).
Rohm and Haas Co., Agricultural Products Research, Spring House, PA[3] (10-31-79).
Sierra Testing & Engineering, Inc., Sierra Vista, AZ[3] (10-31-79).
Soil Conservation Service Engineers, Long Beach, CA.
Specomp, William A. Bowes, Steamboat Springs, CO[3] (7-31-78).
Suntech, Inc., Research & Engineering Division, Marcus Hook, PA[3] (7-31-79).
UOP Minerals Sciences Division, Developmental Laboratory, Tucson, AZ[3] (9-30-79).
Washington, University of, Department of Botany, Seattle, WA[3] (8-31-79).
Williams Brothers Process Services, Inc., Lab., Tulsa, OK[3] (10-31-79).

U.S. GOVERNMENT

U.S. Department of Transportation, Federal Highway Administration, Fairbank Highway Research Station, McLean, VA[3] (11-30-79)

DELETIONS

California, University of, Department of Civil Engineering, Davis, CA[3] (6-30-77).
California, University of, Department of Food Science & Technology, Davis, CA[3] (6-30-77).
Center for Climatic Research, Madison, WI[3] (6-30-77).
Georgia, University of, Department of Agronomy, Athens, GA[3] (6-30-81).
Hector Agricultural Export Co., Miami, FL[3] (6-30-79).
Jones Ferro Magnetics, Inc., Jacksonville, FL[3] (1-31-78).
Medall, S. E. and Associates, Inc., Santa Ana, CA[3] (6-30-77).
Miami, University of, IMCE, Coral Gables, FL[3] (6-30-78).
Miami, University of, Institute of Marine Science, Miami Beach, FL[3] (8-31-78).
Shannon & Wilson, Inc., Burlingame, CA
International Mineral Engineers, Inc., Golden, CO.
Rocky Mountain Geochemical Corp., Midvale, UT.
Utah State University, Soil and Water Conservation Research, Mechanic Arts, Logan, UT.
Weber State College, Department of Microbiology, Ogden, UT.
Bowes and Associates, Steamboat Springs, CO.

CORRECTIONS

Change "Abbott Laboratories, North Chicago, IL[3] (6-30-81)" to read: "Abbott Laboratories, Scientific Division, North Chicago, IL[3] (9-30-82)."
Change "American Testing Engineering Corporation, ATEC Associates, Inc., Indianapolis, IN" to read: "American Testing Engineering Corporation, ATEC Associates, Inc., Indianapolis, IN[3]."
Change "Bechtel Corp., San Francisco, CA" to read: "Bechtel Corp., San Frnacisco, CA[3] (8-31-79)."
Change "Bowes, William A., Steamboat Springs, CO[3] (7-31-78)" to read: "Specomp, Bowes, Willian A., Steamboat Springs, CO[3] (7-31-78)."
Change "Chemagro Corp., Kansas City, MO" to read: "Chemagro Corp., Kansas City, MO[3] (10-31-82)."
Change "CHEM-CRETE Corp., Menlo Park, CA" to read: "CHEM-CRETE Corp., Menlo Park, CA[3] (10-31-79)."
Change "Core Laboratories, Inc., Hobbs, NM" to read: "Core Laboratories, Inc., Midland, TX."
Change "Dames & Moore, Denver, CO" to read: "Dames & Moore, Denver, CO[3] (10-31-79)."
Change "Harlan, R. C., and Associates, San Francisco, CA" to read: "Harlan, R. C., and Associates, San Francisco, Ca[3] (11-30-79)."
Change "Hunter College, Department of Anthropology, New York, NY" to read "Hunter College, Department of Anthropology, New York, NY[3] (10-31-82)."
Change "International Fertilizer Development Center, Muscle Shoals, AL" to read: "International Fertilizer Development Center, Muscle Shoals, AL[3] (9-30-79)."
Change "International Minerals & Chemical Corporation, Libertyville, IL" to read: "International Minerals & Chemical Corporation, Terre Haute, IN."
Change "Kennecott Exploration, Inc., Salt Lake City, UT[3] (2-28-78)" to read: "Kennecott Exploration, Inc., Salt Lake City, UT[3] (2-28-78)."
Change "Marathon Oil Co., Littleton, CO" to read: "Marathon Oil Co., Denver Research Center, Littleton, CO[3] (10-31-79)."
Change "Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, MA" to read: "Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, MA[3] (6-30-80)."
Change "Michigan State University, Department of Botany and Plant Pathology, East Lansing, MI[3] (6-30-77)" to read: "Michigan State University, Department of Botany and Plant Pathology, East Lansing, MI."

CORRECTIONS

Change "Shannon & Wilson, Inc., Burlingame, CA" to read "Shannon & Wilson, Inc., San Francisco, CA."
Change "Spectograph Laboratory, Hayden, Colorado" to read: "Specomp, Bowes, William A., Hayden, CO."
Change "Warf Institute, Inc., Madison, WI" to read "Warf Institute, Inc., Madison, WI[3] (10-31-79)."
Change "Westvaco Corp., Laurel Research Laboratory, Laurel, MD" to read: "Westvaco Corp., Laurel Research Laboratory, Laurel, MD[3] (9-30-79)."
Change "U.S. Department of the Interior, Fish & Wildlife Service, Denver Wildlife Research Center, Denver CO[3] (6-30-78)" to read: "U.S. Department of the Interior, Fish & Wildlife Service, Denver Wildlife Research Center, Denver, CO[3] (6-30-78)."

The import permits for the following organizations have been extended as indicated:

American Testing Institute, San Diego, CA[3] (12-31-79) changed from (9-30-77).
Analytical Development Corp., Monument, CO[3] (9-30-82) changed from (6-30-79).
California State Polytechnic College, Department of Biological Sciences, Pomona, CA[3] (10-31-79) changed from (6-30-77).
Colorado, University of, Institute of Arctic and Alpine Research, Boulder, CO[3] (6-30-79) changed from (5-31-78).
E. I. du Pont de Memours & Co., Inc., Plant Research Laboratory, Wilmington, DE[3] (9-30-79) changed from (5-31-79).
Harding-Lawson Associates, San Rafael, CA[3] (9-30-82) changed from (6-30-80).
Hoffman-LaRoche, Inc., Nutley, NJ[3] (11-30-79) changed from (6-30-78).
International Flavors and Fragrances (R & D), Union Beach, NJ[3] (8-31-79) changed from (3-31-78).
Johns Hopkins University, Department of Geography and Environmental Engineering, Baltimore, MD[3] (6-30-79) changed from (6-30-77).
Lilly, Eli, & Co., Lilly Research Laboratories, Indianapolis, IN[3] (12-31-82) changed from (6-30-80).
Nebraska, University of, Department of Agronomy, Wheat Studies Laboratory, Lincoln, NE[3] (11-30-82) changed from (10-30-77).
Oklahoma State University, Department of Agronomy, Stillwater, OK[3] (10-31-79) changed from (5-31-79).
Scientific Agricultural Services, Visalia, CA[3] (12-31-81) changed from (9-30-77).
Southern Turf Nurseries, Tifton, GA[3] (12-31-82) changed from (6-30-79).
U.S. Department of the Interior, Engineering and Research Center, Bureau of Reclamation, Denver, CO[3] (12-31-79) changed from (12-31-77).
Virginia Polytechnic Institute and State University, Biology Department, Blacksburg, VA[3] (7-30-79) changed from (9-30-77).
Wisconsin, University of, Department of Bacteriology, Madison, WI[3] (10-31-82) changed from (6-30-81).

NOTE.—The Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 10th day of February 1978.

T. G. DARLING,
*Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.*

[FR Doc. 78-4325 Filed 2-16-78; 8:45 am]

[3410-07]

### Farmers Home Administration

[Notice of Designation No. A566]

### LOUISIANA

### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Louisiana Parishes as a result of drought May 1 through June 28, 1977, and excessive rainfall August 1 through October 31, 1977, in Caldwell Parish; drought May 1 through September 1, 1977, in Franklin Parish; and excessive rainfall (with flooding) April 20 through April 27, 1977, drought April 28 through June 11, 1977, and excessive rainfall July 19 through September 20, 1977, in St. Martin Parish.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V-B, including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than August 2, 1978, for physical losses and February 1, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of February 1978.

GORDON CAVANAUGH,
*Administrator, Farmers Home Administration.*

[FR Doc. 78-4396 Filed 2-16-78; 8:45 am]

[3410-07]

[Notice of Designation Number A570]

### MISSISSIPPI

### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Mississippi Counties as a result of various adverse weather conditions shown in the following chart:

MISSISSIPPI

| County | Nature and period of incidence | |
|---|---|---|
| Choctaw | Drought | Apr. 15, 1977 to July 15, 1977. |
| | Excessive rainfall. | Oct. 1, 1977 to Nov. 10, 1977. |
| Clay | Drought | Apr. 22, 1977 to July 9, 1977. |
| | Excessive rainfall. | Sept. 1, 1977 to Nov. 17, 1977. |
| Kemper | Drought | Apr. 15, 1977 to July 15, 1977. |
| | Excessive rainfall. | Sept. 1, 1977 to Nov. 10, 1977. |
| Lowndes | Drought | Apr. 15, 1977 to July 8, 1977, Aug. 9, 1977 to Sept. 5, 1977. |
| | Excessive rainfall. | Sept. 7, 1977 to Nov. 15, 1977. |
| Noxubee | Drought | Apr. 15, 1977 to July 8, 1977. |
| | Excessive rainfall. | Oct. 15, 1977 to Nov. 10, 1977. |
| Oktibbeha | Drought | Apr. 10, 1977 to July 9, 1977. |
| | Excessive rainfall. | Sept. 1, 1977 to Nov. 15, 1977. |

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit B, Paragraph V B, including the recommendation of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than August 4, 1978, for physical losses and February 5, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of February 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4397 Filed 2-16-78; 8:45 am]

[3410-07]

[Notice of Designation Number A571]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of excessive rainfall October 1, 1976, through April 30, 1977, and drought May 1 through December 8, 1977, in Caldwell County; drought June 1 through October 1, 1977, in Grimes County; and drought April 1 through December 1, 1977, with very high temperatures July, August, and September 1977, in Rockwall County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V-B, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1978, for physical losses and February 7, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of February 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4398 Filed 2-16-78; 8:45 am]

[3410-16]

Soil Conservation Service

RURAL ABANDONED MINE RECLAMATION PROGRAM

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Soil Conservation Service, USDA gives notice that a program environmental impact statement is being prepared for the Rural Abandoned Mine Reclamation Program, section 406, Pub. L. 95-87 (30 U.S.C. 1236).

The cumulative effects of the program may cause significant local, regional, or national impacts on the human environment. The Soil Conservation Service has determined that the preparation and review of a program environmental impact is needed.

The program includes many independent reclamation agreements on nonfederal lands in 29 States, for the control and prevention of erosion and sediment damages from unreclaimed mined lands. The planned works of improvement will include, but are not limited to installation of conservation measures for land stabilization, erosion, and sediment control; and reclamation of mined lands through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, and agricultural productivity of such lands.

The Soil Conservation Service will hold five concurrent public meetings on Wednesday, March 8, 1978, to solicit public participation in the development of the program environmental impact statement and preparation of the rules for implementing the program. Public participation in these meetings is urged to assist in the identification of the major envoronmetal concerns relative to this program. Written or oral presentations will be accepted between 9 a.m. and 3 p.m. and 7:30 p.m. and 10 p.m. at the following places: Morgantown, W. Va.; Pinckneyville, Ill.; Hazard, Ky.; Sheridan, Wyo.; and Washington, D.C. The specific location of each meeting may be obtained by contacting the local or State office of the Soil Conservation Service in or near the place where the meeting is to be held. Information concerning all these meetings may also be obtained by contacting Mr. James B. Newman, Chief, Conservation Programs Branch, Conservation Operations Division, Soil Conservation Service, USDA, Washington, D.C., 202-447-2324. Written statements may be sent to the Conservation Operations Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013, on or before March 10, 1978.

(Catalog of Federal Domestic Assistance Programs number to be assigned.)

Dated: February 10, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-4470 Filed 2-16-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 29827; 30034; 32097; Order 78-2-42]

ALLEGHENY AIRLINES, INC. AND UNITED AIRLINES, INC.

Pittsburgh-Orlando-Daytona Beach Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1978.

Application of Allegheny Airlines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended, for an amendment of its certificate of public convenience and necessity for Route 97. Application of United Air Lines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended.

Both Allegheny and United have filed motions for hearing of their applications seeking authority between some of their Northeast markets and several Florida points.[1] Allegheny's application, filed September 24, 1976, seeks authority between the coterminal points Pittsburgh and Philadelphia, Pa., and Baltimore, Md., and the coterminal points Daytona Beach, Orlando, Sarasota, and West Palm Beach, Fla. United's application, filed November 10, 1976, requests authority to add Orlando, Fla., as an itermediate point on segment 4 of Route 51. United also requests that restrictions 8 and 9 be amended to exclude Orlando from the Florida points single-plane restrictions contained there.[2]

In support of its motion, Allegheny states, among other things, that: Orlando, West Palm Beach, Daytona Beach, and Sarasota are growth markets which are underserved; Allegheny will offer improved service to these points from several Northeast cities; its extension to Florida will present Allegheny with an opportuity for

[1] Allegheny filed a motion for hearing on November 30, 1976, in Docket 29827, and United filed its motion for hearing contemporaneously with its application in Docket 30034 on November 10, 1976.

[2] Condition 8 on Route 51 states that: (8) The holder shall not provide single-plane service between points in Flordia, on the one hand, and Minneapolis-St. Paul, Minn., Milwaukee, Wis., Chicago, Ill., Detroit, Mich., or Toledo, Ohio, on route 14, on the other hand.

Condition 9 on Route 51 states that: (9) The holder shall not provide single-plane service between points in Florida, on the one hand, and New York, N.Y., Newark, N.J., Philadelphia, Pa., Baltimore, Md., Washington, D.C., Norfolk-Virginia Beach-Portsmouth-Chesapeake or Newport News-Hampton-Williamsburg-Yorktown, Va., or any other points north and east of Asheville, N.C., as described in segment 2, on the other hand.





growth which is no longer available on its system; its service proposal will benefit 326,000 passengers; and the Florida routes will generate an operating profit of $5,219,047 and an excess after return and tax of $673,432.

Answers in support of Allegheny's motion were filed by seventeen civic parties (see Appendix A).

The civic parties, in general, allege that additional single-plane and single-carrier service is needed in the Northeast-Florida markets which Allegheny proposes to enter. The Orlando parties, for example, allege that service in many of that city's markets, particularly Pittsburgh-Orlando, is seriously deficient due to high load factors.[3] Orlando further argues that the Board has not investigated its air service needs since 1961, and that many of its passengers to Disney World and other attractions have been forced to take connecting service rather than nonstop of one-stop flights. Orlando takes no position as to whether Allegheny's or United's application should be granted. Rather, it urges the Board to take this opportunity to review its air service needs.

Answers in opposition to Allegheny's motion were filed by Eastern, National, and Southern. Both Eastern and National argue that the markets Allegheny proposes to serve are small in terms of traffic, that many of them are currently served by two, three, or four trunk carriers, and that Allegheny's stimulation factors are unrealistic in light of these proposed duplications. Eastern further argues that the Pittsburgh-Orlando market—the principal thrust of Allegheny's application, where it proposes three daily nonstop round trips—is well served by Eastern with nonstop, one-stop, and other single-plane and single-carrier services.

National believes that there is no justification in terms of the development of a sound air transportation system in extending Allegheny south to Florida. This is particularly true, it contends, in view of the existence of two subsidized regional carriers in the South and excessive trunkline services in the East Coast-Florida markets. Finally, National asserts that it would be sheer folly to add a fourth carrier in these markets when there is still no evidence—based on ER-586 data—that they can profitably support three-carrier competition.

Southern argues that Allegheny's manipulation of Subpart K costs distorts the true picture of its proposal. Southern states that Allegheny has used three different time frames for computing direct and indirect costs and revenues: direct costs are for the year ended March 31, 1976; indirect costs are computed for the year ended September 30, 1975; and revenues are computed from fares in effect in November 1976. Southern has adjusted Allegheny's forecast to reflect September 1975 fares and Subpart K costs (direct and indirect), and the result is a $1,260,000 loss. Thus, it contends, Allegheny has failed to make a prime facie case that its proposal would be economical.

Delta filed an answer which neither supports nor opposes Allegheny's motion. Rather, Delta makes several recommendations which, it suggests, the Board should consider when acting on the motion and the other applications and petitions involving Florida markets.[4] First, Delta urges the Board to institute immediately a separate investigation into the air service needs of Daytona Beach and Sarasota-Bradenton.[5] Second, if the Board grants Allegheny's motion and consolidates some or all of the Daytona Beach and Sarasota-Bradenton issues into an investigation involving Northeast-Florida markets, the investigation should include the question of adding a carrier between, at a minimum, Boston/New York/Washington and Daytona Beach/Orlando/Sarasota-Bradenton/West Palm Beach. (Delta filed an application for such authority simultaneously with its answer.) Last, if a Northeast-Florida points service investigation is instituted, Delta urges the Board to remove its restrictions in the Baltimore/Philadelphia-Orlando/West Palm Beach markets before placing a new carrier in any of them.

Allegheny filed a motion on February 4, 1977, to file an unauthorized document,[6] alleging that the answers of Eastern, National, and Southern are inaccurate and/or exaggerated in terms of existing service in the markets in issue. In response to Southern, Allegheny recomputed its financial results using Subpart K unit costs for the year ended September 30, 1976, and fares effective February 1977 to arrive at an operating profit of $4.8 million. In reply to Delta's answer, Allegheny states that there is no need to have a separate hearing limited to the service needs of Daytona Beach and Sarasota; most of the markets outside of the Northeast area covered by the applications of Daytona Beach and Sarasota, e.g., Daytona Beach-Atlanta, are adequately served at present traffic levels; there are sufficient levels of service in the Northeast-Florida markets suggested by Delta, and including markets beyond those in Allegheny's application will result in another Northeast-Florida investigation, which would involve a massive undertaking by the Board and its staff. Allegheny also opposes lifting Delta's restrictions in the Baltimore/Philadelphia-Orlando/West Palm Beach markets.

United, in support of its motion, alleges that the Great Lakes area-Orlando markets are in need of additional service;[7] that its proposed service will result in an operating profit of $1,600,000; and that Eastern, the monopoly carrier in several of the markets, would still, under this proposal, retain over 50 percent of the revenue passenger miles in the Buffalo/Cleveland/Pittsburgh-Orlando markets.

Answers in support of United's motion were filed by the Niagara Frontier Transportation Authority and the Buffalo Chamber of Commerce, the Pittsburgh parties,[8] Flint, Mich. Parties,[9] the Greater Cleveland Growth Association and the Orlando parties.[10] In their answer, the Orlando parties reiterate the contentions they made in responding to Allegheny's motion.

Answers in opposition to United's motion were filed by Delta, Eastern, National, and Southern. Only Eastern opposes United's application for Pittsburgh/Cleveland/Buffalo/Rochester-Orlando authority, on the grounds that these markets are all well served by Eastern and that in the Buffalo-Orlando market—for which both United and Allegheny propose single-plane service—it will be offering a daily one-stop round trip as soon as its restriction on Pittsburgh-Atlanta turnaround service is removed.[11] All the carriers,

[3] Orlando states that the coach load factor in the Pittsburgh-Orlando market in 1974 was 71 percent and for the year ended June 30, 1976, the coach load factor was 79 percent. Thus, Orlando argues that Pittsburgh-Orlando passengers are being seriously inconvenienced, and that Eastern, the monopoly carrier, has reacted slowly to the rapid traffic increases.

[4] Petition of Daytona Beach/Volusia County Parties for a Service Investigation, Docket 29113; and Petition of Sarasota-Manatee Airport Authority for an Investigation of Sarasota-Bradenton Air Service, Docket 29125. In response to those petitions, Delta (Dockets 21926, 29177, 30125, and 30278), Northwest (Docket 30094), and Southern (Docket 29312) filed applications for new or additional authority to Florida.

[5] By Order 77-3-167, the Board granted the petitions of Daytona Beach and Sarasota-Bradenton and set the issue of Atlanta-Daytona/Sarasota service for hearing.

[6] We will grant Allegheny's motion.

[7] Appendix C sets forth United's proposed service in the Buffalo/Cleveland/Pittsburgh/Rochester-Orlando markets and the current service in each market.

[8] Allegheny County Department of Aviation, County of Allegheny; Pittsburgh Airport Advisory Committee.

[9] City of Flint and the Flint Chamber of Commerce.

[10] City of Orlando and the Greater Orlando Aviation Authority.

[11] By Order 77-1-23, the Board removed this restriction, effective February 6, 1977. Eastern now provides one daily one-stop round trip in the Orlando market. (OAG December 15, 1977.)

including Eastern, object to a hearing on those markets not covered by United's exhibits in its motion for hearing but raised by United's request to add Orlando as an intermediate point on Route 51. Specifically, they argue that United requests authority not only in the four Great Lakes-Orlando markets but also single-plane authority between (1) the Northwest/Piedmont area and Orlando; (2) Twin Cities/Milwaukee/Chicago/Detroit/Toledo and Orlando; (3) Orlando and Atlanta; and (4) intra-Florida markets (Orlando-Miami/Fort Lauderdale, Orlando-Tampa, and Orlando-West Palm Beach). Delta, Eastern, National, and Southern contend that United has failed to show that these other markets qualify for priority for hearing.

Northwest also filed an answer to United's application in which it states that if the Board hears United's application, it should also consider Northwest's application in Docket 30034 for new authority between all major Great Lakes area points (including Milwaukee, Chicago, and Minneapolis/St. Paul) and Orlando/Sarasota-Bradenton/Daytona Beach.

We have decided to institute an investigation to consider the need for new or additional service in three markets, Pittsburgh-Orlando-Daytona Beach. The Orlando-Pittsburgh market appears able to support competitive service. It is the largest market in the applications of both Allegheny and United, with 83,580 O&D plus connecting passengers in 1976 (Appendix B). The other two markets, Orlando/Pittsburgh-Daytona Beach, are included because they integrate well with the Pittsburgh-Orlando market and will maximize the operating flexibility of the applicants' service proposals. The addition of these two markets also increases the prospect of economically viable service in all three.

In accordance with the policy announced in our order instituting the Chicago - Albany / Syracuse - Boston Competitive Service Investigation (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, constitute an important consideration, which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

The other Northeast-Florida markets in the applications of Allegheny and United either do not suffer service deficiencies or are too small to warrant hearing in light of the Board's other priorities.[12] In addition, grant in the entirety of either or both the motions of Allegheny or United is likely to result in a large area investigation of Northeast-Florida service, which would not be an efficient utilization of the Board's resources at this time.

United's motion also fails to provide any economic evidence of the need for additional service in the markets in which it would receive single-plane authority if Orlando were added as an intermediate point on Route 51. Those markets are the Orlando-Northeast/Piedmont area, Orlando-Minneapolis/St. Paul/Milwaukee/Chicago/Detroit/Toledo, Orlando-Atlanta, and Orlando-Miami/Fort Lauderdale/Tampa.

Accordingly, *it is ordered*, That: 1. The motions for hearing of Allegheny Airlines, Docket 29827, and United Air Lines, Docket 30034, be granted with respect to the Pittsburgh-Orlando-Daytona Beach markets and denied in all other respects;

2. A proceeding to be known as the Pittsburgh-Orlando-Daytona Beach Route Proceeding, Docket 32097, be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. The proceeding instituted in paragraph 2, above, shall consider whether the public convenience and necessity require that new authority be granted in the Pittsburgh-Orlando-Daytona Beach markets and, if so, which air carrier or carriers should be authorized and whether the new or existing authority should be subject to any terms, conditions or limitations;

4. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

5. The applications of Allegheny Airlines, Docket 29827, and United Air Lines, Docket 30034, for authority in the Pittsburgh-Orlando-Daytona Beach markets be consolidated with the proceeding instituted by paragraph 2, above; to the extent not consolidated, these applications be dismissed;

6. Allegheny Airlines' motion to file an otherwise unauthorized document be granted;

7. All carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of service of this order;

8. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of the service date of this order and answers thereto shall be filed within 15 days thereafter;

9. Allegheny Airlines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Southern Airways, United Air Lines, the civic parties in Appendix A of this order, the Niagara Frontier Transportation Authority and the Buffalo Chamber of Commerce, the Pittsburgh parties, and the Flint, Mich. parties be made parties to the proceeding instituted by paragraph 2, above; and

10. This order shall be served upon all parties to the proceeding instituted by paragraph 2, above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[13]
*Secretary.*

APPENDIX A—ANSWERS FILED IN SUPPORT OF ALLEGHENY'S MOTION FOR HEARING

1. Greater Cleveland, Ohio Growth Association (Cleveland parties).
2. Pittsburgh Airport Advisory Committee (Pittsburgh).
3. State of Maryland.
4. City of Orlando, Fla., and the Greater Orlando Aviation Authority (Orlando parties).
5. State of Rhode Island.
6. City of Daytona Beach, Fla.; Daytona Beach Chamber of Commerce; County of Volusia; and the Volusia County Airports Advisory Board (Daytona Beach parties).
7. County Council of Volusia County, Fla. (Volusia County Council).
8. Sarasota-Manatee, Fla., Airport Authority (Sarasota parties).
9. Massachusetts Port Authority and the Greater Boston Chamber of Commerce (Massachusetts parties).
10. Commissioner of Transportation of New York State (New York parties).
11. County of Albany, N.Y.
12. Joint Chamber of Commerce Airport Committee of Albany, Schenectady, Troy, and Colonie, N.Y. (Capital District of New York parties).
13. Islip, Long Island.
14. City of Philadelphia and the Greater Philadelphia Chamber of Commerce (Philadelphia parties).
15. Rochester, N.Y., Area Chamber of Commerce (Rochester parties).
16. State of Connecticut Department of Transportation.
17. Greater West Palm Beach Chamber of Commerce and the Board of County Commissioners, Palm Beach County, Fla. (Palm Beach parties).

APPENDIX B

The largest markets in which Allegheny proposes service already receive sufficient single-plane and single-carrier service. The West Palm Beach-Boston market, which generated 71,770 local O&D plus interline connecting passengers in 1976, has single-plane service from Delta and Eastern on a nonstop, one-stop, and two-stop basis with B—727-200 equipment and many online connections available throughout the day.[1] Allegheny proposes to add one one-stop round trip with DC-9-31 equipment in a 100-seat single-class configuration. In the West Palm Beach-Philadelphia market, which generated 60,940 passengers in 1976, both Eastern and Delta offer single-plane one-stop service and Eastern offers one nonstop round trip daily. Both carriers offer many online connections throughout the day. Allegheny would add to this large amount of existing service one daily one-stop round trip with DC-9-31 equipment.

Several markets in Allegheny's service proposal are without single-plane service at present but they generate at most 15 passengers per day each way. This amount of traffic is too small to warrant inclusion in this case, especially in light of numerous interline and/or online connecting opportunities available in each of these markets.

Other Florida-Northeast markets in which Allegheny proposes to operate are well served in relation to the traffic they generate and the existing service. The Orlando-Buffalo market—35 passengers per day—now receives single-plane service from Eastern, a daily one-stop round trip, and numerous connecting services. In the Sarasota-Boston market—37 passengers per day each way—Eastern offers one daily one-stop round trip with B-727-200 equipment departing at a convenient early morning hour (7:22 a.m.) from Boston and one northbound two-stop flight. In addition, Eastern provides online connections southbound at 7:10 a.m., 9:14 a.m., 9:56 p.m., 12:29 p.m., 4:30 p.m., and 7:05 p.m. Allegheny would add one two-stop round trip to the market, which offers no elapsed time savings over the present online connections. Northbound, there are seven online connecting opportunities well spaced throughout the day from 7 a.m. to 10:20 p.m. moreover Allegheny's proposed two-stop service would be slower than a number of the existing online connections.

A final example of the service in the markets which Allegheny proposes to serve is the Sarasota-Philadelphia market which generates only 32 passengers per day each way. Eastern offers single-plane one-stop service northbound in addition to seven online connections throughout the day. Southbound, Eastern offers eight online connections and National offers one online connection. Allegheny proposes to add only one daily one-stop round trip.

United's application for authority in the Orlando - Buffalo / Cleveland / Pittsburgh/Rochester markets is subject to the same criticism as Allegheny's application: small O&D markets already receiving sufficient service (Appendix C). The Orlando-Buffalo market has been discussed in considering Allegheny's motion and application. The Orlando-Cleveland market generates only 50 passengers per day each way yet has one daily nonstop round trip and one daily one-stop round trip by Eastern in addition to three online connecting flights southbound and two northbound on Eastern. Finally, while no carrier is authorized to provide single-plane service in the Orlando-Rochester market, it is a very small market—only 14 passengers per day each way—and receives numerous interline connecting services.

[12] See discussion in Appendix B.

[13] All Members concurred.

[1] All references to service are from the December 15, 1977, OAG.

Appendix C

United's Orlando Service Proposal

| Market | | CY 1976 O&D Plus Connecting Number | CY 1976 O&D Plus Connecting Per Day Each Way | Dec. 15, 1977 Single-Plane Service | United's Proposed Service |
|---|---|---|---|---|---|
| Orlando | -Cleveland | 36,810 | 50 | 1 O-S RT<br>1 I-S RT | 1 O-S RT |
| | -Pittsburgh | 83,580 | 114 | 2 O-S RT<br>2 I-S SB | 2 O-S RT |
| | -Buffalo | 25,650 | 35 | 1 I-S RT | 1 O-S RT |
| | -Rochester | 10,150 | 14 | No carrier has single-plane authority | 1 I-S RT |

[FR Doc. 78-4321 Filed 2-16-78; 8:45 am]



APPENDIX B

Allegheny's Florida Service Proposal

| Market | | CY 1976 O&D Plus Connecting Number | CY 1976 O&D Plus Connecting Per Day Each Way | Dec. 15, 1977 Single-Plane Service | Allegheny's Proposed Service |
|---|---|---|---|---|---|
| Orlando | -Pittsburgh | 83,580 | 114 | 2 O-S RT<br>2 I-S SB | 3 O-S RT |
| | -Buffalo | 25,650 | 35 | 1 I-S RT | 1 I-S RT |
| | -Rochester | 10,150 | 14 | No carrier has single-plane authority | 1 I-S RT |
| | -Syracuse | 18,340 | 25 | 1 I-S RT | 1 I-S RT |
| | -Albany | 9,950 | 14 | No carrier has single-plane authority | 1 I-S RT |
| Daytona Beach | -Philadelphia | 14,700 | 20 | 1 I-S NB | 1 O-S RT |
| | -Pittsburgh | 21,110 | 29 | 1 I-S NB | 1 O-S RT |
| | -Hartford | 10,860 | 15 | None | 1 I-S RT |
| | -Cleveland | 8,770 | 12 | None | 1 I-S RT |
| | -Providence | 2,860 | 4 | 1 I-S RT | 1 I-S RT |
| Sarasota | -Philadelphia | 23,060 | 31 | 1 I-S NB | 1 I-S RT |
| | -Baltimore | 7,110 | 10 | None | 1 I-S RT |
| | -Boston | 26,860 | 37 | 1 I-S NB | 1 I-S RT |
| | -Hartford | 10,080 | 14 | 1 I-S NB | 1 I-S RT |
| | -Providence | 3,320 | 4 | 1 I-S NB | 1 I-S RT |
| W. Palm Beach | -Baltimore | 10,650 | 15 | 1 I-S NB | 1 O-S RT |
| | -Philadelphia | 60,940 | 83 | 1 O-S RT<br>1 I-S NB<br>1 I-S SB<br>1 2-S SB<br>2 I-S NB | 1 O-S RT |
| | -Syracuse | 10,690 | 15 | 1 I-S NB<br>1 2-S NB | 1 I-S RT |
| | -Boston | 71,770 | 98 | 1 O-S RT<br>1 1/2 I-S RT<br>2 2-S NB | 1 I-S RT |





[6320-01]

[Docket 30777 Agreement CAB 27033 R-1 through R-6; Agreement CAB 27034 R-1, R-2, R-3, R-6 through R-13; Agreement CAB 27035 R-1 through R-5; Agreement CAB 27059 R-1 and R-2; Agreement CAB 27062; Agreement CAB 27082; Order 78-2-53]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreements Adopted by the Traffic Conferences Relating to Passenger Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1978.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA).

The agreements would largely revalidate existing resolutions with editorial and clarifying amendments as well as changes in internal IATA procedures. In addition, Agreements CAB 27033, CAB 27035, CAB 27059, CAB 27062, and CAB 27082 would amend currency-related surcharges on foreign-originating passenger fares. The amended surcharges would relate selling fares in local currencies more closely to current exchange rates, and will be approved. Agreement CAB 27033 would also amend the rerouting provisions of Resolution 021L (special rules for fares currency adjustments) to make them consistent with the basic fare calculation provisions of the resolution.

Agreement CAB 27034 would amend Resolution 014a (construction rule for passenger fares) to add Bangladesh to the list of countries in the Indian Subcontinent area where all service in certain aircraft types is defined as economy class service; establish a standard format for applications for group inclusive tour, affinity group, and incentive/own use group fares. The agreement will be approved with the exception of Resolution 279 (voluntary changes to tickets), which the carriers propose to amend in the same way as the agreement we disapproved in Order 77-2-68, February 14, 1977. In that action, the Board noted that the existing and proposed provisions of Resolution 279 could result in a passenger who changes his itinerary after commencing travel paying a higher fare than if he had purchased identical transportation at the point of origin; and therefore we conditioned our approval of the resolution to provide that in the event of rerouting, the fare will be recalculated from the point of origin on the basis of the rates that would have applied for the revised itinerary had the ticket been purchased before departure.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[1] Our action here on Agreement CAB 27034 will also approve the revalidation of Resolution 275bb (passenger ticket—conditions of contract) which provides that carriers may include on their tickets and baggage checks a disclosure notice of their own choosing explaining the status of reservations in the event of overbooking on their part. While we continue to believe that notice to consumers of this practice is in the public interest, we serve notice that to the extent this resolution may be inconsistent with any rule finally adopted in the rulemaking proceeding in Docket 29139, *Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales, the Board's rules will prevail.*

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27033: | | | |
| R-1 | 021b | Rates of Exchange (Amending) | 1;2;3 |
| R-2 | 021L | Special Rules for Fares Curency Adjustments (Amending). | 1;2;3 |
| R-3 | 021t | Conversion of Minimum Tour Prices Expressed in Basic Currency (Amending). | 1;2;3 |
| R-6 | 023a | Rounding-off Passenger Fares (Amending) | 1;2;3;1/2;2/3;3/1;1/2/3 |
| 27034: | | | |
| R-1 | 002 | Standard Revalidation Resolution | 1;2;3;1/2;3/1;1/2/3 |
| R-2 | 011 | Mileages and Routes for Tariff Purposes (Amending). | 1;2;3;1/2;2/3;3/1;1/2/3 |
| R-3 | 014a | Construction Rule for Passenger Fares (Amending). | 1;3;1/2;2/3;3/1;1/2/3 |
| R-6 | 07600 | Form of Application for Incentive Group Fares (New). | 1;2;3 |
| R-7 | 076z | Form of Application for Affinity Group Fares (Adopting, Revalidating and Amending). | 1;2;3;1/2;2/3;3/1;1/2/3 |
| R-8 | 076zz | Form of Application for Own Use Group Fares (Adopting, Revalidating and Amending). | 1;2/3;3/1;1/2/3 |
| R-9 | 084zz | Form of Application for Group Inclusive Tour Fares (New). | 1;3;1/2;3/1;1/2/3 |
| R-10 | 116 | Meeting Fares, Charges and Practices (Amending). | 1;2;3;1/2;2/3;3/1;1/2/3 |
| R-11 | 151a | Circle Trip Discount (Amending) | 1;2;3;1/2;2/3;3/1;1/2/3 |
| R-12 | 200h | Free and Reduced Fare Transportation for Inaugural Flights (Amending). | 1;2;3;1/2;2/3;3/1;1/2/3 |

| Agreement CAB | IATA Resolution |
|---|---|
| 27035: | |
| R-2 | JT23, JT123(Mail 185)022dd. |
| R-3 | JT12(Mail 185)022gg (North Atlantic). |
| R-4 | JT12(Mail 185)022hh (Middle Atlantic). |

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27062 | 022c | TC3 Adjustment Factors for Sales of Passenger Air Transportation. | 3 |
| 27082 | 022f | JT31 (South Pacific) Adjustment Factors for Sales of Passenger Air Transportation (Readopting and Amending). | 3/1 |

2. It is not found that the following resolutions, which are incorporated in the agreements indicated and have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27033 | | | |
| R-4 | 022a | TC2 (Within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Revalidating and Amending). | 2 |
| R-5 | 022b | TC2 (Except Within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Revalidating and Amending). | 2 |

| Agreement CAB | IATA Resolution |
|---|---|
| 27035: | |
| R-1 | 200(Mail 185)022aa. |
| R-5 | JT12(Mail 185)022ll (South Atlantic). |

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27059: | | | |
| R-1 | 022a | TC2 (Within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Amending). | 2 |
| R-2 | 022b | TC2 (Except Within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Amending). | 2 |

3. It is found that the following resolution, incorporated in Agreement CAB 27034 as indicated, is adverse to the public interest and in violation of the Act:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27034: | | | |
| R-13 | 279 | Voluntary Changes to Tickets (Amending).. | 1;2;3;1/2;2/3;3/1;1/2/3 |

Accordingly, *it is ordered*, That:

1. Those portions of Agreements CAB 27033, CAB 27034, CAB 27035, CAB 27062, CAB 27082 and CAB 27059 set forth in finding paragraphs 1 and 2 above are approved subject, where applicable, to conditions previously imposed by the Board; and

2. Agreement CAB 27034, R-13, is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[1]
*Secretary.*

[1] All members concurred.

[FR Doc. 78-4322 Filed 2-16-78; 8:45 am]

[6320-01]

[Docket No. 31979]

**KODIAK-WESTERN ALASKA AIRLINES, INC. ENFORCEMENT PROCEEDING**

**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., February 13, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-4438 Filed 2-16-78; 8:45 am]

[6320-01]

[Order No. 78-2-57; Docket Nos. 30756, 31215, 27785]

**PAN AMERICAN WORLD AIRWAYS, INC.**

**Order**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of February, 1978. Application of Pan American World Airways, Inc. for authority to engage in discussions relating to North/Central Pacific cargo rates. Application of Pan American World Airways, Inc. for authority to engage in discussions relating to Japan-originating group inclusive-tour fares.

We have before us three requests for authorizations to hold intercarrier discussions on rate and fare matters. The first filed by Pan American World Airways, Inc. (Pan American), on April 18, 1977, seeks permission to engage in discussions with Japan Air Lines Co., Ltd. (JAL), Northwest Airlines, Inc. (Northwest), The Flying Tiger Line, Inc. (Flying Tiger), and any other interested carriers, about North/Central Pacific cargo rates "with a view toward reaching an agreement on rates for submission to the Board for approval." Docket 30756. In support of its petition, Pan American states that the Board initially approved an International Air Transport Association (IATA) agreement[1] on North/Central Pacific rates, by Order 76-9-13, September 2, 1976, but then by Order 77-3-111, March 18, 1977, stayed execution of the agreement insofar as it would have established specific commodity rates for electronics products; that Northwest, not an IATA member and therefore not a party to the agreement, filed tariffs proposing a North/Central Pacific rate structure which differed from IATA's; that the Government of Japan, although it approved the IATA agreement, will not approve any tariff changes implementing either revised structure because of their disparities as well as the Board's stay of approval; that the present request stems from the disapprovals of both Japan and the United States and the necessity to devise a rate structure consistent with government actions and satisfactory to all countries concerned; and that, because Northwest is not a member, the continuing Board authorization of carrier rate talks within IATA cannot be utilized for resolving the issue at hand. JAL filed an answer in support of Pan American's request; an answer was filed by the Western Electronics Manufacturers Association (WEMA) and several electronic parts shippers, who state that they do not object to the discussions so long as they are subject to customary safeguards, including shipper participation.

Second, on July 29, 1977, Pan American requested permission to hold discussions with any interested carriers in a joint meeting between carrier members of IATA and of the Orient Airlines Association (OAA), concerning passenger fares and cargo rates within TC3 (within the Far East/Pacific). Docket 31215. Pan American states that, in many cases, it has not been possible to effectuate IATA fare and rate agreements pertaining to TC3 because of lack of approval by some countries whose national carriers are not IATA members; that OAA, formed out of the carriers' need to reach agreements accommodating the varying views of different governments, has been making efforts to confront the problem of noncompliance with tariffs, but has experienced difficulties; that, at the March 1977 meeting of IATA Traffic Conference 3, it was decided to hold a jont meeting of IATA and OAA in order to consider tariff compliance problems in the Orient; and that, while the Board might disclaim jurisdiction with respect to the proposed meeting since the matters involved do not directly affect air transportation within the meaning of the Act, exercise of Board jurisdiction and approval are more appropriate, because many of the fares and rates involved are combinable with and affect prorates payable on, fares and rates to/from U.S. points. Answers supporting this petition have been filed by JAL and Flying Tiger.[2]

Finally, on August 12, 1977, Pan American requested permission to hold discussions with JAL, Northwest and any other interested scheduled-service carriers on modifications of the levels and conditions of the group inclusive-tour (GIT) 30/40 fares from Japan to the United States. Docket 27785. Pan American States that, by Order 75-6-58, June 12, 1975, the Board authorized it, JAL and Northwest to hold discussions on Japan-U.S. fares, and the carriers reached an agreement, approved by Board Order 75-9-106, September 9, 1975, that included an intention to introduce GIT 30/40 fares for Japan-originating travel beginning October 1, 1975; that the Board later, by Order 76-3-95, March 15, 1976, approved additional discussions on the GIT 30/40 fares and these resulted in an agreement approved by Board Orders 76-9-160, September 29, 1976, and 77-3-77, March 14, 1977; that, since the second round of discussions, there have been "significant changes in the Japan-United States market which necessitate further discussions with respect to the GIT 30/40 fares," namely, increasing operating expenses, less-than-expected traffic growth, and high cancellation rates; that the new discussions are needed to consider possible adjustments to the cancellation provisions and to the add-on levels for travel originating at Japan interior points; that "it would also be appropriate and beneficial to implement special add-ons for the Hawaii Neighbor Islands"; and that, again, IATA cannot be employed to resolve the matter because Northwest is not a member. JAL has filed an answer in support of this petition as well, and Pan American has filed a motion requesting expedited consideration of its petitions in Dockets 31215 and 27785.

The Board has decided to deny Pan American's requests.

The carrier members of IATA have long been authorized by the Board to meet and agree on fares and rates, provided the agreements are submitted for Board approval. We have begun an informal review of our approval of the IATA rate conference procedure, but our 1946 approval still stands. Nevertheless, individual carrier participation in IATA rate discussions remains voluntary, and we will respect any carrier's decision against IATA membership. Non-IATA carriers have functioned as a competitive force for innovative fare and rate structure proposals and for low rates in international markets. We intend to preserve that position of independence of the non-IATA carriers, pending our IATA review, in line with our policy of fostering low rates, and hence we will not undermine it by authorizing rate talks, such as are proposed here, which may serve to force non-IATA carriers into industry rate agreements.

While it may be argued that carrier participation in these talks would be completely voluntary and that no carrier is obliged to participate, the fact remains that the insistence of some governments that fares and rates be fixed by consensus, by the concerted action of all third and fourth freedom carriers, and the more subtle pressures for agreement by other governments, serve to pressure non-IATA carriers not only to participate in such talks but also to seek and achieve compromise agreement as well. The competitive spur could very well be blunted in these circumstances, to the detriment of low fares and rates for consumers.

With these general considerations in mind, we are not convinced that the public interest would be advanced by allowing all competitors—IATA and non-IATA members—to meet and discuss how they will, or will not, compete in cargo rates or ex-Japan group fares. Pan American has not demonstrated that the benefits of such talks outweigh their anti-competitive implications or that, without the talks, the U.S. carriers cannot offer competitive rate alternatives through the usual unilateral tariff-filing procedures.

In particular, our substantive position on North/Central Pacific cargo rates is well known. The carriers involved are well aware of the rate structure the Board could find acceptable.[3] They are capable now of resolving the problem of obtaining the revenue in-

[1] Agreement CAB 25719, R-1 through R-11, intended for effect through September 1977.

[2] Flying Tiger's answer was filed with a motion for leave to file a late document, which will be granted.

[3] See, for example, Order 76-3-111, March 16, 1976, 76-5-129, May 26, 1976, and 77-6-85, June 16, 1977, as well as Order 76-9-13 supra.

creases in the Pacific to which they are entitled, without special discussions, and we see no reason to permit talks. To the extent part of the problem with transpacific rates may be an intergovernmental one, it can be handled at that level.

The requested talks on TC3 fares and rates, while presenting a different set of facts, will likewise be denied because of their anti-competitive nature. In this case, it is alleged that the focus of discussions would be on tariff compliance problems in the Far East and Pacific. The level of fares and rates to and from the United States would not be at issue. We understand that marketplace fares and rates well below "approved" levels have long been prevalent in this area of the world. This works to the detriment of U.S. passengers and shippers who may pay high "tariff" prices for the same services others receive at lower marketplace prices. Consequently, U.S. carriers may also be paying inflated prorates. Our disapproval of the request for talks stems not from our acceptance of such practices but rather from our concern that discussions among competitors to ameliorate the situation could easily result in increases in the prices actually being charged. As we see it, the issue is not really one of tariff compliance of prorates—rather it is the prices being charged for the transportation provided. Presumably carriers are knowledgeable about prevailing market prices and nothing prevents them from individually meeting competition by filing matching tariffs.

Accordingly, *It is ordered* That:

1. The petitions of Pan American World Airways, Inc., in Dockets 30756, 31215 and 27785 are denied;

2. The motion by The Flying Tiger Line, Inc., for leave to file an otherwise unauthorized document in Docket 31215 is granted; and

3. This order will be served on Pan American World Airways, Inc., Northwest Airlines, Inc., The Flying Tiger Line, Inc., Japan Air Lines Co., Ltd., and the Western Electronics Manufacturers Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

All Members concurred.

[FR Doc. 78-4439 Filed 2-16-78; 8:45 am]

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[6335-01]

## COMMISSION ON CIVIL RIGHTS

### SOUTH DAKOTA ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Dakota Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 3 p.m. on March 3, 1978 in the Rushmore Plaza Civic Center, Room 205, 444 Mt. Rushmore Road North, Rapid City, S. Dak. 57701.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Drive, Denver, Colo. 80202.

The purpose of this meeting is to discuss planning committee activities during the coming year.

Dated at Washington, D.C., February 10, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-4408 Filed 2-16-78; 8:45 am]

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[3510-24]

## DEPARTMENT OF COMMERCE

### Economic Development Administration

### BOLTS, NUTS, AND LARGE SCREWS OF IRON OR STEEL

### Study of Producing Firms

The Department of Commerce has completed a study of the industry producing bolts (except mine-roof bolts), nuts, and large screws of iron or steel. The study was prepared under section 264 of the Trade Act of 1974. Section 264 requires such a study whenever the U.S. International Trade Commission conducts an investigation under section 201. On December 8, 1977, the Commission submitted a report to the President on the industry in question. The Commission determined that bolts, nuts, and large screws of iron or steel are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry.

#### FIRMS ELIGIBLE FOR ADJUSTMENT ASSISTANCE

Section 264 requires that this study look at "the number of firms in the domestic industry • • • which have been or are likely to be certified as eligible for adjustment assistance." Thus far, no petitions for certification have been filed, and no firms in the industry have been certified.

The domestic industry consists of approximately 180 firms. Any firm desiring certification must show that increases in imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number or proportion of its workers, and (b) an absolute decrease in sales or production. The requirement of increased imports could probably be satisfied. Some firms could probably also satisfy the requirements for employment and sales or production declines. A showing that the increased imports "contributed importantly" to the aforementioned declines probably could be made, but this would not necessarily be true for specific firms in the industry.

Despite these probabilities, it is unclear that many firms in the industry desire or need financial assistance that cannot be obtained from private sources. It is possible that as many as ten firms in the industry will be certified. Nevertheless, without specific facts on the needs and experience of individual firms there is no way to be certain. Each case would have to be judged on its own merits in the light of whatever evidence the petitioning firm could adduce concerning its own situation.

#### SOURCES OF FEDERAL ASSISTANCE

Three Federal agencies have programs that might facilitate orderly adjustment of firms to import competition. The Economic Development Administration (EDA), in the Department of Commerce, has several relevant programs. One authorizes technical assistance, direct loans, and loan guarantees to firms that have been certified as eligible for adjustment assistance. Another authorizes public works grants, loans, and loan guarantees for communities that have been injured by imports. Still another provides for loans and guarantees for firms in designated "redevelopment areas" and "economic development centers." Such places are also eligible for public works.

The Small Business Administration (SBA), an independent agency, has three programs that might help. The most important is a program of direct, participating, and guaranteed loans to small businesses. In general, SBA handles loans of $350,000 or less, while EDA handles the larger loans.

The Farmers Home Administration (FmHA), in the Department of Agriculture, has two relevant programs. One provides business loan guarantees to firms located in areas other than cities of over 50,000 population. The other entails grants and loans to public entities in areas other than cities of over 10,000 population.

Additional information about the adjustment program and copies of this report, U.S. Department of Commerce Report to the President, "Prospects for Adjustment Assistance for Firms Producing Bolts, Nuts, and Large Screws of Iron or Steel," are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5113.

D. PATRICIA KEELER,
*Director, Office of Planning and Program Support.*

[FR Doc. 78-4409 Filed 2-16-78; 8:45 am]





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[3510-24]

## HIGH-CARBON FERROCHROMIUM INDUSTRY

### Study of Producing Firms

The Department of Commerce has completed a study of the high-carbon ferro- chromium industry. The study was prepared under section 264 of the Trade Act of 1974. Section 264 requires such a study whenever the U.S. International Trade Commission conducts an investigation under section 201. On December 1, 1977, the Commission submitted a report to the President on the high-carbon ferrochromium industry. The Commission determined that high-carbon ferrochromium is being imported into the United States in such increased quantities as to be a substantial cause of a threat of serious injury, to the domestic industry.

#### FIRMS ELIGIBLE FOR ADJUSTMENT ASSISTANCE

Section 264 requires that this study look at "the number of firms in the domestic industry • • • which have been or are likely to be certified as eligible for adjustment assistance." Thus far, one petitions for certification have been filed. Action on this petition is still pending.

The domestic industry consists of five firms. Any firm desiring certification must show that increases in imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number or proportion of its workers, and (b) an absolute decrease in sales or production. The requirement of increased imports could probably be satisfied. Some firms could probably also satisfy the requirements for employment and sales or production declines. A showing that the increased imports "contributed importantly" to the aforementioned declines probably could be made, but this would not necessarily be true for specific firms in the industry.

Despite these probabilities, it is doubtful that more than one firm in the industry desires or needs financial assistance that cannot be obtained from private sources. It is therefore unlikely that more than one firm in the high-carbon ferrochromium industry will be certified. Nevertheless, without specific facts on the needs and experience of individual firms there is no way to be certain. Each case would have to be judged on its own merits in the light of whatever evidence the petitioning firm could adduce concerning its own situation.

#### SOURCES OF FEDERAL ASSISTANCE

Three Federal agencies have programs that might facilitate orderly adjustment of firms to import competition. The Economic Development Administration (EDA), in the Department of Commerce, has several relevant programs. One authorizes technical assistance, direct loans, and loan guarantees to firms that have been certified as eligible for adjustment assistance. Another authorizes public works grants, loans, and loan guarantees for communities that have been injured by imports. Still another provides for loans and guarantees for firms in designated "redevelopment areas" and "economic development centers." Such places are also eligible for public works.

The Small Business Administration (SBA), an independent agency, has three programs that might help. The most important is a program of direct, participating, and guaranteed loans to small businesses. In general, SBA handles loans of $350,000 or less, while EDA handles the larger loans.

The Farmers Home Administration (FmHA), in the Department of Agriculture, has two relevant programs. One provides business loan guarantees to firms located in areas other than cities of over 50,000 population. The other entails grants and loans to public entities in areas other than cities of over 10,000 population.

Additional information about the adjustment assistance program and copies of the report, Prospects for Adjustment Assistance for Firms in the High-Carbon Ferrochromium Industry, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5113.

D. PATRICIA KEELER,
*Director, Office of Planning and Program Support.*

[FR Doc. 78-4410 Filed 2-16-78; 8:45 am]

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[3510-25]

### Industry and Trade Administration

### BRIGHAM YOUNG UNIVERSITY

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00156. Applicant: Brigham Young University, Provo, Utah 84602. Article: Laser Kit, $CO_2$, Model K-103 and accessories. Manufacturer: Lumonics Research, Ltd., Canada. Intended use of article: The article will be used for teaching students how to build a laser; how various operating parameters affect laser performance and to do research on laser driven chemistry, especially isotopically selective reactions such as occur in $SF_6$ and in formaldehyde. The article will also be used in the following courses taught at the university: Chemistry 464, Chemistry 697R and 797R, and Physics 513, to prepare students for careers in chemistry and physics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an unassembled carbon dioxide laser providing a pulse energy of at least one joule. The National Bureau of Standards advises in its memorandum, dated December 12, 1977, that: (1) The specifications of the article described above is pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus in kit form of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4370 Filed 2-16-78; 8:45 am]

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[3510-25]

### GEOPHYSICAL INSTITUTE, UNIVERSITY OF ALASKA

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and

the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00009. Applicant: Geophysical Institute, C. T. Elvey Building, University of Alaska, Fairbanks, Alaska 99701. Article: Micrometeorological system (one without anemometer wet and dry bulb psychrometer and one with solid state humidity sensor). Manufacturer: Grant Instruments, United Kingdom. Intended use of article: The article is intended to be used in climatological research which includes the study of the potential for air pollution in Glacier Bay National Monument, the climatological influence of a large lake on its surroundings in interior Alaska and solar radiation measurements in remote areas in Alaska.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 77-00203 which was denied without prejudice to resubmission on August 3, 1977 for informational deficiencies. The foreign article provides the capability of onsite climatological data recording (unattended long-term recording on temperature, humidity, wind speed, and direction, etc.) in a remote arctic environment. The National Bureau of Standards advises in its memorandum, dated January 25, 1978, that: (1) The capability of the article described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4371 Filed 2-16-78; 8:45 am]

[3510-25]

## INDIANA UNIVERSITY

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00356. Applicant: Indiana University, 1101 East 17th Street, Bloomington, Ind. 47401. Article: Complete Polarized Ion Source System. Manufacturer: ANAC, Ltd., New Zealand. Intended use of article: The article is intended to be used to provide a directed beam of spin-polarized hydrogen or deuterium ions of high intensity and high degree of polarization which are injected in a two-stage cyclotron accelerator system for acceleration to 200 MeV and directed onto suitable targets in order to study nuclear reactions with polarized beams. The objectives to be pursued in the course of the investigation are: (a) To obtain detailed information on the spin-dependent components of the nuclear forces involved in the scattering or reaction processes, and (b) to determine properties of nuclear states selectively excited by the spin-polarized ion beams. The article will also be used by graduate students in physics as part of their post-graduate education and training in Ph. D. level research in nuclear physics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a polarized ion source capable of yielding positive ion beams of high intensity with a guaranteed source output of at least 3 microamperes. The National Bureau of Standards advises in its memorandum, dated December 13, 1977, that: (1) The capability of the article described above is pertinent to the applicant's intended use, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4372 Filed 2-16-78; 8:45 am]

[3510-25]

## NEW YORK UNIVERSITY SCHOOL OF MEDICINE

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00019. Applicant: New York University School of Medicine, Department of Dermatology, 550 First Avenue, New York, N.Y. 10016. Article: Dermovac Suction Blister Device. Manufacturer: Instrumentarium, Finland. Intended use of article: The article is intended to be used to produce epidermal blisters at the level of the dermal/epidermal junction without inflammatory or red blood cell contamination of blister fluid which may also be collected to perform epidermal biopsies. The biopsy material will be examined for and used as a source of epidermal Langerhans cells which have been implicated in delayed hypersensitivity reaction.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides blisters (by suction) of preselected size and number on human skin. The Department of Health, Education, and Welfare advises in its memorandum, dated January 5, 1978, that: (1) The capability of the article described above is pertinent to the applicant's intended use, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4373 Filed 2-16-78; 8:45 am]

[3510-25]

## NORTHWESTERN UNIVERSITY MEDICAL SCHOOL

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00024. Applicant: Northwestern University Medical School, Department of Pharmacology, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Nihon-Kohden Oscilloscope Camera—Model PC-3A. Manufacturer: Nihon Kohden Dogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of bioelectric potential changes from excitable tissues. Membrane potential and membrane current are recorded from nerve and muscle tissues displayed on an oscilloscope, and photographed on film. Membrane electrical properties including ionic conductances are then measured from the recorded film.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous recording in a fully lighted room with simultaneous viewing and photography. The Department of Health, Education, and Welfare advises in its memorandum, dated January 5, 1978, that: (1) The combination of features of the article described above are pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus which has the combination of pertinent features provided by the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4374 Filed 2-16-78; 8:45 am]

[3510-25]

## UNIVERSITY OF CALIFORNIA, LOS ALAMOS

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00178. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Modelocked Dye Laser System, Model 33 and accessories. Manufacturer: Electro-Photonics, Inc., Ireland. Intended use of article: The article is intended to be used as part of a laser fusion research project to irradiate cryogenic targets resulting in a nuclear fusion project. Typical targets would include various hydrocarbons and materials such as carbon dideuterium. Investigations will be conducted on the absorption and reflection of high power 10.6 micron targets as well as thresholds for fusion. These successful research projects involve the investigation of radiation damages. Other related laser projects investigate the feasibility of controlled thermonuclear fusion, and will lead to the development of fusion reactors for the production of cheap electical energy. One of the parameters in these experiments is the effect of different pulse lengths in time of the laser irradiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a variable pulse length between 35 and 100 pico-seconds. The National Bureau of Standards advises in its memorandum, dated January 3, 1978, that: (1) The specification of the article described above is pertinent to the applicant's intended use, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4375 Filed 2-16-78; 8:45 am]

[3510-25]

## UNIVERSITY OF CALIFORNIA—LOS ALAMOS

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article purcuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8.30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00340. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: 2 (each) Image Converter Camera systems, and accessories. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used to photograph the motion of the high-temperature plasma column in the Scylla IV-P theta-pinch device which is part of the U.S. program to produce energy for peaceful purposes through controlled nuclear fusion. Specific experiments to be conducted include the following:

(a) Studies of the phenomena involved in the plasma heating processes

(shock, heating, and adiabatic compression heating).

(b) Studies of the plasma end-loss phenomena and various methods of reducing both particle end-loss and the heat loss by axial thermal conduction.

(c) Determination of the detailed plasma properties such as temperature, density, and confinement time.

(d) Study of the nuclear fusion reactions which occur in the hot plasma.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides either streak or framing mode operation with at least a framing rate of $10^8$ per second and up to 20 frames per run. The National Bureau of Standards advises in its memorandum dated January 20, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4376 Filed 12-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF HAWAII

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00367. Applicant: University of Hawaii, High Energy Physics Group, Watanabe Hall, 2505 Correa Road, Honolulu, Hawaii 96822. Article: Model 1 Sweepnik Optics Unit and Model 1 Sweepnik Electronics Rack and Accessories. Manufacturer: Laser-Scan Ltd., United Kingdom. Intended use of article: The article is intended to be used for bubble chamber experiments which involve bombarding the 15' bubble chamber with multi-billion volt neutrinos produced by the highest energy accelerator in the world. The purposes of these experiments are to discover new particles, examine the properties of a class of particles called "quarks", and to understand a new and strange property possessed by certain elementary particles whimsically called "charm". Specifically, the article will be used to measure the trajectories of charged particles produced by neutrinos in the bubble chamber to an accuracy fo 2 millionths of a meter on the 70 mm film.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a laser-type computer controlled, semi-automatic measuring instrument capable of measuring with great precision the trajectories of charged particles, produced by neutrinos in a bubble chamber to an accuracy of two millionths of a meter on 70 mm film. The National Bureau of Standards advises in its memorandum dated January 26, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4377 Filed 2-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF LOUISVILLE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00023. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: Complete Bat Detector Kit. Manufacturer: OMC Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the identification and investigation of Ultrasonic sound emissions of bats. In addition, the article will be used to train graduate students in the course "Methods in Anatomy".

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides operation in the timed and broadband mode (frequency range 10 to 180 kilohertz) as well as portability. The Department of Health, Education, and Welfare advises in its memorandum dated January 5, 1978 that (1) the capabilities of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4378 Filed 2-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF MINNESOTA—ST. PAUL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00028. Applicant: University of Minnesota, Minnesota Agricultural Experiment Station, 220 Coffey Hall, St. Paul, Minn. 55108. Article: Scanning Electron Microscope, Model PSEM-500 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research in many areas of agricultural science, particularly in research connected with Agronomy and Plant Breeding, Food Science, Entomology, Plant Pathology, and Soil Science. Planned projects will include the following: (1) plant breeding projects concerning the inheritance of minute internal plant structures, (2) research projects concerning normal vs. pathogen-induced changes in apical shoot meristems of economically important annual plants, primarily angiosperms, and (3) the study of various aspects of spore ontog-eny (formation) and refill capacity in minute fungal structures such as the globose-shaped pycnidia (fruiting structure) of fungi in the order Sphaeropsidales.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a motor driven fully eccentric goniometer stage with movements accurate to one micron and reproducible to 0.2 micron. The Department of Health, Education, and Welfare advises in its memorandum dated January 5, 1978 that (1) the capabilities of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument that provides the pertinent feature of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4379 Filed 2-16-78; 8:45 am]





[3510-25]

UNIVERSITY OF VERMONT

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m., in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00037. Applicant: The University of Vermont, 223 Waterman Building, Burlington, Vt. 05401. Article: Isolated Kidney Perfusion Cabinet and Accessories. Manufacturer: Radcliffe Infirmary, United Kingdom. Intended use of article: The article is intended to be used in the perfusion of isolated rat kidneys in the study of the regulation of potassium and acid excretion by the kidney.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a specially designed handcrafted system incorporating a technique developed through the long term research efforts of the foreign manufacturers. It consists of an enclosed rectangular cabinet contalning a specially designed glass oxygenator, a two part glass chamber for mounting the perfused kidney, and special glass cannulae for renal arterial cannulation, as well as, internal connections for a fan heater, temperature controller for 37 degrees centigrade, gas entry site, and an electrical pump outlet. The Department of Health, Education, and Welfare advises in its memorandum dated January 5, 1978, that (1) the capability of the article described above is pertinent to the applicant's intended research, and (2) it knows of no domestic instrument or apparatus that provides the pertinent features.

The Department of Commerce knows of no other instrument of apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory Import Programs Staff.*

[FR Doc. 78-4380 Filed 2-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF WISCONSIN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m., in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00396. Applicant: University of Wisconsin—Department of Electrical and Computer Engineering, 1425 Johnson Drive, Madison, Wis. 53706. Article: Variable-Temperature Cryostat. Manufacturer: Karlsruher Glastechnisches Werk, West Germany. Intended use of article: The article is intended to be used for studies of the electrical and photo-electric properties of single-crystal semiconductor materials including but not restricted to GeS, GeSe, SnS, and SnSe in order to understand the electronic properties, energy band structure and impurity states of these materials. In addition, the article will be used for education purposes in the course Electrical and Computer Engineering 305—Laboratory in Semiconductor measurements.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides rapid or instantaneous cooldown (100°c/minute) to 77 degrees kelvin. The National Bureau of Standards advises in its memorandum dated January 23, 1978, that (1) the feature of the article described above is pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or appa-

ratus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4381 Filed 2-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF ILLINOIS, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 11, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW. Washington, D.C. 20230.

Docket No. 78-00118. Applicant: The University of Illinois at the Medical Center, Chicago, College of Nursing, Department of General Nursing, Room 538, 845 South Damen Avenue, Chicago, Ill. 60612. Article: LKB 2128-010 Ultrotome IV Ultramicrotome with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of: plant cells (e.g., bacteria such as escherichia coli and diplococcus pneumonia) and fungal specimens; normal and pathological cells and tissues of animal origin (e.g. from rats, mice, hamsters, rabbits and monkeys) and of human origin. The experiments being conducted include investigation of the morphological and cytochemical characteristics of 35 and 90—120 day-old malnourished, neonatally cretinized and control rats. Types of synapses will be analyzed on the basis of symmetry or asymmetry, cleft width, vesicle form and whether axosomatic or axodendritic. The appearance of mitochondria in axon terminals will be studied and any anomalous structures noted. The article will also be used for graduate studies in ultrastructure and cytochemistry which involve learning the general principles of ultramicrotomy for electron microscopy and microtomy for light microscopy. Application received by Commissioner of Customs: January 30, 1978.

Docket No. 78-00119. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Optoelectronic Movement Monitoring System. Manufacturer: Selective Electronic Co., Sweden. Intended use of article: The article is intended to be used to investigate the trajectories of the arm and consequently to advance the understanding of the way in which the central nervous system controls the large numbers of degrees of freedom of the human multi-joint apparatus. Application received by Commissioner of Customs: January 30, 1978.

Docket No. 78-00121. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., Albuquerque, N. Mex. 87115. Article: Cinetheodolite System, Model F and accessories. Manufacturer: Contraves-Goerz, Switzerland. Intended use of article: The article is intended to be used for studies of the aerodynamic characteristics of Weapon System Flight Vehicles. The specific phenomena being investigated include accelerations, velocities, and space position versus time. Experiments will be conducted to confirm characteristics obtained from model studies and to determine interface characteristics between vehicles and delivery system. The effects of component retrofits on existing systems will also be investigated. Application received by Commissioner of Customs: January 31, 1978.

Docket No. 78-00123. Applicant: University of TX Health Science Center at Houston, Department of Neurobiology and Anatomy, 6431 Fannin, P.O. Box 20708, Houston, Tex. 77025. Article: Electron Microscope System, Standard Side Entry, Model JEM-100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues; primarily those of the nervous system including special sensory organs. The study of structure is related to neurochemical transmission, excitable membranes and ultra structural correlates of chemical interaction of nerve cells and related enzymatic activity. Similarly the equipment will be used to determine the ultrastructural substrate and basis for chemical activity of the nervous system during normal and/or abnormally related functional state. Experiments will vary considerably ranging from morphological studies of the retina to studying the autonomic nerve supply of the human pelvic viscera, the neurochemical correlates of nerve activity in the central nervous system and in the autonomic nervous system. The articles will also be used to teach graduate students on a tutorial basis the use of electron microscopy, from the standard primitive techniques for transmission electron microscopy and the emphasis is on the practical aspects of students preparing, examining and working on an experimental basis throughout the tutorial. In addition, several medical students will be trained in the use of the standardized electron microscopy. Application received by Commissioner of Customs: January 31, 1978.

Docket No. 78-00124. Applicant: National Bureau of Standards, Chemistry B-124, Washington, D.C. 20234. Article: Mass Spectrometer, Model MAT 711 PR and Accessories. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used in a wide program of environmental and clinical trace organic analysis, e.g., (1) the identification by elemental composition and structure of individual chemical compounds present in coal liquefaction products by high resolution gas chromatography/high resolution mass spectrometry, (2) the detection and identification of homologous impurities in samples of the peptide angiotensin and related peptides by field desorption mass spectrometry using phototplate recording for the detection of low-level impurities, and (3) quantitation of certain drugs and natural constituents in human plasma by gas chromatography/mass spectrometry using isotope dilution and selected ion monitoring at high resolution to eliminate interferences from other plasma constituents which preclude use of similar methodology at low resolution. Application received by Commissioner of Customs: January 31, 1978.

Docket No. 78-00126. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Ala. 35294. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for varied research ranging from high resolution studies of virus coat proteins and extracellular polymers of floc forming bacteria to low magnification survey photographs as extensions of the light microscopy. Specific projects include the following:

(1) Research on the crystalline matrix protein of a nuclear polyhedrosis virus of *Autographa californica.*

(2) Study of the process of microbial floc formation.

(3) Study of the development of the male reproductive tract as it relates to the production of epididymal and seminal vesicle inhibitors of acrosomal enzymes.

(4) Study of the secretory tissues of the flowering plant, *Gossypium hirsutum.* In addition, the article will be used in the courses: Experimental Embryology Laboratory to introduce students to modern research techniques and Investigative Techniques to teach graduate students a specific technique in depth. Application received by Commissioner of Customs: February 1, 1978.

Docket No. 78-00127. Applicant: Georgetown University Medical School, Department of Pathology, 3900 Reservoir Road NW., Washington, D.C. 20007. Article: Microlab automatic tissue processor. Manufacturer: Microlab Products, Canada. Intended use of article: The article is intended to be used for processing of surgical and autopsy specimens. Application received by Commissioner of Customs: February 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director, Statutory*
*Import Programs Staff.*

[FR Doc. 78-4382 Filed 2-16-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS AND YALE UNIVERSITY

Consolidated Decision on Applications for Duty-Free Entry of Loser Systems

The following is a consilidated decision on applications for duty-free entry of laser systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00161. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: (2) Two Lasers, TEA, $CO_2$, Model 103-2 and accessories. Manuracturer: Lumonics Research, Ltd., Canada. Intended use of article: The articles will be used for laser-induced separation of uranium isotopes. Specifically, one laser is to be used to optically pump gas samples to investigate the scalable potential of such a 15.9 micron system. The new molecular systems to be investigated include $CF_4$, $SO_2$, $CP_2$, and FCN. The other leaser will be used to produce a tunable wavelength in the 16 micron region by mixing the $CO_2$ frequency in a nonlinear crystal. The ultimate goal of the investigations is to demonstrate the scientific and economic feasibility of the separation of uranium isotopes by laser methods. Application received by Commissioner of Customs: March 17, 1977. Advice submitted by the National Bureau of Standards on December 30, 1977. Article ordered February 1, 1977.

Docket No. 77-00286. Applicant: Yale University, 10½ Hillhouse Avenue, New Haven Conn. 06520. Article: Laser, Model TEA-103-2, Multimode Front Optic, Model 505$FCo_2$ and Reflector, Model 503. Manufacturer: Lumonics Research, Ltd., Canada. Intended use of article: The article is intended to be used to create energetic plasma, and to initiate capacitor discharge in plasma physics research. The materials to be investigated will include solid laser targets; carbon, lithium, etc. The article will also be used to teach operation and use of laser in plasma research. Application received by Commissioner of Customs: June 27, 1977. Advice submitted by the National Bureau of Standards on January 5, 1978. Article ordered May 20, 1977.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article provides a high power level (15 joules at 10.6 microns). The National Bureau of Standards advises in the cited memoranda that: (1) The capability described above is pertinent to the purposes for which each of the articles is intended to be used, and (2) it knows of no domestic instrument or apparatus which is scientifically equivalent to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-4383 Filed 2-16-78; 8:45 am]

[3510-18]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Commerce Technical Advisory Board (CTAB) will hold a meeting on Tuesday, March 21, 1978, from 9 a.m. until 5 p.m., and on Wednesday, March 22, 1978, from 9:30 a.m. until 12 o'clock noon, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

The Board was established to and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

1. The Role of CTAB in the Cooperative Technology Program.

2. Presentation by the Maritime Administration.

3. Strategy for the Formation of CTAB Panels and Preliminary Selection of Panel Topics.

4. Transnational Data Flows.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3865, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5065.

Dated: February 10, 1978.

JORDAN J. BARUCH,
*Assistant Secretary for*
*Science and Technology.*

[FR Doc 78-4369 Filed 2-16-78; 8:45 am]

[3510-11]

Travel Service

TRAVEL ADVISORY BOARD

Meeting

As noted in the FEDERAL REGISTER dated February 3, 1978, on Page 4670, a meeting will be held on March 3, 1978, at 10 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior rep-

resentatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended (16 U.S.C.2121), and the Act of July 19, 1940, as amended (16 U.S.C. 18-18d, et seq.).

Agenda items are as follows:

1. Introduction by the Assistant Secretary for Tourism
2. New Directions of USTS
3. 1979 USTS Budget
4. Role of the Travel Advisory Board
5. Domestic Program
6. International Program
7. Status of Expositions
8. Miscellaneous
9. Adjournment

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer of the United States Travel Service, Room 1860, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377-4752) will respond to public requests for information about the meeting.

FABIAN CHAVEZ, Jr.,
*Assistant Secretary for Tourism.*

[FR Doc. 78-4481 Filed 2-16-78; 8:45 am]

[6820-33]

## COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1978

#### Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1978 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 21, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1978, November 14, 1977 (42 FR 59015):

*Class 6532*

Gown, Hospital (Isolation), 6532-01-045-5380, 6532-01-045-5381.

*SIC 7399*

Shrink Wrapping, Gift Packages, U.S. Postal Service, Items No. 825, 826, and 827, Washington, D.C.

C. W. FLETCHER,
*Executive Director.*

[FR Doc. 78-4417 Filed 2-16-78; 8:45 am]

[6820-33]

## PROCUREMENT LIST 1978

#### Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 21, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following service from Procurement List 1978, November 14, 1977 (42 FR 59015):

*SIC 7641*

Furniture Rehabilitation (Wood Only), All Federal Agencies, Cleveland, Ohio, plus 25-mile radius.

C. W. FLETCHER,
*Executive Director.*

[FR Doc. 78-4418 Filed 2-16-78; 8:45 am]

[1620-01]

## COST ACCOUNTING STANDARDS BOARD

#### Meeting

ACTION: Notice of public meeting.

SUMMARY: This notice is issued in furtherance of the decision of the Cost Accounting Standards Board to invite the public to observe meetings at which the Board considers the merits of Standards, rules and regulations, including modifications, which are proposed for final promulgation.

TIME AND DATE: 10 a.m., March 3, 1978.

PLACE: General Accounting Office, Room 7315, 441 G Street NW., Washington, D.C.

AGENDA: The Board will consider a proposal to promulgate amendments to its regulations defining "cost accounting practice" and "change in cost accounting practice" and adopting miscellaneous related amendments.

STATUS: Open to the public.

CONTACT PERSON:

Noah Minkin, General Counsel, 202-275-5940.

J. JETT MCCORMICK,
*Associate General Counsel.*

[FR Doc. 78-7604 Filed 2-16-78; 10:52 am]

[6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION

### PRODUCT SAFETY ADVISORY COUNCIL

#### Meeting

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of meeting—Product Safety Advisory Council.

SUMMARY: This notice announces that the Product Safety Advisory Council will meet on Monday-Tuesday, March 13-14, 1978, in connection with the Commission's midyear review process. The mid-year review will begin at 9 on both days and will be held in the third floor conference room, 1111 18th Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The Advisory Council was established by section 28 of the Consumer Product Safety Act (CPSA), which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 202-634-7700.

AGENDA: CPSC midyear review. This review is intended to apprise the Commissioners of the status of activities and projects in the fiscal year 1978 work plan, to recommend changes where appropriate, to suggest possible future initiatives, and to seek guidance from the Commissioners for current and future activities. The meeting is open to the public; however, space is limited.

Dated: February 13, 1978.

SHELDON D. BUTTS,
*Acting Secretary.*

[FR Doc. 78-4399 Filed 2-16-78; 8:45 am]





[3128-01]

## DEPARTMENT OF ENERGY

### Energy Information Administration

### SURVEY OF OIL AND GAS WELL OPERATORS TO OBTAIN ESTIMATES OF U.S. CRUDE OIL AND NATURAL GAS RESERVES, PRODUCTION AND RELATED DATA

#### Request for Public Comment

AGENCY: Department of Energy, Energy Information Administration.

ACTION: Notice of Request for Public Comment on Form EIA-23.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) plans to survey operators of oil and gas wells annually to develop credible and verifiable estimates of crude oil and natural gas reserves, obtain timely production information, to provide a vehicle for the regular reporting of reserves ownership data, and to identify nonproducing reserves. Form EIA-23 has been designed to obtain crude oil and natural gas reserves data needed on a continuing basis by the Department of Energy. In addition, Form EIA-23 supersedes proposed Form FEA-340-A-0, and is intended to replace Federal Power Commission Form No. 40 presently submitted by "Natural Gas Companies" (as defined by the Natural Gas Act). Potential respondents, interested parties, and members of the public are invited to submit comments on the proposed Form EIA-23, a copy of which is reproduced herein.

EFFECTIVE DATE: Comments received no later than March 10, 1978, will be given full consideration.

FOR FURTHER INFORMATION CONTACT:

William L. Monroe, Department of Energy, 825 North Capitol Street, Room 7312A, Washington, D.C. 20426, 202-275-4357.

Written comments should be submitted in duplicate to:

Gordon K. Zareski, Department of Energy, 825 North Capitol Street, Room 7312, Washington, D.C. 20426.

SUPPLEMENTARY INFORMATION:

I. Legislative Authority for Information to be Collected on Form EIA-23.
II. Objectives of Annual Surveys to be Conducted using Form EIA-23.
III. Background.
IV. Implementation Program.
V. Comments Invited, Particularly on Certain Issues.

### I. LEGISLATIVE AUTHORITY FOR INFORMATION TO BE COLLECTED ON FORM EIA-23

Legislative authority for collecting information on production, reserves, and ownership of crude oil and natural gas in the United States and its Outer Continental Shelf is summarized below. The information so acquired is a necessary prerequisite for the Secretary of Energy to carry out his functions under various provisions of law.

The Department of Energy Organization Act (Pub. L. 95-91) transferred the responsibilities of the Federal Energy Administration and its Administrator to the Secretary. Among these responsibilities were the requirements imposed by Pub. L. 93-275, as amended by Pub. L. 94-385, to "* * * assess the adequacy of energy resources * * *." (Section 5(b)(2)); "* * * collect, evaluate, assemble, and analyze energy information * * *." (Section 5(b)(9)); "* * * at the earliest date and to the maximum extent practical * * *" to obtain "* * * such energy information as is required to define and permit analysis of (1) the institutional structure of the energy supply system including patterns of ownership and control of mineral fuel and nonmineral energy resources and the production, distribution, and marketing of mineral fuels * * *." (Section 52(b)); and "All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the Administrator such information and periodic reports, records, documents, and other data, relating to the purposes of the Act, including full identification of all data and projections as to source, time, and methodology of development, as the Administrator may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this Act.", (section 13(b)). Pub. L. 93-319, section 11(a) instructs the Federal Energy Administrator to "* * * request, acquire, and collect such information as he determines to be necessary to assist in the formulation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973."

Moreover, Section 301 of the Department of Energy Organization Act transferred to the Secretary certain explicit functions and responsibilities of the former Federal Power Commission, including the exercise of authorities not specifically so transferred, when necessary to exercise the functions specifically transferred. As a result, the Secretary is authorized by the Natural Gas Act to require "* * * such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate * * *", (section 10(a)); and he "may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions or in obtaining information to serve as a basis for recommending further legislation to the Congress.", (section 14(a)); and he "shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules and regulations as necessary or appropriate to carry out the provisions of the act * * *", (section 16).

### II. OBJECTIVES OF ANNUAL SURVEYS TO BE CONDUCTED USING FORM EIA-23

The objectives of the annual surveys are to: (1) Develop credible estimates of proved reserves of crude oil and natural gas in the United States; (2) obtain reliable, timely data on production of crude oil and natural gas; (3) establish ownership information on oil and gas reserves; and (4) identify the estimated volumes of nonproducing reserves. The information collected will establish the data base needed to develop reliable production profiles for crude oil and natural gas. Results of the surveys are to be published annually. These reports may eventually replace reports on United States reserves and production now published by industry associations and those published by other government agencies to the degree that this is practical.

It is also planned that selected portions of the information collected will be included in some of the reports mandated by law, for example, the Secretary's Annual Report (section 657(2), Pub. L. 95-91) and the quarterly report required by the Energy Supply and Environmental Coordination Act, Pub. L. 93-319, section 11(c)2.

The data on ownership of reserves will aid the Executive Branch, Congress, and Federal Agencies in appraising competition in the oil and gas industry. Similarly, information on nonproducing reserves will be useful in considering whether legislative or regulatory actions may be necessary to increase hydrocarbon supplies.

Finally, the data acquired will be used intensively by Department of

Energy analysts in assessing the United States' energy position.

### III. Background

Notice of a public panel discission to consider alternative means of developing oil and gas reserves data was published June 14, 1977 (42 FR 30126). The public discussion was held on July 12, 1977, in Washington, D.C.

Comments received in the conference were weighed at all stages in developing proposed Form FEA-P340-A-0, which was designed to be sent to all oil and gas well operators. Pretest packages of the form were mailed August 26, 1977, to selected oil and gas companies, trade and consumer associations, and government agencies.

After the establishment of the Department of Energy on October 1, 1977, the proposed form was reevaluated in view of DOE's responsibilities under the Department of Energy Organization Act, and the comments received from the pretest. As a result, proposed Form FEA-340-A-0 was redesigned, shortened, simplified, and designated Form EIA-23.

### IV. Implementation Program

The final, revised version of Form EIA-23 will be mailed later this year to all oil and gas well operators, who must submit Part I no later than 20 days after receipt. The remainder of the survey form, Part II, must be filed by August 14, 1978. In subsequent years it is planned to expedite schedules for mailing and filing.

The data received via Form EIA-23 will be recorded in computer data banks, checked for internal consistency, and summarized. Scientifically selected data samples will be audited by government and/or contractor teams of professionals.

Preliminary and final reports of the survey results will be published each year, commencing in 1978.

### V. Comments Invited, Particularly on Certain Issues

The Department of Energy is cognizant both of the need for collecting this information to guide development of national energy policy, and of the burden that reporting the information may impose on the respondent. Every effort has been made to reduce this reporting burden. DOE, therefore, invites specific comments on the following issues:

#### 1. ABBREVIATED RESPONSE BY SMALL OPERATORS

Operators of oil and/or gas wells with annual production of less than 200,000 barrels of crude oil and one (1) billion standard cubic feet of natural gas would only report production, and, if available, proved reserve estimates by State and by certain State subdivisions. It is estimated that over 90 percent of all oil and/or gas well operatord will be in this category.

Is this sufficient information to gather from small operators, or should more information be required?

#### 2. INTERMEDIATE OPERATOR RESPONSE

Operators of oil and/or gas wells with annual production of 200,000 barrels of crude oil or more or one (1) billion standard cubic feet of natural gas or more but less than one (1) million barrels of crude oil and 10 billion standard cubic feet of natural gas would report oil and gas data by field, plus certain reserves ownership data on a State basis, along with the additional information shown in Part II, Schedules 1 and 2 of Form EIA-23. Judging from the 1975 FEA oil and gas reserves survey, it is estimated that somewhat less than 10 percent of all operators of oil and/or gas wells, accounting for about 10 percent of total domestic oil and gas production, will be in this category.

Is this a reasonable requirement or should more or less information be requested?

#### 3. LARGE OPERATOR RESPONSE

Operators of oil and/or gas wells with annual production of one (1) million barrels of crude oil or more, or 10 billion standard cubic feet of gas or more, would report data by reservoir, plus certain reserves ownership data on a State basis, along with additional information shown in Part II, Schedules 1 and 3 of Form EIA-23. For the first two reporting years, reservoir detail would not be required for a great many oil reservoirs and some gas reservoirs as specified in the instructions to Schedule 3. From results of the 1975 FEA reserve survey, it is estimated that fewer than two percent of all oil and gas well operators, accounting for about 85 percent of total domestic oil and gas production, will be in this category.

Is this a reasonable requirement or should more or less information be requested?

#### 4. ARE THE THREE PRODUCTION VOLUME CATEGORIES LISTED ABOVE REASONABLE OR SHOULD ANOTHER CLASSIFICATION BE USED?

#### 5. BURDEN

Specific comment is desired concerning the burden anticipated to complete each schedule of the form. Comment should also include information as to whether there are data required by the form which are: (1) Either unavailable or which would require an extraordinary effort to gather; or (2) which could not reasonably be assembled and reported in the proposed time frame.

#### 6. CONFIDENTIAL INFORMATION

Some of the information requested on the form may be considered by respondent operators to be confidential information, because its release to the public would be likely, in their view, to cause substantial competitive injury. Such information may be confidential information which is protected from disclosure to the public by 18 U.S.C. 1905*. In order to make a determination particular information is protected from disclosure by that statute, the person submitting the information must make a showing satisfactory to the DOE concerning its confidential nature.

Accordingly, if you believe that any information required to be submitted by you on the enclosed forms would be information protected from disclosure by 18 U.S.C. 1905, you must certify that the information has not previously been made publicly available and that, if made public the information would divulge methods or processes entitled to the protection by 18 U.S.C. 1905 as trade secrets or other proprietary information. You should state briefly and specifically, in a letter accompanying your submission of the forms, why the information concerned is a trade secret or other proprietary information, whether such information is customarily treated as confidential, the type of competitive harm that would result to your company from disclosure of the information, and an indication when such information might become nonconfidential due to the passage of time. The letter should be certified in the same manner as the form.

#### 7. CLARITY OF INSTRUCTIONS AND DEFINITIONS

If certain instructions or definitions accompanying the form are ambiguous they should be identified and suggestions on how to clarify the obscurities submitted.

Issued at Washington, D.C., on February 13, 1978.

William S. Heffelfinger,
*Director of Administration.*

*18 U.S.C. 1905 prohibits officers and employees of the United States from disclosing in any manner not authorized by law information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus or to the identity, confidential statistical data, amount of source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association.





EIA 23
/78
Supercedes
FERC 40
FEA

**U.S. Department of Energy**
**Energy Information Administration**
**Form EIA 23**

Form Approved
O.M.B. No.

This report is mandatory under Public Laws 93-275 and 93-319

**PART I - RESPONDENT POPULATION UPDATE AND SUMMARY REPORT**

A. This part must be completed and submitted to the address given on page 1 within 20 days of receipt. Type legibly or hand print in black ink.

1. Were you the operator (see definition on page 7) of one or more oil and/or gas wells as of December 31 of the report year (previous calender year)?

_____ Yes _____ No

* If no, fill out only Section B-item 2, and Section C below and return this page.
* If yes, and your production of crude oil during the report year from all properties which you operated during the report year was less than 200,000 barrels and your production of dry natural gas during the report year from all properties which you operated during the report year was less than 1 billion cubic feet, fill out all of Part I and return it.
* If yes, and your production during the report year equalled or exceeded either 200,000 barrels of crude oil or 1 billion cubic feet of dry natural gas from all properties which you operated during the report year, fill out Part 1 and return it. Then fill out the required portions of Part II, carefully following all definitions and instructions (see due date, p. 1).

B. 1. Date questionnaire received __/__/__ 2. Operator I.D. Code _____ (on mailing label)

2. OPERATOR IDENTIFICATION
a. Name _____
b. Street/Box/RFD _____ c. City _____
d. State _____ e. ZIP _____ f. Contact Person _____
g. Title _____ h. Telephone Number _____

3. PARENT COMPANY (IF ANY) IDENTIFICATION
a. Name _____
b. Street/Box/RFD _____ c. City _____
d. State _____ e. ZIP _____ f. Contact Person _____
g. Title _____ h. Telephone Number _____

C. I certify that the information provided herein and appended hereto is true and correct to the best of my knowledge and belief.

Name _____ Signature _____
Title _____ Date _____

Title 18 USC 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Form EIA-23
PART I (CONTINUED)

D. If you have determined, based on the cutoff limits described on the preceding page of Part I, that you need not file Part II, fill out the information requested in the table below for each state or state subdivision listed therein in which you had operations during the report year. Total production and reserves data for all states and state subdivisions thus reported should then be summed on line 51 "U.S.-TOTAL". Definitions of proved reserves and production of oil and natural gas appear on pages 7, 8, 3 and 6, respectively. Note that oil volumes are to be reported to the nearest thousand barrels and natural gas volumes, at 14.73 psia and 60 degrees Fahrenheit, are to be reported to the nearest million cubic feet.

If you have determined, based on the cutoff limits described on the preceding page of Part I, that you must file Part II, complete only line 51, "U.S.-TOTAL" of the table below, utilizing the definitional references and information on reporting units given in the above paragraph.

| STATE OR STATE SUBDIVISION | REPORT YEAR OIL PRODUCTION (MBbl.) | OIL RESERVES 12-31 OF REPORT YEAR (MBbl.) | REPORT YEAR GAS PRODUCTION (MMcf) | GAS RESERVES 12-31 OF REPORT YEAR (MMcf) | STATE OR STATE SUBDIVISION | REPORT YEAR OIL PRODUCTION (MBbl.) | OIL RESERVES 12/31 OF REPORT YEAR (MBbl.) | REPORT YEAR GAS PRODUCTION (MMcf) | GAS RESERVES 12/31 OF REPORT YEAR (MMcf) |
|---|---|---|---|---|---|---|---|---|---|
| 1. ALABAMA | | | | | 26. NEW MEXICO-EAST | | | | |
| 2. ALASKA | | | | | 27. NEW YORK | | | | |
| 3. ARIZONA | | | | | 28. NORTH DAKOTA | | | | |
| 4. CALIFORNIA-COASTAL | | | | | 29. OHIO | | | | |
| 5. CALIFORNIA-LOS ANGELES | | | | | 30. PENNSYLVANIA | | | | |
| 6. CALIFORNIA-SAN JOAQUIN | | | | | 31. SOUTH DAKOTA | | | | |
| 7. CALIFORNIA-FED. OFFSH. | | | | | 32. TENNESSEE | | | | |
| 8. COLORADO | | | | | 33. TEXAS RRCD 1 | | | | |
| 9. FLORIDA | | | | | 34. TEXAS RRCD 2 | | | | |
| 10. ILLINOIS | | | | | 35. TEXAS RRCD 3 | | | | |
| 11. INDIANA | | | | | 36. TEXAS RRCD 4 | | | | |
| 12. IOWA | | | | | 37. TEXAS RRCD 5 | | | | |
| 13. KANSAS | | | | | 38. TEXAS RRCD 6 | | | | |
| 14. KENTUCKY | | | | | 39. TEXAS RRCD 7-B | | | | |
| 15. LOUISIANA-NORTH | | | | | 40. TEXAS RRCD 7-C | | | | |
| 16. LOUISIANA-SOUTH | | | | | 41. TEXAS RRCD 8 | | | | |
| 17. LOUISIANA-FED. OFFSH. | | | | | 42. TEXAS RRCD 8-A | | | | |
| 18. MARYLAND | | | | | 43. TEXAS RRCD 9 | | | | |
| 19. MICHIGAN | | | | | 44. TEXAS RRCD 10 | | | | |
| 20. MINNESOTA | | | | | 45. TEXAS-FED. OFFSH. | | | | |
| 21. MISSISSIPPI | | | | | 46. UTAH | | | | |
| 22. MISSOURI | | | | | 47. VIRGINIA | | | | |
| 23. NEBRASKA | | | | | 48. WASHINGTON | | | | |
| 24. NEVADA | | | | | 49. WEST VIRGINIA | | | | |
| 25. NEW MEXICO-WEST | | | | | 50. WYOMING | | | | |
| | | | | | 51. U.S.-TOTAL | | | | |





U.S. DEPARTMENT OF ENERGY, ENERGY INFORMATION ADMINISTRATION, OIL AND GAS INFORMATION SYSTEM

*Oil and Gas Operator's Annual Report of Proved Reserves and Related Data—Form EIA-23 Instructions*

A. PURPOSE

Form EIA-23 is designed to provide to the Federal Government credible and verifiable data regarding the Nation's crude oil, natural gas and natural gas liquids proved reserves, production and closely related matters. This form was also developed to reduce duplication and overlap of the reserver-oriented energy information collection functions of several Federal agencies. Form EIA-23 supersedes FPC Form No. 40, form FEA P-301-S-O, and proposed form FEAP-340-A-0.

B. WHO MUST SUBMIT

Part I and Part II as appropriate, of form EIA-23 must be filed by all operators of crude oil and/or natural gas wells in the United States and its Outer Continental Shelf (see definition of Operator, R 7).

C. WHERE AND WHEN TO SUBMIT

Part I of form EIA-23, must be completed and submitted to————— within twenty days of receipt of the forms package. Part II, if required, must be completed and submitted to the same address no later than August 14, 1978. In subsequent years, Part II must be submitted no later than April 1 of such year.

Questions regarding this form, its filing requirements and the instructions may be mailed to the address given above, or may be communicated by telephone to (202)————

D. WHAT MUST BE SUBMITTED

- All respondents must submit Part I.
- If your production from properties you operated as of December 31 of the report year equalled or exceeded either 200,000 barrels of crude oil or 1 billion cubic feet of dry natural gas (at 14.73 psia and 60 degrees Fahrenheit), or both, you must submit Part II, Cover Sheet and Schedule(s) 1, "Summary of Crude Oil, Dry Natural Gas, and Natural Gas Liquids Reserves and Related Data—By State and Subdivision".
- If you must submit Part II, Cover Sheet and Schedule(s) 1, and your production from properties you operated as of December 31 of the report year was less than 1 million barrels of crude oil and less than 10 billion cubic feet of dry natural gas (at 14.73 psia and 60 degrees Fahrenheit), you must also submit Part II, Schedule(s) 2, "Summary of Crude Oil and Natural Gas Reserves and Production Data—By Field".
- If you must submit Part II, Cover Sheet and Schedule(s) 1, and your gross production from properties you operated as of December 31 of the report year equalled or exceeded either 1 million barrels of crude oil or 10 billion cubic feet of dry natural gas (at 14.73 psia and 60 degrees Fahrenheit), you must submit Part II, Schedule(s) 3, "Crude Oil and Dry Natural Gas Reserves and Related Data—By Field and Reservoir".

Additional filing requirements for each schedule are given in the specific instructions for that schedule.

E. DEFINITIONS

*Affiliated (Associated) Company.*—A company or person that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, the operator/respondent (see definition of Control p. 3).

*Associated-Dissolved Gas.*—Natural gas, commonly known as gas cap gas, overlying and in contact with crude oil in a reservoir, or natural gas which is in solution in crude oil within a reservoir, or a combination of both.

*COMMITMENT CATEGORIES*

a. *Interstate Natural Gas.*—proved natural gas reserves committed for sale, or for sale for resale, into interstate commerce.

b. *Intrastate Natural Gas.*—proved natural gas reserves committed for sale under intrastate contracts.

c. *Company Use.*—proved natural gas reserves committed for use as feedstock in respondent-owned plants or as fuel in respondent's operations.

d. *Other.*—proved natural gas reserves committed under any other arrangements than (a), (b), or (c) above.

*Commitment Status of Proved Gas Reserves.*—Committed proved gas reserves are those committed to a customer or other recipient under terms of a gas purchase contract, by advance payment agreements or some other contractual arrangements, or set aside for the respondent's own use.

Uncommitted proved gas reserves are those that have not been committed by the respondent, including those reserves under negotiation as of December 31 of the report year.

Interstate contracts are long term when they are not short term as defined in FERC Order Nos. 418, 431, 491A, 491B and 491C. Intrastate contracts are short term if they are for a period of one year or less.

*Control.*—(including the terms "controlling", "controlled by" and "under common control with") the possession, directly or indirectly, of the power to direct or cause the direction of the management and/or policies of a company, whether such power is exercised through one or more intermediary companies, or along, or in conjunction with, or pursuant to an agreement and whether such power is established through a majority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

*Corrections.*—Changes to proved reserves attributable to correction of prior arithmetic and/or clerical errors, and/or to adjustments of previously reported production volumes.

*Crude Oil.*—Crude oil technically is a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and that remains liquid at atomospheric pressure after passing through surface separating facilities. For statistical purposes, volumes reported as crude oil include:

1. Liquids technically defined as crude oil;
2. Small amounts of hydrocarbons that existed in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casinghead) gas in lease separators and that subsequently are commingled with the crude stream without being separately measured; and
3. Small amounts of nonhydrocarbons produced with the oil.

Crude oil porduction and reserves are reported as liquid equivalents at the surface (excluding basic sediment and water) measured in terms of thousands of stock tank barrels of 42 U.S. gallons at 14.73 pounds per square inch absolute and corrected to 60° F.

NOTE.—When a state regulatory agency specifies a definition of crude oil which differs from that set forth above, the state definition is to be followed and its use footnoted on Schedule 4.

*Crude Oil Production.*—Crude oil production is the volume of liquids, statistically reported as crude oil, which is produced from oil reservoirs during given periods of time. The amount of such production for a given year is generally established by measurement of volumes divered from lease storage tanks (i.e., the point of custody transfer) to pipelines, trucks, or other media for transport to refineries or terminals with adjustments for: (1) net difference between opening and closing lease inventories; and (2) basic sediment and water.

*Cumulative Crude Oil Production.*—The sum of the actual or estimated crude oil production during the report year and actual production for prior years.

*Cumulative Natural Gas Production.*—The sum of the actual or estimated natural gas production during the report year and actual production for prior years.

*Depth to Mid-Point.*—The average vertical distance in feet from ground level to the mid-point of a gas/oil reservoir; offshore, from the seabed to the mid-point of a gas/oil reservoir.

*Dry Natural Gas.*—The actual or calculated volumes of natural gas which

remain after: (1) The liquefiable hydrocarbon portion has been removed from the gas stream; and (2) any volumes of non-hydrocarbon gases have been removed where the latter occur in sufficient quantity to render the gas unmarketable.

*Extensions.*—The ultimate size of newly discovered fields, or newly discovered reservoirs in old fields, is normally determined by drilling in years subsequent to discovery. Wells drilled in subsequent years usually add to the proved areas of previously discovered reservoirs, thereby serving to increase estimates of proved reserves. The reserves credited to a reservoir because of enlargement of its proved area are classified as "extensions".

*Feedstock.*—Natural gas used as a raw material for its chemical properties in creating an end product.

*Field.*—An area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same individual geological structural feature and/or stratigraphic condition. There may be two or more reservoirs in a field which are separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

*Field Area.*—A geographic area encompassing two or more pools (see definition of Pool) that have a common gathering and metering system, the reserves of which are reported as a single unit (applies generally to the Appalachian region).

*Field Discovery Year.*—The calendar year in which a field was first recognized as containing proved reserves.

*Fuel Use.*—All natural gas used by the respondent other than for feedstock.

*Indicated Additional Reserves of Crude Oil.*—With the present state of industry technology, certain quantities of crude oil (other than those defined and reported as proved reserves) may be economically recoverable from the following potential sources:

Known productive reservoirs in existing fields expected to respond to improved recovery techniques, such as fluid injection, where: (a) An improved recovery technique has been installed but its effect cannot yet be fully evaluated; or (b) an improved technique has not been installed but knowledge of reservoir characteristics and the results of a known technique installed in a similar situation are available for use in the estimating procedure.

Crude oil potentially available from these sources is reported as "indicated additional reserves". The economic recoverability of these reserves is not considered to be established with sufficient conclusiveness to allow them to be included in proved reserves; however, if and when improved recovery techniques are successfully applied to known reservoirs, the corresponding indicated additional reserves will be reclassified and added to the inventory of proved reserves. Indicated additional reserves do not include reserves associated with acreage that may be added to the area of a proved reservoir as the result of future drilling.

*Initial Production, Year of.*—The year in which initial production of crude oil or natural gas commenced.

*Lease Condensate.*—Natural gas liquids recovered from gas well gas (associated and nonassociated) in lease separators or field facilities. Lease condensate consists primarily of pentanes and heavier hydrocarbons.

*Natural Gas.*—A mixture of hydrocarbon compounds and small quantities of various non-hydrocarbons existing in the gaseous phase or in solution with crude oil in natural underground reservoirs at reservoir conditions. The principal hydrocarbons usually contained in the mixture are methane, ethane, propane, butanes and pentanes. Typical non-hydrocarbon gases which may be contained in reservoir natural gas are carbon dioxide, helium, hydrogen sulfide and nitrogen. Under reservoir conditions, natural gas and the liquefiable portions thereof occur either in a single gaseous phase in the reservoir or in solution with crude oil, and are not distinguishable at that time as separate substances. (See definitions of Nonassociated Natural Gas, p. 6, and Associated-Dissolved Gas, p. 2).

*Natural Gas Liquids.*—Natural gas liquids are those hydrocarbons in the reservoir natural gas which are separated from the natural gas as liquids either in the reservoir through the process of retrograde condensation or at the surface through the process of condensation, absorption or other methods in field separators, scrubbers, gas processing plants and cycling plants. Generally such liquids consist of propane and heavier hydrocarbons expressed in stock tank barrels and are commonly referred to as condensate, natural gasoline and liquefied petroleum gases. Where hydrocarbon components lighter than propane are recovered as liquids, these components are also included in the natural gas liquids reserves and production statistics. Natural gas liquids reserves are calculated by the use of a factor applied to the total volume of recoverable gas. Such a factor, usually expressed in stock tank barrels per million cubic feet of gas, is based on the recovery efficiency of installed or planned processing facilities. Such factors may be judged from laboratory gas analyses adjusted to surface processing facility efficiency or obtained from actual plant or separator production statistics. The calculation of proved recoverable reserves of natural gas liquids takes into consideration the effect of retrograde condensation in the reservoir where applicable.

If no information is available as regards plans for processing of gas known to contain liquefiable hydrocarbons, recoveries used in the calculation of reserves are based on separator yields or formation tests.

*Natural Gas Production.*—Gas production is net production which constitutes the total volume of natural gas withdrawn from producing reservoirs less the volume returned to such reservoirs in cycling, repressuring of oil reservoirs and conservation operations. Net production is corrected for shrinkage resulting from the removal of the liquefiable portions of the gas and excludes non-hydrocarbon gases where they occur in sufficient quantity to render the gas unmarketable. Volumes of gas withdrawn from gas storage reservoirs are not considered production since this gas has been previously reported as production when withdrawn from the original natural reservoirs or is native gas which has been transferred to the storage category.

*Net Successful Nonassociated Gas Well Footage.*—The total net footage (respondent's working interest) of successful gas well drilling completed during the report year related to nonassociated reserve additions. This footage is the distance from the surface to the point of deepest penetration measured along the well bore, or any portion of this distance drilled which results in reserve additions.

*New Field.*—An area of oil or gas occurrence, discovered during the report year, with accumulation controlled by a separate geological structural feature and/or stratigraphic condition to the extent that the new discovery is not considered a new reservoir, or an extension of an old reservoir, in a pre-existing field.

*New Field Discoveries.*—New fields discovered during the report year.

*New Reservoir.*—A reservoir discovered during the report year.

*New Reservoir(s) Discoveries in Old Fields.*—New reservoir(s) discovered in pre-existing fields during the report year.

*Nonassociated Natural Gas.*—Natural gas not in contact with significant quantities of crude oil in a reservoir.

*Nonproducing Reservoirs.*—Reservoirs in which proved gas reserves have been identified, but which are inactive on December 31 of the report year regardless of the availability and/or operation of production, gathering or transportation facilities.

*Operator.*—The working interest owner, or his representative, who is responsible for the management and day-to-day operation of one or more oil and/or natural gas wells. This includes: (a) Wells that are producing or did produce oil and/or gas during the report year; and (b) wells that produced in previous years, or that have never produced, but which have





proved reserves of crude oil and/or natural gas as defined herein in the reservoirs associated with them as of December 31 of the report year.

*Original Hydrocarbons In-Place.*—The estimated volumes of crude oil and/or natural gas, regardless of the feasibility of recovery, contained in known reservoirs prior to any production. Note that under reservoir conditions, natural gas includes the liquefiable portion thereof (see definition of Natural Gas, p. 5).

*Original Recoverable Hydrocarbons.*—That portion of original hydrocarbons in-place estimated to be recoverable under existing economic and operating conditions.

*Ownership.*—Ownership of proved reserves is defined as either net working interest ownership or gross working interest ownership.

Net working interest ownership is the respondent's working interest exclusive of any royalty or overriding royalty interest related to the working interest.

Gross working interest ownership is the respondent's working interest plus the proportionate part of any royalty or overriding royalty interest related to the working interest.

*Pool.*—In general, the term "pool" is synonomous with the term "reservoir"; however, in certain situations a pool may consist of more than one reservoir (see definition of Field Area, p. 4).

*Proved Reserves of Crude Oil.*—Proved reserves of crude oil as of December 31 of the report year are the estimated quantities of all liquids statistically reported as crude oil, which geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions.

Reservoirs are considered: (1) Proved and tested if economic producibility is supported by either actual production or conclusive formation test (drill stem or wire line), or (2) proved and untested if economic producibility is supported by core analyses and/or electric or other log interpretations. The area of an oil reservoir considered proved includes: (1) That portion delineated by drilling and defined by gas-oil and/or oil-water contacts, if any; and (2) the immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

Estimates of proved crude oil reserves do not include the following: (1) Oil that may become available from known reservoirs but is reported separately as "indicated additional reserves"; (2) natural gas liquids (including condensate); (3) oil, the recovery of which is subject to reasonable doubt because of uncertainty as to geology, reservoir characteristics, or economic factors; (4) oil that may occur in undrilled prospects; and (5) oil that may be recovered from oil shales, coal, gilsonite and other such sources.

*Proved Reserves of Natural Gas and Natural Gas Liquids.*—Proved reserves of natural gas and natural gas liquids as of December 31 of the report year are the estimated quantities which analysis of geologic and engineering data demonstrate with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions.

Reservoirs are considered: (1) Proved and tested if economic producibility is supported by either actual production or conclusive formation test (drill stem or wire line), or (2) proved and untested if economic producibility is supported by core analyses and/or electric or other log interpretations. The area of a reservoir considered proved is that portion delineated by drilling and defined by gas-oil or gas-water contacts or limited by structural deformation or lenticularity of the reservoir. In the absence of fluid contacts, the lowest known structural occurrence of hydrocarbons controls the proved limits of the reservoir. The proved area of a reservoir may also include the adjoining portions not delineated by drilling but which can be evaluated as economically productive on the basis of geological and engineering data available at the time the estimate is made. Therefore, the reserves may be in either the drilled or the undrilled portions of the reservoir.

Volumes of natural gas in underground storage are not to be considered as proved reserves.

Where the quantity of non-hydrocarbons is sufficient to render unmarketable the natural gas contained in a particular reservoir, an appropriate reduction in the reservoir gas volume is made to cover the exclusion of such non-hydrocarbons.

It is not necessary that production, gathering or transportation facilities be installed or operative for a reservoir to be considered proved. It is assumed that compression will be initiated if and when economically justified.

*Purchases and/or Sales of In-Place Reserves.*—Proved crude oil, natural gas or natural gas liquids reserves within the reservoir (in place) purchased or sold, or otherwise transferred, by the respondent during the report year.

*Remaining Recoverable Hydrocarbons.*—Reserves of in-place hydrocarbons (crude oil and/or wet natural gas) which remain "proved" as of a given date. This quantity is the difference between the estimated volume of original recoverable hydrocarbons (oil or gas) and cumulative production of the hydrocarbons (oil or gas).

*Report Year.*—The calendar year preceding the year in which this report is filed.

*Reserve Additions.*—The algebraic sum of positive and negative corrections, positive and negative revisions, extensions, new reservoir discoveries in old fields and new field discoveries.

*Reservoir.*—A porous and permeable underground formation containing an individual and separate accumulation of producible hydrocarbons (oil and/or gas) which is confined by impermeable rock or water barriers and is characterized by a single natural pressure system. In most situations, reservoirs are classified as oil reservoirs or gas reservoirs by a regulatory agency. In the absence of regulatory authority, classification is based on natural occurrence of the hydrocarbons in a reservoir and classification and names as determined by the respondent.

*Reservoir Discovery Year.*—The year in which a reservoir was first recognized to contain proved reserves.

*Revisions.*—Both development drilling and production history add to the basic geological and engineering knowledge of a reservoir and provide the basis for more accurate estimates of proved reserves in years following discovery. Changes in earlier estimates, either upward or downward, resulting from new information (except for an increase in proved acreage) are classified as "revisions". Revisions for a given report year also include increases in proved reserves associated with the installation of improved recovery techniques.

*Subdivision.*—A prescribed portion of a given state.

*Subsidiary Company.*—A company which is controlled through the ownership of voting stock, or a corporate joint venture in which a corporation is owned by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group (see definition of Control, p. 3).

*Warranty Contracts.*—Gas sales agreements wherein the seller warrants that an amount of gas will be available to meet the contracted commitments over the life of the contract.

*Wet Natural Gas.*—Natural gas as it exists within the reservoir. Calculated volumes of wet natural gas at 14.73

psia and 60° F. include the liquefiable portions of the reservoir gas (primarily ethane, propane, butanes and pentanes).

### F. DATA REPORTING STANDARDS

*1. Codes to be used in completion of form EIA-23*

Wherever applicable, the following codes are those specified in Federal Information Processing Standards (FIPS). County codes, used in completion of Schedules 2 and 3, may be found in FIPS Publication 6-2, available from the Government Printing Office, or at most municipal and college libraries.

#### State Abbreviations

[Item 1.3 of Schedule 1, Items 2.1-2.37 (column c) of Schedule 2, and Item 2.3 of Schedule 3]

| State | Abbreviation |
|---|---|
| Alabama | AL |
| Alaska | AK |
| Arizona | AZ |
| Arkansas | AR |
| California | CA |
| Colorado | CO |
| Connecticut | CT |
| Delaware | DE |
| District of Columbia | DC |
| Florida | FL |
| Georgia | GA |
| Hawaii | HI |
| Idaho | ID |
| Illinois | IL |
| Indiana | IN |
| Iowa | IA |
| Kansas | KS |
| Kentucky | KY |
| Louisiana | LA |
| Maine | ME |
| Maryland | MD |
| Massachusetts | MA |
| Michigan | MI |
| Minnesota | MN |
| Mississippi | MS |
| Missouri | MO |
| Montana | MT |
| Nebraska | NE |
| Nevada | NV |
| New Hampshire | NH |
| New Jersey | NJ |
| New Mexico | NM |
| New York | NY |
| North Carolina | NC |
| North Dakota | ND |
| Ohio | OH |
| Oklahoma | OK |
| Oregon | OR |
| Pennsylvania | PA |
| Rhode Island | RI |
| South Carolina | SC |
| South Dakota | SD |
| Tennessee | TN |
| Texas | TX |
| Utah | UT |
| Vermont | VT |
| Virginia | VA |
| Washington | WA |
| West Virginia | WV |
| Wisconsin | WI |
| Wyoming | WY |

#### Subdivision Codes

[Item 1.4 of Schedule 1, Items 2.1-2.37 (Column d) of Schedule 2, and Item 2.4 of Schedule 3]

| *Geographic subdivision* (see following maps for boundaries) | Code |
|---|---|
| California: | |
| San Joaquin Valley (includes offshore-State)* | 10 |

#### Subdivision Codes—Continued

[Item 1.4 of Schedule 1, Items 2.1 2.37 (Column d) of Schedule 2, and Item 2.4 of Schedule 3]

| *Geographic subdivision* (see following maps for boundaries) | Code |
|---|---|
| Coastal region (includes offshore-State)* | 50 |
| Los Angeles Basin (includes offshore-State)* | 90 |
| Offshore-Federal | 00 |
| Louisiana: | |
| North | 50 |
| South (includes offshore-State)* | 10 |
| Offshore-Federal | 00 |
| New Mexico: | |
| East | 10 |
| West | 50 |
| Texas: | |
| Railroad Commission District 1 | 10 |
| Railroad Commission District 2 (includes offshore-State)* | 20 |
| Railroad Commission District 3 (includes offshore-State)* | 30 |
| Railroad Commission District 4 (includes offshore-State)* | 40 |
| Railroad Commission District 5 | 50 |
| Railroad Commission District 6 | 60 |
| Railroad Commission District 7B | 70 |
| Railroad Commission District 7C | 75 |
| Railroad Commission District 8 | 80 |
| Railroad Commission District 8A | 85 |
| Railroad Commission District 9 | 90 |
| Railroad Commission District 10 | 95 |
| Offshore-Federal | 00 |

*If you are not certain whether an offshore field lies in the Federal or the State domain, assume that it lies in the State domain and indicate locational uncertainty in a footnote on Schedule 4.

#### Offshore Zone Codes

[Items 2.1-2.37 (column e) of Schedule 2, and Item 2.5 of Schedule 3]

| Code | Name | Description |
|---|---|---|
| 990 | Offshore-State | That area subject to State jurisdiction. |
| 995 | Offshore-Federal | That area subject to Federal jurisdiction. |

[Item 1.4 of Schedule 1, Items 2.1-2.37 (Column d) of Schedule 2, and Item 2.4 of Schedule 3]

*Geographic subdivision* (see following maps for boundaries)

#### Lithology of Reservoir Codes

[Item 3.?-6 of Schedule 3]

| Lithology | Code |
|---|---|
| Sandstone | 1 |
| Carbonate | 2 |
| Other | 3 |

#### Trap Type Codes

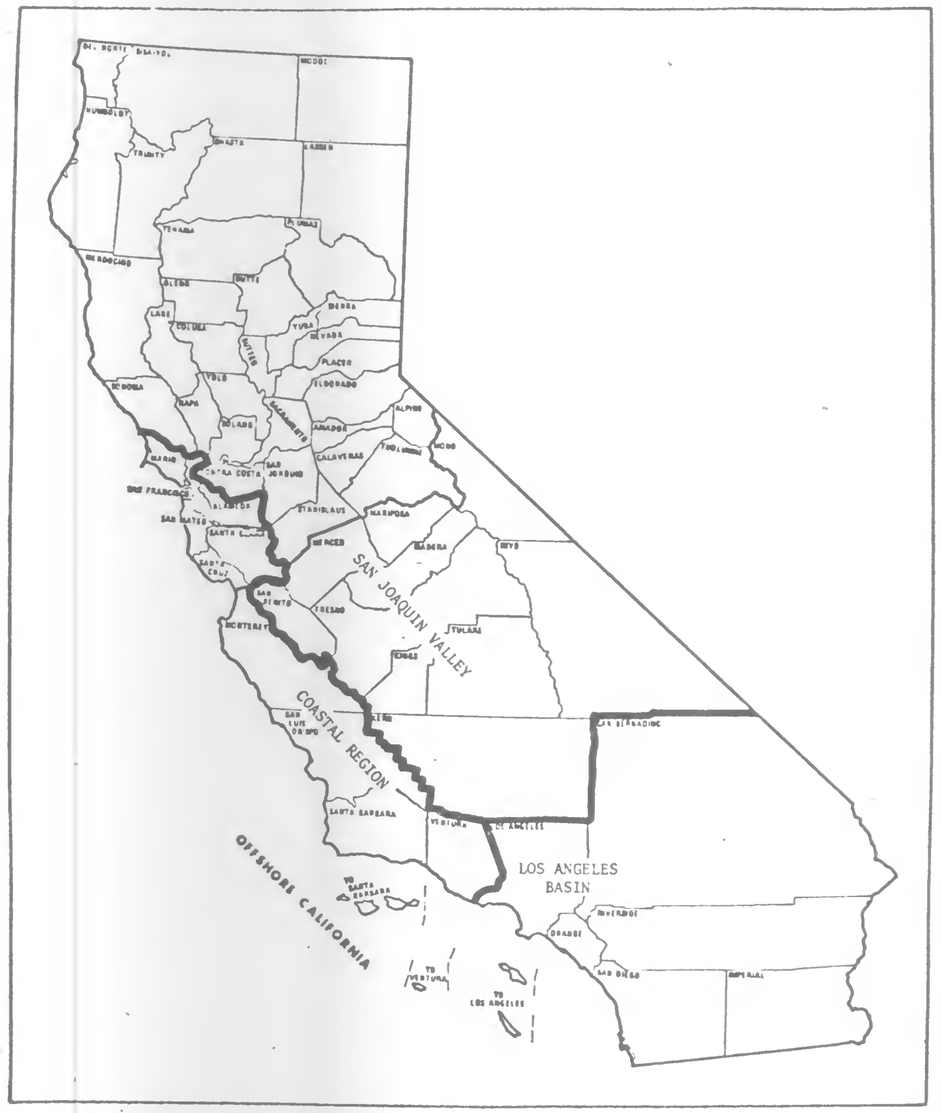
[Item 3.?-7 of Schedule 3]

| Trap type | Code |
|---|---|
| Structural | 1 |
| Stratigraphic | 2 |

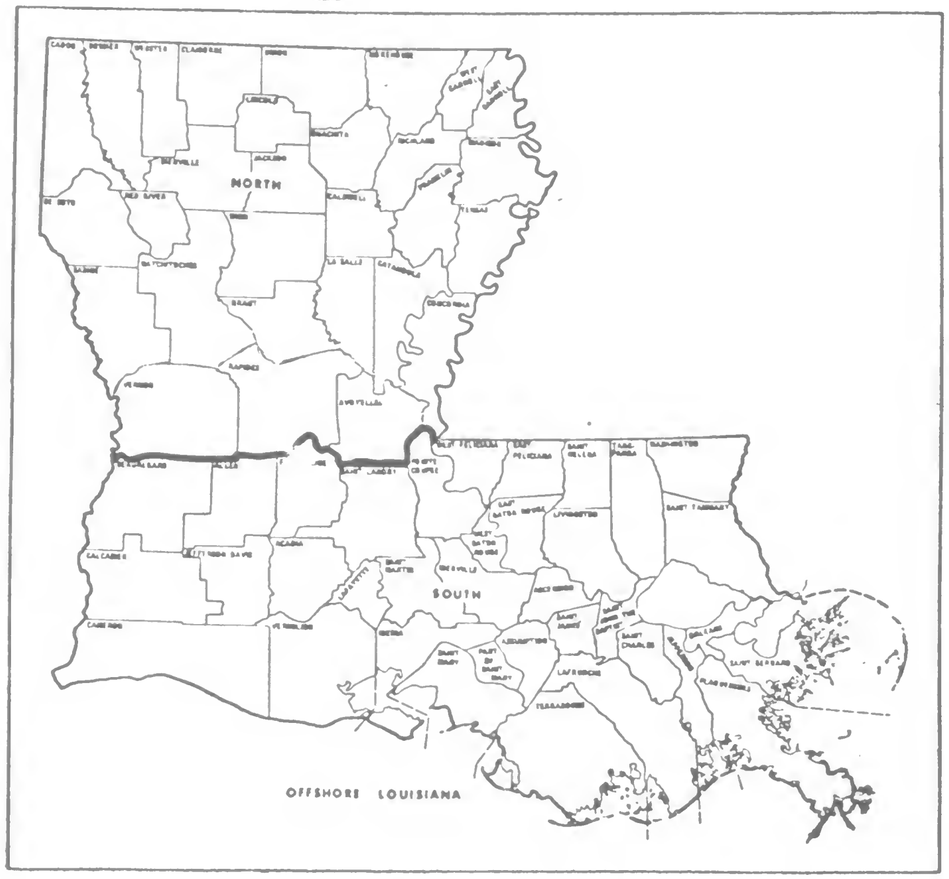




## SUBDIVISIONS OF CALIFORNIA



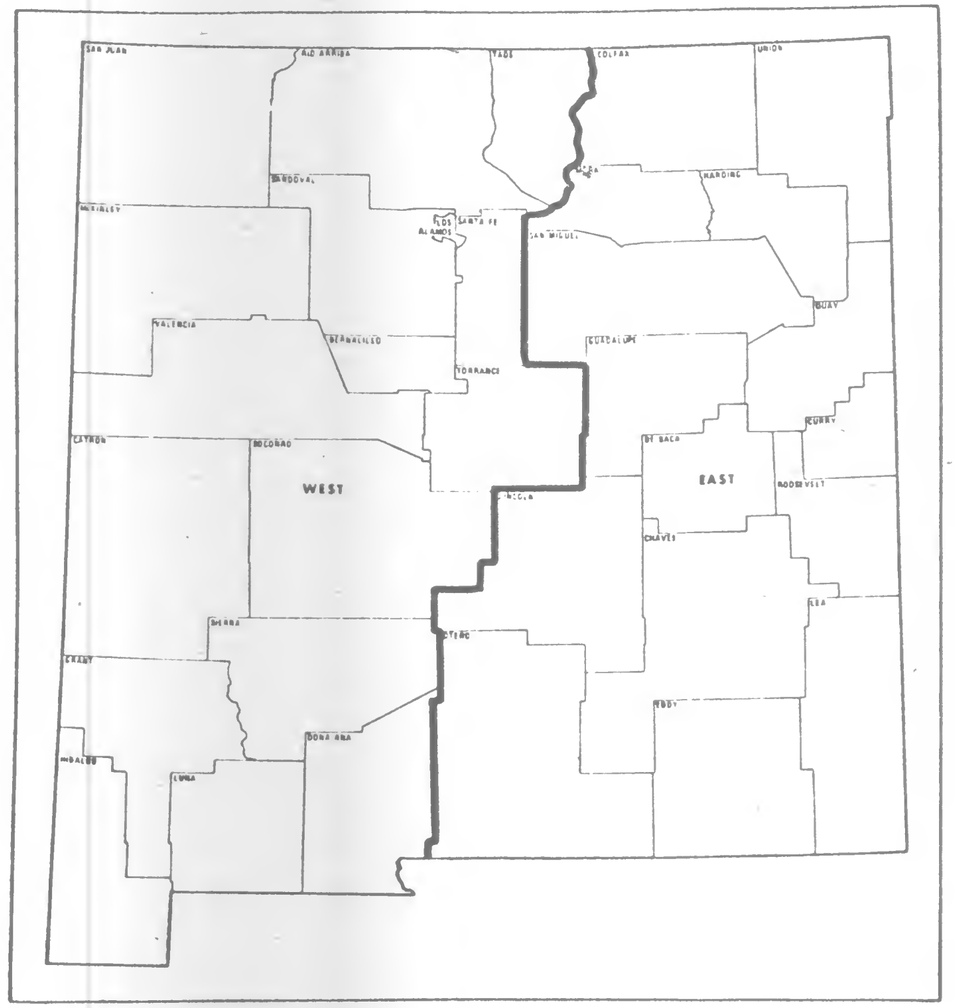
# SUBDIVISIONS OF LOUISIANA



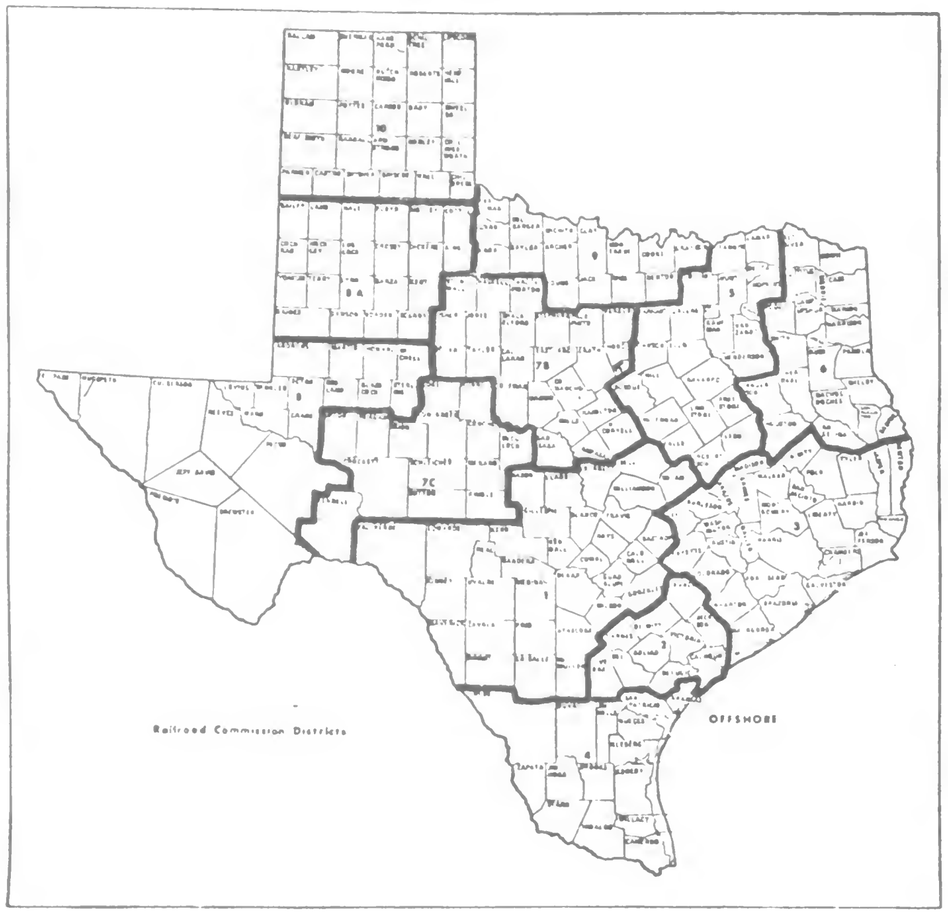





# SUBDIVISIONS OF NEW MEXICO



# SUBDIVISIONS OF TEXAS








GEOLOGIC AGE CODES

[Item 3.?-8 of Schedule 3]

| Code | Era | Code | System | Code | Series |
|---|---|---|---|---|---|
| 1 | Cenozoic | 11 | Quartenary | 111 | Recent. |
| | | | | 112 | Pleistocene. |
| | | 12 | Tertiary | 121 | Pliocene. |
| | | | | 122 | Miocene. |
| | | | | 123 | Oligocene. |
| | | | | 124 | Eocene. |
| | | | | 125 | Paleocene. |
| 2 | Mesozoic | 21 | Cretaceous | | |
| | | 22 | Jurassic | | |
| | | 23 | Triassic | | |
| 3 | Paleozoic | 31 | Permian | | |
| | | 32 | Pennsylvania | | |
| | | 33 | Mississippian | | |
| | | 34 | Devonian | | |
| | | 35 | Silurian | | |
| | | 36 | Ordovician | | |
| | | 37 | Cambrian | | |
| 4 | Pre-Cambrian | | | | |

GAS TYPE CODES

[Item 3.?-9 of Schedule 3]

| Gas type | Code |
|---|---|
| Associated-dissolved | A |
| Nonassociated | N |

TYPE OF CALCULATION CODES

[Item 3.?-10 of Schedule 3]

| Type of calculation | Code |
|---|---|
| Volumetric | 1 |
| Pressure decline | 2 |
| Material balance | 3 |
| Nominal | 4 |
| Time decline | 5 |
| Other (explain in footnote) | 6 |

RECOVERY METHOD CODES

[Item 3.?-11 of Schedule 3]

| Recovery method | Code |
|---|---|
| Waterflood | 1 |
| Polymer waterflood | 2 |
| Natural gas injection | 3 |
| Combination of water and natural gas injection | 4 |
| Carbon dioxide, alcohol, or miscible (solvent) fluid slug | 5 |
| Steam drive | 6 |
| In situ combustion | 7 |
| Other (explain in footnote) | 8 |

PRODUCTION STATUS CODES

[Item 3.?-13 of Schedule 3]

| *Production status* | *Code* |
|---|---|
| The reservoir was producing on Dec. 31 of the report year | P |
| The reservoir was not producing on Dec. 31 of the report year | N |

NONPRODUCING REASON CODES

[Item 3.?-14 of Schedule 3]

| *Reason nonproducing* | *Code* |
|---|---|
| Insufficient pressure to deliver into sales line | 01 |
| Waiting on installation of producing facilities | 02 |
| Waiting on installation of pipeline facilities | 03 |

NONPRODUCING REASON CODES—Continued

[Item 3.?-14 of Schedule 3]

| *Reason nonproducing* | *Code* |
|---|---|
| Workover required or in progress | 04 |
| Gas cap completion not being produced | 05 |
| Too remote to justify connection | 06 |
| Proved reserves known to exist but not being produced because of State or Federal regulations | 07 |
| Behind pipe awaiting depletion of other zone(s) in the well(s) | 08 |
| Proved reserves being developed by drilling | 09 |
| Replacement well or additional well required | 10 |
| Negotiating sales contract | 11 |
| Awaiting certification by FERC | 12 |
| Other (explain in footnote on schedule 4) | 13 |

*2. Field naming conventions*

In most instances, field names will reflect the conventions inposed by state oil and gas regulatory agencies. In the absence of such authority, field names which have come into general acceptance in an area may be used.

Exceptions occur for names of fields located in Texas and New Mexico, in which states the regulatory agencies consider distinct geologic reservoirs to be "fields". For example, in Texas, Parker (Pennsylvanian) and Parker (Wolfcamp) are considered separate fields by the state. In actuality, Parker is the name of geologic field and Pennsylvanian and Wolfcamp are the names of the geologic reservoirs in the field (by Texas Railroad Commission convention, the geologic reservoir name appears in parentheses after the geologic field name). For the purpose of reporting field names on Schedules 2 and 3 of form EIA-23, the geologic field name will be used. In the example above, Schedule 3 would be headed with the field name "Parker" and the reservoir names "Pennsylvanian" and "Wolfcamp" would appear below it in the data fields marked "Reservoir Name".

For offshore fields, first enter the official name (if any) of the basic offshore area. Example: High Island. Any additions to basic areas must then be included in and follow the basic name, e.g., High Island East Addition. The block number must also be considered part of the field name, as in High Island East Addition Block 112. If offshore area names must be abbreviated to fit within the available data field length, the following standard abbreviations should be used:

| | |
|---|---|
| North | N |
| South | S |
| East | E |
| West | W |
| Block | BLK |
| East Addition | EA |
| West Addition | WA |
| South Addition | SA |
| South Extension | SX |
| Island | IS |

For example, High Island East Addition South Extension Block A-375 would be abbreviated as follows: High IS EA SX BLK A-375.

*3. Reservoir naming conventions*

In reservoirs or unitized fields where the gas or oil is commingled prior to metering, and production cannot therefore be credited to an individual reservoir, the word "Commingled" may be entered for the reservoir name. All commingled reservoirs within a field should be reported as a single reservoir entry. Known names of any individual reservoirs which were reported as commingled should then be listed in a footnote on Schedule 4.

Except in the above mentioned case, reservoir names must be listed separately for each field. Reservoir names such as "All", "Various", "Combined", or "Other" are not acceptable.

G. SANCTIONS

The timely submission of form EIA-23 by a firm required to report is a mandatory requirement under DOE regulations. Late filing, failure to file, failure to keep records, or failure otherwise to comply with these instructions may result in criminal fines, civil penalties and other sanctions as provided by by law (10 CFR 207.7).

H. CONFIDENTIALITY

To be provided later.

I. GENERAL INSTRUCTIONS (applicable to all Part II schedules)

*1. Standard reporting units*

Report all volumes of crude oil and natural gas liquids in thousands of stock tank barrels (42 U.S. gallons); report all volumes of natural gas in millions of cubic feet (MMcf) at 14.73 psia and 60 degrees Fahrenheit. Report volumes as whole numbers, i.e., tenths of a thousand barrels or tenths of a million cubic feet may not be used.

When the last three digits of the volume to be reported are less than

500 barrels or 500 Mcf, round down; if the volume is 500 barrels or 500 Mcf or larger, round up.

*2. Standards for schedule preparation*

*a. Character set*

1. Responses must be typewritten or legibly block printed in black ink. This form was designed to be completed using a ten (10) characters to the inch typewriter (also known as 10 pitch or standard pica). Use only capital (upper case) letters in completing the form.

2. Generally, all data fields of a line in which any data have been entered must contain either alphabetic characters or numbers. Blank data fields in other than a wholly unused line are unacceptable except where expressly allowed in individual item instructions. Use a zero ("0") to indicate "none". If data are not available, enter "NA".

*b. Reproduction*

If mechanically reproduced forms are submitted in lieu of originals, they must have been clearly reproduced at the exact same size as the originals and must have been accurately aligned during the reproduction process. Computer printouts in other than exact duplicate of the provided original forms are not acceptable.

*c. Justification*

In general, data (or "NA") must be entered so as to end in the right-most position of the data field, i.e., right justify the entry. The exceptions, noted here as well as in the individual schedule instructions, are "Operator Name", "Field Name" and "Reservoir Name", all of which should be left justified, i.e., they must begin in the left-most position of the data field.

*d. Negative and positive volumes*

Negative volumes are to be reported by entering a minus (=) sign in the space to the immediate left of the left-most digit. Plus (+) signs should never be used for positive volumes.

*e. Filing sequence*

Prior to submission, completed Part It must be assembled and serially paginated in the following order:

Page 1 Part II Cover Page/Attestation.

Page 2 of Schedule(s) 1 in alphabetical order by state, and by subdivision within applicable states. Schedule(s) 2 (if required). Field information on Schedule 2 is to be grouped alphabetically by state, by subdivision within applicable states, and by field name within subdivision or state. Schedule(s) 3 (if required) in alphabetical order by state, by subdivision within applicable states, and by field name within subdivision or state. Schedule(s) 4 (if needed).

J. SPECIFIC INSTRUCTIONS FOR PART II, SCHEDULE 1—"SUMMARY OF CRUDE OIL DRY NATURAL GAS, AND NATURAL GAS LIQUIDS RESERVES AND RELATED DATA—BY STATE AND SUBDIVISION"

*1. Who must submit schedule 1*

All operators of oil and/or gas wells in the United States whose gross production from properties which they operated as of December 31 of the report year equalled or exceeded 200,000 barrels of crude oil or one (1) billion cubic feet of dry natural gas (at 14.73 psia and 60 degrees Fahrenheit) are required to file Part II Schedule(s) 1.

*2. What to submit*

A Schedule 1 is to be filed for each state (except the states of California, Louisiana, New Mexico and Texas, in which cases a Schedule 1 is to be filed for each subdivision indicated herein) in which the operator/respondent operated oil and/or gas wells as of December 31 of the report year or held a working interest ownership in oil or gas reserves as of December 31 of the report year.

*3. Item instructions*

Item 1.1 *Operator ID code.*—Enter the six-digit operator code which has been assigned to you. This code number appears on the mailing label affixed to this forms package. If no code number appears on the mailing label, leave this data item blank.

Item 1.2 *Operator name.*—Enter the full legal name of the Operator/respondent. Left justify.

Item 1.3 *State abbreviation.*—Enter the two-character alphabetic abbreviation of the state to which data submitted on this schedule apply. For an offshore area, enter the abbreviation of the state to which it is adjacent (see State Abbreviations, P. 10).

Item 1.4 *Subdivision code.*—For California, Lousiana, New Mexico and Texas, enter the two-digit numeric code of the appropriate subdivision of the state (see Subdivision Codes, p. 11), to which the data reported on this schedule apply. For other States, enter "NA".

Item 1.5 *Report date.* Enter the last two digits of the report year for which data are reported on this schedule.

Item 1.6 *Original.*—Enter an "X" if this is the initial submission of this schedule. Leave blank otherwise.

Item 1.7 *Amended.*—Enter an "X" if this schedule updates a previously submitted schedule. Leave blank otherwise.

Item 1.8 *Page footnote.*—Enter the page number on which footnote(s) pertaining to data filed on this schedule begin. If there are no footnotes to data filed on this schedule, leave blank.

Item 1.9 *Page of .*—The current page number and last page number of your filing. See General Instructions regarding "Filing Sequence".

*Section 2.1: Annual changes in proved reserves.*—The data in this part of Schedule 1 are to be provided for proved reserves of crude oil, associated-dissolved dry natural gas and non-associated dry natural gas. The filing of natural gas liquids data is not required until report year 1979, on and after which such data shall also be completed.

Gross Company-Owned Domestic Proved Reserves: In the first four columns (a-d), enter data pertaining to any reserves in which you had working interest ownership during the report year, whether or not you were the operator of such reserves. Specifically, the data are to be reported on a gross working interest ownership basis (see definition of Ownership, p. 7).

Properties operated by respondent: Report (in columns e-h) data pertaining to all reserves in properties of which you were the operator as of December 31 of the report year, whether or not you were the working interest owner of such reserves. The data should reflect the entire year's operations of these properties, even if they were operated by other firms earlier in the year. Conversely, do not include data for properties of which you no longer were an operator on December 31. (Exception: data for properties abandoned during the report year due to proved reserve depletion are to be included.)

*Special Provisions Regarding Reserves Operated by Respondent but Owned by a Subsidiary or Affiliated (Associated) Company*

For any operated properties for which data are reported in columns e-h of section 2.1, if a subsidiary or affiliated (associated) company was a working interest owner during the year, it is incumbent upon the respondent to determine whether or not the affiliate is an operator required to file form EIA-23, Part II, Schedule(s) 1; if the affiliate is not required to file Schedule(s) 1, include affiliate's working interest ownership data for the pertinent properties combined with your ownership data in the columns e-h of section 2.1 and in a footnote identify the affiliate by name.

NOTE.—If those provisions apply in section 2.1, they also apply in a like and consistent manner to sections 3.0, 4.0, 5.0, and 6.0, a fact which will not be reiterated hereinafter.

Item 2.2 *Reserves—End of previous year.*—Enter the volumes of proved reserves owned, and those located in operated properties, at the end of the year *prior* to the report year.

Item 2.3 *Purchases of in-place reserves.*—Enter the volumes of in-place proved reserves purchased during the report year on a gross company-owned basis. (Columns to only. See definition of Purchases and/or Sales of In-Place Reserves, p. 10).





Item 2.4 *Sale of in-place reserves.*—Enter the volumes of in-place proved reserves sold during the report year on a gross company-owned basis. (Columns a to d only. See definition of Purchases and/or Sales of In-Place Reserves, p. 8).

Item 2.5 *Net Corrections (+, −).*—Enter the volumes of net corrections (use minus sign if necessary) made to estimates of proved reserves during the report year. (See definition of Corrections, p. 3).

Item 2.6 *Revision Increases.*—Enter the volumes of additional proved reserves attributable to revisions (see definition of Revisions, p. 9).

Item 2.7 *Revision Decreases.*—Enter the reductions in proved reserves attributable to revisions (see definition of Revisions, p. 9).

Item 2.8 *Extensions.*—Enter the increased volumes of proved reserves due to extensions (see definition of Extensions, p. 4).

Item 2.9 *New field discoveries.*—Enter the volumes of proved reserves contained in new fields discovered during the report year (see definition of New Field discoveries, p. 6).

Item 2.10 *New reservoirs discovered in old fields.*—Enter the volumes of proved reserves contained in new reservoirs discovered in old fields (see definition of New Reservoir Discoveries in Old Fields, p. 6).

Item 2.11 *Report year production.*—Enter the volumes which were produced during the report year.

Item 2.12 Reserves: *End of report year.*—Enter the volumes of proved reserves which remain at the end of the report year. With the exception of natural gas liquids, these volumes should be equal to Reserves—End of Previous Year (Item 2.2) plus the algebraic sum of the changes in reserves during the report year (Items 2.3 thru 2.10), less production (Item 2.11).

Item 2.13 *Reserves in nonproducing reservoirs.*—Enter the volumes of proved reserves which occur in reservoirs which were in a nonproducing status as of December 31 of the report year (see definition of Nonproducing Reservoirs, p. 6).

Item 2.14 *Report year lease condensate production.*—Enter the volume of lease condensate produced during the report year (see definition of Lease Condensate, p. 5).

Item 2.15 *Indicated additional reserves of crude oil.*—Enter the volume of crude oil reserves which may become available in later years for production through the use of enhanced recovery techniques (see definition of Indicated Additional Reserves of Crude Oil, p. 4).

*Section 3.0 Commitment status of proved dry natural gas reserves—(gross company-owned basis) (see definitions, p. 3).*—Enter the gross company-owned volumes of dry natural gas reserves (associated-dissolved and nonassociated combined) by commitment to the specific types of contracts indicated, as of the end of the report year.

Item 3.1 and 3.2 *Interstate contracts and intrastate contracts:*

Column (a): For Resale, Long Term—Enter the total proved gas reserves committed to long term sales under interstate and intrastate contracts.

Column (b): For Resale, Short Term—Enter the total proved dry gas reserves committed to short term sales under interstate and intrastate contracts.

Column (c): Direct Sale, Industrial—Enter the total proved dry gas reserves committed under interstate and intrastate direct industrial sales contracts. This includes sales to other producers and to electric utilities.

Column (d): Direct Sale, Other—Enter the total proved dry gas reserves committed under interstate and intrastate direct sales contracts other than industrial. Include sales to gas processing plants where ultimate disposition of gas is unknown to the respondent.

Column (e): Warranty—Enter the total proved dry gas reserves committed under interstate and intrastate warranty contracts. Report only the volume of proved reserves held for fulfillment of warranty gas sales contracts as of the end of the report year, not contract sales volumes. By footnote on Schedule 4, indicate the volume of proved reserves that may yet need to be dedicated to fulfill the terms of this type of contract.

Item 3.3 *Other:*

Column (a): Company Use, Feedstock—Enter the total volume of proved dry natural gas reserves committed for use as feedstock.

Column (b): Company Use, Fuel—Enter the total volume of proved dry natural gas reserves committed for use as fuel in company operations.

Column (c): Other Committed—Enter the total volume of proved dry natural gas reserves committed under any other company contractual arrangements. Specify details in a footnote on Schedule 4.

Column (d): Uncommitted—Enter the total proved dry natural gas reserves which are uncommitted as of the end of the report year.

*Section and item 4.0: Status of nonproducing dry natural gas reserves (gross company-owned basis).*—Report the commitment status of gross company-owned proved dry natural gas reserves which occur in reservoirs which were in a nonproducing status as of December 31 of the report year (see definition of Nonproducing Reservoirs, p. 6).

Column (a): Nonproducing Committed, Interstate—Enter the total proved dry natural gas reserves which are committed to interstate contracts but are in a nonproducing status.

Column (b): Nonproducing Committed, Intrastate—Enter the total proved dry natural gas reserves which are committed to intrastate contracts but are in a nonproducing status.

Column (c): Nonproducing Uncommitted—Enter the total proved dry natural gas reserves which are not committed under any contractual arrangements or to company-use and are in a nonproducing status.

*Section and Item 5.0: Net successful nonassociated gas well footage.*—Enter the total net footage (the respondent's working interest) of successful gas well drilling completed during the report year related to nonassociated reserve additions. Nonassociated reserve additions include corrections and revisions of reserve estimates for nonassociated gas reserves as well as extensions of field, new field discoveries, and new reservoirs discovered in old fields, when they contain nonassociated natural gas. Footage is the distance from the surface to the point of deepest penetration measured along the well bore, or any portion of this distance drilled, which results in nonassociated reserve additions. Where new nonassociated reserves have been purchased or sold during the report year, the respondent who owned the reserves as of December 31 of the report year is to consider these reserves when totaling successful gas well footage and shall identify the quantity of such reserves in a footnote on Schedule 4.

*Section 6.0: Net company-owned proved reserves.*—The data in this section are to be entered for oil and natural gas reserves owned on a net working interest basis (See definition of ownership, p. 7).

Item 6.1 *Reserve additions during report year.*—Enter the volumes of proved oil (column a) and natural gas (column b) reserves added during the report year. Reserve additions are the algebraic sum of corrections, extensions, revisions, new field discoveries, and new reservoir discoveries in old fields.

Item 6.2 *Report year production.*—Enter the volumes of oil (column a) and natural gas (column b) produced during the report year.

Item 6.3 *Reserves: End of report year.*—Enter the volumes of proved oil (column a) and natural gas (column b) reserves which remain at the end of the report year.

K. SPECIFIC INSTRUCTIONS FOR PART II, SCHEDULE 2—"PROVED CRUDE OIL AND NATURAL GAS RESERVES, PRODUCTION AND RELATED DATA—BY FIELD"

*1. Who must submit schedule 2*

If gross production from properties which you operated as of December 31 of the report year equalled or exceed-

ed either 200,000 barrels of crude oil or 1 billion cubic feet of dry natural gas (at 14.73 psia and 60 degrees Fahrenheit) but was less than 1 million barrels of oil and 10 billion cubic feet of dry natural gas, you must submit Part II, Schedule 2 in addition to Part II, Schedule(s) 1.

*2. What to submit*

Data on Schedule 2 is to be provided for each state (except the states of California, Louisiana, New Mexico and Texas, in which cases the data are to be shown for each subdivision indicated herein) in which the respondent operated oil and/or gas wells as of December 31 of the report year. For every operated oil and gas field within each state or subdivision, including fields abandoned during the year due to reserves depletion, enter on each line of Schedule 2 data pertaining to only one type of hydrocarbon and only one category of proved reserves. Types of hydrocarbons are crude oil, nonassociated natural gas and associated-dissolved natural gas see definitions, p. 3, p. 6, and p. 2); categories of proved reserves are tested and untested (see definitions of proved reserves, p. 7 and p. 8). All data pertaining to an individual field should be entered on sequential lines.

*Example:* For a hypothetical field comprised of four reservoirs, two of which contain crude oil and associated-dissolved gas, one tested and one untested, and two of which are nonassociated gas reservoirs, one tested and one untested, consecutive line entries would be six, namely crude oil-tested, crude oil-untested, associated-dissolved gas-tested, associated-dissolved gas-untested, nonassociated gas-tested and nonassociated gas-untested.

Field information on Schedule 2 is to be arranged alphabetically by state, by subdivision within applicable states, and alphabetically by field name within subdivision or state. Complete all lines on each page of Schedule 2 before utilizing additional Schedule 2's.

*Item instructions*

Item 1.1 *Operator ID Code.*—Enter the six-digit operator code which has been assigned to you. This code number appears on the mailing label affixed to this forms package. If no code number appears on the mailing label, leave this data item blank.

Item. 1.2 *Operator name.*—Enter the full legal name of the respondent. Left justify.

Item 1.3 *Report date.*—Enter the last two digits of the report year for which data are reported on this schedule.

Item 1.4 *Original.*—Enter an "X" if this is the initial submission of this schedule. Leave blank otherwise.

Item 1.5 *Amended.*—Enter an "X" if this schedule updates a previously submitted schedule. Leave blank otherwise.

Item 1.6 *Page footnote.*—Enter the page number on which footnote(s) pertaining to data filed on this schedule appear. If there are no footnotes to data filed on this schedule, leave blank.

Item 1.7 *Page — of —.*—The current page number and last page number of your filing. (See General Instructions regarding "Filing Sequence").

*Items 2.1 through 2.37:*

Column (a): *Field Code.*—Do not fill in.

Column (b): *Field name.*—Enter the name of the field to which data in this line pertain (see Field Naming Conventions, p. 19). Left justify.

Column (c): *State abbreviation.*—Enter the two-character alphabetic abbreviation of the state to which data submitted on this line apply. For an off-shore area, enter the abbreviation of the state to which it is adjacent (see State Abbreviations, p. 10).

Column (d): *Subdivision code.*—For California, Louisiana, New Mexico and Texas enter the two-digit numeric code of the appropriate subdivision of the state (see Subdivision Codes, p. 11), to which the data reported on this line applies. For other states enter "NA".

Column (e): *County/Offshore code.*—For onshore areas, enter the three-digit numeric county or parish code for the principal county or parish in which the field is located. Consult Federal Information Processing Standards publication FIPS 6-2 for county and parish codes. If the field is located in more than one county, enter the code of the county which contains the largest operated lease acreage. For offshore field information reported for a subdivision which includes offshore-state areas, enter "990" as the County/Offshore Code. For offshore-federal subdivision fields, enter "995" as the County/Offshore code.

Column (f): *Continuation block.*—Enter "X" in this block if the field and geographic identification data pertaining to the remainder of the data submitted on this line are identical to that appearing in the preceding line. Otherwise leave blank.

Column (g): *Oil.*—Enter "X" in this block if the data reported on this line pertain to crude oil. Otherwise leave blank.

Column (h): *Associated-dissolved gas.*—Enter "X" in this block if the data reported on this line pertain to associated-dissolved natural gas. Otherwise leave blank.

Column (i): *Nonassociated gas.*—Enter "X" in this block if the data reported on this line pertain to nonassociated natural gas. Otherwise leave blank.

NOTE.—One and only one of Oil, A-D Gas and NA Gas should be checked within an individual line.

Column (j): *Tested.*—Enter an "X" if the data reported on this line pertain to tested reservoirs within the field. Otherwise leave blank.

Column (k): *Untested.*—Enter an "X" if the data reported on this line pertain to untested reservoirs within the field. Otherwise leave blank.

NOTE.—Check either Tested or untested on an individual line, not both.

Column (l): *Reserves at end of report year.*—Enter the estimated volume of proved reserves remaining in the field at the end of the report year, related to the type of hydrocarbon and category of proved reserves indicated for the line. Crude oil reserves are reported in units of thousands of U.S. barrels and natural gas reserves are reported on a dry basis at 14.73 psia and 60 degrees Fahrenheit. If the volume of reserves is not known, enter "NA".

*Annual production:*

Column (m): 1977.—If the volume of reserves in the field has been entered as requested above, report only the annual production for 1977, related to the type of hydrocarbon and category of proved reserves indicated for the line.

Columns (n-q): 1973-1976.—If the volume of proved reserves in the field has not been entered as requested above, report the annual production for the years 1973-1976, as well as 1977, related to the type of hydrocarbon and category of proved reserves indicated for the line. Leave blank otherwise. Note that production is by definition zero (0) for proved reserves which are untested.

L. SPECIFIC INSTRUCTIONS FOR SCHEDULE 3—"CRUDE OIL AND DRY NATURAL GAS RESERVES AND RELATED DATA—BY FIELD AND RESERVOIR"

*1. Who must submit schedule 3*

All operators whose gross production from properties operated by them as of December 31 of the report year equalled or exceeded either 1 million barrels of crude oil or 10 billion cubic feet of dry natural gas (at 14.73 psia and 60 degree Fahrenheit) must submit Part II, Schedule 3, in addition to Part II, Schedule 1. If you are required to submit Schedule 3, do not submit Schedule 2.

*2. What to submit*

1. Schedule(s) 3 are to be filed for each state (except the states of California, Louisiana, New Mexico and Texas in which cases the schedule(s) are to be filed for each subdivision indicated herein) in which you were an operator as of December 31 of the report year. A separate Schedule 3 must be filed for each field operated (including fields abandoned during the year due to reserves depletion).

2. For report years 1977 and 1978, all reserves will be filed by field, and in addition the following classes of operators will report reserves by reservoir on Schedule 3, to the extent indicated:

A. If you are a jurisdictional natural gas company as defined by the Natural Gas Act, you are required to report all of your operated gas reserves by reservoir.

b. If you are the operator of oil wells which as defined herein, were related to nonproducing reserves, new field discoveries, new reservoir discoveries in old fields, extensions to old reservoirs, revisions to old reservoirs, or reservoirs located under Federal lands, you are required to report such oil reserves by reservoir.

c. If you are a nonjurisdictional natural gas company and the operator of natural gas wells which, as defined herein, were related to nonproducing reserves, new field discoveries, new reservoir discoveries in old fields, extensions to old reservoirs located under Federal lands, you are required to report such gas reserves by reservoirs.

3. For report year 1979 and thereafter, all operators who equal or exceed the cutoff limits described in section L-1 above are required to file all of their reserves by reservoir.

*3. Item instructions*

*Section 1.0 Operator identification data:*

Item 1.1 *Operator ID code.*—Enter the six-digit operator identification which has been assigned to you. This code number appears on the mailing label affixed to this forms package. If no code number appears on the mailing label, leave this data item blank.

Item 1.2 *Operator name.*—Enter the full legal name of the respondent. Left justify.

Item 1.3 *Report date.*—Enter the last two digits of the report year for which data are reported on this schedule.

Item 1.4(a) *Original report.*—Enter an "X" if this is the initial submission of this schedule. Leave blank otherwise.

Item 1.4(b) *Amended report.*—Enter an "X" if this schedule updates a previously submitted schedule. Leave blank otherwise.

Item 1.5 *Page footnote.*—Enter the page number on which footnote(s) pertaining to data filed on this schedule appear. If there are no footnotes to data filed on this schedule, leave blank.

Item 1.6 *Page indicator page—of—.*—The current page number and last page number of your filing. (See General Instructions regarding "Filing Sequence").

*Section 2.0 Field identification data:*

Item 2.1: *Field code.*—Do not fill in.

Item 2.2: *Field name.*—Enter the name of the field to which information reported on this schedule applies (see Field Naming Conventions, p. 19). Left justify.

Item 2.3: *State abbreviation.*—Enter the two-character alphabetic abbreviation of the state to which data submitted on this schedule apply. For an offshore area, enter the code of the state to which it is adjacent (see State Abbreviations, p. 10).

Item 2.4: *Subdivision code.*—For California, Louisiana, New Mexico and Texas, enter the two-digit numeric code of the appropriate subdivision of the state (see Subdivision Codes, p. 11), to which the data reported on this schedule apply. For other states, enter "NA".

Item 2.5: *County/offshore code.*—For onshore areas, enter the three-digit numeric county or parish code for the county or parish in which the field is located. Consult Federal Information Processing System Standards publication FIPS 6-2 for county and parish code. If the field is located in more than one county, enter the code of the county which contains the largest operated lease acreage. For offshore field information reported for a subdivision which includes offshore-state areas, enter "990" as the County/Offshore Code. For offshore-Federal subdivisions, enter "995" for County/Offshore Code.

Item 2.6: *Block number.*—For offshore fields enter the block number. If there is no block number, enter "NA". If the reported field is in more than one block, report the block number of that block which contains the largest proved acreage.

Item 2.7: *Federal lease number.*—For offshore fields enter the five-digit numeric OCS lease number associated with the block number reported in the previous item. For onshore fields, enter the seven-digit numeric portion of the Federal lease number. This item does not apply to leases located on other than Federal lands, in which case enter "NA".

Item 2.8: *Field discovery year.*—Enter the year in which the field was discovered.

Item 2.9: *Number of reservoirs in field.*—Enter the total number of reservoirs which you operate in the field.

*Section 3.0 Reservoir data:*

NOTE.—There is room on a single Schedule 3 for six individual reservoir reports (Items 3.1-3.0). Should there be more than six reservoirs in the field, skip the field total block at the bottom of the schedule and continue on the next Schedule 3, repeating section 1.0 in its entirety and entering only Field Name, State Abbreviation and Subdivision Code in section 2.0.

Item 3.?-0: *Reservoir code.*—Do not fill in.

Item 3.?-1: *Reservoir name.*—Enter the name of the reservoir to which data reported on this as well as the next two lines apply. (See Reservoir Naming Conventions, p. 19). Left justify.

Item 3.?-2: *Depth to midpoint.*—Enter the average distance in feet from ground level to the midpoint of the gas/oil reservoir; offshore, enter the average distance in feet from the seabed to the midpoint of the gas/oil reservoir.

Item 3.?-3: *Water depth.*—Offshore, enter the depth in feet of the water column from sea level to seabed. For onshore reservoirs enter "NA".

Item 3.?-4: *Discovery year.*—Enter the last two digits of the calendar year in which the reservoir was discovered. (See Definition of Reservoir Discovery Year, p. 9).

Item 3.?-5: *Year of first production.*—Enter the last two digits of the calendar year in which the reservoir first began production of oil and/or natural gas.

Item 3.?-6: *Lithology of reservoir.*—Not required for report year 1977. Enter the two-digit numeric code for the predominant lithology of the reservoir (see Lithology Codes, p. 16).

Item 3.?-7: *Trap type.*—Not required for the report year 1977. Enter the one digit numeric code for the type of trap applicable for the reservoir (see Trap Type Codes, p. 16).

Item 3.?-8: *Geologic age.*—Not required for report year 1977. Enter the three-digit numeric code for the geologic age of the reservoir rock (see Geologic Age Codes, p. 16).

Item 3.?-9: *Gas type.*—If a gas reservoir, enter the one-character code for the type of gas occurring in the reservoir (see Gas Type Codes, p. 17). Leave blank otherwise.

Item 3.?-10: *Type calculation.*—Enter the one-digit numeric code applicable to the type of calculation used to make the oil and/or gas estimate for the reservoir (see Type of Calculation Codes, p. 17).

Item 3.?-11: *Recovery method.*—For oil reservoirs, enter the one-digit numeric code applicable to the type of recovery method expected to be used to extract any indicated additional oil reserves reported in the next data field (see Recovery Method Codes, p. 17). Does not apply to recovery or proved oil reserves or recovery of gas reserves, in which case leave blank.

Item 3.?-12: *Indicated additional oil reserves.*—Enter the volume of crude oil reserves estimated to be recoverable in the future through the application of improved (secondary and teritiary) recovery methods to this reservoir. (see difinition of Indicated Additional Reserves of Crude Oil, p. 4). Does not apply to recovery of proved oil reserves or gas reserves, in which case enter "NA".

Item 3.?-13: *Production status.*—Enter the one-digit numeric code describing the production status of the reservoir (see Production Status Codes, p. 18 and definition of Nonproducing Reservoirs, p. 6).

Item 3.?-14: *Reason nonproducing.*—If the reservoir is in non-producing status, enter the two-digit numeric code which identifies the principal reason for the nonproducing status of the reservoir (see Reason Nonproducing Codes, p. 18). If producing, enter "NA".

Item 3.?-15: *Date of last production.*—If the reservoir is in nonproducing status, enter the month and the last two digits of the year in which the reservoir last produced (Example: March 1977 would be 0377). If the reservoir has yet to commence production but is in nonproducing status, or if it is producing, enter "NA".

Item 3.?-16: *Estimated date of future production.*—If a reservoir is in nonproducing status, enter the month and the last two digits of the calendar year in which production is expected to commence. If a reservoir is currently producing, enter "NA".

Item 3.?-17 and 3.?-18:

NOTE.—Report crude oil data in Item 3.?-17 in thousands of U.S. barrels. Report natural gas data in Item 3.?-18 in millions of cubic feet at 14.73 psia and 60 degrees Fahrenheit.

Column (a): *Tested*—Enter an "X" if the data reported on the line represent tested proven reserves (see definitions of Proved Reserves of Crude Oil *and* Proved Reserves of Natural Gas on pages 7 and 8). If tested, leave blank.

Column (b): *Untested*—Enter an "X" if the data reported on line represent untested proved reserves (see definitions of Proved Reserves of Crude Oil *and* Proved Reserves of Natural Gas on pages 7 and 8). If tested, leave blank.

Column (c): *Original hydrocarbons in-place*—Enter the estimated original volumes of in-place oil or wet natural gas in the reservoir.

Column (d): *Original recoverable hydrocarbons*—Enter the volumes of oil or wet natural gas reserves originally in-place in the reservoir which are estimated to be recoverable under existing economic and operating conditions.

Column (e): *Cumulative production.*—Enter the cumulative oil or wet natural gas production for the reservoir through the end of the year prior to the report year. Note that production from untested proved reserves is by definition zero (0).

Column (f): *Remaining recoverable hrdrocarbons.*—Enter the volumes of crude oil or wet natural gas reserves in-place which are estimated to be recoverable from the reservoir under existing economic and operating conditions as of the end of the year prior to the report year. This is original recoverable hydrocarbons less cumulative production.

Column (g): *Reserves at end of previous year.*—Enter the volumes of proved oil or *dry* natural gas reserves which are estimated to be recoverable from the reservoir under existing economic and operating conditions as of the end of the year prior to the report year. The crude oil figure will be the same as remaining recoverable hydrocarbons-oil, but the natural gas figure reflects shrinkage from wet to dry basis.

Column (h): *Corrections* (+,−)—Enter the net positive (without + sign) or negative (with − Sign) volume of changes to oil or dry natural gas reserves at end of previous year which occurred during the report year due to corrections (see definition of corrections, page 3).

Column (i): *Revisions* (+,−).—Enter the net positive (without + sign) or negative (with − sign) volume of changes to oil or dry natural gas reserves at end of previous year which occurred during the report year due to revisions (see definition of revisions, p 9).

Column (j): *Extensions.*—Enter the positive (without + sign) volume of changes to oil or dry natural gas reserves at end of previous year which occurred during the report year due to extensions (see definition of extensions, p. 4).

Column (k): *Report year production*—Enter the volumes of oil or dry natural gas produced during report year.

Column (l): *Reserves at end of report year.*—Enter the volumes of proved oil or dry natural gas reserves which remain in the reservoir as of the end of the report year. This amount is Reserves at End of Previous Year plus the algebraic sum of Corrections, Revisions, Extensions and Report Year Production, except in the case of a reservoir discovered during the report year.

*Section 4.0 Field total data:*

NOTE.—Report crude oil field total data in Item 4.1 in thousands of U.S. barrels. Report Associated-Dissolved natural gas field total data in Item 4.2 and Nonassociated natural gas field total data in Item 4.3, both in millions of cubic feet at 14.73 psia and 60 degrees Fahrenheit. Tested and untested proved reserves are not distinguished on these lines.

Items 4.1, 4.2 and 4.3:

Column (a): *Original hydrocarbons in-place*—Enter the estimated volumes of in-place oil or wet natural gas reserves, by type of gas, contained in the field.

Column (b): *Original recoverable hydrocarbons*—Enter the volumes of oil or wet natural gas reserves, by type of gas, originally in-place in the field which are estimated to be recoverable under existing economic and operating conditions.

Column (c): *Cumulative production*—Enter the cumulative oil or wet natural gas production, by type of gas, for the field through the end of the year prior to the report year. Note that by definition there has been no production from untested proved reserves.

Column (d): *Remaining recoverable hydrocarbons*—Enter the volumes of crude oil or wet natural gas reserves in-place, by type of gas, which are estimated to be recoverable from the field under existing economic and operating conditions as of the end of the year prior to the report year. This is original recoverable hydrocarbons less cumulative production.

Column (e): *Reserves at end of previous year*—Enter the volumes of proved oil or dry natural gas reserves, by type of gas, which are estimated to be recoverable from the field under existing economic and operating conditions as of the end of the year prior to the report year. The crude oil figure will be the same as remaining recoverable hydrocarbons-oil, but the natural gas figure(s) reflect shrinkage from wet to dry basis.

Column (f): *Corrections* (+,−)—Enter the net positive (without + sign) or negative (with − sign) volume of changes to oil or dry natural gas reserves, by type of gas, at end of previous year which occurred during the report year due to corrections (see definition of Corrections, p. 3).

Column (g): Revisions (+,−)—Enter the net positive (without + sign) or negative (with − sign) volume of changes to oil or dry natural gas reserves, by type of gas, at end of previous year which occurred during the report year due to revisions (see definition of Revisions, p. 9).

Column (h): *Extensions*—Enter the positive (without + sign) volume of changes to oil or dry natural gas reserves, by type of gas, at end of previous year which occurred during the report year due to extensions (see definition of Extensions, p. 4).

Column (i): *Report year production*—Enter the volumes of oil or dry natural gas, by type of gas, produced from the field during the report year.

Column (j): *Reserves at end of report year*—Enter the volumes of proved oil or dry natural gas reserves, by type of gas, which remain in the field as of the end of the report year. This amount is Reserves at End of Previous Year plus the algebraic sum of Corrections, Revisions, Extensions and Report Year Production, except in the case of a field or reservoir discovered during the report year.

M. SPECIFIC INSTRUCTIONS FOR SCHEDULE 4—"FOOTNOTES"

*1. Who must submit*

Any operator who must submit Schedule(s) 1, and Schedule(s) 2 or 3 must submit a footnote schedule if any footnoted information is specifically required by the instructions to those schedules as referenced to his particular circumstances. Additionally, although not required, an operator may wish to occassionally footnote certain reported items on this own initiative in order to assure their clarity.





*2. What to submit*

At a minimum, submit footnotes in clarification of reported data items when required to do so by the instructions to the applicable schedule. Footnotes to more than one other schedule may appear on a single Schedule 4.

*3. Items instructions*

Item 1.1 *Operator ID code.*—Enter the six-digit numeric operator code which has been assigned to you. This number appears on the mailing label affixed to this forms package. If no such number appears on the label, leave blank.

Item 1.2 *Operator Name.*—Enter the exact legal name of the respondent. Left justify.

Item 1.3 *Report year 19 .*—Enter the last two digits of the report year.

Item 1.4 *Original.*—Enter an "X" if this is the initial submission of this schedule. Leave blank otherwise.

Item 1.5 *Amended.*—Enter an "X" if this schedule updates a previously submitted schedule. Leave blank otherwise.

Item 1.6 *Page—Of—*—Enter the current page number and the last page number of the filing.

*Footnote Lines*

Column A: *Schedule*—Enter the identifying number of the schedule to which the footnote on this line is referenced.

Column B: *Page number*—Enter the page number of the schedule to which the footnote on this line is referenced.

Column C: *Line number*—Enter the line number of the page and schedule to which the footnote on this line is referenced.

Column D: *Item number*—Enter the item number of the line, page and schedule to which the footnote on this line is referenced.

Column E: *Scquence number*—Enter the sequence number of this footnote line. For a single line footnote, enter a "1". For multiple line footnotes, enter serially ascending digits beginning with "1".

Column F: *Footnotes*—Enter the appropriate footnote.

EIA-23
__/78
Supercedes
FPC 40
FEA P-301-S-0

Form Approved
O.M.B. No.

U.S. Department of Energy
Energy Information Administration
Form EIA-23

PART II
DETAILED REPORT OF PROVED CRUDE OIL, NATURAL GAS AND NATURAL GAS LIQUIDS RESERVES, PRODUCTION AND RELATED FACTORS

NOTE: Fill in Part II only if your production for the previous calendar year equalled or exceeded either 200,000 barrels of crude oil or 1 billion cubic feet of dry natural gas.

A. Operator I.D. Code (from mailing label) _____

B. OPERATOR IDENTIFICATION
a. Name
b. Street/Box/RFD c. City
d. State e. ZIP f. Contact Person
g. Title h. Telephone Number ( )

PARENT COMPANY (IF ANY) IDENTIFICATION
a. Name
b. Street/Box/RFD c. City
d. State e. ZIP f. Contact Person
g. Title h. Telephone Number ( )

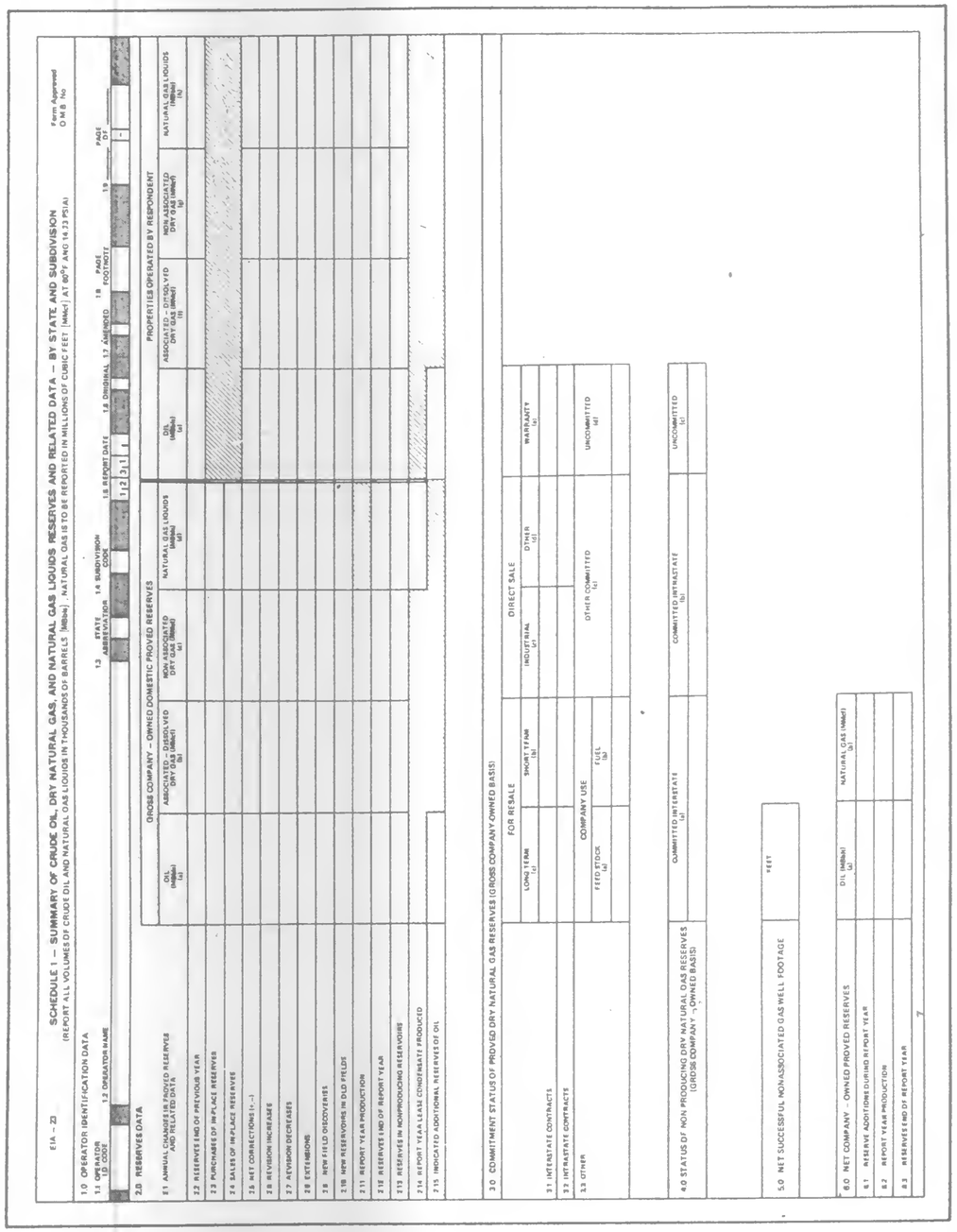
C. Certification
I certify that the information provided herein and appended hereto is true and correct to the best of my knowledge and belief.

Name _____ Signature _____
Title _____ Date _____

Title 18 USC 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction






EIA - 23
SCHEDULE I — SUMMARY OF CRUDE OIL, DRY NATURAL GAS, AND NATURAL GAS LIQUIDS RESERVES AND RELATED DATA — BY STATE AND SUBDIVISION
(REPORT ALL VOLUMES OF CRUDE OIL AND NATURAL GAS LIQUIDS IN THOUSANDS OF BARRELS [Mbbls]. NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET [MMcf] AT 60°F AND 14.73 PSIA)
Form Approved O.M.B. No.
1.0 OPERATOR IDENTIFICATION DATA
1.1 OPERATOR I.D. CODE
1.2 OPERATOR NAME
1.3 STATE ABBREVIATION
1.4 SUBDIVISION CODE
1.5 REPORT DATE
1.6 ORIGINAL
1.7 AMENDED
1.8 PAGE FOOTNOTE
1.9 PAGE OF
2.0 RESERVES DATA
GROSS COMPANY - OWNED DOMESTIC PROVED RESERVES
PROPERTIES OPERATED BY RESPONDENT
OIL (Mbbls) (a)
ASSOCIATED - DISSOLVED DRY GAS (MMcf) (b)
NON-ASSOCIATED DRY GAS (MMcf) (c)
NATURAL GAS LIQUIDS (Mbbls) (d)
2.1 ANNUAL CHANGES IN PROVED RESERVES AND RELATED DATA
2.2 RESERVES END OF PREVIOUS YEAR
2.3 PURCHASES OF IN-PLACE RESERVES
2.4 SALES OF IN-PLACE RESERVES
2.6 NET CORRECTIONS (+,-)
2.8 REVISION INCREASE
2.7 REVISION DECREASES
2.9 EXTENSIONS
2.10 NEW FIELD DISCOVERIES
2.10 NEW RESERVOIRS IN OLD FIELDS
2.11 REPORT YEAR PRODUCTION
2.12 RESERVES END OF REPORT YEAR
2.13 RESERVES IN NONPRODUCING RESERVOIRS
2.14 REPORT YEAR LEASE CONDENSATE PRODUCED
2.15 INDICATED ADDITIONAL RESERVES OF OIL
3.0 COMMITMENT STATUS OF PROVED DRY NATURAL GAS RESERVES (GROSS COMPANY OWNED BASIS)
FOR RESALE
LONG TERM (a)
SHORT TERM (b)
INDUSTRIAL (c)
3.1 INTERSTATE CONTRACTS
3.2 INTRASTATE CONTRACTS
3.3 OTHER
COMPANY USE
FEED STOCK (a)
FUEL (b)
DIRECT SALE
INDUSTRIAL (a)
OTHER (b)
WARranty (c)
OTHER COMMITTED (d)
UNCOMMITTED (e)
4.0 STATUS OF NON PRODUCING DRY NATURAL GAS RESERVES (GROSS COMPANY OWNED BASIS)
COMMITTED INTERSTATE (a)
COMMITTED INTRASTATE (b)
UNCOMMITTED (c)
5.0 NET SUCCESSFUL NONASSOCIATED GAS WELL FOOTAGE
FEET
6.0 NET COMPANY - OWNED PROVED RESERVES
6.1 RESERVE ADDITIONS DURING REPORT YEAR
6.2 REPORT YEAR PRODUCTION
6.3 RESERVES END OF REPORT YEAR
OIL (Mbbls) (a)
NATURAL GAS (MMcf) (b)
7

## SCHEDULE 3 — CRUDE OIL AND DRY NATURAL GAS RESERVES AND RELATED DATA BY FIELD AND RESERVOIR

EIA 23

(REPORT ALL VOLUMES OF CRUDE OIL IN THOUSANDS OF BARRELS [MBbls]. NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET (Mmcf) AT 60°F AND 14.73 PSIA)

Form Approved O.M.B No.

10. OPERATOR IDENTIFICATION DATA

11 OPERATOR I.D. CODE | 12 OPERATOR NAME

13 REPORT DATE | 14 PAGE FOOTNOTE | 15 PAGE INDICATOR | PAGE | OF

20. FIELD IDENTIFICATION DATA

21 FIELD CODE | 22 FIELD NAME | 23 STATE ABBREVIATION | 24 COUNTY/OFFSHORE CODE

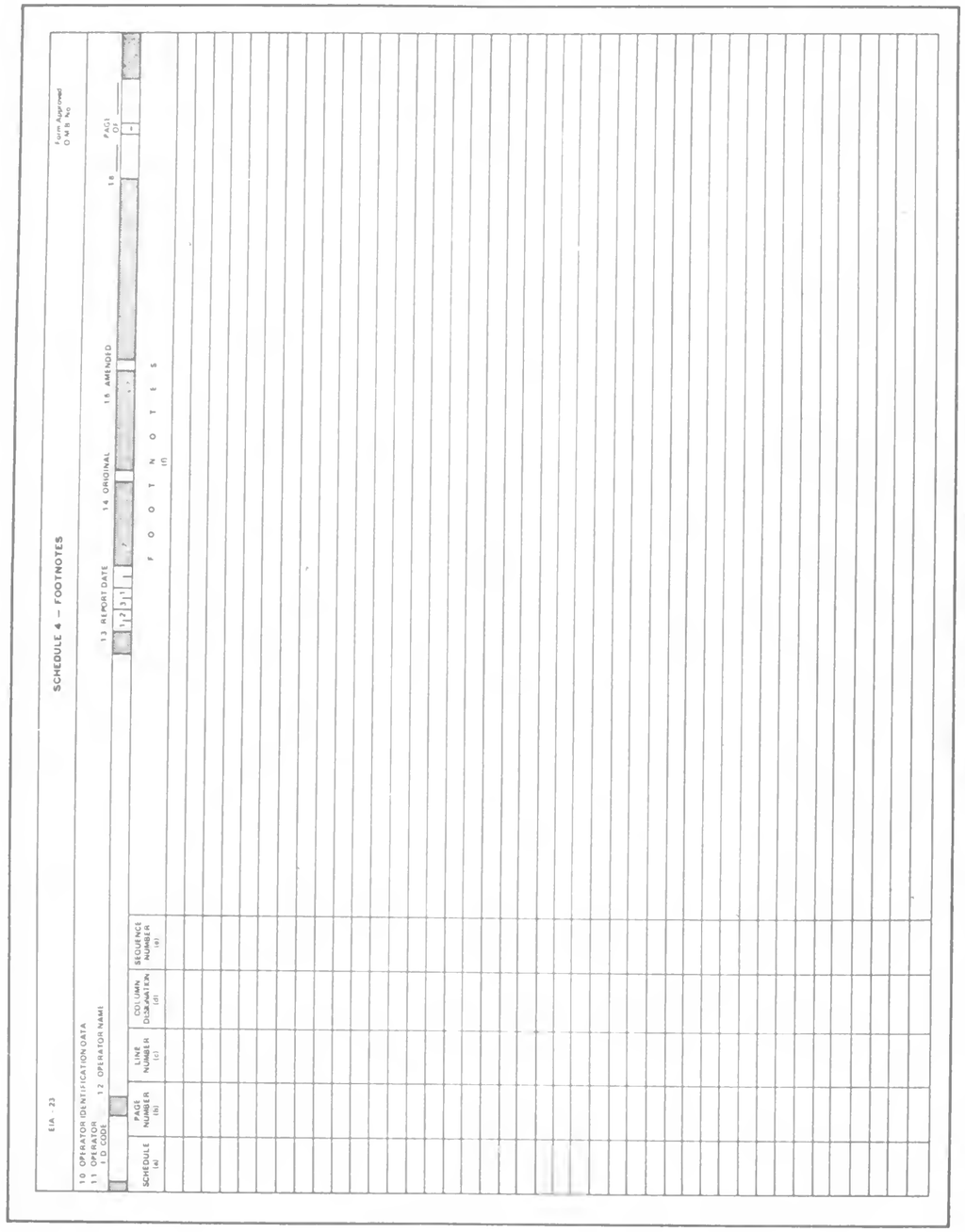
25 BLOCK NUMBER | 27 FEDERAL LEASE NUMBER | 28 FIELD DISCOVERY YEAR | 29 NUMBER OF RESERVOIRS IN FIELD

30. RESERVOIR DATA

31 RESERVOIR CODE: | 1 RESERVOIR NAME | 2 DEPTH TO MIDPOINT | 3 MATERIAL DEPTH | 4 DISCOVERY YEAR | 5 YEAR OF FIRST PRODUCTION | 6 LITHOLOGY | 7 TRAP TYPE

8 OIL/CONDENSATE: | 9 GAS TYPE | 10 TYPE CALCULATION | 11 RECOVERY METHOD | 12 INDICATED ADDITIONAL RESERVES | 13 PRODUCTION STATUS | 14 REASON NONPRODUCING | 15 DATE OF LAST PRODUCTION | 16 ESTIMATED DATE OF FUTURE PRODUCTION

| TYPE HYDROCARBON | TIEBACK | LOW BTU GAS | ORIGINAL HYDROCARBONS IN PLACE | ORIGINAL RECOVERABLE HYDROCARBONS | REMAINING RECOVERABLE HYDROCARBONS | CUMULATIVE PRODUCTION | RESERVES AT END OF PREVIOUS YEAR | COMPLETIONS | EXTENSIONS | REPORT YEAR PRODUCTION | RESERVES AT END OF REPORT YEAR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | (j) | (k) | (l) |
| OIL (MBbls) | | | | | | | | | | | |
| GAS (MMcf)* | | | | | | | | | | | |




[FR Doc. 78-4458 Filed 2-16-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 34—FRIDAY, FEBRUARY 17, 1978



[3128-01]

## Economic Regulatory Administration

[Ex Parte No. 308 (Sub-No. 1)]

## INVESTIGATION OF COMMON CARRIER PIPELINES

### Issuance of Proposed Decision and Order Concerning Procedures

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of proposed decision and order.

SUMMARY: The Department of Energy (DOE) hereby gives notice of a Decision and Order which it proposes to issue. The DOE also gives notice of the opportunity to submit written comments with regard to the Proposed Decision and Order. The Decision and Order describes the procedures which the Economic Regulatory Administration (ERA) of the DOE proposes to follow in connection with its current Investigation of Common Carrier Pipelines (Ex Parte No. 308 (Sub-No. 1)).

In the Proposed Decision and Order, the DOE states that all requests made by interested parties during the course of the investigation which do not materially affect another party shall be submitted on an informal basis to the Office of Enforcement of the ERA. This procedure is intended to promote an expedient resolution of problems of an individual nature which arise during the course of the investigation. If a request of this type is denied by the Office of Enforcement, the firm which made the request may submit a Motion for Review to the Office of Administrative Review of the ERA.

The DOE proposes that all requests which would affect interested parties to a direct and substantial extent shall be made in writing on notice to all parties in the form of a Motion to the Office of Administrative Review.

The DOE also proposes to consider the Office of Enforcement a party to all Motions before the Office of Administrative Review.

In the Proposed Decision and Order, the DOE notes that only one matter concerning Ex Parte No. 308 (Sub-No. 1) is presently pending before the Office of Administrative Review. That matter concerns a September 30, 1977 Order issued by the Interstate Commerce Commission (ICC) which, prior to October 1, 1977 had directed this proceeding. In the September 30 Order, the ICC specified procedures for transmitting confidential discovery information to the Bureau of Competition of the Federal Trade Commission. The DOE proposes that Motions to Reconsider the ICC Order and comments should be submitted to the Office of Administrative Review within twenty days after the issuance of the Proposed Decision and Order in final form. Comments on Motions received after the issuance of the Decision and Order in final form may be submitted within twenty days after the date the Motion is filed.

Comments on the Proposed Decision and Order may be submitted to the Office of Administrative Review on or before March 6, 1978. Comments shall be submitted in triplicate to the following address: Melvin Goldstein, Director, Office of Administrative Review, Department of Energy, Room 8002, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION, CONTACT:

George B. Breznay, Assistant Director, Office of Administrative Review, 202-254-9681.

Dated: February 10, 1978.

MELVIN GOLDSTEIN,
*Director, Office of Administrative Review.*

### PROPOSED DECISION AND ORDER OF THE DEPARTMENT OF ENERGY

On February 24, 1976, the Interstate Commerce Commission (ICC) initiated an Investigation of Common Carrier Pipelines, pursuant to section 11 of the Clayton Act, 15 U.S.C. 21, and sections 12 and 13 of the Interstate Commerce Act, 49 U.S.C. 12, 13. The ICC investigation, designated as Ex Parte No. 308 (Sub-No. 1), was designed to permit an examination of possible violations of section 7 of the Clayton Act, 15 U.S.C. 18, by owners of petroleum pipelines. All common carrier pipelines subject to the provisions of Part I of the Interstate Commerce Act were made respondents in the proceeding.

Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 et seq., as implemented by E.O. 12009, 42 FR 46267 (September 15, 1977), and DOE Delegation Order No. 0204-4, the existing proceedings under Ex Parte No. 308 (Sub-No. 1) were transferred to the Economic Regulatory Administration (ERA) of the DOE. On January 4, 1978, the Administrator of the ERA determined that the Office of Enforcement of the ERA would perform all functions previously performed in the proceeding by the ICC Bureau of Investigations and Enforcement. The Office of Administrative Review of the ERA was designated to perform all functions in connection with the proceeding that were previously performed by the members of the ICC or by an administrative law judge designated by the ICC to hear and decide any aspect of the matter. 43 FR 1659 (January 11, 1978). Accordingly, all records in this matter which were in the possession of the Bureau of Investigations and Enforcement of the ICC have now been transferred to the DOE Office of Enforcement. All records which were in the docket maintained by the Secretary of the ICC have now been transferred to the Office of Administrative Review. However, parties to this proceeding should be aware that correspondence which was addressed after October 1, 1977 to offices in the Department of Energy other than the ERA might not have been forwarded to the appropriate Office within the ERA. Any person who submitted this type of correspondence and wishes it to become part of the official files in this matter should immediately forward a copy of that correspondence to the appropriate office within the ERA.

#### PROCEDURES

In conducting proceedings under Ex Parte No. 308 (Sub-No. 1), the DOE will utilize the following procedures in connection with motions, petitions, and all other types of applications made by interested parties during the course of the pipeline investigation:

(i) All requests which seek relief that would not affect any other interested party[1] to a direct and substantial extent shall be submitted on an informal basis to the Office of Enforcement. The DOE reserves the right to make a final determination as to whether a particular request might affect an interested party to a direct and substantial extent. If the request is denied by the Office of Enforcement, a Motion for Review may be filed by the moving party with the Office of Administrative Review. A stay of the Office of Enforcement action may be requested upon a showing of good cause.

(ii) Any request which, if granted, would affect one or more interested parties to a direct and substantial extent shall be made in writing in the form of a Motion to the Office of Administrative Review. If such a request concerns an action taken by the Office of Enforcement, it may include a request for stay for good cause shown. All parties included on the Service List[2] shall be served by the applicant with copies of the Motion. The Office of Administrative Review may utilize other forms of notice, including publication of the request in the FEDERAL REGISTER, For purposes of soliciting comments by interested parties. Comments with regard to the Motion may be submitted to the Office of Administrative Review by interested parties within a period of twenty days after service of the Motion.

(iii) The Office of Enforcement of the ERA shall be considered a party to all proceedings before the Office of Administrative Review. Accordingly, that Office should be served with copies of all Motions and comments submitted to the Office of Administrative Review.

(iv) The provisions of 10 CFR, Part 205, Subparts A and M shall apply to all proceedings before the Office of Administrative Review except where inconsistent with the procedures outlined above. All Motions to the Office of Administrative Review shall include a discussion of relevant authorities in support of the relief sought.

#### PENDING PROCEEDING

The record in this proceeding indicates that the only pending matter for determination by the Office of Administrative Review is the issue whether certain information termed "confidential" by respondents in

[1] As used in these proceedings, "interested party" means the respondents in this proceeding and any individual or entity, or representative of any such individual or entity, with an interest sought to be protected under the Clayton Act or that portion of the Interstate Commerce Act referred to in Section 306 of the Department of Energy Organization Act.

[2] The current Service List in this proceeding is set forth in Appendix A.

this proceeding should be transmitted to another federal agency. On September 30, 1977 the ICC issued an Order which specified the procedures which would apply to the transmittal of discovery information of a confidential nature to the Bureau of Competition of the Federal Trade Commission. A number of firms have subsequently filed Motions for Reconsideration of the ICC Order. Copies of the September 30 order and those Motions are on file and available for public inspection between the hours of 1 p.m. and 5 p.m. in the Public Docket Room of the Office of Administrative Review at 2000 M Street NW., Washington, D.C. On January 6, 1978 the Office of Administrative Review issued a Decision and Order which stayed the provisions of the September 30 ICC Order regarding disclosure of confidential information to the Bureau of Competition, pending issuance of a determination regarding the Motions to Reconsider. 43 FR 1984 (January 13, 1978).

All interested parties which wish to submit Motions for Reconsideration of the September 30, 1977, ICC Order, or comments on those Motions, shall do so in accordance with Paragraphs (ii) through (iv) above within twenty days from the date of issuance of this Order. Any part may file its response or comments to the Motions within fifteen days after the motion is filed. Following the submission of that written material a hearing will be convened in accordance with 10 CFR 205.172 to afford parties an opportunity to present oral argument in connection with the position which they wish the DOE to adopt in the matter. At least ten days notice shall be provided of the date, time and place of the hearing. In view of the substantial number of individual parties participating in this proceeding, those parties that are advocating the same position might be required to consolidate their presentation at the hearing.

*It is therefore ordered*, That: The procedures described in the text of this Decision are hereby adopted by the Department of Energy. All parties to the Investigation of Common Carrier Pipelines (Ex Parte No. 308 (Sub-No. 1)) shall adhere to those procedures with respect to all motions, petitions and other types of applications submitted in this matter.

APPENDIX A

The following parties are presently included on the Service List in this proceeding. Corrections, deletions and additions to the Service List should be sent to the Office of Administrative Review.

J. Wallace Adair, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
Mr. Bolivar C. Andrews and Mr. Jack D. Head, P.O. Box 2521, Houston, Tex. 77001.
Robert A. Archer, Enforcement Policy and Planning, Economic Regulatory Administration, Room 5128, 2000 M Street NW., Washington, D.C. 20461.
William J. Ayers, 2000 S. Post Oak Road, Houston, Tex. 77001.
John E. Bailey, P.O. Box 3725, Houston, Tex. 77001.
Albert R. Beal, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087.
Mr. James F. Bell, Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
Paul D. Borghesani, 2800 W. Lexington Avenue, Elkhart, Ind. 46514.
David W. Brawn, U.S. Dept. of Justice, P.O. Box 7513, Washington, D.C. 20044.
F. Shaun Burns, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
Robert L. Calhoun, 1025 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
Tom Cator, New Senate Office Building, Room G 133, Washington, D.C. 20510.
E. Check, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309.
Mr. H. T. Chilton, Colonial Pipeline Co., 3390 Peachtree Rd. NE., Lenox Towers, Atlanta, Ga. 30326.
Wesley S. Chused, 15 Court Square, Boston, Mass. 02108.
Mr. John M. Cleary, 914 Washington Building, 15th St. & New York Avenue NW., Washington, D.C. 20005.
W. S. Collingsworth, 805 National Bank of Tulsa Building, Tulsa, Okla. 74103.
Mr. Kevin P. Cunningham and Mr. John E. Bailey, P.O. Box 3725, Houston, Tex. 77001.
Harold L. Cushenberry, Jr., 425 13th Street NW., Suite 701, Washington, D.C. 20004.
Michael Q. Davis, 6 N. 3rd Street, Bergner Building, Harrisburg, Pa. 17108.
Harry L. Delung, 80 East Jackson Boulevard., Chicage, Ill. 60604.
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Robert M. Dubbs, 100 Motson Ford Road, Radnor, Pa. 19087.
Mr. J. Donald Durand, Association of Oil Pipe Lines, Suite 1208, 1725 K Street NW., Washington, D.C. 20006.
Dane J. Durham, P.O. Box 7880, San Francisco, Calif. 94120.
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Marion A. Fallwell, Legal Division, 517 FPB, Phillips Petroleum Co., Bartlesville, Okla. 74004.
Douglas Floyd, P.O. Box 7880, San Francisco, Calif. 94120.
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Charles E. Graham, 3390 Peachtree Road NE., Atlanta, Ga. 30326.
David D. Green, P.O. Box 1808, Washington, D.C. 20013.
Donald F. Haas, 2223 Dodge Street, Omaha, Nebr. 68102.
E. W. Hack, Box 300, Tulsa, Okla. 74102.
Robert W. Hawkins, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
C. J. Head, 11 Broadway, New York, N.Y. 10004.
Mr. Frank L. Heard, Jr., Exxon Pipeline Co. P.O. Box 2220, Houston, Tex. 77001.
John D. Heckert, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
Dennis J. Helfman, 80 East Jackson Boulevard, Chicago, Ill. 60604.
Richard B. Herzog, Assistant Administrator for Enforcement, Economic Regulatory Administration, Room 5302, 2000 M Street NW., Washington, D.C. 20461.
Stanley Hoffman, 270 Park Avenue, New York, N.Y. 10017.
Thomas B. Hudson, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
Harvey Huston, 80 East Jackson Boulevard, Chicago, Ill. 60604.
Mr. Owen M. Johnson, Jr., Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580.
Robert A. Johnson, 1725 Midland Building, Cleveland, Ohio 44115.
Robert E. Jordon III, Tamer H. Pipkin, 1250 Connecticut Avenu NW., Washington, D.C. 20036.
Martin J. Keating, 200 East Randolph Drive, Room 2103-A, Chicago, Ill. 60601.
Mr. Andrew J. Kilcarr, Donovan, Leisure, Newton & Irvine, 1666 K Street NW., Washington, D.C. 20006.
Katherine R. Kile, P.O. Box 25861, Oklahoma City, Okla. 73125.
John S. Kingdon, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
Rhett R. Krulla, 425 13th Street NW., Suite 701, Washington D.C. 20004.
Mr. William A. Kutzke, Department of Transportation, 400 Seventh Street NW., Washington, D.C. 20590.
Mr. John A. Ladner, Sun Pipe Line Co., 907 South Detroit Avenue, Tulsa, Okla. 74120.
John Lansdale, 21 Dupont Circle, Washington, D.C. 20036.
Mr. J. Furman Lewis, 539 South Main Street, Findlay, Ohio 45840.
Mr. Richard R. Linn, P.O. Box 2197, Houston, Tex. 77001.
Herbert J. Martin, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
John P. Mathis, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
Mr. Walter B. Mackenzie, Plantation Pipe Line Co., P.O. Box 18616, Atlanta, Ga. 30326.
Mr. Howard Mahany, Jr., American Hess Corp., 1185 Avenue of the Americas, New York, N.Y. 10036.
MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Oklahoma 74119.
Mr. James W. McCartney, Mr. Albert S. Tabor, Jr., 2100 First City National Bank Building, Houston, Tex. 77002.
Howard D. McCloud, P.O. Box 2650, Tulsa, Okla. 74101.
Charles W. McDermott, 2300 First National Bank Building, Denver, Colo. 80293.
Archie A. Messenger, 270 Park Avenue, New York, N.Y. 10017.
Mr. Rush Moody, Jr., Suite 1120, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
John R. Morris, 620 Juliana Street, Parkersburg, W. Va. 26101.
James Mullen, Esq., Legal Division—517 FBP, Phillips Petroleum Co., Bartlesville, Okla. 74004.
T. M. Niblack, P.O. Box 18616, Atlanta, Ga. 30326.
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O. Gordon Ordham, The Gulf Co. Law Department, P.O. Box 3725, Houston, Tex. 77001.
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Mr. Richard W. Pogue, Jones Day Reavis & Pogue, 1700 Union Commerce Building, Cleveland, Ohio 44115.
Roger Pool, 425 13th Street NW., Suite 701, Washington, D.C. 20004.
Keith E. Pugh, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
Patrick Raher, 815 Connecticut Avenue NW., Washington, D.C. 20006.
Harry L. Reed, P.O. Box 2463, Houston, Tex.
C. Frank Reifsnyder, 815 Connecticut Avenue, Washington, D.C. 20006.
Clifton Peter Rose, Patton, Boggs & Blow, 1200 Seventeenth Street NW., Washington, D.C. 20036.
David A. Ross, 11 Broadway, New York, N.Y. 10004.
W. A. Schneeberg, Esq., P.O. Box 2159, Dallas, Tex. 75221.
David M. Schwartz, 1025 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.





John H. Seesel, FTC Room 402-1, 2120 L Street NW., Washington, D.C. 20037.
Tefft W. Smith, Kirland & Ellis, 200 East Randolph Drive, Chicago, Ill. 60601.
Dale W. Steffes, 863 Frostwood, Houston, Tex. 77024.
Clifford O. Stone, Jr., P.O. Box 1650, Tulsa, Okla. 74102.
J. Stanley Stroud, 888 17th Street NW., Washington, D.C. 20006.
Albert S. Tabor, Jr., 1933 First City National Bank Building, Houston, Tex. 77002.
W. Charles Tegeler, 1437 South Boulder Avenue, Tulsa, Okla. 74119.
Peter Tomao, Room 9710, Star Building, 11th and Pennsylvania Avenue NW., Department of Justice, Antitrust Division, Washington, D.C. 20530.
Jack Vickrey, Pennzoil Place North Tower, 700 Milam, Suite 2530, Houston, Tex. 77002.
Mr. Harvey E. Webb, Husky Oil Co., 600 South Cherry Street, Denver, Colo. 80222.
Ray B. Williamson, 2827 First National Bank Building, Dallas, Tex. 75202.
Frederic L. Wood, 914 Washington Building, Washington, D.C. 20005.

[FR Doc. 78-4353 Filed 2-16-78; 8:45 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 857-7; OPP-50357]

### ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 41326-EUP-1. Texas A & I University Citrus Center, Weslaco, Tex. 78596. This experimental use permit allows the use of 675 pounds of the insecticide Aldicarb on grapefruit to evaluate control of certain insect pests. A total of 90 acres is involved; the program is authorized only in the States of California, Florida, and Texas. The experimental use permit is effective from January 18, 1978 to January 18, 1979. A temporary tolerance for residues of the active ingredient in or on grapefruit has been established.

No. 476-EUP-80. Stauffer Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of 338 pounds of the insecticide 0,0-Dimenthyl 0-(4-nitro-m-tolyl) phosphorothioate on alfalfa to evaluate control of various insects. A total of 389 acres is involved; the program is authorized only in the States of California, Idaho, Maryland, Michigan, Mississippi, Missouri, Montana, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. The experimental use permit is effective from February 16, 1978 to February 16, 1979.

Interested parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

[FR Doc. 78-4460 Filed 2-16-78; 8:45 am]

[6560-01]

[FRL 857-8; OPP-50356]

### ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-27. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of 720 pounds of the herbicide Glyphosate on citrus to evaluate control of various weed species. A total of 570 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from January 10, 1978 to January 10, 1979. Temporary tolerances for residues of the active ingredient in or on citrus fruits and the meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry, and sheep and a food additive regulation for residues of the active ingredient in dried citrus pulp have been established.

No. 524-EUP-30. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of the herbicide Butachlor on rice and rice straw to evaluate control of most annual grasses and broadleaf weeds. A total of 1,020 acres is involved; the program is authorized only in the States of Arkansas, Mississippi, Louisiana, and Texas. The experimental use permit is effective from April 1, 1978 to April 1, 1979. A temporary tolerance for residues of the active ingredient in or on rice and rice straw and a food additive regulation for residues of the active ingredient in rice hulls and bran have been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751, 7 U.S.C. 136(a) et seq.).)

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

[FR Doc. 78-4461 Filed 2-16-78; 8:45 am]

[6560-01]

[FRL 857-3; OPP-33000/531]

### RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

#### Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some case these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a

request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202-755-9315.
PM 15, 16, and 17—202-426-9425.
PM 21 and 22—202-426-2454.
PM 23—202-755-1397.
PM 24—202-755-2196.
PM 25—202-426-2632.
PM 31—202-426-2635.
PM 32—202-426-9486.
PM 33—202-755-9041.
PM 34—202-426-9490.

The Interim Policy Statement requires that claims for compensation be filed by April 18, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made by March 20, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP—33000/531)

EPA File Symbol 352-GIT. E. I. DuPont De Nemours & Co. (Inc.), Biochemicals Department, Wilmington, Del. 19878. Velpar Gridball Brush Killer. Active Ingredients: 3cyclohexyl-6(dimethylamino)1methyil,3,-5triazine2,4(1H, 3H)dione 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 524-308. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. Roundup. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. New Crop. PM25

EPA File Symbol 2393-GUT. Hopkins Agricultural Chemical Co., Box 7532, Madison, Wis. 53707. Seed Potato Storage & Handling Equipment Disinfectant. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chloride 80%; methyldodecylxylylene bis (trimethyl ammonium chloride) 20%; 10.0%. Method of support: Application proceeds under 2)b) of interim policy. PM31

EPA Reg. No. 3125-314. Chemagro Agricultural Divsion, Mobay Chemical Corp., Box 4913, Kansas City, Mo. 64120. Sencor 4 Flowable Herbicide. Active Ingredients: 4Amino6(1,1-dimethylethyl) 3(methylthio) 1,2,4-triazin-5(4H)-one 41%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 5204-AR. M&T Chemicals, Inc., Subsidiary of American Can Co., P.O. Box 1104, Rahway, N.J. 07065. Biomet 430(TBTF Dispersion). Active ingredients: Tributyitin fluoride 50%. Method of support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 5736-AG. DuBois Chimicals, Division of Chemed Corp., DuBois Tower, Cincinnati, Ohio 45202. Low Foam Water Treatment Microbiocide for Building and Industrial Cooling Towers. Active Ingredients: Dioctyl dimethyl ammonium chloride 20.0%; Ethyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10011-L. Whiteworth, Inc., Gardena, Calif. 90248. Whiteworth Germicidal Solution Brand of Benzalkonium Chloride. Active Ingredients: Alkyl (C12—61%, C14—23%, C16—11%, C18—5%) Dimethyl Benzyl Ammonium Chlorides 0.133%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11082-L. Long Chemical, 2615 Southwest Drive, Los Angeles, Calif. 90043. Hospital Strength Disinfectant. Active ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%, Dioctyl Dimethyl Ammonium Chloride 1.875%, Didecyl dimethyl Ammonium Chloride 1.875%, Alkyl (C14, 50%; C12, 40%; C16, 10%), Benzyl Dimethyl ammonium chloride 5.000%, Tetrasodium Ethylenediamine tetracetate 3.420%, Isopropyl Alcohol 3.000%, Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 11265-12. Seymour Chemical Associates, 1609 Arbor Avenue, Highland Park, Ill. 60035. Nylate-10. Active Ingredients: Copper-8-quinolinolate 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 11598-29. Connecticut Aerosols, Inc., 65 Furniture Row, Milford, Conn. 06460. Connecticut African violet and house Plant Insect Spray. Active Ingredients: Pyrethrins 0.056%, Pine Oil 0.900%, Petroleum distillate 0.406%. Method of Support: Application poceeds under 2(b) of interim policy. PM17

EPA File Symbol 12042-RR. Verax Chemical Co., P.O. Box 803, Bothell, Wash. 98011 Verax Hex. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%, Dioctyl dimethyl ammonium chloride 0.625%, Didecyl dimethyl ammonium chloride 0.625%, Alkyl amino betaine 1.000%, Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 12798-R. Quaker Chemical Co., Columbia S.C. 29202. Quaker Disinfectant-Sanitizer Fungicide Deodorizer. Active ingredients: Didecyl dimethyl ammonium chloride 7.5%, Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 32903-L. Sanitizer Softener Systems, Inc., 210 Bell St., Chagrin Falls Ohio 44022. Sani System Softener Sanitizer. Active Ingredients: Octyl decyl dimethyl ammonium chloride 15.0%, Dioctyl dimethyl ammonium chloride 7.5%, Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34284-A. Mid America Chemical, Inc., 203 S. Compress, Oklahoma City, Okla. 73125. X-IT Algae Concentrate. Actie Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34284-L. Mid America Chemical, Inc. Tower-Cide NF. Active Ingredients:
Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40638-R. CTI-Nuclear, Inc., 4955 Bannock St., Denver, Colo. 80216. AQUASIV 13010 SILVER ZEOLITE. Active Ingredients: Silver .85%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 41244-R. The Ranchick Corp., 1766 Empire Blvd., Webster, N.Y. 14580. Sunrise 15. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41245-R. Sheldon's Allied Building Cnt., 16385 Brewer Road, Dundee, Miss. 48131. Shel-Chlor. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41246-E. Bay Chemical & Supply Co., P.O. Box 1581, Corpus Christi, Tex. 78403. Baycide 302. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41256-E. Texas Bzzzz Chemical Co., 538 N. Obion, Houston, Tex. 77022. Bzzzz Disinfectant Sanitizer Fungicide Deodorizer. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%, Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35969-T. L.A. Lux Co., 2285 Scranton Road, Cleveland, Ohio 44113. Algaecide 250. Active Ingredients: Disodium cyanodithiomidocarbonate 10.5%, Potassium N-Methyldithiocarbamate 14.5%. Method of Support: Appliction proceeds under 2(b) of interim policy. PM33

[FR Doc. 78-4462 Filed 2-16-78; 8:45 am]





[6560-01]

[FRL 857-4; OPP-33000/529]

## RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

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PM 15, 16, and 17—202-426-9425.
PM 21 and 22—202-426-2454.
PM 23—202-755-1397.
PM 24—202-755-2196.
PM 25—202-426-2632.
PM 31—202-426-2635.
PM 32—202-426-9486.
PM 33—202-755-9041.
PM 34—202-426-9490.

The Interim Policy Statement requires that claims for compensation be filed by April 18, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made by March 20, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP-33000/529)

EPA Reg. No. 100-439. Ciba-Geigy Corp., Agricultural Division, Greensboro, N.C. 27409. Aatrex 80W. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 76%; Related compounds 4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 100-497. Ciba-Geigy Corp. Aatrex 4L. Active Ingredients: Atrazine: 2-chloro-4 ethylamino-6-isopropylamino-s-triazine 40.8%; Related compounds 2.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 100-535. Ciba-Geigy Corp. Aatrex 4LC. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 40.8%; Related Compounds 2.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 100-585. Ciba-Geigy Corp. Aatrex Nine-0. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 85.5%; Related Compounds 4.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 239-EUAN. Chevron Chemical Co., Ortho Division, San Francisco, Calif. 94119. Ortho Paraquat concentrate 3. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 43.5%. Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 352-342. E. I. duPont de Nemours & Co. (Inc.), Biochemicals Department, 6054 DuPont Bldg., Wilmington, Del. 19898. Lannate Insectlide. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Application proceeds under 2(b) of interim policy. Added pests. PM12

EPA Reg. No. 352-370. E. I. duPont de Nemours & Co. (Inc.), Biochemicals Department, 6054 DuPont Bldg., Wilmington, Del. 19898. Lannate L Insecticide. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Added pests. PM12

EPA Reg. No. 524-308 Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. Roundup. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. New use PM25

EPA File Symbol 677-GGI. Diamond Shamrock Corp., Agricultural Chemicals Division, 1100 Superior Ave., Cleveland, Ohio 44114. Logo Diamond Shamrock 90% Dimethyl T. Active Ingredients: Dimethyl tetrachloroterephthalate 90.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 778-36. Miller-Morton Co., P.O. Box 6235, Richmond, Va. 23230. Sergeant's Sentry IV Flea and Tick Collar. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 10%. Method of Support: Application proceeds under 2(a) of interim policy. Change in method of support. PM16

EPA Reg. No. 1021-657. McLaughlin Gormley King Co., 8810 Tenth Ave. NE., Minneapolis, Minn. 55427. Pyrocide Pressurized Water-Base Plant and Pet Spray 6079. Active Ingredients: Pyrethrins 2.334%; Petroleum distillate 9.336 %. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 4482-RL. Epic Chemicals, Inc., Brooklyn, N.Y. Dical Disinfectant Sanitizer Fungicide Deodorizer. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5% Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 9198-GI. Free Flow Fertilizer, P.O. Box 119, Maumee, Ohio 43537. Fortify Lawn Fungicide. Active Ingredi-

ents: Chlorothalonil (Tetrachloroisophthalonitrile) 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM21

EPA File Symbol 11082-U. Long Chemical, 2615 Southwest Drive, Los Angeles, Calif. 90043. Industrial Cleaner and Disinfectant. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol: 12353-U. Omega Chemical Co., 6935 West 62d St., Chicago, Ill. 60638. SAN-202. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.8; n-Alkyl (68% C12, 33% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. New offer to pay statement. PM33

EPA File Symbol 34284-U. Mid America Chemical, Inc., 215 South Compress St., Oklahoma City, Okla. 73125. X-It-Algae. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39398-L. Sumitomo Chemical America, Inc., 1330 Dillion Heights Ave., Baltimore, Md. 21228. Insecticide Aerosol d-Phenothrin 10%. Active Ingredients: 3-phenoxybenzyl)d-cis and trans 2,2-dimethyl-3-(2 methylpropeny) cyclopropanecarboxylate 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 40718-R. NTC Chemical Co., P.O. Box 52112, Lafayette, La. 70505. NTC Microbiocide 120. Active Ingredients: Poly[oxyethyline (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41225-R. American Pool, Inc., 8743 Southwest 129 St., P.O. Box 561074, Miami, Fla. 33156. Pool Treat. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41226-R. Davis Hardware, 525 N. Hwy. 19, New Port Richey, Fla. 33552. Liqui-Brite. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

CORRECTION

EPA File Symbol 2224-LG. Mobil Chemical, P.O. Box 26683, Richmond, Va. 23261. Mobil Modown Herbicide 4 Flowable. Active Ingredients: Bifonex 44 percent. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amended label. PM 25 (Application is withdrawn from publication) (42 FR 55845, October 19, 1977)

[FR Doc. 78-4463 Filed 2-16-78; 8:45 am]

[6560-01]

[FRL 857-5; OPP-33000/530]

## RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202-755-9315.
PM 15, 16, and 17—202-426-9425.
PM 21 and 22—202-426-2454.
PM 23—202-755-1397.
PM 24—202-755-2196.
PM 25—202-426-2632.
PM 31—202-426-2635.
PM 32—202-426-9486.
PM 33—202-755-9041.
PM 34—202-426-9490.

The Interim Policy Statement requires that claims for compensation be filed by April 18, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquires and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made by March 20, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP-33000/530)

EPA Reg. No. 279-1500. FMC Corp., Ag. Chem. Div., 2000 Market St., Philadelphia, Pa. 19103. Methyl Parathion 4 Miscible. Active Ingredients: 45.1% Methyl Parathion, 47.0% Xylene base aromatic petroleum solvent. Method of Support: Application proceeds under 2(b) of interim policy. Changed use pattern. PM12

EPA File Symbol 352-GIA. E. I. du Pont de Nemours & Co. (Inc.), Legal Dept., 07045, Attn: M. B. Lore, Wilmington, Del. 19898. Demosan Fungicide Technical. Active Ingredients: Chloroneb (1,4-dichloro-2,5-dimethoxybenzene) 88%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 506-RGA. D. E. Linck Co., Div. Walco Linck Corp., Routes 3 and 46, Clifton, N.J. 07015. Antcheck Ant Trap. Active Ingredients: 2-(1-Methylethoxy) Phenol Methylcarbamate .250%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 506-RGT. D. E. Linck Co. E-Z Ant Trap. Active Ingredients: 2-(1-Methylethoxy) Phenol Methylcarbamate .250%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 1109-25. Cities Service Co., Minerals Group, P.O. Box 50360, 3445 Peachtree Rd., NE., Atlanta, Ga. 30302. Citcop 4E. Active Ingredients: Copper salts of fatty and rosin acids 48%; (copper as metallic) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Added uses. PM22

EPA Reg. No. 1109-28. Cities Service Co. Citcop 6E. Active Ingredients: Copper salts of fatty and rosin acids 65%; (Copper as metallic 5.75%). Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 1553-RNU. Momar Incorporated, 1830 Ellsworth Drive, NW., Atlanta, Ga. 30318. Aquatrol A-100. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Applicaton proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 8848-11. Safeguard Chemical Corp., 789 East 144 Street, Bronx, N.Y. 10454. Ultrapine. Active Ingredients: Pine oil 50%; Soap 10%; Isopropyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 21713-U. Durand Cooperatives, P.O. Box 160, Durand, Wis. 54736. 9-23-30 Systemic-D. Active Ingredients: 0,0-Diethyl S-(2-(ethylthiol) ethyl) phosphorodithioate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 21779-G. California Pool Service, Inc., 8802 Daffodil St., Houston, Tex. 77042. Bio-Chloralgaecide. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34859-G. Wayne Chemical Inc., 3032 S. Calhoun St., Fort Wayne, Ind. 46807. WC-150 Sanitizer. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39294-R. Universal Chemical Co., 224 Main St., DuPont, Pa. 19641. Uni-Chlor. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40639-R. Midwest Chlorine Corp., Kingsbury Industrial Park, Kingsbury, (La Porte) Ind. 46350. Chlorine. Active Ingredients: 100% Chlorine. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40945-R. Kemp Chemical, Inc., P.O. Box 8250, Longview, Tex. 75602. Chlorine. Active Ingredients: 99.5% Chlorine. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40959-E. Chemical Solvent Co., P.O. Box 487, Birmingham, Ala. 35201. Csco-Cide 220. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene dimethyliminio ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34





EPA File Symbol 40959-G. Chemical Solvent Co. Csco-Swim-Cide. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40959-U. Chemical Solvent Co. Csco-Cide 215. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40959-L. Chemical Solvent Co., P.O. Box 487, Birmingham, Ala. 35201. Csco-Cide 210. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41209-R. South Texas Chlorine, Inc., 705 W. Jackson, Harlingen, Tex. 78550. Liquid Chlorine. Active Ingredients: 99.7% Chlorine. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41242-R. Alden Pools, Inc., 12890 Broadway, Alden, N.Y. 14004. Aqua Brite. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41243-R. Carter Page, Inc., 2771 West Heneritta Rd., Rochester, N.Y. 14623. Chlor-A-Gard. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41246-R. Ray Chemical & Supply Co., P.O. Box 1581, Corpus Christi, Tex. 78403. Baycide 301. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc. 78-4464 Filed 2-16-78; 8:45 am]

[6560-01]

[ERL 857-6; OPP—33000/532 and 533]

## RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

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PM 15, 16, and 17—202-426-9425.
PM 21 and 22—202-426-2454.
PM 23—202-755-1397.
PM 24—202-755-2196.
PM 25—202-426-2632.
PM 31—202-426-2635.
PM 32—202-426-9486.
PM 33—202-755-9041.
PM 34—202-426-9490.

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Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP—33000/532)

EPA Reg. No. 100-523. Ciba-Geigy, Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. Tolban 4E Herbicide. Active Ingredients: Profluralin: N(cyclopropylmethyl) - a,a,a-trifluoro-2,6-dinitro-N-propyl-p-toluidine 43.6%; Related compounds 1.9%. Method of Support: Application proceeds under 2(a) of interim policy. Label Revisions. PM24

EPA Reg. No. 352-270. E. I. du Pont de Nemours & Co. (Inc.) Biochemicals Department, Wilmington, Del. Lorox Weed Killer. Active Ingredients: Linuron [3-(3,4-dichlorophenyl) - 1 - methoxy-1-methylurea] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM25

EPA Reg. No. 352-270. E.I. du Pont de Nemours & Co. (Inc.) Lorox Weed Killer. Active Ingredients: Linuran [3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM25

EPA Reg. No. 352-375. E.I. du Pont de Nemours & Co. (Inc.) Lexone Metribuzin Weed Killer. Active Ingredients: 4-Amino-6-(1,1-dimenthylethyl)-3-(methylthio)-1,2,-4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM25

EPA File Symbol 475-ENI. Boyle-Midway, South Ave. & Hale St., Cranford, N.J. 07016. Intensified Sani-Flush Toilet Bowl Cleaner. Active Ingredients: Sodium bisulfate 70.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA Reg. No. 538-146. ProTurf Division, O M Scott & Sons, Marysville, Ohio 43040. Progrow (TM) Brand Ornamental Herbicide I. Active Ingredients: oxadiazon [2-tert-butyl-4-(2,4-dichloro - 5 - isopropoxyphenyl)-delta- 2- 1,3,4-oxadi- azolin-5-one] 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Added uses. PM24

EPA Reg. No. 538-147. ProTurf Division, O M Scott & Sons. Progrow (TM) Brand Ornamental Herbicide III. Active Ingredients: oxadiazon [2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-delta-2-1,3,4-oxadiazolin-5-one] 8.00%. Method of Support: Application proceeds under 2(b) of interim policy. Added uses. PM24

EPA File Symbol 649-LA. Para Industries, Inc., P.O. Box 1888, Paterson, N.J. 07509. Bacto-Stat NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 649-LT. Para Industries, Inc. Bacto-Stat Super NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)-ethylene-(dimethyliminio)ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 649-LI. Para Industries, Inc. Bacto-Stat XNF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 655-536. Prentiss Drug & Chemical Co., Inc., New York, N.Y. 10001. Prentox D.D.V.P. Five. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 4.65%; Related Compounds 0.35%; Petroleum Distillates 15.00%. Method of Support: Application proceeds under 2(b) of interim policy. Added Use. PM13

EPA Reg. No. 655-536. Prentiss Drug & Chemical Co., Inc. Prentox D.D.V.P. Five. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 4.65%; Related Compounds 0.35%; Petroleum Distillates 15.00%. Method of Support: Application proceeds under 2(b) of interim policy. Added use. PM13

EPA Reg. No. 1706-104. Nalco Chemical Co., 6216 W. 66 Pl., Chicago, Ill. 60638. Nalkil 2727 Liquid With Endrift Weed Killer. Active Ingredients: Petroleum Oil 66%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 5.78%; Pentachlorophenol 4.71%; 2,3,4,6 tetrachlorophenol 0.64%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 1706-105. Nalco Chemical Co. Nalkil 2728 Liquid With Endrift Weed Killer. Active Ingredients: Petroleum Oil 59.69%; 2,4-Dichlorophenoxyacetic acid isooctyl ester* 6.46%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 5.66%; Pentachlorophenol 4.61%; 2,3,4,6 tetrachlorophenol 0.63%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 1706-107. Nalco Chemical Co., 6216 W. 66 Pl., Chicago, Ill. 60638. Nalkil 2726 Liquid With Endrift Weed Killer. Active Ingredients: Petroleum Oil 57.28%; 2,4-Dichlorophenoxyacetic acid isooctyl ester 8.65%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 4.79%; Pentachlorophenol 6.18%; 2,3,4,6 tetrachlorophenol 0.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 1769-174. National Chemsearch, 2727 Chemsearch Blvd., Irving, Tex. 75062. Watrol. Active Ingredients: Diquat Dibromide (6,7-dihydrodipyrido(1,2-a:2'1'c) Pyrazinedilium dibromide 1.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 1769-203. National Chemsearch. Skychoda. Active Ingredients: Aromatic Petroleum Derivative Solvent 59%; Naled: 1,2-d, bromo-2,2-dichloroethyl dimethyl phosphate 35%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 3125-111. Chemagro Agricultural Division, Mobay Chemical Corp., Box 4913, Kansas City, Mo. 64120. Metasystox-r. Active Ingredients: S-[2-(Ethylsulfinyl)ethyl]0,0-dimethyl phosphorothioate 25%; Aromatic Petroleum Distillate 14%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 4090-3. Gulf Oil Chemicals Co., Div. of Gulf Oil Corp., Merrian, Kans. 66201. Carbyne Wild Oat Herbicide. Active Ingredients: Barban 4-chloro-2-butynyl m-chloro carbanilate 12%. Method of Support: Application proceeds under 2(b) of interim policy. New use. Revised offer/pay. PM25

EPA File symbol 8845-ET. Kenco Chemical & Manuf. Co., P.O. Box 6246, Jacksonville, Fla. 32205. Rid-A-Bug Brand Lawn Insect Control. Active Ingredients: Chloropyrifos [0,0-diethyl 0-(3,5,6-Trichloro-2-pyridyl) Phosphorothioate] .50%; Aromatic Petroleum Solvent .28%. Method of Support: Application proceeds under 2(b) of interim policy. New registration. PM12

EPA File Symbol 9342-RN. J.F. Kerns Industries, 2061 N. Durfee Avenue, South El Monte, Calif. 91733. M D 6. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%; Sodium metasilicate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. New offer to pay. PM33

EPA File Symbol 320903-E. Sanitizer Softener Systems, Inc., 210 Bell St., Chagrin Falls, Ohio 44022. Sani System Sanitizer Cleaner. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 32903-U. Sanitizer Softener Systems, Inc. Sani System Formula I-DC. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetracetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 41256-R. Texas Bzzzz Chemical Co., 538 West Obion, Houston, Tex. 77091. Sanitizer-Cleaner 45-7. Active Ingredients: Alkyl (60%, C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

APPLICATIONS RECEIVED (OPP-33000/533)

EPA Reg. No. 352-342. E. I. du Pont de Nemours & Co., Inc., Biochemicals Department, Wilmington, Del. 19898. Lannate. Active Ingredients: Methomyl (S-methyl N-[(methyl - carbamoyl)-oxy]thioacetimidate) 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: added pests. PM12

EPA Reg. No. 352-342. E. I. du Pont de Nemours & Co., Inc., Lannate. Active Ingredients: Methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: dosage rate change. PM12





EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., Inc., Lannate L. Active Ingredients: Methomyl (S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate) 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: added pests. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., Inc., Lannate L. Active Ingredients: Methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: dosage rate change. PM12

EPA File Symbol 538-RLE. O. M. Scott & Sons Co., Marysville, Ohio 43040. Proturf Brand Seed Treatment Fungicide II. Active Ingredients: 1,4-dichloro-2,5-dimethoxybenzene 65%. Method of Support: Application proceds under 2(b) of interim policy. PM21

EPA File Symbol 707-RGL. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105. Vacor Mousekiller. Active ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File symbol 707-RGA. Rohm & Haas Co. DLP-787 Mousekiller. Active Ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 998-REL. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia, Pa. 19124. Sanwash II. Active Ingredients; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.3%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 1471-35. Elanco Products, Co., a division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, Ind. 46206. Elanco Treflan E.C. Active Ingredients: Trifluralin(a,a,a - trifluoro - 2,6 - dinitro - N,N - dipropyl - p - toluidine) 44.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished. Additional use: tank mix with Copard. PM23

EPA Reg. No. 1471-35. Elanco Products, Co. Elanco Treflan E.C. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dedipropyl-p-toluidine) 44.5%. Methods of Support: Application proceeds under 2(b) of interim policy. Republished. Additional use: tank mix with Cotoran. PM23

EPA Reg. No. 1471-96. Elanco Products, Co. Surflan 75W. Active Ingredients: Oryzalin (3,5-dinitro-N4,N4 - dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(a) of interim policy. Republished. Added use: tank mix with Sencor Lorox with liquid fertilizer. PM25.

EPA Reg. 1471-96. Elanco Products, Co. Surflan 75W. Active Ingredients: Oryzalin (3,5-dinitro-N4,N4 - dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(a) of interim policy. Republished. Added use: Use on tank mixes or Surflan alone with soils containing up to 5% organic matter. PM25

EPA File Symbol 1769-EIT. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Boulevard, Irving, Tex. 75062. Everbrite Germicidal Cleaner Cleans-Disinfects-Deodorizes. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 2.25%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2623-L. Everpure Inc., 660 N. Blackhawk Drive, Westmont, Ill. 60559. Everpure DC Bacteriostatic Replacement Filter Cartridge. Active Ingredients: Silver 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc. 78-4465 Filed 2-16-78; 8:45 am]

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[6570-06]

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### APPRENTICESHIP INFORMATION REPORT EEO-2

#### Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1977 Apprenticeship Information Report EEO-2 required by 29 CFR 1602.15 is extended from November 30, 1977 to March 31, 1978. The payroll period for the EEO-2 report remains unchanged.

Signed at Washington, D.C. this 7th day of February 1978.

ELEANOR HOLMES NORTON,
*Chair, Equal Employment Opportunity Commission.*

[FR Doc. 78-4414 Filed 2-16-78; 8:45 am]

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[6570-06]

### LOCAL UNION REPORT EEO-3

#### Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1977 Local Union Report EEO-3 required by 29 CFR 1602.22 is extended from December 31, 1977 to March 31, 1978. The payroll period for the EEO-3 report remains unchanged.

Signed at Washington, D.C. this 7th day of February 1978.

ELEANOR HOLMES NORTON,
*Chair, Equal Employment Opportunity Commission.*

[FR Doc. 78-4415 Filed 2-16-78; 8:45 am]

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[6730-01]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 701]

### TRANSCOAST, INC.

#### Order of Revocation

On January 12, 1978, Transcoast, Inc., voluntarily surrendered its Independent Ocean Freight Forwarder License No. 701 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 701 issued to Transcoast, Inc., be and is hereby revoked effective January 12, 1978 without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Transcoast, Inc.

LEROY F. FULLER,
*Director, Bureau of Certification & Licensing.*

[FR Doc. 78-4364 Filed 2-16-78; 8:45 am]

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[6210-01]

## FEDERAL RESERVE SYSTEM

### FIRST SECURITY CORP.

#### Acquistion of Bank

First Security Corporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent or more of the voting shares of First Security State Bank of Ogden, Ogden, Utah, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 9, 1978.

Board of Governors of the Federal Reserve System, February 10, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4406 Filed 2-16-78; 8:45 am]

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[6210-01]

### ASHLAND BANCSHARES, INC.

#### Formation of Bank Holding Company

Ashland Bancshares, Inc., Chicago, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 97 percent or more of the voting shares (less directors' qualifying shares) of Ashland State Bank, Chicago, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors

or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than March 9, 1978.

Board of Governors of the Federal Reserve System, February 10, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4445 Filed 2-16-78; 8:45 am]

[6210-01]

### CENTRAL NATIONAL CORP.

#### Acquisition of Bank

Central National Corp., Richmond, Va., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Citizens National Bank of Emporia, Emporia, Va. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 12, 1978.

Board of Governors of the Federal Reserve System, February 13, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4448 Filed 2-16-78; 8:45 am]

[4110-88]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Alcohol, Drug Abuse, and Mentol Health Administration

### ADVISORY COMMITTEES

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of April 1978:

RAPE PREVENTION AND CONTROL ADVISORY COMMITTEE

Date and time: April 3-4; 9:30 a.m.
Place: Conference Room C, Parklawn Building, Rockville, Md. 20857.
Type of meeting: OPEN—April 3-4.
Contact: Ms. Elizabeth S. Kutzke, Room 10C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1910.
Purpose: The Rape Prevention and Control Advisory Committee advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.
Agenda: The entire meeting will be open to the public. During the two-day meeting the Advisory Committee will provide input on the National Center's fiscal year 1978 program activities.

Attendance by the public will be limited to space available. Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and a roster of Advisory Committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: February 9, 1978.

CAROLYN T. EVANS,
*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 78-4085 Filed 2-16-78; 8:45 am]

[4110-88]

### ADVISORY COMMITTEE

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1978:

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

Date and time: March 9-10; 9 a.m.
Place: Mayflower Hotel, New York Suite, 1127 Connecticut Avenue NW., Washington, D.C. 20036.
Type of meeting: OPEN—March 9, 9 to 10:30 a.m. CLOSED—Otherwise.
Contact: Edna M. Hardy Hill, Room 7-103, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2988.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 a.m. to 10:30 a.m., March 9, the meeting will be open for discussion of administrative announcement and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 9600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: February 10, 1978.

CAROLYN T. EVANS,
*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 78-4205 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 77N-0411]

### DRUGS USED FOR TREATMENT OF NARCOTIC ADDICTS

#### Relationship Between Federally Operated Methadone Treatment Programs and State Methadone Authorities

CROSS REFERENCE: For a document setting forth the Food and Drug Administration and the National Institute on Drug Abuse joint final rule exempting each methadone treatment program operated directly by the Federal Government from regulation by a State authority and announcing that such methadone treatment programs will cooperate voluntarily with State authorities, see FR Doc. 78-4127 appearing under Food and Drug Administration (HEW) in the Rules section of this issue. Refer to the table of contents under "Food and Drug Administration" for the page number.

[4110-86]

### Center for Disease Control

### CENTER FOR DISEASE CONTROL PROGRAMS AND POLICIES ADVISORY COMMITTEE (AD HOC)

#### Change in Time of Meeting

Notice of the February 21-23, 1978, meeting of the CDC Programs and Policies Advisory Committee (Ad Hoc) was published in the FEDERAL REGISTER on Friday, January 20, 1978, Vol. 43, No. 14, page 2941.

The time of the meeting has been changed from 9 a.m. to 8 a.m.

All other aspects of the notice published on January 20, 1978, remain the same.





Dated: February 13, 1978.

JOHANNES STUART,
*Acting Director, Center for Disease Control.*

[FR Doc. 78-4349 Filed 2-16-78; 8:45 am]

[4110-03]

### ADVISORY COMMITTEES

#### Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Microbiology Device Classification Panel. | Mar. 7 and 8, 9 a.m., Rm. 425, 8757 Georgia Ave., Silver Spring, Md | Open public hearing, Mar. 7, 9 a.m. to 10 a.m.; open committee discussion, Mar. 7, 10 a.m. to 4:30 p.m.; closed committee deliberations, Mar. 8, 9 a.m. to 4:30 p.m.; Thomas M. Tsakeris (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to classification of microbiology devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 27, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

*Open committee discussion.* A staff member from the Bureau of Medical Devices' Division of Compliance Operations will discuss this group's views concerning the labeling requirements of culture media products.

The panel will discuss culture media labeling with a view toward specifying the minimum essential information required for proper use of these products by the user. The panel will address in particular the labeling requirements for differential and selective media.

The panel will reevaluate the classification recommendations for virology diagnostic reagents.

*Closed committee deliberations.* The panel will discuss Premarket Approval Application P770010 with a view toward making a recommendation for its approval or disapproval. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 2. Blood and Blood Derivatives Panel. | Mar. 10 and 11, 9 a.m., Rm. 115, Bldg. 29, 8800 Rockville Pike, Bethesda, Md. | Open public hearings, Mar. 10, 9 a.m. to 10 a.m.; open committee discussion, Mar. 10, 10 a.m. to 5:30 p.m., Mar. 11, 8:30 a.m. to 12 m.; closed committee deliberations, Mar. 11, 12 m. to 4 p.m.; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda Md. 20014, 301-443-5455. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of biological products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* Discussion of antivenins; anti-human serums; blood grouping and typing serums; hepatitis testing; thrombin; fibrinolysin (human); and revision of reviews of stored red blood cell products, plasma fractionation products, and blood-group-specific substances.

*Closed committee deliberations.* Review of data submissions of producers of blood diagnostic reagents, thrombin, fibrinolysin (human) and other plasma products. This portion of the meeting will be closed to permit discussion of trade secret manufacturing processes (5 U.S.C.552b(c)(4)).

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 3. Cardiovascular and Renal Advisory Committee. | Mar. 16 and 17, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing, Mar. 16, 9 a.m. to 10 a.m.; closed presentation of data/closed committee deliberations, Mar. 16, 10 a.m. to 5 p.m.; open committee discussion, Mar. 17, 9 a.m. to 12 m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730. |

*General function of the committee.* Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* Discussion of Anturane (NDA 18-111), Ciba-Geigy; and Sufinpyrazone—for secondary prevention of myocardial infarction.

*Closed presentation of data/closed committee deliberations.* Presentation by sponsor on Minoxidil. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: February 9, 1978.

DONALD KENNEDY,
*Commissioner of Food and Drugs.*

[FR Doc. 78-4352 Filed 2-16-78; 8:45 am]





[4110-03]

**Food and Drug Administration**

**ADVISORY COMMITTEES**

**Meetings**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Clinical Toxicology Device Classification Panel. | March 2 and 3, 8:30 a.m., Rm. 425, 8757 Georgia Ave., Silver Spring, Md..... | Open public hearing, March 2, 8:30 a.m. to 9:30 a.m.; open committee discussion, March 2, 9:30 a.m. to 4:30 p.m., March 3, 8:30 a.m. to 4:30 p.m.; Srikrishna Vadlamudl, —Ph.D., D.V.M., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to exemptions for Class I products to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 24, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

*Open committee discussion.* The panel will review and discuss the exemptions for Class I products classified so far by the panel.

The panel will also discuss the Anode Stripping Voltmeter for detecting heavy metals.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 2. General Hospital and personal use device classification panel. | March 2 and 3, 8:30 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C.. | Open public hearing, March 2, 8:30 a.m. to 9:30 a.m.; open committee discussion, March 2, 9:30 a.m. to 4:30 p.m., March 3, 8:30 a.m. to 4:30 p.m.; William C. Dierkesheide, Ph. D., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 22, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

*Open committee discussion.* The panel will classify the following devices: bulb syringe; irrigating syringe; linen protector; intravenous catheter securement device; bed patient monitor; neonatal transilluminator light; dry heat sanitizer; admixture container; pneumatic fluid injector; liquid crystal fever indicator; phototherapy unit; liquid adhesive (collodian) skin closure; ultraviolet water purifier; disposable general hospital bedding; lubricants; alternating pressure pads; and filter aspirating needle.

The panel will discuss exemptions for Class I devices and a test protocol for infant radiant warmers.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 3. Immunology Device Classification Panel. | March 9 and 10, 8:30 a.m., Room 425, 8757 Georgia Ave., Silver Spring, Md. | Open public hearing, March 9, 8:30 a.m. to 9:30 a.m.; open committee discussion, March 9, 9:30 a.m. to 4:30 p.m., March 10, 8:30 a.m. to 4:30 p.m.; Srikrishna Vadlamudi, Ph. D., D.V.M. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to exemptions for Class I products to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 24, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

*Open committee discussion.* The panel will discuss and review the exemptions for Class I products that have been classified by the Immunology Device Classification Panel.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 4. Miscellaneous External Drug Products Panel. | Mar. 10 and 11 9 a.m., conference room. B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (Mar. 10), Holiday Inn, Bethesda, Md. (Mar. 11). | Open public hearing, Mar. 10, 9 a.m. to 10 a.m.; open committee discussion, Mar. 10, 10 a.m. to 4:30 p.m., March 11, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960 |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information of views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 7, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 5. Miscellaneous Internal Drug Products Panel. | Mar. 10, 11, and 12, 9 a.m., Conference Room G (Mar. 10), Holiday Inn, Chevy Chase, Md. (Mar. 11 and 12). | Open public hearing, Mar. 10, 9 a.m. to 10 a.m.; open committee discussion Mar. 10, 10 a.m. to 4:30 p.m., Mar. 11 and 12, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960. |





*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data information or views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 7, 1978 and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 6. Dentifrices and Dental Care Agents Panel. | Mar. 11 and 12, 9 a.m., Holiday Inn, Chevy Chase, Md. | Open public hearing, Mar. 11, 9 a.m. to 10 a.m.; open committee discussion, Mar. 11, 10 a.m. to 4:30 p.m., Mar. 12, 9 a.m. to 4:30 p.m.; Thomas DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information or views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 8, 1978 and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 7. Clinical Chemistry Device Classification Panel. | Mar. 13 and 14, 9 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C. | Open public hearing, Mar. 13, 9 a.m. to 10 a.m.; open committee discussion Mar. 13, 10 a.m. to 5 p.m., Mar. 14, 9 a.m. to 5 p.m.; Kaiser Aziz, Ph. D., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to the classification of clinical chemistry devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 27, 1978, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and an indication of the approximate time required to make their presentations.

*Open committee discussion.* The panel will discuss the classification recommendations for products considered by the panel during the 1976-1977 sessions.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 8. Special Subcommittee of the Pulmonary-Allergy and Clinical Immunology Advisory Committee. | Mar. 14, 8 a.m., 1st floor board room, National Jewish Hospital, 3800 Colfax Ave., Denver, Colo. | Open public hearing, 8 a.m. to 9 a.m.; open committee 9 a.m. to 5:30 p.m.; I. David Wolfson (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3500. |

*General function of the committee.* Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* A review of current available data and the state of the art to develop guidelines for the standardization and interpretation of flow-volume loops in children, to improve the objective evaluation of both efficacy and risks associated with drugs used in both pulmonary and allergy related therapy.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 9. Joint meeting of the Controlled Substances Advisory Committee and the FDA/NIDA Drug Abuse Research Advisory Committee. | Mar. 15 and 16, 9 a.m., conference room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing, Mar. 15, 9 a.m. to 10 a.m.; open committee discussion, Mar. 15, 10 a.m. to 4.30 p.m.; open public hearing Mar. 16, 9 a.m. to 10 a.m.; open committee discussion Mar. 16, 10 a.m. to 4:30 p.m.; Robert C. Nelson (HFD-120), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800. |

General function of the committees. The Controlled Substances Advisory Committee advises the Commissioner of Food and Drugs on the scientific and medical evaluation of all information gathered by the Department of Justice and the Department of Health, Education, and Welfare with regard to safety, effectiveness, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and recommends actions to be taken with regard to control of such substances.

The FDA/NIDA Drug Abuse Research Advisory Committee advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. It advises the National Institute on Drug Abuse on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. It advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committees.

*Open committee discussion.* Data presentation and discussion on marihauna to address the petitions for a change in scheduling; reassessment of data on agonist/antagonist analgesics: pentazocine, nalbuphine, butorphanol and cyclazocine; and review of research protocals.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 10. Physical Medicine, Device Classification Panel. | Mar 17, 9 a.m., room 1813, FB-8,200 C St. SW., Washington, D.C. | Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; Johnsie W. Bailey (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to the discussions on the agenda in this notice to Johnsie W. Bailey, executive secretary. Submission of data relating to tentative classification findings is also invited. Those desiring to make a formal presentation should notify the executive secretary by March 3, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and an indication of the approximate time required to make their presentations.

*Open committee discussion.* Discussion of available literature on the biological affects of electromagnetic energy and the Bureau of Radiological Health's proposed standard for microwave diathermy.

Review Class I devices recommended for exemptions. Review the premarket approval (Class III) recommendations for hot and cold disposable packs. Classification of any additional devices.





| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 11. Surgical Drugs, Advisory Committee. | Mar. 17, 10 a.m., conference room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md. | Open public hearing 10 a.m. to 11 a.m.; open committee discussion 11 a.m. to 4 p.m.; I. David Wolfson (HFD-160), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3500. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in surgery.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* The committee will continue its deliberations on the safety, effectiveness, and labeling review of fibrinolysin and desoxyribonuclease, combined (bovine), powder for solution, ointment, and ointment with chloramphenicol.

These products, marketed by Parke, Davis and Co. as Elase™ vials, Elase™ ointment, and Elase-Chloromycetin™ ointment will be reviewed under the criteria of 21 CFR 601.25 (d) and (e).

This review is being undertaken by the Surgical Drugs Advisory Committee of the Bureau of Drugs at the request of the Panel on Review of Blood and Blood Derivatives of the Bureau of Biologics. It has been determined that the knowledge and expertise of the members of the Surgical Drugs Advisory Committee are more appropriate for the review of clinical safety, effectiveness, and labeling of these products. The results of this review will be submitted to the Commissioner of Food and Drugs through the Panel on Review of Blood and Blood Derivatives and the Director of the Bureau of Biologics for appropriate response.

Presentations by Parke, Davis, and Co. and the FDA staff.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 12. Antimicrobial Panel | Mar. 17 and 18, 9 a.m., conference room K (Mar. 17), Holiday Inn, Silver Spring, Md. (Mar. 18). | Open public hearing, Mar. 17, 9 a.m. to 10 a.m.; open committee discussion, Mar. 17, 10 a.m. to 4:30 p.m., Mar. 18, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 14, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 13. Oral Cavity Panel | Mar. 20 and 21, 9 a.m., conference room C, Parklawn Building, 5600 Fishers Lane, Rockville, Md. | Open public hearing, Mar. 20, 9 a.m. to 10 a.m.; open committee discussion, Mar. 20, 10 a.m. to 4:30 p.m., Mar. 21, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 15, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 14. Orthopedic Device Classification Panel. | Mar. 21, 8 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C. | Open public hearing, 8 a.m. to 9 a.m.; open committee discussion, 9 a.m. to 5 p.m.; James G. Dillon, Ph. D., (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to (1) exemption of Class I orthopedic devices from the requirements of one or more of the following sections of the Federal Food, Drug, and Cosmetic Act: 21 U.S.C. 510, 21 U.S.C. 519, 21 U.S.C. 520(f); (2) protocols for preclinical and clinical studies conducted in accordance with sections 515 and 520(g) of the act; (3) classification of orthopedic implants containing carbon-reinforced polyethylene; (4) Silastic™ total wrist prostheses; and (5) review of recent clinical studies concerning noninvasive bone growth stimulation to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by March 6, 1978 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The deliberations will concern the specific subjects listed as topics for the open public hearing.

| Committee name | Date, time, and place | Types of meeting and contact person |
|---|---|---|
| 15. Subcommittees of the Science Advisory Board. | Mar. 21, 22, and 23, 1:30 p.m., National Center for Toxicological Research, Jefferson, Ariz.. | Open public hearing, Mar. 21, 1:30 p.m. to 5 p.m.; open committee discussion, Mar. 22 and 23, 9 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528. |

*General function of the committee.* Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

*Open committee discussion.* Subcommittee meetings as follows: Hormone Subcommittee—overview of program, new protocols and project priorities, discussion of endocrine toxicology. Immunology Subcommittee—tumorimmunity project proposal and status report on ongoing projects. Aromatic Amines Subcommittee—status of long-term and biochemical studies. Bladder Cancer Subcommittee—update on ongoing projects. Pathology Subcommittee—update on personnel and facilities. Hepatoma Subcommittee—report on NCTR/NCI liver workshop. Science Advisory Board Agenda—Status of Center operation, role of Science Advisory Board, subcommittee reports, and recommendations.





| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 16. Contraceptive and Other Vaginal Drug Products Panel. | Mar. 28, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.. | Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m., Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the panel. Those who desire to make such a presentation should notify the contact person before March 23, 1978 and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

*Open committee discussion.* The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 16a. Subcommittee of the Arthritis Advisory Committee. | Mar. 28, 9 a.m., conference room M, Parklawn Building, 5600 Fishers Lane, Rockville, Md.. | Open public hearing, 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; John G. Harter, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4260. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion. Discussion of the basis of approval for Nonsteroidal Anti-inflammatory Drugs (NSAID).*

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 17. Hematology Device Classification Panel. | Mar. 28 and 29, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.. | Open public hearing, Mar. 28, 9 a.m. to 10 a.m.; open committee discussion, Mar. 28, 10 a.m. to 5 p.m.; Mar. 29, 9 a.m. to 5 p.m.; Kaiser Aziz, Ph. D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to the classification of hematological products listed in this anouncement to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by March 3, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an

indication of the approximate time required to make their comments.

*Open committee discussion.* The panel will review and comment on the reclassification petition under section 513(f)(2) of the act (21 U.S.C. 360c(f)(2)), from Sigma Chemical Co., St. Louis, Mo., for its Galactose-1-Phosphate Uridyl Transferase Procedure No. 195.

The panel will classify the following hematological products: automated coombs test system; automated blood grouping typing and antibody test systems; bovine albumin; cell-freezing apparatus and reagents; blood-processing equipment (frozen blood); cell-washing system; centrifuges, blood bank; centrifuges for blood typing; blood collection equipment, blood bank; recipient sets, blood bank; refrigerators, blood storage; Rh typing boxes; quality control material for blood banking (cells, diluents, antisera); pipet, blood bank; sheep red cells; plasmapheresis equipment and dry containers; accessory equipment for measurement of Hepatitis B surface antigen; blood group specific substances for IVD use; plasma transfer sets; lectins for blood grouping; potentiating media (albumin and enzymes); and calibrators for hematology.

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| 18. General and Plastic Surgery Device Classification Panel. | Mar 31, 8 a.m., room 1137, HEW-N, 330 Independence Ave SW., Washington, D.C.. | Open committee discussion 8 a.m. to 2:30 p.m.; open public hearing, 2:30 p.m. to 3:30 p.m., Mark F. Parrish, Ph. D. (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested parties are encouraged to present information pertinent to the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by March 24, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and an indication of the approximate time required to make their presentations.

*Open committee discussion.* Linda Horton, associate chief counsel for medical devices, will update the panel on its individual and collective responsibilities, as well as agency plans for implementing panel classification recommendations.

A presentation will be made by Depilatron, Inc., on high-frequency tweezer-type epilators.

The panel will discuss guidelines for the safe manufacture and use of PUVA photochemotherapy cabinets for treatment of psoriasis.

Esophageal motility tubes were classified into the standards category, low priority, at the panel's January 13, 1978, meeting. The panel will entertain any additional data pertinent to the classification of these devices.

Silicone instrument spray, surgical skin degreasers, and adhesive tape solvents will be discussed. The panel seeks composition and toxicity data on these products.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, D.C., area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: February 8, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4083 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 77N-0345]

## SAFETY OF CERTAIN FOOD INGREDIENTS

### Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces an opportunity for public hearing on the safety of biotin, lactic acid, and calcium lactate to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review that the agency is conducting. Interested persons are given an opportunity to give their views on the safety of these substances.

DATE: Requests to make oral presentations at the public hearing must be postmarked on or before March 20, 1978.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014, and to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053) a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereafter, the Select Committee), about the safety of ingredients used in food to determine if they are GRAS or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: biotin; D-lactic acid, L-lactic acid, DL-lactic acid, D-calcium lactate, L-calcium lactate, and DL-calcium lactate used beyond infancy; and D-lactic acid, DL-lactic acid, D-calcium lactate, and DL-calcium lactate used in infant formulas. The public hearing will provide an opportunity before the Select Committee reaches its final conclusions for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted. (This finding does not apply to the substances covered by this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

5. The information available is not sufficient to make a tentative conclusion. (This finding does not apply to the substances covered by this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

| Substances | Select Committee tentative conclusion | Scientific literature review Order No. | Price code | Price | Animal study report Order No. | Cost | Other information |
|---|---|---|---|---|---|---|---|
| Biotin | 1 | PB-234-890/AS. | A107 | $7.25 | | | a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 through 221-949 (set); price code, E99; price, $173.00.<br>b. Biotin III. Animal safety data. Unpublished report to FDA by Hoffmann-LaRoche, Inc.<br>c. Survey of substances generally recognized as safe, Biotin. 1972. Unpublished report to FDA by NAS/NRC. |
| Lactic acid and calcium lactate. | | PB-241-958/AS. | A09 | 9.00 | Mutagenic evaluation (tier 1) of lactic acid (75-19), USP, by Litton Bionetics, Inc., under FDA contract (PB-257-867/AS); price code, A03; price, $4.50. | | a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949. |
| D-lactic acid (beyond infancy). | 1 | | | | | | |
| L-lactic acid (beyond infancy). | 1 | | | | | | |
| DL-lactic acid (beyond infancy). | 1 | | | | | | |
| D-calcium lactate (beyond infancy). | 1 | | | | | | |
| L-calcium lactate (beyond infancy). | 1 | | | | | | |
| DL-calcium lactate (beyond infancy). | 1 | | | | | | |

| Substances | Select Committee tentative conclusion | Scientific literature review Order No. | Price code | Price | Animal study report Order No. | Cost | Other information |
|---|---|---|---|---|---|---|---|
| D-lactic acid (infant formulas). | 4 | | | | Mutagenic evaluation (tier 1) of calcium lactate (75-20), USP, by Litton Bionetics, Inc., under FDA contract (PB-257-677/AS); price code, A03; price, $4.50. | | b. Evaluation of the health aspects of malic acid as a food ingredient (SCOGS-56), submitted by FASEB (PB-262-62/AS); price code, A02; price, $4. |
| DL-lactic acid (infant formulas). | 4 | | | | | | |
| D-calcium lactate (infant formulas). | 4 | | | | | | |
| DL-calcium lactate (infant formulas). | 4 | | | | | | |

NOTE.—The above-stated prices are subject to change.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on biotin; D-lactic acid L-lactic acid, DL-lactic acid, D-calcium lactate, L-calcium lactate, and DL-calcium lactate used beyond infancy; and D-lactic acid, DL-lactic acid, D-calcium lactate, and DL-calcium lactate used in infant formulas are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and also at the Public Information Office, Food and Drug Administration, Room 3807, 200 C Street SW., Washington, D.C. 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review at the office of the Hearing Clerk, Food and Drug Administration.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the amount of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all requests shall be placed on public display in that office. Any such request must be postmarked on or before March 20, 1978, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Owing to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: February 7, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4084 Filed 2-16-78; 8:45 am]

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[4110-03]

[Docket No. 77N-0390; DESI 5319]

## CERTAIN RADIOPAQUE DRUGS

### Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice states the conditions for marketing certain radiopaque drugs for the indications for which they continue to be regarded as effective, allowing for the submission of abbreviated new drug applications.

DATE: Supplements to approve new drug applications due on or before April 18, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 5319, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Room 17B-34, Bureau of Drugs.

Original abbreviated new drug applications or supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.





Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFD-18), Room 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFC-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 5319; Docket No. FDC-D-310 (now Docket No. 77N-0390)) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11765) the Food and Drug Administration announced its conclusions that all of the products described below are effective for the specifically stated indications and in addition that: (1) Ethiodized oil is possibly effective for use in sialography and sinus and fistulous tract visualization; (2) the combination of sodium acetrizoate and povidone is possibly effective for the mechanical release of tubal obstruction; and (3) sodium diatrizoate 50 percent lacks substantial evidence of effectiveness for use in retrograde pyelography.

The notice also stated that new drug applications, containing full information required by the new drug application form FD-356H (21 CFR 314.1(c)), are required for marketing these products.

A followup notice was published in the FEDERAL REGISTER of June 19, 1973 (38 FR 15986), reclassifying the possibly effective indication for ethiodized oil to lacking substantial evidence of effectiveness. The notice retained the requirement for full new drug applications.

Another followup notice was published in the FEDERAL REGISTER of August 13, 1976 (41 FR 34344) reclassifying the possibly effective indication for the sodium acetrizoate-povidone combination to lacking substantial evidence of effectiveness and stating that ANDA's are acceptable for that product. It did not address new drug application requirements for the other drugs named in the June 18, 1971 notice.

The Director of the Bureau of Drugs now concludes that ANDA's are appropriate for all of the products affected by the June 18, 1971 notice; however, all should include full manufacturing information.

(1) Preparations marketed by E. R. Squibb & Sons, Inc., Box 4000, Princeton, N.J. 08540:

(a) NDA 12-967; Oragrafin Sodium Capsules containing sodium ipodate.

(b) NDA 12-968; Oragrafin Calcium Granules containing calcium ipodate.

(c) NDA 9-321; Cholografin Sodium Injection containing sodium iodipamide.

(d) NDA 9-321; Cholografin Meglumine Injection containing meglumine iodipamide.

(e) NDA 10-040; Renografin-30, Renografin-60, and Renografin-76 Injections containing meglumine diatrizoate 30, 60, or 76 percent.

(f) NDA 10-040; Renovist Injection containing sodium diatrizoate and meglumine diatrizoate.

(g) NDA 11-245; Gastrografin Oral Solution containing meglumine diatrizoate.

(h) NDA 11-620; Cardiografin Injection containing meglumine diatrizoate.

(i) NDA 11-324; Sinografin Solution for Injection containing meglumine diatrizoate and meglumine iodipamide.

(2) Preparations previously marketed by Mallinckrodt Pharmaceuticals, Division Mallinckrodt Inc., P.O. Box 5439, St. Louis, Mo. 63147:

(a) NDA 6-990; Cystokon Sterile solution containing sodium acetrizoate.

(b) NDA 10-642; Thixokon Sterile Solution containing sodium acetrizoate.

(c) NDA 12-260; Ditriokon Sterile Solution containing sodium diatrizoate and sodium diprotrizoate.

(d) NDA 10-107; Miokon Sodium 50-percent Sterile Solution containing sodium diprotrizoate.

(3) Preparations marketed by Winthrop Laboratories or Winthrop Products, 90 Park Avenue, New York, N.Y. 10016:

(a) NDA 8-032; Telepaque Tablets containing iopanoic acid.

(b) NDA 11-386; Oral Hypaque Sodium Liquid and Powder containing sodium diatrizoate.

(c) NDA 9-992 and NDA 9-561; Hypaque Sodium 50-percent Sterile Aqueous Solution and Injection containing sodium diatrizoate.

(d) NDA 9-561; Hypaque Sodium 20-percent Sterile Aqueous Solution containing sodium diatrizoate.

(e) NDA 10-220; Hypaque-M 75 percent and 90 percent containing sodium diatrizoate and meglumine diatrizoate.

(4) NDA 9-190; Ethiodol containing ethiodized oil, marketed by E. Fougera and Co., Inc., Cantiague Road, Hicksville, N.Y. 11802.

(5) NDA 13-106; Hytrast containing iopydone and iopydol; previously marketed by E. Fougera and Co., Inc.

(6) NDA 9-008; Salpix Contrast Medium containing sodium acetrizoate and povidone; marketed by Ortho Pharmaceutical Corp., Route 202, Raritan, N.J. 08869.

(7) NDA 5-319; Pantopaque containing iophendylate; marketed by Lafayette Pharmacal, Inc., 522-26 North Earl Avenue, Lafayette, Ind. 47904.

In a notice published in the FEDERAL REGISTER of October 27, 1971 (36 FR 20619), approval of NDA's 6-990, 10-642, and 12-260 was withdrawn, and in a notice published in the FEDERAL REGISTER of June 7, 1977, approval of NDA's 10-107 and 13-106 was withdrawn; all were on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). The purpose of including these NDA's in this notice is to inform all interested persons that abbreviated new drug applications will be accepted for such products.

Accordingly, the June 18, 1971 notice is amended to read as follows:

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product(s) specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

(1) *Form of drug.* The drug is in tablet, capsule, liquid, powder, sterile solution, or suspension form as described above, suitable for oral, rectal, intracavitary, instillation, or intravascular administration.

(2) *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

(b) The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

SODIUM IPODATE CAPSULES

For use in oral cholecystography. It may also be used for oral cholangiography, although it is not considered the method of choice.

CALCIUM IPODATE GRANULES

For use in oral cholecystography. It may also be used for oral cholangiography, although it is not considered the method of choice.

SODIUM IODIPAMIDE INJECTION OR MEGLUMINE IODIPAMIDE INJECTION

For use in intravenous cholangiography and cholecystography.

MEGLUMINE DIATRIZOATE INJECTION—30 PERCENT

For use in retrograde pyelography.

MEGLUMINE DIATRIZOATE INJECTION—60 PERCENT

For use in excretion urography; cerebral angiography; peripheral arteriography; venography; operative T-tube or percutaneous transhepatic cholangiography; splenoportography; arthrography; and diskography.

MEGLUMINE DIATRIZOATE INJECTION—76 PERCENT

For use in excretory urography; aortography; pediatric angiocardiography; and peripheral arteriography.

SODIUM DIATRIZOATE 35 PERCENT AND MEGLUMINE DIATRIZOATE 34.5 PERCENT INJECTION

For use in excretory urography; aortography; pediatric angiocardiography; and peripheral arteriography.

MEGLUMINE DIATRIZOATE INJECTION—85 PERCENT

For use in angiocardiography and thoracic aortography.

MEGLUMINE DIATRIZOATE 40 PERCENT AND MEGLUMINE IODIPAMIDE 20 PERCENT

For use in hysterosalpingography.

SODIUM ACETRIZOATE STERILE SOLUTION—30 PERCENT

For use in retrograde pyelography and cystography.

SODIUM ACETRIZOATE STERILE SOLUTION—50 PERCENT

For use in urethrography.

SODIUM DIATRIZOATE 37 PERCENT AND SODIUM DIPROTRIZOATE 31 PERCENT INJECTION

For use in angiocardiography.

SODIUM DIPROTRIZOATE INJECTION—50 PERCENT

For use in excretory urography.

IOPANOIC ACID TABLETS

For use in oral cholecystography. It may also be use for oral cholangiography, although it is not considered the method of choice.

MEGLUMINE DIATRIZOATE ORAL SOLUTION OR SODIUM DIATRIZOATE ORAL SOLUTION AND POWDER.

For use in radiographic examination of the gastrointestinal tract following oral or rectal administration.

SODIUM DIATRIZOATE INJECTION—50 PERCENT

For use in excretory urography; cerebral and peripheral angiography; aortography; intraosseous venography; direct cholangiography; hysterosalpingography; and splenoportography.

SODIUM DIATRIZOATE INJECTION—20 PERCENT

For use in retrograde pyelography.

SODIUM DIATRIZOATE AND MEGLUMINE DIATRIZOATE—75 PERCENT OR 90 PERCENT

For use in angiocardiography; aortography; angiography; and urography.

For 90 percent add: Hysterosal- pingography.

IOPYDONE AND IOPYDOL SUSPENSION

For use in bronchography.

ETHIODIZED OIL

For use in hysterosalpingography.

SODIUM ACETRIZOATE AND POVIDONE

For use in hysterosalpingography.

IOPHENDYLATE INJECTION

For use in myelography.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before April 18, 1978, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD—356H (212 CFR 314.1(c)).

b. Approval of an abbreviated new drug application (21 CFR 314.1 (f)) must be obtained prior to marketing such product. The abbreviated application shall include full manufacturing information as required by items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1 (c)). Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (Secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: February 7, 1978.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc. 78-4203 Filed 2-16-78; 8:45 am]

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[4110-03]

[Docket No. 75N-0373]

**DIAMOND SHAMROCK CHEMICAL CO. ET AL.**

**Penicillin-Streptomycin-Vitamin Soluble Powder; Denial of Requests for a Hearing and Withdrawal of New Animal Drug Applications**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) denies a hearing and withdraws approval of all new animal drug applications (NADA's) for penicillin, streptomycin, vitamin soluble powder.

DATES: Effective February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: A notice of opportunity for hearing was published in the FEDERAL REGISTER of July 9, 1976 (41 FR 28340), proposing to withdraw approval of the following NADA's for penicillin, streptomycin, vitamin soluble powders:

NADA 65-303; Nopstress with penicillin, and streptomycin; NADA 65-323; A-V 25 with Vitamins. Diamond Shamrock Chemical Co., Diamond Shamrock Corp., Nutrition and Animal Health Division, 1100 Superior Ave., Cleveland, Ohio. 44114 (hereinafter Diamond Shamrock).

NADA 65-296; FloxAid 50 and FloxAid 128; NADA 65-308, NADA 65-309, NADA 65-310, NADA 65-311, NADA 65-312, NADA 65-370, NADA 65-371, NADA 65-372, NADA 65-373; penicillin, streptomycin, Vitamin Mixtures. Merck Chemical Division, Merck and Co., Inc., Rahway, N.J. 07065 (hereinafter Merck).

NADA 65-104; VSP Concentrate Extra. Anchor Serum Co., Philips-Roxane, Inc., St. Joseph, Mo. 64502.

NADA 65-298; Medic Aid Soluble. Salsbury Laboratories, Charles City, Iowa. 50616 (hereinafter Salsbury).

NADA 65-376; Vita-Lizer SP; NADA 65-377; Vita-Lizer SP 4. Vineland Laboratories, Inc., Vineland, N.J. 08360.

NADA 65-295; Whitmoyer A-V 25. Whitmoyer Laboratories., Inc., Subsidiary of Rohm & Haas Co., Myerstown, Pa. 17067.

The notice stated that the Director of the Bureau of Veterinary Medicine proposed to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act and under section 108(b) of Pub. L. 90-399 withdrawing approval of the products subject to the notice because new information before him about the drug products, evaluated together with the evidence available to him at the time of the approval of the products, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling in that there is a lack of evidence that these products are effective as fixed combination drugs.

The Director based his proposed action on the conclusions of the Food and Drug Administration (FDA) and National Academy of Sciences—National Research Council (the Academy) and Drug Efficacy Study Group, relating to certain penicillin, streptomycin, vitamin combination drugs for use in animal drinking water. These conclusions were published in the FEDERAL REGISTER of July 22, 1970 (35 FR 11706, DESI 0063NV; 35 FR 11707, DESI 0122NV).

The Academy classified Whitmoyer A-V 25, FloxAid BF, and FloxAid AWP as probably not effective for their intended use, and the FDA concurred in its findings. The Academy stated in part:

1. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

2. The disease claims for streptomycin must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of streptomycin sulfate.

3. Each disease claim should be properly qualified as appropriate for use in (name of disease) caused by pathogens sensitive to penicillin and streptomycin. If the disease cannot be so qualified, the claim must be dropped.

4. Claims made "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control."

5. The manufacturer's label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail. As a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparations in drinking water.

Similar conclusions pertaining to analogous penicillin, streptomycin, vitamin combination products, were published in the FEDERAL REGISTER of August 22, 1970 (35FR 13484, DESI 0037NV) and in the FEDERAL REGISTER of August 25, 1970 (35 FR 13538, DESI 0151NV).

These announcements informed all interested persons that the products named must be the subject of approved NADA's, and 6 months were provided in which to submit substantial evidence of efficacy for the products named.

The Director noted in the notice of opportunity for hearing that no interested persons had submitted any data purporting to show substantial evidence based upon adequate and well-controlled investigations that penicillin, streptomycin, vitamin soluble powder will have the effect they are purported or represented to have under the conditions of use prescribed, recommended or suggested in the proposed labeling thereof. He stated that on the basis of all the data and information available to him, he was unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 512 of the act (21 U.S.C. 360b) and § 514.(b)(8) (21 CFR 514.1(b)(8)), demonstrating the effectiveness of these combination drug products.

Section 512 of the act (21 U.S.C. 360b) requires that a drug have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. With respect to fixed combination drugs, § 514.1(b)(8)(v) (21 CFR 514.1(b)(8)(v)) requires that each ingredient designated as active in any new animal drug combination make a contribution to the effect in the manner claimed or suggested in the labeling, and, if in the absence of express labeling claims of advantages for the combination such a product purports to be better than either component alone, it must be established that the new animal drug has that purported effectiveness. The requirement of effectiveness includes the requirement that the most effective level for each component be used. In the case of drug combinations for concurrent therapy, the requirement of effectiveness also states that the dosage of each component be such that the combination is safe and effective for a population of significant size specifically described in the labeling as requiring such concurrent therapy.

Pursuant to the notice of opportunity for hearing, Diamond Shamrock, Merck, and Salsbury have each filed a written appearance requesting a hearing for their products subject to the notice.

Merck's submission consisted of three exhibits identified as:

Exhibit A. "Protocol and analysis of data, FloxAid in Chickens."

Exhibit B. "Reduction of Aflatoxin Effects in Quail" Wilson, et al., from *Poultry Science*, 54:923-925, 1975.

Exhibit C. Letter dated June 18, 1976, from Assistant Professor Roger D. Wyatt to Dr. Lanny Howell of Merck, enclosing tables on a study of young broiler chicks conducted at the University of Georgia College of Agriculture. (Aflatoxin-FloxAid experiment)

Also, Merck argued that the action of the Commissioner was without sufficient support in any agency record and that due process of law required the granting of a hearing.

Diamond Shamrock submitted the same article from *Poultry Science*, identified as exhibit B in Merck's submission. In addition, it recommended and requested that outstanding certifications not be cancelled on those batches of products in the market even if its NADA's are withdrawn.

Salsbury stated that it relies on the data submitted by Merck, and Salsbury did not submit any additional data.

The remainder of the firms subjects to the notice of opportunity for hearing failed to file timely written appearance and request for hearing within the 30-day period provided under § 514.200, thus constituting an election by such persons not to avail themselves of the opportunity for a hearing concerning the proposed action and constituting a waiver of any contentions concerning the legal status of any such drug product.

I. THE DRUGS FOR WHICH A HEARING WAS REQUESTED

1. NADA 65-303; Nopstress with penicillin and streptomycin, diamond shamrock, each 5⅓ oz. contain:

| | |
|---|---|
| Pencillin (from procaine penicillin). | 5 million units. |
| Streptomycin base (as sulfate). | 12.5 g. |
| Vitamin A | 1 million USP units. |
| Vitamin $D_3$ | 200,000 IC units. |
| Vitamin E | 300 IC. |
| Vitamin $B_6$ (pyridoxine) | 200 mg. |
| Vitamin $B_{12}$ | 1.0 mg. |
| Folic acid | 25 mg. |
| Ascorbic acid | 2 g. |
| Menadione sodium bisulfite (source of vitamin K). | 500 mg. |

2. NADA 65-323; A-V 25 with vitamins, diamond shamrock, each pound contains:.

| | |
|---|---|
| Procaine penicillin | 16 million units. |
| Streptomycin base (from streptomycin sulfate). | 35 g. |
| Vitamin A | 1.5 million U.S.P. units. |

| | |
|---|---|
| Vitamin $D_3$ | 1.2 million IC units. |
| Vitamin $B_{12}$ | 4.5 mg. |
| Pyridoxine hydrochloride. | 600 mg. |
| Vitamin E | 900 IU. |
| Niacin | 7,500 mg. |
| Folic acid | 400 mg. |
| Menadione sodium bisulfite complex. | 1,600 mg. |
| Choline bitartrate | 7,500 mg. |
| Sodium benzoate | 0.1 pct. |

3. NADA 65-296; FloxAid 50 and FloxAid 128, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 20,480,000 units (equivalent to 12.3g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 61.440 mg. |
| Vitamin A | 3,227,000 U.S.P. units. |
| Vitamin $D_3$ | 2,048,000 IC units. |
| Vitamin $B_{12}$ activity | 24.6 mg. |
| Pyridoxine hydrochloride (Vitamin $B_6$). | 1,024 mg. |
| Menadione sodium bisulfite (source of vitamin K activity). | 1,946 mg. |
| Vitamin E (as di-alpha tocopheryl acetate). | 1,440 Int. units. |
| Folic acid | 246 mg. |
| Choline bitartrate | 9,305 mg. |

4. NADA 64-308; penicillin-streptomycin vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 20 million units (equivalent to 12 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 50,000 mg. |
| Riboflavin | 1,000 mg. |
| d-Pantothenic acids (equivalent to 5,000 mg calcium pantothenate dextrorotatory). | 4,600 mg. |
| Niacin | 10,000 mg. |
| Vitamin $B_{12}$ activity | 20 mg. |
| Vitamin A | 2 million U.S.P. units. |
| Vitamin $D_3$ | 1.5 million Int. chick units. |
| Vitamin E | 600 Int. units. |
| Menadione sodium bisulfite. | 1,000 mg. |
| Choline bitartrate | 5,000 mg. |

5. NADA 65-309; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 40 million units (equivalent to 24 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 100,000 mg. |
| Vitamin A | 6 million U.S.P. units. |
| Vitamin D | 4 million Int. chick units. |
| Menadione sodium bisulfite. | 4,000 mg. |

6. NADA 65-310; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 20 million units (equivalent to 12 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 50,000 mg. |
| Vitamin A | 3 million U.S.P. units. |
| Vitamin D | 2 million Int. chick units. |
| Menadione sodium bisulfite. | 2,000 mg. |

7. NADA 65-311; penicillin-stremtomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 15,750,000 units (equivalent to 9.45 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 36,000 mg. |
| Riboflavin | 3,600 mg. |
| d-Pantothenic acid (equivalent to 5,400 mg calcium pantothenate dextrorotatory). | 4,968 mg. |
| Niacin | 13,000 mg. |
| Vitamin $B_{12}$ activity | 9 mg. |
| Vitamin A | 900,000 U.S.P. units. |
| Vitamin $D_3$ | 900,000 Int. chick units. |

8. NADA 65-312; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine penicillin | 10 million units (equivalent to 6 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 30,000 mg. |
| Riboflavin | 1,000 mg. |
| d-Pantothenic acid (equivalent to 1,500 mg. calcium pantothenate dextrorotatory). | 1,380 mg. |
| Niacin | 5,000 mg. |
| Vitamin $B_{12}$ activity | 3.2 mg. |
| Vitamin A | 1.5 million U.S.P. units. |
| Vitamin $D_3$ | 500,000 Int. chick units. |
| Vitamin E | 600,000 Int. units. |
| Menadione sodium bisulfite. | 1,000 mg. |
| Pyridoxine hydrochloride | 600 mg. |
| Folic acid | 246 mg. |

9. NADA 65-370; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine Penicillin | 15 million units (equivalent to 9 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 37,500 mg. |
| Riboflavin | 450 mg. |
| d-Pantothenic acid (equivalent to 750 mg. calcium pantothenate dextrorotatory). | 690 mg. |
| Niacin | 1,500 mg. |
| Vitamin $B_{12}$ activity | 1.5 mg. |
| Vitamin A | 1,125,000 U.S.P. units. |
| Vitamin $D_3$ | 750,000 Int. chick units. |
| Vitamin E | 225 Int. units. |
| Menadione sodium bisulfite. | 1,500 mg. |
| Pyridoxine hydrochloride. | 225 mg. |
| Folic acid | 45 mg. |

10. NADA 65-371; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine Penicillin | 20 million units (equivalent to 12 g. penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 50,000 mg. |
| Riboflavin | 600 mg. |
| d-Pantothenic acid (equivalent to 1,000 milligrams calcium pantothenate dextrorotatory. | 920 mg. |
| Niacin | 2,000 mg. |
| Vitamin $B_{12}$ activity | 2 mg. |
| Vitamin A | 1.5 million U.S.P. units. |
| Vitamin $D_3$ | 1 million Int. chick units. |
| Vitamin E | 300 Int. units. |
| Menadione sodium bisulfite | 2,000 mg. |
| Pyridoxine hydrochloride. | 300 mg. |
| Folic acid | 60 mg. |

11. NADA 65-372; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine Penicillin | 15 million units (equivalent to 9.3 g penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 45,600 mg. |
| Riboflavin | 1,500 mg. |
| d-Pantothenic acid (equivalent to 3,000 milligrams calcium pantothenate dextrorotatory. | 2,760 mg. |
| Niacin | 6,000 mg. |
| Vitamin $B_{12}$ activity | 6 mg. |
| Vitamin A | 1.5 million U.S.P. units. |
| Vitamin $D_3$ | 1,125,000 Int. chick units. |
| Vitamin E | 900 Int. units. |
| Menadione sodium bisulfite | 1,500 mg. |
| Pyridoxine hydrochloride. | 900 mg. |
| Folic acid | 180 mg. |

12. NADA 65-373; penicillin-streptomycin-vitamin mixture, Merck, each pound contains:

| | |
|---|---|
| Procaine Penicillin | 20,667,000 units (equivalent to 12.4 g. penicillin G reference standard). |
| Streptomycin sulfate oral veterinary (base). | 60,800 mg. |
| Riboflavin | 2,000 mg. |
| d-Pantothenic acid (equivalent to 4,000 mg. calcium pantothenate dextrorotatory. | 3,680 mg. |
| Niacin | 8,000 mg. |
| Vitamin $B_{12}$ activity | 8.0 mg. |
| Vitamin A | 2 million U.S.P. units. |
| Vitamin $D_3$ | 1.5 million Int. chick units. |
| Vitamin E | 1,200 Int. units. |
| Menadione sodium bisulfite. | 2,000 mg. |
| Pyridoxine hydrochloride. | 1,200 mg. |
| Folic acid | 225 mg. |

13. NADA 65-298; medic aid soluble, Salsbury, each 4 oz. contain:

| | |
|---|---|
| Penicillin (from procaine penicillin). | 5 million units. |
| Streptomycin base (from steptomycin sulfate). | 12,500 mg. |
| Vitamin A | 750,000 mg. |
| Vitamin $D_3$ | 500,000 I.C. units. |
| Vitamin K (menadione sodium bisulfite). | 500 mg. |

## II. Recommended Uses

(1) NADA 65-303; Nopstress with Penicillin and Streptomycin, Diamond Shamrock, is labeled for use in chickens and turkeys for the prevention and treatment of chronic respiratory disease (air-sac infection) and bluecomb (nonspecific infectious enteritis) and the treatment of infectious sinusitis. It is not for use in laying chickens or turkeys.

(2) NADA 65-323; A-V 25 with Vitamins, Diamond Shamrock, is labeled to be used for repackaging purposes only.

(3) NADA 65-296; FloxAid 50 and FloxAid 128, Merck, is labeled for use in chickens for the prevention and treatment of chronic respiratory disease (air-sac infection) and bluecomb (nonspecific infectious enteritis). It is also labeled for use in turkeys for the prevention and treatment of bluecomb (mud fever) and infectious sinusitis. It is not for use in laying chickens or turkeys.





NADA 65-308, NADA 65-309, NADA 65-310, NADA 65-311, NADA 65-312, NADA 65-370, NADA 65-371, NADA 65-372, NADA 65-373; Penicillin-Streptomycin Vitamin Mixtures, Merck. Each mixture is labeled for use in the manufacture of medicated livestock drinking water preparations.

(5) NADA 65-298; Medic Aid Soluble, Salsbury, is labeled for use in chickens for prevention and treatment of CRD (chronic respiratory disease, air-sac infection) and bluecomb (nonspecific infectious enteritis). It is also labeled for use in turkeys for the treatment of infectious sinusitis and bluecomb (nonspecific infectious enteritis). It is not intended for use in laying chickens or turkeys.

## III. Effectiveness

The deficiency in each of the NADA's, as stated in the notice of opportunity for hearing, is its failure to include data establishing that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. In respect to fixed combination drugs, § 514.1(b)(8)(v) requires:

• • • Each ingredient designated as active in any new animal drug combination must make a contribution to the effect in the manner claimed or suggested in the labeling, and, if in the absence of express labeling claims of advantages for the combination such a product purports to be better than either component alone, it must be established that the new animal drug has that purported effectiveness.

This provision constitutes the basis for evaluation of fixed combination drugs. It is based, in part, on the fact that no active drug is entirely safe under all circumstances. Where more than one drug is combined into a treatment entity, it is important to assure that each component has therapeutic value. If each component cannot be proven to have therapeutic value, an unjustified risk of harm results. In addition to the increased safety risks, each needless component adds unjustified expense to the consumer. Therefore, no ingredient should be allowed to "go along for the ride" as excess baggage in a combination drug product.

This reasoning applies to both animal drugs and human drugs. Many animal drugs have human and animal safety considerations. Humans are indirectly affected in that residues of such drugs may contaminate human food derived from treated animals. Also, animal drugs can have economic and nutritional impacts on the human food supply depending on whether and how they cure sick animals. For these reasons, the combination policy applies to animal drugs.

## IV. Data Submitted in Support of Request for a Hearing

Merck's Exhibit A, "Protocol and analysis of data, FloxAid in Chickens," consists of a study that attempts to evaluate the influence of FloxAid on the incidence of necrotic enteritis in floor-reared broiler-type chickens. "Necrotic enteritis" is similar to one of the label claims for FloxAid for chickens. No data were submitted for the other recommended uses in chickens and turkeys. The review and comments on the data concerning the effectiveness of FloxAid on the incidence of necrotic enteritis in chickens by the statistician for Merck admits that:

The Mortality due to necrotic enteritis was 8.2 percent on placebo treatment and 5.6 percent on Floxaid for a 32 percent reduction due to Floxaid. This difference was not significant at the 5 percent level.

In addition, no data were submitted as a basis for determining the contribution of each active ingredient for this fixed combination. For these reasons the Commissioner does not consider this a valid study to support a request for a hearing.

Merck's Exhibit B is a copy of a published article from *Poultry Science*, 1975, entitled "Reduction of Aflatoxin Effects on Quail." This article was also submitted by Diamond Shamrock in support of its request for a hearing. But penicillin, streptomycin, vitamin soluble powders are not approved for use in quail, and they are not labeled for any claims of efficacy relating to the prevention or treatment of aflatoxicosis. Therefore, the results of this study are not relevant as to whether penicillin, streptomycin, vitamin soluble powders are effective as fixed combinations for their approved uses.

Merck's Exhibit C consists of tables derived from a study conducted at the University of Georgia, referred to as the "Aflatoxin-Floxaid" experiment. The tables summarize the effect of dietary aflatoxin and FloxAid on feed efficiency of young broiler chicks. Penicillin, streptomycin, vitamin soluble powders do not have any approved claims of efficacy relating to aflatoxicosis. Therefore, the results of this study are not relevant as to whether penicillin, streptomycin, vitamin soluble powders are effective as fixed combinations for their approved uses.

## V. Due Process of Law

Merck alleged in its request for a hearing that the proposed action of the Commissioner was without sufficient support in any agency record. Merck stated that "the drastic move of the revocation of an effective new animal drug application must and should be based upon an adequate record in order to meet the basic requirements of due process of law." The Commissioner concludes that adequate documentation recording previous actions does exist and that Merck has been given reasonable and adequate notice leading to this withdrawal action and has had sufficient opportunity to respond.

The history of previous actions began with the publication of the conclusions of FDA and the Academy relating to FloxAid, published in the Federal Register of July 22, 1970 (35 FR 11706). FloxAid was evaluated as probably not effective for its intended purpose, and a period of 6 months was provided in which to submit substantial evidence of efficacy. In response, Merck submitted revised labeling and changed the product name. The Food and Drug Administration responded that revised labeling alone did not meet the Academy requirements and that substantial evidence of effectiveness for each claim in each species was needed. A lengthy series of correspondence ensued between the firm and FDA; however, no data purporting to establish substantial evidence of effectiveness were submitted. A proposal to revoke the certification monograph for the use of penicillin, streptomycin combination in animal drinking water was published in the Federal Register of January 10, 1973 (38 FR 1219). In response, Merck requested that the certification monograph not be revoked and cited a chronology of the considerable correspondence between Merck and FDA pertaining to the product. Again, correspondence ensued between the firm and FDA; however, no data purporting to establish substantial evidence of effectiveness were submitted.

The record establishes that Merck had notice and understood that substantial evidence of effectiveness was required to maintain approval for their penicillin, streptomycin, vitamin soluble powders. Merck has had opportunity to respond and has failed to submit substantial evidence of effectiveness. Therefore, the Commissioner concludes that the requirements of due process of law have been met.

## VI. Request That Outstanding Certifications Not Be Canceled on Batches of Product in the Market

Diamond Shamrock recommended and requested that the outstanding certifications not be canceled on those batches of product in the market even if its NADA's were withdrawn. Diamond Shamrock stated:

(1) Cancellation is unnecessary in that no hazard does or will remain to human health.

(2) All ingredients in the products have been used for many years without significant evidence of hazard.

(3) There is no problem relative to safety to the subject target species.

(4) The products were approved for marketing under a Form 6 prior to

regulations concerning fixed antibiotic combinations.

(5) It would constitute unnecessary destruction of harmless materials.

The Commissioner concludes that the basis for withdrawing these products is lack of data showing that they are effective as fixed combinations. Therefore, the Commissioner will not ban the continued marketing of penicillin, streptomycin, vitamin soluble powders that have been certified before February 17, 1978.

VII. FINDINGS

The Commissioner finds that there is no genuine and substantial issue of fact that requires a hearing because no interested persons have submitted any data based upon adequate, well-controlled investigations, within the meaning of 21 CFR 514.111(a)(5), that demonstrate that penicillin, streptomycin, vitamin soluble powders are effective as fixed combinations within the meaning of 21 CFR 514.1(b)(8)(v). Accordingly, the Commissioner finds that, on the basis of new information before him, evaluated together with the evidence available at the time of the approval of the products, there is a lack of substantial evidence that these products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling in that there is a lack of evidence that they are effective as fixed combinations.

Additionally, certification services should be terminated for all penicillin, streptomycin, vitamin soluble powders including those NADA's identified for use in the manufacture of medicated livestock drinking water preparations.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701, 52 Stat. 1055-1056 as amended, 82 Stat. 343-351 (21 U.S.C. 360b, 371)) and the Animal Drug Amendments of 1968 (sec. 108(b), 82 Stat. 353) and under authority delegated to him (21 CFR 5.1), the Commissioner hereby orders, based on the findings stated above:

(1) That the request for hearing made by Diamond Shamrock, Merck, and Salsbury on the withdrawal of approval of their NADA's for penicillin, streptomycin, vitamin soluble powders is hereby denied.

(2) That approvals of the new animal drug applications:

NADA 65-303, Nopstress with Penicillin and Streptomycin; NADA 65-323, A-V 25 with Vitamins, Diamond Shamrock Chemical Co., Diamond Shamrock Corp., Nutrition and Animal Health Division, 1100 Superior Avenue., Cleveland, Ohio 4414.

NADA 65-296, FloxAid 50 and FloxAid 128; NADA 65-308, NADA 65-309, NADA 65-310, NADA 65-311, NADA 65-312, NADA 65-370, NADA 65-371, NADA 65-372, NADA 65-373, Penicillin-Streptomycin Vitamin Mixtures, Merck Chemical Division, Merck and Co., Inc., Rahway, N.J. 07065;

NADA 65-104, VSP Concentrate Extra, Anchor Serum Co., Philips-Roxane, Inc., St. Joseph, Mo. 64502;

NADA 65-298, Medic Aid Soluble, Salsbury Laboratories, Charles City, Iowa 50616;

NADA 65-376, Vita-Lizer SP, NADA 65-377, Vita-Liza SP 4, Vineland Laboratories, Inc.,Vineland, N.J. 08360; and NADA 65-295, Whitmoyer A-V 25, Whitmoyer Laboratories, Inc., Subsidiary of Rohm & Haas Co., Myerstown, Pa. 17067 are hereby withdrawn; effective February 17, 1978.

(3) That no further certification of batches of these drugs will be made. This termination of certification services applies to batches submitted for certification but not yet certified, as well as to batches not yet submitted.

A regulation revoking the certification provisions (21 CFR 540.174b) for the products identified in this notice is issued elsewhere in this issue of the FEDERAL RESISTER.

Dated: February 7, 1978.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc. 78 4204 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 76N-0059; DESI 5798]

**OXIDIZED CELLULOSE PREPARATIONS**

**Drugs for Human Use; Drug Efficacy Study Implementation; Amended Followup Notice**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice amends the previous notice on oxidized cellulose preparations by stating that these drugs are also effective for use in oral surgery and exodontia. This indication was inadvertently omitted from the previous notice.

DATES: Supplements to approved NDA's due on or before April 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER on July 12, 1977 (42 FR 35895), reclassified the oxidized cellulose preparations as effective for use as hemostatic adjuncts and stated the effective indication for use in surgical procedures, but inadvertently did not state its effective indication for use in oral surgery and exodontia. Accordingly, that notice is amended by adding the following indication under B.2.b. *Labeling conditions.*

"For use in oral surgery and exodontia."

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: February 7, 1978.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc. 78-4202 Filed 2-16-78; 8:45 am]

[4110-03]

[Docket No. 78N-0043]

**NEW POLICY CONCERNING DRUGS ALLOWED TO REMAIN ON MARKET PENDING COMPLETION OF STUDIES OF EFFECTIVENESS ("PARAGRAPH XIV" DRUGS)**

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces a new policy governing conditions for marketing prescription drug products that have been allowed to remain on the market pending completion of scientific studies to determine their effectiveness. The new policy allows a drug to remain on or enter the market, under certain conditions, whether or not its manufacturer is conducting clinical studies on that particular drug product, as long as some manufacturer is conducting the necessary clinical studies on a drug product to which the same conclusions about effectiveness would ultimately apply.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), informing manufacturers of prescription drugs for human use of





the future schedule for implementing the drug efficacy study. The notice listed certain drugs, together with the justification for their medical need, that were exempted from the time limits described in the notice and could remain on the market while studies were undertaken to determine whether the drugs are effective. These are known as "Paragraph XIV" drugs. As provided for by that notice, other drugs have since been added to the list.

It has been the past policy of FDA that, in order for a given drug product to remain on the market under this exemption, the drug's manufacturer must conduct or participate in clinical studies applicable to that particular product.

In the interest of minimizing duplicative and costly clinical testing of essentially the same drug product, which places a burden on already overloaded and scarce clinical testing resources without necessarily contributing to the quality of evidence required to establish the drug's effectiveness, the Commissioner of Food and Drugs now concludes that each manufacturer need not clinically test its own product as long as at least one other manufacturer, or a consortium of manufacturers, is conducting tests on a product to which the same effectiveness conclusions would ultimately apply. This decision is compatible with the FDA policy with respect to over-the-counter drugs classified as Category III (i.e., insufficient data exist to permit final classification at this time). The policy now adopted includes the requirement of an abbreviated new drug application for each such product on the market that is not the subject of a new drug application.

When necessary, to implement this new policy, notices concerning specific drug groups now in paragraph XIV, which will include timetables for submission and conditional approval of abbreviated new drug applications, will be published in forthcoming issues of the FEDERAL REGISTER.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, as amended, 1055-1056, as amended (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under the authority delegated to the Commissioner (21 CFR 5.1).

Dated: February 15, 1978.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc. 78-4516 Filed 2-15-78; 11:57 am]

[4110-08]

**National Institutes of Health**

**CANCER CONTROL TREATMENT, REHABILITATION AND CONTINUING CARE REVIEW COMMITTEE**

**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Treatment, Rehabilitation and Continuing Care Review Committee, National Cancer Institute, March 23, 1978, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Md. 20014. Except as noted below, this meeting will be open to the public on March 23, 1978, from 8:30 a.m. to 12 noon, to review contracts from ABT Associates, Inc., Boston, Mass., on the measurements of the cost of cancer care; from Johns Hopkins University, Baltimore, Md., on comprehensive cancer centers communications network, and from the American College of Surgeons, Chicago, Ill. on national cancer consultative programs for hospitals. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public approximately three times for approximately fifteen minutes each time to discuss personal information concerning individuals associated with each contract. In addition, and in accordance with the provisions set forth in section 552(b)(c)(4) and 552(b)(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 23 from 1 p.m. to adjournment, for the review, discussion, and evaluation of an individual contract proposal. This proposal and the discussions of the proposal could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposal.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide a summary of the meeting and a roster of committee members, upon request.

Dr. Carlos E. Caban, Executive Secretary, National Cancer Institute, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Md. 20014, 301-427-7941 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4099 Filed 2-16-78; 8:45 am]

[4110-08]

**CLINICAL TRIALS REVIEW COMMITTEE**

**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical trials Review Committee, National Heart, Lung, and Blood Institute, March 27, 1978, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public from 8:30 a.m. to 12 noon on March 27, 1978, for an orientation of new members and to discuss administrative details and other committee business. Also, there will be a report concerning the current status of the National Heart, Lung, and Blood Institute and a discussion of National Heart, Lung, and Blood Institute Clinical Trials programs with program division representatives. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 27, 1978, from 12 noon to adjournment for the review, discussion, and evaluation of an individual grant application. This application and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A-03, 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4100 Filed 2-16-78; 8:45 am]

[4110-08]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, March 9-10, 1978, at the Disneyland Hotel, in the Cerritos Room, Anaheim, Calif.

This meeting will be open to the public from 8 p.m. to 8:30 p.m. on March 9, 1978, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 9, 1978, from 8:30 p.m. to adjournment and from 8:30 a.m. to adjournment on March 10, 1978, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A-03, 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4096 Filed 2-16-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, March 14 and 15, 1978, in Conference Room 9, Building 31-C, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public from 9 a.m. to 11 a.m. on March 14 to discuss administrative matters relating to the Biomedical Research Support Program and the Biomedical Research Development Program.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 14, 1978, from 11 a.m. to 5 p.m. and on March 15 from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications submitted to the Biomedical Research Development Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B-13, National Institutes of Health, Bethesda, Md. 20014, 301-496-5545, will provide summaries of the meeting and rosters of the committee members. Dr. Sidney A. McNairy, Jr., Excutive Secretary of the General Research Support Program Advisory Committee, Room 5B-31, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.337, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4097 Filed 2-16-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, March 31, April 1, 1978, National Institutes of Health, Building 31, Wing C, Conference Room 9, Bethesda, Md.

This meeting will be open to the public on March 31, 1978 from 8:30 am to approximately 9:30 am to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 31, 1978 from 9:30 am until the adjournment on April 1, 1978, for the review, discussion, and evaluation of individual grant applications. these applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Md. 20014, phone 301-496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.828, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4101 Filed 2-16-78; 8:45 am]

[4110-08]

VISION RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, March 16 and 17, 1978, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on Thursday, March 16, from 8:30 a.m. to 10:00 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. on March 16 until adjournment on March 17 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, will provide summaries of meetings and rosters of committee members.

Dr. Thomas O'Brien, Chief, Scientific Programs Branch, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-47, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4098 Filed 2-16-78; 8:45 am]





[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: March 16-17, 1978.

ADDRESS: Fashion Institute of Technology, 227 West 27th Street, New York, N.Y. 10001.

FOR FURTHER INFORMATION CONTACT:

Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. 20004, 202-376-8873

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is directed to:

(A) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of vocational education programs supported with assistance under this Title;

(B) Review the administration and operation of vocational education programs under this Title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this Title and publish and distribute the results thereof.

The Committees and Task Forces of the Council are as follows:

BOAE Task Force
Technical Assistance Committee
Legislative Committee
MERC Task Force
Task Force on Sex Equity in Vocational Education
Task Force on the Handicapped

Information on meetings which may be planned for any or all of these groups may be obtained by calling the Council office as indicated above.

On March 16, 1978, The National Advisory Council on Vocational Education will meet in regular session from 8:30 to 5 p.m. at the Fashion Institute of Technology in the Conference Room. The following agenda will be included in the meeting:

A.M.

Opening of the Meeting and Introduction of Guests
Report of the Chairman
Report of the Executive Director
Approval of February Minutes
Review of Budget Commitments
Discussion of Other Council Business

P.M.

Reports of Committees and Task Forces
Discussion of Other Council Business (Continued)

The Council Meeting of March 17, 1978, will consist of touring the Fashion Institute of Technology, with briefings by Members of the Staff and Administration, from 8 a.m. to Noon.

Records shall be kept of all Council proceedings and shall be available fourteen days after the meeting for public inspection at the Office of the National Advisory Council on Vocational Education, located at 425 13th Street NW., Suite 412, Washington, D.C. 20004, under 5 U.S.C. 552(b).

Signed at Washington, D.C. on February 9, 1978.

REGINALD E. PETTY,
*Executive Director, National Advisory Council on Vocational Education.*

[FR Doc. 78-4407 Filed 2-16-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the Evaluation Task Force. It also describes the functions of the National Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: March 4th and 5th, 1978; Cambridge, Mass.

ADDRESS: Hyatt Regency Cambridge, 575 Memorial Drive, Cambridge, Mass.

FOR FURTHER INFORMATION CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street NW., Suite 710, Washington, D.C. 20005, phone 202-724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications, and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 3:30 p.m. until 6 p.m. on Saturday, March 4, 1978, and reconvene at 7:30 p.m. until 9:30 p.m. On Sunday, March 5, 1978, the meeting will convene at 9:30 a.m. until 12 noon, and reconvene at 1:30 p.m. until 4:30 p.m. The meeting will be held to review the Office of Education's ESAA evaluation studies and to formulate recommendations that will be made to the full Council.

Requests for oral presentations by the public before the Task Force must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director.

In the event that the tentative agenda is completed prior to the projected time, the Chairman of the Task Force will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on February 14, 1978.

LEO A. LORENZO,
*Executive Director.*

[FR Doc. 78-4411 Filed 2-16-78; 8:45 am]

[4110-02]

## NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

### Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Sunday, March 5 and Monday (site visits), March 6, 1978 in San Diego, Calif. The Council will host its regular meeting on March 5, from 9 a.m.-5 p.m., and will hold site visits on March 6, from 8 a.m.-6 p.m. The Council meeting will be held at the Sheraton Inn-Airport, 1590 Harbor Island Drive, San Diego, Calif. 92101.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantage children.

The purpose of the meeting is for the full Council to review and adopt the final draft of the 1978 Annual Report.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by March 2, 1978, area code 202-724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on February 15, 1978.

ROBERTA LOVENHEIM,
*Executive Director.*

[FR Doc. 78-4556 Filed 2-16-78; 8:45 am]

[4110-85]

### Office of the Assistant Secretary for Health

## ADVISORY COMMITTEES

### Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1978:

Name: Health Services Developmental Grants Study Section.
Date and Time: March 1-3, 1978, 9 a.m.
Place: Hyatt Regency Los Angeles, 711 South Hope Street, Los Angeles, Calif. 90017.
Open: March 1, 9 a.m. to 9:30 a.m.
Closed for remainder of meeting.

*Purpose.* The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

*Agenda.* The open session of the meeting on March 1, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Study Section will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782. Telephone 301-436-6916.

Name: Health Care Technology Study Section.
Date and Time: March 6-8, 1978, 9 a.m.
Place: Sheraton-Silver Spring Motor Inn, 8727 Colesville Road, Silver Spring, Md. 20910.
Open: March 6, 9 a.m. to 10 a.m.
Closed for remainder of meeting.

*Purpose.* The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

*Agenda.* The open session of the meeting on March 6, 1978, will be devoted to a business meeting covering administrative matters. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b (c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, Telephone 301-436-6916.

Name: Health Services Research Study Section.
Date and Time: March 8-9, 9 a.m.
Place: Quorum Room, Sheraton-Silver Spring, 8727 Colesville Road, Silver Spring, Md. 20910.
Open: March 8, 9 a.m. to 10 a.m.
Closed for remainder of meeting.

*Purpose.* The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

*Agenda.* The open session on March 8, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the study section will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, Telephone 301-436-6918.

Agenda items are subject to change as priorities dictate.

NOTE.—Due to the transfer of the above three committees to the Office of the Assistant Secretary for Health and the issuance of subsequent delegations of authority, this notice was delayed.

WAYNE RICHEY, JR.,
*Acting Associate Administrator for Management, Office of Health Policy Research and Statistics.*

[FR Doc. 78-4565 Filed 2-16-78; 8:45 am]

[4110-12]

### Office of the Secretary

## NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

### Annual Operating Plan for FY 1978

This is the Office for Civil Rights' (OCR) fiscal year 1978 Annual Operating Plan. The Plan, set forth in detail in the accompanying narrative and charts, establishes the numbers of complaint investigations, compliance reviews, and the other related activities which will be conducted by the investigative, managerial, and non-clerical support staff of OCR's Headquarters and ten Regional offices.

OCR published a proposed Annual Operating Plan for fiscal year 1978 in the FEDERAL REGISTER on August 5, 1977 (42 FR 39824) and sought comments on the proposal. Twenty-two organizations and individuals submitted comments.

The commentators raised the following issues:

While most supported the concept of a balanced compliance program, several thought that implementation was premature given OCR's current backlog of complaints.

Although none asked for a deletion of activities, the majority asked that OCR expand its compliance review schedule to include particular types of reviews or to increase the numbers of the reviews. Each group sought greater resource allocations and a higher level of activity for that group.

Several questioned the times used to derive the numbers of activities to be conducted. Most commentators felt that OCR had overestimated the time necessary to investigate complaints and the times cited for certain types of reviews, particularly the equal educational services reviews of the four major city elementary and secondary education systems. At the same time, several commentators suggested that OCR had underestimated the time necessary for the conduct of certain compliance reviews.

Several questioned the omission of monitoring compliance agreements.

Most raised concerns about the intention of the compliance program and questioned specific points raised in the narrative.

Several sought greater detail in the descriptions of headquarters responsibilities, especially in areas of policy development and data collection and analysis.

OCR carefully considered each comment. While OCR understands and is sympathetic with all the concerns raised, it was unable to incorporate each change requested into the final Plan. Changes in the Plan in response to the comments received centered primarily on editing the narrative to clarify points which were misunderstood and to include additional detail where possible in response to commentators' requests.

OCR remains committed to the premises on which the Plan was originally based, specifically the implementation of a balanced compliance program and the initiation of a Department-wide civil rights program. OCR sees this as the only way to be responsive to the broad range of beneficiaries, recipients, and issues for which it is responsible.

Changes were made in the standard times used to calculate the work equivalents for compliance reviews called for by the Plan. The changes were the result of a redefinition of issues and a redefined method of calculation. There were no changes made in the standard times for complaint processing. End of the fiscal year information caused additional changes to the workloads. The most significant changes occurred in complaint workloads. There were shifts between carryover and backlog complaints with carryover increasing and backlog decreasing, but the most dramatic change occurred in expected fiscal year 1978 receipts when end of the year information showed an increase of approximately 1,000 complaints over previous projections (the projections used in the proposed plan were based on data for the first six months of fiscal year 1977). The Plan as published shows expected fical year 1978 receipts of 3334, or 879 more than the 2455 projected in the proposed plan. The compliance review table includes a number of carryover reviews, particularly in the Southern elementary and secondary education and residential health areas which were not reflected earlier. Also, based on end of the year information, the regional offices reexamined the assignment of staff to job functions and consequently the earlier figure of 421.97 investigative staff years available was raised to 453.80 investigative staff years.

Further changes resulted from settlement of *Adams* v. *Califano* and *WEAL* v. *Califano* on December 29, 1977 and *Brown* v. *Califano* on January 10, 1978. The negotiated settlement builds on the balanced compliance program as presented in the proposed Annual Operating Plan. It takes as a base the 55 percent/45 percent split of staff resources between complaint investigations and compliance reviews and calls for the assignment of additional staff resources received through future budget increases to the investigation of complaints.

The major points of the settlement order are as follows:

1. The general framework of the June 14, 1976, *Adams* order is permanently extended beyond the Southern and border states to cover all recipients of Federal funds under all of OCR's enforcement responsibilities. The order sets procedures and timetables for accomplishing OCR's work.

2. Fiscal year 1978 and fiscal year 1979 will be transitional years during which exceptions to the full requirements of the order will occur until the backlog of complaints is eliminated and OCR becomes current on all complaints. The order acknowleges that OCR may not receive the increased staff necessary to eliminate the backlog and become current on all complaints by the end of FY 1979.

3. For the transitional period, and dependent on staff increases, the order establishes the following goals:

(a) The investigation of all fiscal year 1978-identified carryover complaints will be resolved by the end of the second quarter of fiscal year 1979; however, Executive Order 11246 complaints will be resolved by the end of fiscal year 1979.

(b) Eighty per cent of all carryover complaints will be resolved by the end of fiscal year 1978.

(c) All backlogged complaints will be resolved by the end of fiscal year 1979; 5 percent will be resolved by the end of fiscal year 1978.

(d) By the end of fiscal year 1979, OCR will begin processing all incoming complaints under the non-transitional terms of the order.

(e) During fiscal year 1978 OCR will process 120 sex discrimination complaints received during fiscal year 1978.

(f) During fiscal year 1978 OCR will conduct at least 20 compliance reviews and in fiscal year 1979 at least 25 compliance reviews of Area Vocational/Technical Schools and Special Purpose Schools in the seventeen Southern and border states. The fiscal year 1978 emphasis will be on Area Vocational/Technical Schools.

(g) During fiscal year 1978 OCR will conduct at least 15 Title IX compliance reviews in elementary and secondary schools, three or four of which will cover athletics issues.

(h) During fiscal year 1978 OCR will conduct at least 55 on-site-compliance reviews, including pre-award reviews, under the Executive Order.

(i) For both the transition period and thereafter, specific timetables apply to the conduct of complaint investigations and compliance reviews.

(j) During fiscal year 1978 and fiscal year 1979 OCR will conduct surveys of Elementary and Secondary School Systems, Vocational Education Programs and Schools, and Special Purpose Schools. The order establishes requirements for survey data collection and availability.

4. The order applies to both HEW/OCR and the Department of Labor/Office of Federal Contract Compliance with reference to Executive Order 11246.

5. OCR will report semi-annually on the implementation of the order's requirements.

The requirements of the Order have been built into the Plan as now published. The terms of the settlement order account for the majority of the changes in the planned activities for fiscal year 1978.

The Plan reflects only those resources now available to OCR. The Office will issue a supplemental schedule of activities planned for any additional resources authorized during the fiscal year.

Only the national summary tables for complaint investigations and compliance reviews are included with the Plan as published. Copies of region by region tables are available by submitting a request to:

Director, Office for Civil Rights,
Department of Health, Education, and Welfare,
330 Independence Avenue SW.,
Washington, D.C. 20201.

DAVID S. TATEL,
*Director,*
*Office for Civil Rights.*

FEBRUARY 14, 1978.

OFFICE FOR CIVIL RIGHTS

ANNUAL OPERATING PLAN FOR FISCAL YEAR 1978

*I. Purpose*

The Office for Civil Rights (OCR) within the Office of the Secretary is responsible

for assuring that Federally assisted programs are free from unlawful discrimination. The Annual Operating Plan (AOP), represented in the narrative and charts below, describes the compliance and compliance-related activities OCR will undertake in fiscal year 1978 to carry out that responsibility.

*II. Jurisdiction*

OCR is charged with enforcing the following statutes and executive orders as they relate to the expenditures of HEW funds:

Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in Federally assisted programs and activities;

Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in Federally assisted education programs;

Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified handicapped persons on the basis of their physical or mental handicap in Federally assisted programs and activities;

Sections 704 and 855 of the Public Health Service Act, which prohibits discrimination on the basis of sex in admission to health-related training programs funded under the Act;

Executive Order 11246, as amended, which prohibits employment discrimination on the basis of race, color, sex, religion, or national origin and requires affirmative action on the part of Government contractors and subcontractors;

Title VII of the Education Amendments of 1972 (the Emergency School Aid Act or ESAA), which provides aid to desegregation institutions;

Age Discrimination Act of 1975, which prohibits discrimination on the basis of an individual's age in all Federally funded programs.

*III. Balanced Compliance Program*

OCR has established as its goal for fiscal year 1978 the commencement of a balanced compliance program responsive to the needs of all protected groups served by all institutions and programs over which OCR has jurisdiction. Achievement of this goal requires a distribution of staff resources to specific activities which will insure coverage of all OCR's executive order and statutory authorities and all types of recipients/contractors who are subject to these orders and statutes (e.g., public school districts, colleges and universities, vocational schools and programs, hospitals, and various State and local government agencies receiving Federal financial assistance and/or Federal contracts).

The actions essential to implementing this goal are:

The conduct of post-funding compliance reviews;

The conduct of pre-award and pre-grant reviews;

The investigation of complaints; and

The expansion of the civil rights assurance role of HEW program agencies with respect to all HEW funded Programs.

The fiscal year 1978 Annual Operating Plan lays the ground work for the elimination of the substantial backlog of complaints and the permanent installation of a balanced compliance program. The Plan reflects increases in both efficiencies and resources over the fiscal year 1977 Plan, and Plans for subsequent years will reflect further increases in both these areas.

In fiscal year 1978, OCR will allocate approximately 55% of its investigative staff time to complaint investigations and 45% to compliance reviews. While allocation resources in this manner will not result in an immediate decrease in the overall complaint backlog, it is the only approach which allows OCR the flexibility to conduct compliance reviews designed to address the interests of all intended beneficiaries of the HEW civil rights enforcement program.

This flexibility is essential to a balanced compliance program. Complaints are not representative of all issues over which OCR has jurisdiction, nor are they representative of all protected groups, particularly the poor and the undereducated within these groups. Similarly, mandated pre- and post-award reviews limit the issues and groups covered. This plan, by including OCR selected compliance reviews, reflects OCR's obligation to redress all forms of unlawful discrimination in Federally assisted programs whether or not a complaint has been filed.

OCR's definition of a balanced compliance program as reflected in the fiscal year 1978 Plan does not simply divide the investigative time between complaint investigations and compliance reviews.

Care has been taken in the planning of compliance reviews to assure that issues and statutory beneficiaries which do not receive adequate attention during complaint processing are nevertheless fully considered by OCR. For example, because very few investigations of handicap complaints were initiated prior to issuance of the section 504 regulations, the number of handicap complaints to be investigated (see section IV.A, below) is disproportionately small. Therefore, several special reviews under section 504 have been scheduled.

This approach to OCR's overall compliance responsibilities is consistent with the regulatory requirement to conduct periodic compliance reviews and to investigate all complaints. To better meet these obligations, particularly for processing complaints, during the fiscal year efforts will be made to increase complaint handling efficiency and thereby process more complaints with existing resources. Additionally, the outstanding complaint workload is the basis for the Administration's substantial supplemental budget request for OCR.

The approach to compliance which is the basis for this Plan and the activities called for in the Plan implement the December 29, 1977, consent order in *Adams* v. *Califano* and *WEAL* v. *Califano* and the January 10, 1978 consent order in *Brown* v. *Califano*. The orders provide for the conduct of certain specified activities and establish procedures and timetables for the conduct of all activities. Essentially, the orders extend the June 14, 1976, *Adams* order beyond the seventeen Southern and Border states to all educational institutions throughout the country and to all recipients for whom OCR has jurisdiction under section 504.

In this AOP the number of activities to be conducted is computed on a base of 1,102 positions in fiscal year 1978. Personnel figures cited throughout the Plan indicate professional staff only. The compliance activities are computed as person year equivalents, so that during fiscal year 1978 OCR will expend on each type of activity indicated the person years equivalent to conducting the number of investigations and reviews cited.

*IV Compliance Program*

*A. Complaint Investigations*

A complaint is an allegation that a Government contractor or a recipient of Federal funds has violated one or several of the legal authorities OCR is responsible for enforcing by discriminating against an individual or groups of individuals. OCR will allocate a total of 243.13 investigative person-years to the processing of complaints as shown in the attached Chart 1.

OCR has begun fiscal year 1978 with 3,097 complaints already on hand and expects to receive an additional 3,334 complaints during the fiscal year.

During fiscal year 1978 OCR will concentrate its complaint investigation resources in three areas:

1. Intake: Each complaint received in fiscal year 1978 will be examined to determine whether or not OCR has jurisdiction, whether the complaint is frivolous, or whether it alleges a *per se* violation of law or regulations and thus can be resolved without an investigation. Of the 3,334 projected new receipts, approximately 12 percent or 402 complaints require no investigation and can be closed through an initial screening process. Complaints involving *per se* violations will be resolved as expeditiously as possible. Should an investigation prove necessary, the complaint will be placed in the inventory of complaints to be investigated along with those remaining subsequent to the screening process. The intake process will consume 14.64 person years.

2. Carryover: Of the 3,097 complaints on hand at the beginning of fiscal year 1978, 2,027 were under active investigation on that date. These complaints, labeled carryover to distinguish them from the backlog of 1,070 complaints for which no investigation has been conducted, will have the highest investigative priority. The Plan allocates 201.08 person-years for the disposition of 1,828 of the carryover complaints. The number of carryover complaints disposed of during fiscal year 1978 may be increased depending on the development of policy which is required to complete the processing of approximately one-fourth of the carryover complaints.

3. New Investigations: OCR will open new investigations on a ration of one backlog complaint for two new receipts, selecting complaints within each category in chronological order by their date of receipt. Investigative resources for new investigations will be proportioned by enforcement area (race, sex, national origin, and handicap). For example, if 30 percent of a regional office's backlog complaints and projected new receipts allege racial discrimination, then 30 percent of that office's complaint investigation staff, remaining after the assignment of staff to intake and carryover complaints, will be allocated to the investigation of racial discrimination complaints. The Plan allocates 27.41 person years for projected new receipt and backlog complaints; this time is equivalent to conducting 175 full complaint investigations.

OCR expects to increase the actual numbers of complaints processed by consolidating complaints against a recipient/contractor before starting a backlog or new receipt investigation and investigating to the extent possible all outstanding complaints against a recipient/contractor when conducting an OCR selected compliance review. Since there is no way now of projecting the increased numbers of complaint investigations that will result from consolidating complaints, the numbers of complaints to be investigated shown on the activity charts do not reflect consolidation.





The complaint workload will be reexamined at the close of the first six months of the fiscal year and adjustments made to the schedule and the proportional distribution of resources as necessary at that time. For example, if carryover complaints are completed in less time than now projected and handicap complaints are received in greater numbers than anticipated, adjustments will be made at the close of the second quarter of the fiscal year so that the third and fourth quarters will reflect this new workload.

Major emphasis in fiscal year 1978 will be placed on increasing complaint handling efficiency. Efforts will focus on revised complaint handling procedures, policy articulation, orientation and training, and new approaches to resolving complaints. The expected result is a 30 percent reduction by the end of fiscal year 1978 in the average time required to conduct complaint investigations.

*B. Compliance Reviews*

In distributing staff to the various activities which come under the broad heading of compliance reviews, priority was given to those reviews which are specifically required by law, which must be performed before funds can be granted, or which were begun prior to the commencement of the fiscal year. The amount of time remaining was distributed to reviews of recipients selected by OCR. OCR will allocate 215.13 person years to the conduct of the compliance reviews shown in the attached chart 2.

1. Mandated Pre- and Post-Funding Activity:

Under Federal law and executive order, OCR is responsible for conducting a variety of pre- and post-funding reviews. Review sites are determined by statute or by other stipulated requirements:

a. During fiscal year 1978, 48.37 person years will be allocated to pre-grant reviews to ensure compliance with the civil rights requirements of section 706 of the Emergency School Aid Act (ESAA). This activity also includes title VI action on ineligible or waiver-denied applicant school districts.

b. Routine health and human development pre-grant clearances relevant to Title VI compliance will require a total of 12.22 person years during fiscal year 1978. The person years are a combination of 7.76 investigative and 4.46 non-investigative professional staff person years.

c. Under Executive Order 11246, OCR is designated a compliance agency by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Consequently, OCR will devote 27.47 person years to the conduct of 67 EO 11246 reviews. These reviews will examine either prospective recipients of Government contracts in excess of $1 million to determine their equal employment compliance status or institutions already receiving contracts to determine their continuing eligibility as Federal contractors.

d. As a part of its continuing obligation under the *Adams* court order, OCR must monitor the desegregation plans of eight formerly dual state systems of higher education, consuming 3.60 person years.

In addition to these four activities, OCR will be working with the HEW principal operating components (POC's) through the new Office of Program Review and Assistance to develop additional uniform, pre-grant review procedures for the Departments's other funding programs.

2. Other Compliance Reviews: Under the Title VI Regulation at § 80.7 (which is applicable also to Title IX and Section 504), OCR is required to initiate post-award investigations of the policies and practices of selected recipients of Federal funds and contractors to determine whether those recipients are in compliance with the legal authorities OCR enforces. Unlike complaint investigations and the pre- and post-funding reviews outlined above, when conducting these reviews, OCR has the freedom to select the site of an investigation, the jurisdiction(s) under which the investigation will be conducted, and the issue(s) the investigation will include. It is with the conduct of these reviews that OCR can balance complaint investigations and site-mandated reviews.

During fiscal year 1978, OCR will devote 123.47 person years to conducting a total of 276 reviews. Of this total, 135 reviews were already in progress on October 1, 1977. This includes 83 on-going elementary and secondary education Title VI reviews (commonly known as Lau reviews) which are specifically aimed at ensuring equal educational opportunity for clients whose predominant language is not English. OCR will also continue the comprehensive reviews of the public school systems in Philadelphia, Chicago, and Los Angeles, and complete the review of the New York City Public School System. In fiscal year 1978, the three on-going reviews will be refocused and the issues limited to ensure their expeditious completion. Additional carryover reviews include investigations of elementary and secondary education systems, post-secondary institutions, and hospitals. The time remaining is assigned to compliance reviews selected for the fiscal year 1978 Plan. These reviews will be geographically dispersed and, on a national level, will cover a comprehensive range of in all program areas under all jurisdictional authorities. If for some reason a jurisdiction cannot be covered within a review originally intended to include all jurisdictions, an additional review of the same type but covering the previously omitted jurisdiction will be started.

The reviews to be conducted were selected in response to an assesssment of the issues and jurisdictions covered in the complaint investigations and in the mandated pre- and post-award reviews.

The types of recipients and issues to be addressed in these OCR selected reviews include:

| Program area | Recipient | Issue |
|---|---|---|
| Elementary and secondary education.. | State Education agencies (SEA's) | Potential discriminatory impact of all policies affecting the treatment of students and the employment of faculty by Local Education Agencies (LEA's); employment within agency. |
| | Vocational/technical schools | Admission to schools; admission to programs; employment; accessibility/accommodation. |
| | Special purpose state administered schools | Admission to schools; accessibility/accommodation; employment. |
| | Local education agencies (LEA's) | Discipline; language programs; classroom assignment; special education; student assignment; migrant education; accessibility/accommodation; employment; student treatment; extracurricular activities. |
| Higher education | State education agencies which administer formerly dual systems | Admission; retention; supportive services; policy impact; employment. |
| | Other State education agencies | Potential discriminatory impact of policies; agency employment. |
| | Professional schools | Admissions; retention; supportive services; accessibility/accommodation. |
| | Graduate schools (nonprofessional) | Admissions; accessibility/accommodation; retention; supportive services; student treatment. |
| | Undergraduate schools | Admissions; retention; accessibility/accommodation; supportive services; student treatment; extracurricular activities. |
| | Community colleges | Admissions; retention; accessibility/accommodation; supportive services; student treatment; extracurricular activities; employment. |
| Health and human development | Residential health facilities (e.g., hospitals, nursing homes) | Accessibility; room assignment; delivery/comparability of services. |
| | Nonresidential health and human development facilities (e.g., family health centers, vocational rehabilitation centers and work shops). | Accessibility; delivery/comparability of services; referrals. |
| | State and local health and human development agencies | Site selection; policies affecting the location and provision of services; adequacy of monitoring of vendors; adequacy of complaint handling procedures; referrals. |
| Handicap discrimination | Single facilities (education, health, human development) | Accessibility; accommodation; employment. |
| | State systems | Policies affecting the location and provision of services; adequacy of monitoring. |

*V. Support*

Conduct of the compliance activities described in IV above requires a variety of regional and headquarters support staff. While, with few exceptions, these staff will not participate directly in the conduct of reviews and investigations, they will provide the management and staff support necessary to the full development and implementation of the balanced compliance program. The descriptions below are meant only to explain the activities which are most critical to the implementation of the compliance program.

*A. Regional Management and Professional Support Staff*

This staff of 1978 will provide overall regional office management and management support, including reporting, assessments of regional progress, evaluations of compliance activities, provision of data collection services, provision of administrative support services, and coordination of the correspondence of the regional office, which is largely prepared by the regional investigative staffs.

*B. Headquarters Staff*

| Unit | Professional Staff |
|---|---|
| Office of the Director | 6 |
| Executive Secretariat | 2 |
| Office of Inter-Governmental Affairs | 7 |
| Office of Public Affairs | 6 |
| Office of the Assistant Director, Administration and Management | 18 |
| Office of the Deputy Director, Compliance and Enforcement | 5 |
| Division of Operational Planning and Support | 5 |
| Division of Technical Review and Assistance | 58 |
| Division of Training | 12 |
| Office of the Associate Director, Policy, Planning, and Research | 2 |
| Division of Policy and Procedures | 24 |
| Division of Planning and Research | 11 |
| Office of the Deputy Director, Program Review and Assistance | 3 |
| Division of Program Planning and Appraisal | 8 |
| Division of Intra-Departmental Technical Assistance | 15 |
| Office of the General Counsel, Civil Rights Division | 64 |
| Total | 246 |

1. Director: In addition to the Director, the staff includes the Executive Secretariat responsible for document control; the Office of Public Affairs responsible for planning and directing a comprehensive civil rights public information program; and the Office of Inter-Governmental Affairs responsible for liaison with the Congress, Federal departments and agencies, and State and local governments and their representative organizations. These offices coordinate the preparation of responses by the staffs of the operational and policy division to the large volume of congressional, executive, and other correspondence received by OCR.

2. Administration and management: This staff provides financial services and budget management for the office and develops and maintains information systems support for all office components. In addition, the staff provides personnel support and management analysis services, concentrating particularly on management planning and control.

3. Compliance and enforcement: This office is the direct link between headquarters and the regions. Staff oversee the conduct of the compliance activities to ensure that all policies, procedures, and standards are uniformly and effectively implemented. They also assist the regions in the development of cases, participate on occasion in the compliance reviews conducted by the regions, develop guidelines and procedures governing the conduct of all reviews, and train the staff.

4. Policy, planning, and research: Roughly two-thirds of this staff are devoted to the development of policies and procedures in all areas, including, but not limited to:

Title IX.
Section 504.
Guidelines, standards, and remedies for language barrier problems in all facilities.
Guidelines for state health and human development agencies.
Anti-discrimination provisions for the location of health and human development facilities and services.
Policy on vocational education programs.
Policy on discipline in schools.
Policy on recipient/contractor record keeping.

Staff work closely with the Compliance and Enforcement staff and participate in investigations and reviews to determine the appropriateness of the policy being developed. Policy development, since it answers a most critical need, is expected to have far-reaching effects on the total compliance program and is a component of the projected increased efficiencies, contributing to increasing carryover complaint completions and expediting further complaint investigations.

The remainder of this staff is responsible for long range planning, research and evaluation, and the design and conduct of surveys and other data collection and analysis activities. OCR's data collection and analysis plan for fiscal year 1978 includes the following:

1978-79 Elementary and Secondary Education Survey.
1978-79 Higher Education Enrollment and Degrees Conferred Surveys.
Case Data Analysis (including the reviews of four major city school systems).
Higher Education Statewide Desegregation Reports.
Hospital Site Location Study.
Information Management System.
Management Analysis and Program Effectiveness Evaluation.
Policy Research and Dissemination.

Planning and designing major new surveys in the health, human development, vocational education and special schools areas to be conducted during fiscal year 1978 and fiscal year 1979.

For some of the above activities, lead responsibility is carried by Compliance and Enforcement, Program Review and Assistance, or Administration and Management staff.

5. Program Review and Assistance: This office, created in fiscal year 1977, carries out the new efforts of the Department to extend civil rights responsibilities into the activities of the HEW program agencies (Principal Operating Components or POC's) who have direct contact with the recipients and beneficiaries of Federal funds. The purpose of this approach is to reduce post-award compliance problems by strengthening the pre-award determination process. Specific objectives to be accomplished in fiscal year 1978 include:

1. Develop and implement a Self-Assessment Guide with POC's.
2. Develop short and long range goals for OCR/POC civil rights initiatives.
3. Develop a civil rights orientation program for POC program and contracting officers.
4. Develop pre-award grant and contract clearance procedures to be implemented jointly by POC's and OCR.
5. Participate in the revision of the procurement manual used by POC's.
6. Develop consolidated language for all assurances required in grant applications and in contracts.
7. Establish a process for OCR clearance of Vocational Education State Plans.
8. Coordinate, with the POC's the Section 504 technical assistance effort of the Department.
9. Develop and implement the initial phase of an OCR/POC technical assistance, education and advocacy program.

In addition to the general effort designed to include all jurisdictions, in fiscal year 1978 OCR will exercise its responsibility for developing and coordinating the immediate and long-term departmental section 504 (handicap) Technical Assistance Program for HEW recipients. During fiscal year 1978, OCR will ensure the development of essential resource materials to assist recipients in complying with the more immediate requirements imposed by the section 504 Regulation. These materials will include: self-evaluation instruments, training curricula, national needs assessment, illustrative procedures, employment-related guidelines and checklists.

6 General Counsel: The staff of the Civil Rights Division of the Office of the General Counsel (OGC) work in direct support of OCR's compliance program. In addition to OGC involvement in the administrative enforcement process, emphasis will be placed on OGC involvement in all aspects of OCR's program, including participation in the development and conduct of reviews and investigations, reviews of pertinent legislation and regulations, provision of formal opinions, and participation in the development of policies and procedures.

*VI. Work Measurement*

The number of complaint and review activities OCR will be able to accomplish during fiscal year 1978 was determined by using an established work-measurement technique to derive an average or standard time for each type of activity. Each standard time is a weighted average of the investigative *work* time required to conduct a review or process a complaint. The standard times do not include "lapse" time, the normal calendar time associated with an investigation when no actual work is being performed on the case. During "lapse" time, the investigator will be working on other reviews or complaint investigations. Consequently, the number of complaint and review accomplishments reflected in this Plan represent work equivalents of complaint investigation and compliance review completions possible with the expenditure of person years cited in the Plan. The actual number of activity *initiations* will be significantly greater because of the "lapse" time factor.

The standard time for a complaint investigation is 44 days. This figure was derived as follows. First, the complaint investigation process was divided into discrete phases: intake, including completion of an incomplete complaint and determination of jurisdiction; investigative planning; on- and off-site information collection and analysis; negotiation; enforcement. Second, experienced investigative staff in each regional office were asked to estimate, for various types of complaints, the minimum, maximum, and most likely amounts of work time an investigator would devote to each of these phases. Third, an average time for each investigative phase was computed giving greatest weight to the "most likely" estimates. Finally, a single standard time was assembled from these weighted averages and further weighted by factoring in the percentage of complaints on the average which (1) can be expected to be closed during the intake phase, (2) will not require on-site data collection, (3) will not result in a finding of discrimination and, (4) will result in a finding of discrimination but will be resolved in the negotiation phase and not require the initiation of enforcement action.

The final standard time of 44 days was reduced to 22 days to determine work time required to complete "carryover" complaints (complaints active on October 1, 1977) since, on the average, half the work necessary to complete these cases was performed prior to the beginning of fiscal year 1978.

To determine the work equivalents of newly received and backlogged complaint completions, two additional adjustments were made. First, although OCR will not have the staff resources to process fully all complaints received during fiscal year 1978, each of these complaints will be taken through the intake phase of the investigative process to a determination of jurisdiction.

This requires on the average 0.85 workday per complaint and will result in closing approximately 402 of the new receipts. Second, after excluding the amount of time required for intake (NOTE.—The intake phase has been completed on all backlogged complaints), the standard time used to determine the work equivalent of backlog and new receipt complaint completions was decreased by 30 percent to approximately 30 days to reflect OCR's goal of increasing complaint handling efficiency during the fiscal year by reducing the time necessary to do the work.

The standard times for pre-funding reviews were derived through the same methodology by which the complaint standard time was derived and are as follows:

| Type | Person-days per review |
|---|---|
| ESAA | 14 |
| Executive Order 11246 preaward | 79 |
| Health pre-grant | 1 |

The standard times for other mandated and OCR-selected reviews likewise were derived by a similar methodology of weighted averages based on regional investigative staff estimates of the work time required to perform each major phase of a review conducted under one jurisdictional authority and covering a single issue. (NOTE.—in some instances, particularly the Southern elementary and secondary education carryover reviews, major city school system reviews, and residential health facility reviews, the investigative staff allocations are based solely on regional estimates of time required to complete activities and do not reflect the use of a standard time.) For reviews which include more than one issue, the standard times for each issue have been added and the total sum adjusted downward since the time required to conduct multiple-issue reviews does not increase in direct proportion with the time necessary to investigate each issue separately. Similarly, for reviews conducted under more than one jurisdiction, the standard time has again been adjusted downward since the time required increases in less than a direct proportion to the number of jurisdictional authorities included.

The resulting standard times for reviews used in this Plan are:

| Type | Person-days per review |
|---|---|
| EO 11246 postaward reviews | 79 |
| Monitoring of *Adams* State higher education systems | 86 |
| *Lau* reviews (carryover) | 19 |
| *Lau* reviews (full scale) | 41 |
| *Brown* reviews | 368 |
| State elementary and secondary education agencies | 121 |
| Vocational technical schools/program | 207 |
| Special purpose state administered schools | 123 |
| Elementary and secondary school district discipline practices | 63 |
| Elementary and secondary school district special education programs | 86 |
| Elementary and secondary school district migrant education practices | 72 |
| Formerly dual State higher education systems | 228 |
| Other State higher education systems | 125 |
| Professional schools | 142 |
| Graduate schools | 142 |
| Undergraduate schools | 158 |
| Community colleges | 194 |
| Residential health facilities | 30 |
| Nonresidential health facilities | 53 |
| Nonresidential human development facilities | 48 |
| State and local health and human development agencies | 193 |
| Section 504 reviews | 46 or 93 [1] |
| Sex discrimination reviews | 21 or 74 [2] |

[1] Variations in standard times are related to the type and size of institution to be reviewed.
[2] Variations in standard times are related to the numbers of issues to be investigated.

The final work equivalents of complaint and review accomplishments displayed on the attached charts are a function of the standard times and the number of work days available for compliance activities per investigator per year. There are 251 work days in a calendar year. From that total, an OCR employee can be expected to take an average of 20 days sick and annual leave. Additionally, an OCR investigator can expect to spend, each year, ten days participating in training, 12 days in meetings and 17 days responding to Privacy Act, Freedom of Information Act and other non-investigation inquiries. These figures are based on regional experience and reflect activities essential to OCR's ability to respond to the public and maintain a staff adequately trained to perform its job. The balance of the work year—192 days—is available for direct compliant and review-related activity.

*VII. AOP Monitoring and adjustment*

OCR will regularly monitor progress under this Plan. In addition, it is effecting a system to validate the standard times used and verify the rate and enformcement area proportions (race, sex, national origin, handicap) of new complaint receipts projected in this Plan.

At the end of the second quarter of the fiscal year, OCR will determine the revisions to the AOP required by an assessment of the first six months of activity. Both the numbers and kinds of activities and the standard times used will be considered for revision. For example, if incoming complaints are being received at a rate different than expected at the beginning of the fiscal year, the proportions will be recomputed; or if the standard times previously estimated for completing compliance activities were inaccurate, they will likewise be recomputed. If revisions are made, OCR will publish a description of the changes.

OCR will also issue a supplemental schedule of planned activities when authorization of additional positions requested in a supplemental budget is received.

Chart 1

PLANNED COMPLAINT PROCESSING ACTIVITY - FY 1978

National Totals

Available Investigative Person Years 243.13

| BASIS | Carryover Complaints | | | Backlog Complaints | | | New Complaints | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Workload 1/ | Number to be Completed | Person Years | Workload 2/ | Number to be Investigated | Person Years | Projected FY 1978 Receipts | Person Years for Intake 3/ | Workload after Intake 4/ | Number to be Investigated | Person Years |
| RACE | 652.2 | 601.7 | 66.18 | 261.5 | 21 | 3.29 | 1192 | 5.24 | 1048 | 45 | 7.05 |
| SEX | 1090.7 | 963.7 | 106.02 | 284.5 | 14 | 2.19 | 1141 | 5.02 | 1004 | 33 | 5.17 |
| NATIONAL ORIGIN | 171.5 | 161 | 17.70 | 71 | 6 | 94 | 245 | 1.07 | 216 | 16 | 2.50 |
| HANDICAP | 112.6 | 101.6 | 11.18 | 453 | 14 | 2.20 | 756 | 3.31 | 664 | 26 | 4.07 |
| TOTALS | 2027 | 1828 | 201.08 | 1070 | 55 | 8.62 | 3334 | 14.64 | 2932 | 120 | 18.79 |

1. "Carryover complaints" means complaints in which the data and information gathering phase of the investigation began prior to 10/1/77.
2. "Backlog complaints" means complaints on hand as of 10/1/77 in which the data and information gathering phase of the investigation has not begun.
3. "Intake" means the initial review of incoming complaints, the acknowledgement, the determination of completeness and jurisdiction, and the completion of incomplete complaints.
4. Approximately 12% of all complaints received are outside the jurisdiction of OCR and are therefore eliminated from the complaint workload.





Chart 2

PLANNED COMPLIANCE REVIEW ACTIVITY - FY 1978

National Totals

Available Investigative Person Years 215.13 1/

| | NUMBER | PERSON YEARS | | NUMBER | PERSON YEARS | | NUMBER | PERSON YEARS |
|---|---|---|---|---|---|---|---|---|
| 1. Emergency School Aid Act Pre-Grant Reviews (Title VI) | 691 | 48.37 | 11. Reviews of Vocational/Technical Schools/Programs in the North and West (Titles VI and IX, Section 504) | 4 | 4.32 | 21. Reviews of Graduate Schools (Titles VI and IX, Section 504) | 2 | 1.48 |
| 2. Health Agency and Program Pre-Grant Reviews (Title VI) | 2445 | 12.22 2/ | 12. Reviews of Area Vocational Technical Schools in the South (Titles VI and IX, Section 504) | 13 | 14.04 | 22. Reviews of Undergraduate Schools (Titles VI and IX, Section 504) | 12 | 7.06 |
| 3. Pre-Award Reviews of Contractors (Executive Order 11246) | 67 | 27.47 | 13. Reviews of Special Purpose State Administered Schools in the North and West (Titles VI and IX, Section 504) | 1 | 0.64 | 23. Reviews of Community Colleges/ Community College System (Titles VI and IX, Section 504) | 6 | 6.00 |
| 4. Post-Award Reviews of Contractors (Executive Order 11246) | | | 14. Reviews of Special Purpose State Administered Schools in the South (Titles VI and IX, Section 504) | 7 | 4.48 | 24. Reviews of Residential Health Facilities (Title VI and Section 504) | 17 | 5.25 |
| 5. Monitoring of Adams State Higher Education Systems (Title VI) | 8 | 3.60 | 15. Reviews of Elementary and Secondary School District Discipline Practices (Title VI) | 4 | 1.32 | 25. Reviews of Nonresidential Health Facilities (Title VI and Section 504) | 8 | 2.16 |
| 6. Equal Educational Services Reviews of Major City School Systems (Title VI, Title IX, and Section 504) | 4 | 16.50 | 16. Reviews of Elementary and Secondary School District Special Education Programs (Title VI and Section 504) | 2 | 0.90 | 26. Reviews of State Health Agencies (Title VI and Section 504) | 5 | 5.00 |
| 7. Reviews of Elementary and Secondary School District Language Programs (Lau) (Title VI) | 88 | 9.35 | 17. Reviews of Elementary and Secondary School District Migrant Education Practices (Title VI) | 1 | 0.38 | 27. Reviews of Nonresidential Human Development Facilities (Title VI and Section 504) | 10 | 2.50 |
| 8. Carryover Reviews of Elementary and Secondary School Districts in the North and West (Brown) (Titles VI and IX, Section 504) | 7 | 13.37 | 18. Reviews of Formerly Dual State Higher Education Systems (Title VI ) | 4 | 4.76 | 28. Reviews of State Human Development Agencies (Title VI and Section 504) | 7 | 6.50 |
| 9. Carryover Reviews of Elementary and Secondary School Districts in the South (Title VI and Title IX) | 30 | 2.34 | 19. Reviews of State Higher Education Systems (Titles VI and IX, Section 504) | 2 | 1.32 | 29. Special Section 504 Reviews | 19 | 6.48 |
| 10. Reviews of State Elementary and Secondary Education Agencies (Titles VI and IX, Section 504) | 4 | 2.24 | 20. Reviews of Professional Schools (Titles VI and IX, Section 504) | 3 | 2.22 | 30. Special Title IX Reviews | 16 | 2.86 |

1/ Includes 12.84 person years of headquarters staff time and 4.46 person years of non-investigative support staff time.
2/ Includes 4.46 person years of non-investigative support staff time.

[FR Doc. 78-4434 Filed 2-16-78; 8:45 am]

[4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[Docket No. NFD-593; FDAA-3054-EM]

### ARKANSAS

### Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Arkansas (FDAA-3054-EM), dated January 20, 1978, and related determinations.

DATED: January 20, 1978

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 20, 1978, the President declared an emergency as follows:

I have determined that the impact of tornadoes on the State of Arkansas is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Arkansas for the purpose of providing temporary housing under the provisions of Section 404 of Pub. L. 93-288. You are further authorized to allocate, from funds available for these purposes, such amounts as you find necessary for administrative expenses.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, FDAA Region VI, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The Counties of: Cross, St. Francis, and Woodruff.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4448 Filed 2-16-78; 8:45 am]

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[4210-01]

[Docket No. NFD 594; FDAA-3056-EM]

### INDIANA

### Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Adminstration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Indiana (FDAA-3056-EM), dated January 27, 1978, and related determinations.

DATED: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 27, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a series of blizzards and snowstorms in the State of Indiana is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Indiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, FDAA Region V, to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 78-4449 Filed 2-16-78; 8:45 am]

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[4210-01]

[Docket No. NFD-595; FDAA-3057-EM]

### MICHIGAN

### Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Michigan (FDAA-3057-EM), dated January 27, 1978, and related determinations.

DATED: January 27, 1978.

FOR FURTHER INFORMATION CONTACT: Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 27, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a series of blizzards and snowstorms in the State of Michigan is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Michigan.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, FDAA Region V, to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4450 Filed 2-16-78; 8:45 am]

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[4210-01]

[Docket No. NFD-596; FDAA-3055-EM]

### OHIO

### Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Ohio (FDAA-3055-EM), dated January 26, 1978, and related determinations.

DATED: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckanhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 26, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a series of blizzards and snowstorms in the State of Ohio is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Ohio.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, FDAA Region V, to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4451 Filed 2-16-78; 8:45 am]

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[4310-84]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-19155-93]

### ALASKA

### Alaska Native Claims Selection; Publication

On December 18, 1975, Doyon, Ltd. filed regional selection application F-19155-93 under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands in the Kandik Basin.

As to the lands described below, the application is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to section 12(c), aggregating approximately 22,919 acres, is considered proper for acquisition by Doyon, Ltd. and is hereby approved for conveyance pursuant to section 14(e) of the Alaska Native Claims Settlement Act:

FAIRBANKS MERIDIAN, ALASKA (UNSURVEYED)

T. 22 N., R. 27 E.,
All.

Containing approximately 22,919 acres.

The conveyance issued for the surface and subsurface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, (26 Stat. 391; 43 U.S.C. 945);

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305;

3. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-21779-93, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 31 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 32 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

(c) (EIN 33 C-4) An easement for a proposed access trail fifty (50) feet in width from public lands in T. 23 N., R. 27 E., Fairbanks Meridian, southeasterly to public lands in T. 22 N., R. 28 E., Fairbanks Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him; and

3. The terms and conditions of the agreement of February 18, 1977 between Doyon, Ltd. and the Secretary of the Interior. A copy of the agreement shall be attached to and become part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Doyon, Ltd., serialized F-21779-93. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

To date, 296,850 acres of land, selected pursuant to section 12(c) of the Alaska Native Claims Settlement Act have been approved for conveyance to Doyon, Ltd.

There are no inland water bodies considered to be navigable within the land described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 20, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

ROBERT E. SORENSON,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4413 Filed 2-16-78; 8:45 am]

[4310-84]

[NM 32693]

NEW MEXICO

Application

FEBRUARY 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for one 4-inch natural gas pipeline, with related facilities, right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 26 E.,
Sec. 11, W½NE¼.

This pipeline will convey natural gas across 0.390 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4358 Filed 2-16-78; 8:45 am]

[4310-84]

[NM 32702, 32703, 32706, and 32707]

NEW MEXICO

Applications

FEBRUARY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 36, lot 2.
T. 29 N., R. 9 W.,
Sec. 6, lots 11, 12, and SW¼NE¼;
Sec. 17, E½SE¼.
T. 29 N., R. 12 W.,
Sec. 24, N½NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 1.105 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4401 Filed 2-16-78; 8:45 am]

[4310-10]

BELLE FOURCHE PROJECT, SOUTH DAKOTA, NEWELL TOWNSITE DIVISION

Sale of Townsite Lots, Newell Townsite, S. Dak.

Notice is given that under the authority granted by the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U.S.C. 561, 568), and all amendments to and regulations resulting from these Acts that on February 27, 1978, at 2 p.m., local time, 11 lots, as described below, will be offered for sale at public auction at the Belle Fourche Irrigation District Office, Newell, S. Dak. These lots will be sold to the highest bidder, at not less than the appraised value.

Area and Appraised Value:

*T. 9N., R. 6E., B.H.M. Newell Townsite, South Dakota*

| Block | Lots | Area | Appraised Value |
|---|---|---|---|
| 5..... | 1 | 50 x 130 | $50.00 each |
| 6..... | 3, 4, 5, 6 | 50 x 130 | $100.00 each |
| 7..... | 1, 2, 3, 4, 5, 6 | 50 x 130 | $100.00 each |

All purchasers must be citizens of or have filed for citizenship in the United States. Purchases must be accompanied by full payment in cash on the sale date.

Mr. R. H. DeKramer, Bureau of Reclamation, P.O. Box 825, Huron, S. Dak. 57350, has been designated as superintendent of the sale and auctioneer.

The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot to any time and place as he may deem proper. Any lot remaining unsold will be subject to private sale by the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Mont. 59103.

Additional information on exact location of the lots and details of the sale may be obained by contacting the sale superintendent at the above address, telephone 605-782-2242, or the Regional Director at the above address, telephone 406-657-6214.

*Warning.* All persons are warned against forming any combination or agreement which will prevent any block from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Title 18 U.S.C. 1860.

Dated: February 13, 1978.

DANIEL BEARD,
*Acting Secretary of the Interior.*

[FR Doc. 78-4473 Filed 2-16-78; 8:45 am]





[4310-84]

[INT FES 78-2]

COLORADO

Availability of Final Environmental Statement; Proposed Foothills Project Near Denver

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management has prepared a final environmental statement (FES) on the proposed Foothills Project near Denver, Colo.

The statement analyzes environmental impacts that would result from implementation of the proposal of the Board of Water Commissioners for the City and County of Denver to construct, operate, and maintain water diversion facilities on federally managed lands on the South Platte River 25 miles southwest of Denver, Colo. The analysis identifies and describes those impacts that would result from the operation of those facilities at the 125 million gallons per day (mgd) initial operating capacity as well as those impacts resulting from operation of the water treatment facilities and a conduit system at the ultimate capacity of 500 mgd.

Several alternatives to the proposed project including No Action, use of Chatfield Reservoir, an Upstream Dam, a Low Dam, and Water Conservation are considered. Three alternative raw water supply scenarios also describe possible new sources of water needed to meet the full 500 mgd capacity of the treatment plant.

In preparing the final statement, the Bureau of Land Management requested and received assistance and comments from many agencies of Federal, State, and local government. Notice of Availability of the draft environmental statement appeared in FEDERAL REGISTER Vol. 42, No. 156, August 12, 1977, page 40980. Written comments were invited for a 45-day period ending September 26, 1977. Additional opportunity to comment was provided at public hearings held on September 14, 15, and 16, 1977, in Denver, Colo.

The FES contains specific responses to both written comments and oral testimony that dealt with the adequacy of the draft environmental statement.

Revisions in the text were also made in response to comments or new information provided by the public during the comment period.

Copies of the final statement are available at the following locations:

BUREAU OF LAND MANAGEMENT

Washington Office of Public Affairs, Room 5625, 18th & C Streets NW., Washington, D.C. 20240, Telephone: 202-343-4151.
Canon City District Office, 3080 East Main Street, Canon City, Colo. 81212, Telephone: 303-275-7494.
Colorado State Public Affairs Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, Telephone: 303-837-4481.
Northeast Resource Area Office, 10250 West 44th Avenue, Wheatridge, Colo. 80933, Telephone: 303-234-4988.

PUBLIC LIBRARIES

Denver Public Library, 1357 Broadway, Denver, Colo. 80202.
Arapahoe County Library System, 6840 South University Boulevard, Littleton, Colo. 80122.
Douglas County Library System, 303 Gilbert, Castle Rock, Colo. 80104.
Bailey Library, Bailey, Colo. 80421.
Boulder Library, 1000 Canyon Boulevard, Boulder, Colo. 80302.
Thornton Library, 221 Eppinger Boulevard, Thornton, Colo. 80229.
Westminister Library, Westminister, Colo. 80030.
Adams County Library System, 10530 Huron, Northglenn, Colo. 80234.
Colorado State Library, 1362 Lincoln, Denver, Colo. 80202.
Jefferson County Library System, 10200 West 20th Avenue, Lakewood, Colo. 80215.
Aurora Library, 1297 Peoria, Aurora, Colo. 80011.
Englewood Library, 3400 South Elati, Englewood, Colo. 80110.
Littleton Library, 6014 South Datura, Littleton, Colo. 80120.

COUNTY OFFICE BUILDINGS

Adams County, 450 South 4th Avenue, Brighton, Colo. 80601.
Boulder, County, P.O. Box 471, Boulder, Colo. 80302.
Denver County, Room 451, City and County Building, Denver, Colo. 80202.
Eagle County, 55 Broadway, Eagle, Colo. 81631.
Arapahoe County, 2069 West Littleton Boulevard, Littleton, Colo. 80120.
Clear Creek County, P.O. Box 547, Georgetown, Colo. 80444.
Douglas County, 300 Wilcox, Castle Rock, Colo. 80104.
Gilpin County, P.O. Box 366, Central City, Colo. 80427.
Jefferson County, 1700 Arapahoe, Golden, Colo. 80149.
Summit County, P.O. Box 1538, Breckenridge, Colo. 80424.
Park County, P.O. Box 128, Fairplay, Colo. 80440.
Teller County, P.O. Box 248, Cripple Creek, Colo. 80813.

Single copies of the final statement can be obtained from the District Manager, Canon City District Office, Bureau of Land Management, 3080 East Main Street, P.O. Box 311, Canon City, Colo. 81212; the Area Manager, Northeast Resource Area Headquarters, Bureau of Land Management, 10250 West 44th Avenue, Wheatridge, Colo. 80933; or the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

Dated: February 10, 1978.

LARRY E. MEIEROTTO,
*Deputy Assistant Secretary.*

[FR Doc. 78-4226 Filed 2-16-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-46]

CERTAIN TELESCOPIC SIGHT MOUNTS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 18, 1978, and amended on January 31, 1978, and February 10, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Clear View Manufacturing Co., Inc., 20821 Grand River, Detroit, Mich. 48219. The amended complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain telescopic sight mounts into the United States, or in their sale, by reason of the alleged coverage of such articles by U.S. Letters Patents 3,835,565 and Des. 232,633 under which patents Clear View Manufacturing Co., Inc. is the exclusive licensee. The amended complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests orders temporarily and permanently excluding such articles from entry into the United States.

Having considered the amended complaint, the United States International Trade Commission, on February 14, 1978, ordered:

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the amended complaint and the evidence adduced, there is a violation or reason to believe there is a violation of subsection (a) of this section in the unauthorized importation of certain telescopic sight mounts into the United States, or in their sale, by reason of such telescopic sight mounts allegedly being covered by claims of U.S. Letters Patents 3,835,565 and Des. 232,633, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the amended complaint and this notice are to be served:

L.E.S., 3640 W. Dempster Street, Skokie, Illinois 60076.

Tomy Enterprises Co., Ltd., 27-16 Nishiaraihon-Cho, 1 Chome, Adachi-Ku, C.P.O. 123, Tokyo, Japan.

Ednar, Inc., Kyodo Boulevard, 2-10-11 Kayabacho, Nihombashi, Chuo-Ku, Tokyo, Japan.

Shilba-Shoji Trading Co., Ltd., 2-D Villa-Galen Building, 38-16 Jungumae, 3-Chome, Shibuya-Ku, Tokyo, Japan.

(3) That, for the purpose of the investigation so instituted, Myron R. Renick, Chief Administrative Law Judge, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer, and

(4) That, for the purpose of the investigation so instituted, Louis S. Mastriani, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to sections 210.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the amended complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The amended complaint is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

Issued: February 14, 1978.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4435 Filed 2-16-78; 8:45 am]

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[7020-02]

[Investigation No. 337-TA-47]

**CERTAIN FLEXIBLE FOAM SANDALS**

**Investigation**

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 18, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Tiddies, Inc., 711½ E. Houston, Pasadena, Tex. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain sandals into the United States, or in their sale, by reason of the alleged coverage of such articles by claims 1-4, 6-9, 11 and 16-22 of U.S. Letters Patent No. 3,978,596, which patent is owned by Tiddies, Inc. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the U.S. International Trade Commission, on February 14, 1978, Ordered——

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there are violations or there is reason to believe there are violations of subsection (a) of this section in the unauthorized importation of certain sandals into the United States, or in the sale thereof, the effect or tendancy of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged violations of subsection (a) of this section consist of allegations that such imported articles infringe claims 1-4, 6-9, 11 and 16-22 of U.S. Letters Patent No. 3,978,596, which patent is wholly owned by Tiddies, Inc.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such article into the United States, or in their sale, are hereby named as the respondents upon which the complaint and this notice are to be served:

IMPORTERS

Young Californian Shoes, Inc., 4901 Morena Boulevard, Suite 1101, San Diego, Calif. 92117.

Graham-Brown Shoe Co., 1715 N. Industrial Boulevard, Dallas, Tex. 75207.

FOREIGN EXPORTER

American Footwear Manufacturing Co., Inc., P.O. Box 388, Taichung, Taiwan.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer, and

(4) That, for the purpose of the investigation so instituted, Charles F. Schill, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondent in accordance with section 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extension of time for submitting a response will not be granted unless good and sufficient cause therefore is shown.

Failure of the respondents to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City Office of the Commission, 6 World Trade Center.

Issued: February 14, 1978.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4436 Filed 2-16-78; 8:45 am]

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[4410-01]

**DEPARTMENT OF JUSTICE**

**Attorney General**

[Order No. 767-78]

**PRIVACY ACT OF 1974**

**Notice of New System of Records**

Notice is hereby given, pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), that the Department of Justice proposes a new system of records to be maintained by the Immigration and Naturalization Service.

The Position Accounting/Control System (PACS), JUSTICE/INS—003, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e) (4) has been published in the FEDERAL REGISTER.

Interested persons are invited to submit written comments on the routine uses of this system. Comments should be addressed to Robert J. Coyne, Acting Administrative Counsel, Room 1121, Office of Management and Finance, Department of Justice, Washington, D.C. 20530, telephone 202-739-5361. All comments must be received on or before March 20, 1978. Comments will be available for inspection in Room 1266, Main Department of Justice Building. No oral hearings are contemplated.





**JUSTICE/INS—003**

**System name:**

Position Accounting/Control System (PACS).

**System location:**

Central Office, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C.

**Categories of individuals covered by the system:**

Employees of the Immigration and Naturalization Service.

**Categories of records in the system:**

A. Position data: position number; category code; organization code; position title; pay plan; series; grade; description; accounting classification code; active/inactive code; fund control number; amount authorized; hours authorized; new program element code; input control number; input transaction code; date position created or vacated; SF-52 date; announcement date and number; Entered on Duty (EOD) date; projected vacant date; date last classified; date Position Management Committee (PMC) approved; date position last audited or reviewed; date of transaction; position appeal date, if any; union coverage code; appealed to code; position freeze code; competitive level code; remarks code.

B. Payroll data: Social Security Account Number (SSAN); pay period number; payroll subobject code; last pay period amount and hours; cumulative amount and hours; accrual amount and hours; prior month YTD amount and hours; payroll current/prior/manual (C/P/M) code.

C. Personnel data: position number; organization code; position title; pay plan; series; grade; description; accounting classification code; incumbent's name, Social Security Account Number, next Quality Step Increase (QSI) date; nature of action; transaction date; FLSA exemption code; and effective date.

**Authority for maintenance of the system:**

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103); Delegation of Authority to Departments (5 U.S.C. 301); Position Management Systems and Employment Ceilings, Bureau of the Budget Circular No. A-64 (June 28, 1965; January 2, 1970).

**Routine uses of records maintained in the system, including categories of users and the purpose of such uses:**

Information in this system is used for reports to INS managers of position authorization and cost data by geographic area, organizational unit, program activity, and budget allocation, including the composition of the INS work force (on-board strength and vacancies); status of each vacancy; turnover and occupancy rate statistics; aggregate position data by grade level, organizational unit, program activity, type of position, etc.; actual costs for each position and projected position costs for the next fiscal year; and authorization of positions through funds control and periodic review mechanisms.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Automated records are maintained on magnetic disk and tape at the Department of Justice Data Management Service. All other records are maintained as paper documents at the Central Office, 425 I Street NW., Washington, D.C. and four regional personnel offices.

**Retrievability:**

Records are retrieved by position number, organization code, accounting classification code, or program element code.

**Access controls:**

Access to the system is restricted to employees of the Immigration and Naturalization Service responsible for position accounting and management. Biweekly reports are distributed only to authorized INS personnel. Remote terminals for additional access are located in areas restricted to authorized INS personnel.

**Safeguards:**

The data in the automated system of records is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. Paper forms are stored in metal file cabinets which are locked outside of normal duty hours.

**Retention and disposal:**

Records are deleted from the automated data base within 60 days after termination of the position authorization. Employee personnel information in the automated data base is deleted when the position becomes vacant. The data base is updated biweekly to maintain accurate, current information on position status and characteristics.

**System manager:**

Associate Commissioner, Management.

**Notification procedure:**

Inquiries should be addressed to the Associate Commissioner, Management, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536.

**Record access procedures:**

In all cases, requests for access to a record shall be in writing, by mail or in person. If request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." The requester shall include a description of the subject matter and, if known, the relating file number. To identify a record relating to an individual, requester should provide the individual's full name, date and place of birth, employee identification number, and, if known, position number. The requester shall also provide a return address for transmitting the information.

**Contesting record procedures:**

Any individual desiring to contest or amend information maintained in the system should direct his request to the Associate Commissioner, Management. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:**

Position management data is obtained from official records in INS

personnel offices. Payroll data is obtained from the computerized Department of Justice Payroll System (JUSTICE/OMF—003). Personnel management data is obtained from the Department of Justice Personnel System (JUNIPER).

**Systems exempted from certain provisions of the Act:**

None.

Dated: February 9, 1978.

GRIFFIN B. BELL,
*Attorney General.*

[FR Doc. 78-4433 Filed 2-16-78; 8:45 am]

[4510-30]

## DEPARTMENT OF LABOR

### Employment and Training Administration

### JOB CORPS

**Proposed Job Corps Center at the Former Lockheed Electronics Assembly Plant, Tucson, Ariz.; Determination of Negative Environmental Impact**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice—Finding of negative environmental impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the former Lockheed Electronics assembly plant, 901 South Campbell Avenue, Tucson, Ariz., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Young, Director, Office of Jobs Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6995.

SUPPLEMENTARY INFORMATION: Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. §911 et seq., directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the former Lockheed Electronics assembly plant location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Section 1500.6(c). The proposed Tucson Job Corps Center will be a training center with residential, nonresidential, and educational facilities for approximately 250 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment related services. The function of the center and the staff of approximately 150 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located approximately 2 miles southeast of downtown Tucson, Ariz. The site surveyed for use by Job Corps consists of two buildings.

All utilites, including municipal water and sewer, natural gas, and electric power are provided to the site. All utilities are active. Required modifications will meet applicable Federal, State, and local standards.

The proposed Job Corps center will be operated in compliance with the Job Corps environmental standards published at 29 CFR 97a.116, and with applicable Federal, State, and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local Government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq., with Executive Order 11752, and with regulations and guidelines of the U.S. Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C., this 27th day of January 1978.

RAYMOND E. YOUNG,
*Director,*
*Office of Job Corps.*

[FR Doc. 78-4159 Filed 2-16-78; 8:45 am]

[4510-30]

### JOB CORPS

**Proposed Job Corps Center at Stead Campus, University of Nevada in Reno; Determination of Negative Environmental Impact**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice—Finding of negative environmental impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Stead Campus site in Reno, Nev., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION:

Contact Raymond E. Young, Director, Job Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6995.

SUPPLEMENTARY INFORMATION: Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. §911 et seq., directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the former Stead Campus location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Section 1500.6(c). The proposed Reno Job Corps Center will be a training enter with residential, nonresidential and educational facilities for approximately 500 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 150 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located approximately 12 miles north of downtown Reno, Nev. The site surveyed for use by Job Corps consists of 28 buildings.

All utilities, including municipal water and sewer, natural gas, and electric power are provided to the site. All utilities are active. Required modifications will meet applicable Federal, State, and local standards.

The proposed Job Corps center will be operated in compliance with the Job Corps environmental standards published at 29 CFR 97a.116, and with applicable Federal, State, and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local Government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq., with Executive Order 11752, and with regulations and guidelines of the U.S. Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C., this 1st day of February 1978.

RAYMOND E. YOUNG,
*Director,*
*Office of Job Corps.*

[FR Doc. 78-4160 Filed 2-16-78; 8:45 am]

[4510-30]

### EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

**Applications**

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 13th day of February 1978.

ERNEST G. GREEN,
*Assistant Secretary for Employment and Training.*

APPLICATIONS RECEIVED DURING THE WEEK ENDING FEBRUARY 10, 1978

| Name of applicant and location of enterprise | Principal product or activity |
|---|---|
| Susquehanna Motel Corp., Auburn, NY. | Hotel/motel. |
| Sweetapple Plastics, Inc., Greensboro, Ga.. | Manufacture of plastic pipes. |
| Hollandale Seed & Delinting Co., Inc., Hollandale, Miss. | Custom cottonseed delinting service. |
| Larry and Kermit Wilson, Ocean Springs, Gulfport, and Biloxi, Miss. | Omelette Shoppes. |
| Rensselaer Care Center, Inc., Rensselaer, Ind. | Comprehensive nursing care facility. |
| Plains Milling, Inc., Magnolia, Minn. | Blending operation for rendered animal proteins. |
| Badger Hatchery, Inc., Howards Grove, Wis. | Sales of feed, seed, and farm supplies. |
| Kettle Moraine Coatings, Inc., Jackson, Wis. | Plastic coating of metal parts. |
| New Castle Engineering, Inc., New Castle, Ind. | Air compressor and industrial equipment sales, repair, and rentals. |
| Longwood Furnace Corp., Gallatin, Mo. | Manufacture of forced air dualfuel furnaces. |
| Resources Refining, Inc., Laramie, Wyo. | Manufacture of zinc sulphate. |
| Merle N. Ault, Cavalier, N. Dak. | Bakery. |

[FR Doc. 78-4400 Filed 2-16-78; 8:45 am]

[4510-30]

### JOB CORPS

**Proposed Job Corps Center at Bethel College in St. Paul, Minnesota, Determination of Negative Environmental Impact**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the former Bethel College site in St. Paul, Minn., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION:

Contact Raymond E. Young, Acting Director, Job Corps, Room 6100, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213, telephone: 202-376-6995.

SUPPLEMENTARY INFORMATION: Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. §911 et seq., directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the former Bethel College location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR section 1500.6(c). The proposed St. Paul Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 450 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 140

will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located approximately midway between Minneapolis and St. Paul. The site surveyed for use by Job Corps consists of 8 buildings on 8.3 acres of land.

The facility is served by municipal water, sewer, national gas and electric power. Renovation of the facility will be make, as required, to meet applicable Federal, State and local standards.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C. this 14th day of February 1978.

RAYMOND E. YOUNG,
*Acting Director,*
*Job Corps.*

[FR Doc. 78-4440 Filed 2-16-78; 8:45 am]

[4510-26]

**Occupational Safety and Health Administration**

**NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH**

**Meeting**

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on March 6 and 7 at the New Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. On March 6, the full Committee will meet in Room N-3437. The meeting will begin at 9 a.m. On March 7, the Committee's subgroups will hold meetings. Subgroup I will meet in Room N-3437 A&B; Subgroup II will meet in Room N-3437 C&D. In the afternoon, the two subgroups will hold a joint meeting in Room N-3437. Both morning subgroup meetings will begin at 9 a.m. The joint afternoon session will begin at 1:30 p.m. The public is invited to attend all of these meetings.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

At the March 6 meeting, the Committee will hear a report on the implementation of the Toxic Substances Control Act and the roles OSHA and NIOSH are to play in support of EPA, along with reports on OSHA and NIOSH activities.

At its March 7 meeting, Subgroup I will discuss discriminatory practices in employment of women, the aged, the handicapped, and groups with special medical susceptibilities, which arise because of job safety and health considerations. Subgroup II will develop recommendations on the review procedures and the evaluation criteria to be used in awarding grants under OSHA's New Directions education and training program. The subject of the joint session of the two subgroups will be NIOSH's programs in toxicology and control technology.

For additional information contact:

Stephen Kaffee, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3635, Washington, D.C. 20210, telephone 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and its subgroups, and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairpersons of the Committee and its subgroups, to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 15th day of February 1978.

EULA BINGHAM,
*Assistant Secretary of Labor.*

[FR Doc. 78-4515 Filed 2-16-78; 8:45 am]

[4510-28]

**Office of the Secretary**

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has Instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of*
*Trade Adjustment Assistance.*





APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Ann Dave Sportswear Co. (ILGWU). | Pennsgrove, N.J | Jan. 30, 1978 | Jan. 19, 1978 | TA-W-3,023 | Ladies' dresses and sportswear. |
| Chromium Mining & Smelting Corp. (USWA). | Memphis, Tenn | Jan. 16, 1978 | Jan. 12, 1978 | TA-W-3,024 | Ferroalloys and chromium products. |
| Cleveland Cap Screw Co. (company). | Cleveland, Ohio | Jan. 23, 1978 | Jan. 18, 1978 | TA-W-3,025 | Standard and nonstandard capscrews |
| Ely & Walker, Inc. (workers) | Kennet, Mo | Jan. 30, 1978 | Jan. 27, 1978 | TA-W-3,026 | Men's and boys' western shirts, athletic wear, and swimwear. |
| Fort Pitt Steel Casting Division, Canval Penn, Inc. (USWA). | McKeesport, Pa | do | Jan. 30, 1978 | TA-W-3,027 | Carbon and stainless steel castings, carbon alloy and stainless pressure castings, stems, bonnets, wedge gates and other valve bodies and assembly parts. |
| Hanna Nickel Mining Co., Hanna Nickel Division (USWA). | Riddle, Oreg | Jan. 17, 1978 | Jan. 1, 1978 | TA-W-3,028 | Ferronickel alloys. |
| Do | do | do | do | TA-W-3,029 | Do. |
| K & M Sportswear, Inc. (ILGWU). | Bridgeton, N.J | Jan. 30, 1978 | Jan. 19, 1978 | TA-W-3,030 | Ladies' slacks, skirts, and shorts. |
| Kazoo, Inc. (workers) | Kalamazoo, Mich | Jan. 23, 1978 | Jan. 16, 1978 | TA-W-3,031 | Warehousing and distribution facility for slacks which company purchases from other companies. |
| Kennecott Copper Corp., Nevada Mines Division (IAM & AW). | McGill, Nev | Jan. 30, 1978 | Jan. 24, 1978 | TA-W-3,032 | Mining of copper, milling, and smelting final product—blister copper. |
| Leesona Corp., Textile Machinery Division (IAM & AW). | Warwick, R.I | do | Jan. 26, 1978 | TA-W-3,033 | Heavy textile machinery. |
| Marathon Steel Corp., Pheonix Plant (USWA). | Phoenix, Ariz | Jan. 10, 1978 | Jan. 6, 1978 | TA-W-3,034 | Reinforcing bars. |
| Nelson Knitting Mills (workers). | Davenport, Iowa | Jan. 9, 1978 | Jan. 3, 1978 | TA-W-3,035 | Active sportswear. |
| North Shore Manufacturing Co., Inc. (workers). | do | do | do | TA-W-3,036 | Do. |
| New Jersey Zinc Co., Inc. (USWA). | Gilman, Colo | Jan. 31, 1978 | Jan. 26, 1978 | TA-W-3,037 | Zinc concentrate, nickel concentrate and crude ore (iron, copper, and silver). |
| Pat Richards (ILGWU) | Paulsboro, N.J | Jan. 30, 1978 | Jan. 20, 1978 | TA-W-3,038 | Ladies' dresses. |
| Rockwell International, Leaf Spring Division (USWA). | New Castle, Pa | Jan. 17, 1978 | Jan. 16, 1978 | TA-W-3,039 | Leaf springs for autos and light trucks and taper-leaf springs for trailer trucks. |
| United States Steel Corp., Supply Division (USWA). | Dallas, Tex | Jan. 18, 1978 | Jan. 12, 1978 | TA-W-3,040 | Sells United States Steel products to customers that buy in small quantities. |
| Do | St. Paul, Minn | do | do | TA-W-3,041 | Do. |
| Do | Houston, Tex | do | do | TA-W-3,042 | Do. |
| Do | Kansas City, Mo | do | do | TA-W-3,043 | Do. |
| Do | Brighton, Mass | do | do | TA-W-3,044 | Do. |
| Do | Conshocken, Pa | do | do | TA-W-3,045 | Do. |
| Do | Baltimore, Md | do | do | TA-W-3,046 | Do. |
| Do | Vernon, Calif | do | do | TA-W-3,047 | Do. |
| Do | St. Louis, Mo | do | do | TA-W-3,048 | Do. |
| Do | Newark, N.J | do | do | TA-W-3,049 | Do. |
| Do | Pittsburgh, Pa | do | do | TA-W-3,050 | Do. |
| Do | Cleveland, Ohio | do | do | TA-W-3,051 | Do. |
| Do | Memphis, Tenn | do | do | TA-W-3,052 | Do. |
| Do | Birmingham, Ala | do | do | TA-W-3,053 | Do. |
| Do | Cincinnati, Ohio | do | do | TA-W-3,054 | Do. |
| Do | Chicago, Ill | do | do | TA-W-3,055 | Do. |
| Do | Camden, N.J | do | do | TA-W-3,056 | Do. |
| Do | Petroleum, Ohio | do | do | TA-W-3,057 | Do. |
| Do | Chicago, Ill | do | do | TA-W-3,058 | Do. |
| Do | St. Louis, Mo | do | do | TA-W-3,059 | Do. |
| Do | New Orleans, La | do | do | TA-W-3,060 | Do. |
| Do | Port Arthur, Tex | do | do | TA-W-3,061 | Do. |
| Do | Alameda, Calif | do | do | TA-W-3,062 | Do. |
| U.S. Steel Corp., American Bridge Division (USWA). | Ambridge, Pa | do | do | TA-W-3,063 | Structural shapes and steel plate. |
| U.S. Steel Corp., Fairfield Works (USWA). | Birmingham, Ala | do | do | TA-W-3,064 | Railroad products. |
| Wilbur B. Driver Co. (USWA). | Newark, N.J | Jan. 13, 1978 | Jan. 9, 1978 | TA-W-3,065 | Alloy strip and wire. |
| Woodbury Dress Co. (ILGWU). | Woodbury, N.J | Jan. 30, 1978 | Jan. 19, 1978 | TA-W-3,066 | Ladies' garments. |
| Youngstown Sheet & Tube Co. (USWA). | East Chicago, Ill | Jan. 17, 1978 | Jan. 16, 1978 | TA-W-3,067 | Tin plate, hot and cold rolled strip, galvanized strip, bar and bar products. |

[FR Doc. 78-4161 Filed 2-16-78; 8:45 am]

[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 2nd day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Armor-San Francisco Galvanizing, Inc. (Boilermaker-Blacksmith Union). | San Francisco, Calif | Jan. 19, 1978 | Jan. 18, 1978 | TA-W-3,004 | Hot tip galvanizing. |
| Canton Textile Mills, Inc., Handley Textile Division (workers). | Roanoke Ala | Jan. 20, 1978 | Jan. 18, 1978 | TA-W-3,005 | Industrial fabrics, greige goods, industrial ducks, shoe trade fabrics, and canvas ducks. |
| Clarence A. Hackett, Inc. (USWA). | Tonawanda, N.Y | Jan. 16, 1978 | Jan. 12, 1978 | TA-W-3,006 | Processes byproducts from Lackawana Works, Bethlehem Steel Corp. and removes steel and iron to be reused by Lackawana Works, also rents equipment. |
| Converse Rubber Co. (company). | North Berwick, Maine | Jan. 20, 1978 | Jan. 17, 1978 | TA-W-3,007 | Rubber and canvas footwear and leather athletic footwear. |
| Harris Corp., Printing Equipment Group (UAW). | Cleveland, Ohio | Jan. 18, 1978 | Jan. 12, 1978 | TA-W-3,008 | Sheet fed offset printing presses, also subcontracting for plants within printing equipment group. |
| International Shoe Co. (United Shoe Workers of America). | St. Clair, Mo | Jan. 19, 1978 | Jan. 6, 1978 | TA-W-3,009 | Supply plant for the other international shoe plants, shoe bottoms, socks, heels, box toes, and soles are produced. |
| Lucky Knitting Mills (workers). | Brooklyn, N.Y | Jan. 18, 1978 | Jan. 18, 1978 | TA-W-3,010 | Ladies' sweaters, jackets and men's and ladies' turtlenecks. |
| National Steel Products Co. (USWA). | Terre Haute, Ind | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-3,011 | Refabricated buildings. |
| O'Keefe Drilling Co., Inc. (International Union of Operating Engineers). | Butte, Mont | Jan. 16, 1978 | Jan. 9, 1978 | TA-W-3,012 | Exploratory drilling and leach drilling for the Anaconda Co., Butte, Mont. |
| Rock Hill Printing & Finishing Co., division of M. Lowanstein & Sons (Machine Printers & Engravers Association). | Rock Hill, S.C | Jan. 25, 1978 | Jan. 22, 1978 | TA-W-3,013 | Processes (finish) cloth that is sold to companies that produce drapes, towels, bedspreads, etc. |
| Roma Printing & Finishing Corp. (company). | Paterson, N.J | Jan. 16, 1978 | Jan. 9, 1978 | TA-W-3,014 | Printing on textile fabrics. |
| Sarajo Manufacturing Co. (company). | Pierce City, Mo | Jan. 25, 1978 | Jan. 10, 1978 | TA-W-3,015 | Boy's sport and dress shirts and a few men's shirts. |
| Senate Button Co. (workers) | New York, N.Y | Jan. 19, 1978 | Jan. 9, 1978 | TA-W-3,016 | Two types of bottons, kiscin for women's wear and urea formaldehyde for men's wear. |
| Sharon Steel Corp., Damascus Tubular Products Division (Damascus Tube Employees Association). | Greenville, Pa | Jan. 16, 1978 | Jan. 10, 1978 | TA-W-3,017 | Welded stainless steel tubing and pipe. |
| Soule Steel Co., Dominguez plant (USWA). | Carson, Calif | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-3,018 | Fabricating reinforcing steel. |
| Soule Steel Co., Long Beach steel plant (USWA). | Long Beach, Calif | do | do | TA-W-3,019 | Reinforcing steel and steel fence posts. |
| Soule Steel Co., Phoenix plant (USWA). | Phoenix, Ariz | do | do | TA-W-3,020 | Fabricating steel. |
| Southwestern Bell Telephone Co. (workers). | Newport, Ark | Jan. 17, 1978 | Jan. 10, 1978 | TA-W-3,021 | Telephone operators. |
| Winchester Hat Corp. (workers). | Winchester, Tenn | do | Jan. 12, 1978 | TA-W-3,022 | Men's fur felt hat bodies. |

[FR Doc. 78-4162 Filed 2-16-78; 8:45 am]





[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 31st day of January 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Blaw-Knox Foundry & Mill Machinery, Inc., Warwood works (USWA). | Warwood, W. Va | Jan. 10, 1978 | Jan. 19, 1978 | TA-W-2,994 | Industrial steel rolls. |
| Blaw-Knox Foundry & Mill Machinery, Inc., Wheeling works (USWA). | Wheeling, W. Va | do | do | TA-W-2,995 | Industrial steel rolls and industrial mill machinery. |
| Centre Foundry & Machine Co., Warwood works (USWA). | Warwood, W. Va | do | do | TA-W-2,996 | Grey iron castings. |
| Centre Foundry & Machine Co., Wheeling works (USWA). | Wheeling, W. Va | do | do | TA-W-2,997 | Do. |
| Consolidated Rail Corp., Central Region (workers). | Pittsburgh, Pa | Jan. 12, 1978 | Jan. 6, 1978 | TA-W-2,998 | Transporting of freight. |
| Hydril Co. (workers) | Youngstown, Ohio | do | Jan. 7, 1978 | TA-W-2,999 | Threads casting and tubing for the steel industry. |
| Kentucky Electric Steel Co. (USWA). | Coalton, Ky | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-3,000 | Steel angles, flats and channels. |
| Sharon Steel Corp., Dearborn Division (USWA). | Dearborn, Mich | do | do | TA-W-3,001 | Specialty cold rolled strip, high carbon and alloy strip for auto industry and chain applications, seat belt buckles and applicances produced. |
| Sharon Steel Corp., Brainard Division (USWA). | Warren, Ohio | do | do | TA-W-3,002 | Steel strapings and straping tools. |
| Sharon Steel Corp. (USWA). | Farrell, Pa | do | do | TA-W-3,003 | Low and high carbon strip and forging steel. |

[FR Doc. 78-4163 Filed 2-16-78; 8:45 am]

[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210

Signed at Washington, D.C., this 25th day of January 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| A & F Leathers, Inc., (workers). | Boston, Mass | Jan. 9, 1978 | Jan. 6, 1978 | 2,948 | Men's and women's leather coats and jackets. |
| Alabama By-Products Corp. (United Steelworkers). | Terrant, Ala | Jan. 10, 1978 | do | 2,949 | Coke and coal chemicals. |
| Alton Box Board Co. | St. Louis, Mo | Jan. 9, 1978 | Dec. 23, 1977 | 2,950 | Folding and setup boxes. |
| Connors Steel Co. (USWA) | Huntington, W.Va | Dec. 19, 1977 | Dec. 15, 1977 | 2,951 | Steel products. |
| Consolidated Rail Corp. (workers) Buckeye Yard Office. | Columbus, Ohio | Jan. 10, 1978 | Jan. 4, 1978 | 2,952 | Transports raw materials and steel. |
| Consolidated Rail Corp. (workers) Mingo Junction Yard. | Mingo Junction, Ohio | Jan. 4, 1978 | Dec. 27, 1977 | 2,953 | Do. |
| Consolidated Rail Corp. Youngstown Consolidated Yard (workers). | Youngstown, Ohio | Dec. 27, 1977 | Dec. 21, 1977 | 2,954 | Do. |
| Kaiser Steel Co., Metal Products Division (workers). | Napa, Calif | Jan. 9, 1978 | Jan. 5, 1978 | 2,955 | Steel plate fabricating, pipe mills, wide diameter pipes. |
| Paris Knitting Mills, Inc. (workers). | Carlstadt, N.J | do | do | 2,956 | Ladies' knitted wear. |
| Patapsco & Back Rivers Railroad Co. (United Transportation Workers). | Sparrows Point, Md | do | Jan. 4, 1978 | 2,957 | Transports steel and raw materials. |
| Reliable Coat Co., Inc. (ILGWU). | Somerset, N.J | do | do | 2,958 | Women's coats. |
| The Sherwin Williams Co., Inc. (Painters & Allied Trades Union). | Gibbsboro, N.J | Jan. 10, 1978 | Jan. 6, 1978 | 2,959 | Paint, varnish, lacquer, textile dye. |
| Union Carbide Corp., Carbon Products Division (IUE). | Fostoria, Ohio | Jan. 11, 1978 | Dec. 28, 1977 | 2,960 | Welding and gouging electrodes, battery carbons, carbon cloth. |
| Union Carbide Corp., Linde Division (O.C.A.W.I.U.). | Tonawanda, N.Y | Jan. 10 1978 | Jan. 9, 1978 | 2,961 | Cryogenic processing equipment, storage equipment, distribution systems for air separation units. |

[FR Doc. 78-4164 Filed 2-16-78; 8:45 am]





[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of)— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Aetna Standard Engineering Co. (USWA). | Ellwood City, Pa | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-2,973 | Heavy machine equipment. |
| Girltown Corp. (ILGWU) | Boston, Mass | Jan. 12, 1978 | Jan. 9, 1978 | TA-W-2,974 | Girls' sportswear. |
| Gorainick Shoe Co. (workers). | Haverhill, Mass | do | Jan. 6, 1978 | TA-W-2,975 | Sock linings used in the shoe industry. |
| Hy-Gain Electronics Corp. (workers). | Lincoln, Nebr | Jan. 17, 1978 | Jan. 11, 1978 | TA-W-2,976 | Citizen band radios, antennas, service center and warehouse. |
| Losito Mushroom Co., Inc. (workers). | Toughkenamon, Pa | Jan. 12, 1978 | Jan. 9, 1978 | TA-W-2,977 | Growing and canning mushrooms. |
| National Steel Service Center, Inc. (USWA). | Des Moines, Iowa | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-2,978 | Warehousing of steel purchased from National Steel's producing facilities. |
| National Steel Corp., Granite City Steel Division (USWA). | Granite City, Ill | do | do | TA-W-2,979 | Flat-rolled products: coke, iron and steel. |
| National Steel Products Co. Corp., Houston plant (USWA). | Houston, Tex | do | do | TA-W-2,980 | Pre-engineered metal buildings. |
| Pacific Tube Co. (USWA) | Los Angeles, Calif | do | do | TA-W-2,981 | Cold-drawn steel tubing and solid steel bars. |
| Pratt Manufacturing Co., Inc. (workers). | Saline ville, Ohio | Jan. 11, 1978 | Jan. 7, 1978 | TA-W-2,982 | Large diameter turntable bearings. |
| Precision Ball Bearing Co. (company). | Stone Park, Ill | Jan. 12, 1978 | Jan. 6, 1978 | TA-W-2,983 | Ball and roller bearings. |
| Superior Tube Co. (USWA) | Collegeville, Pa | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-2,984 | Precision metal tubing. |
| Shenango, Inc. (USWA) | Neville Island, Pittsburgh, Pa. | do | do | TA-W-2,985 | Ingot molds. |
| Do | Sharpsville, Pa | do | do | TA-W-2,986 | Do. |
| Shenango Co. (USWA) | Dover, Ohio | do | do | TA-W-2,987 | Drawn iron and steel. |
| Stupp Bros. Bridge & Iron Co. (USWA). | St. Louis, Mo | do | do | TA-W-2,988 | Fabricated structural steel. |
| Stupp Corp. (USWA) | Baton Rouge, La | do | do | TA-W-2,989 | Do. |
| Titanium Metals Corp., Timet Division (USWA). | Toronto, Ohio | do | do | TA-W-2,990 | Titanium mill products. |
| Universal Bearings Corp. (company). | Stone Park, Ill | Jan. 12, 1978 | Jan. 6, 1978 | TA-W-2,991 | Ball and roller bearings. |
| Van Huffel Tube Corp. (USWA). | Warren, Ohio | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-2,992 | Welded tubing from carbon steel and coldrolled sheets. |
| Western Bearings Corp. (company). | Stone Park, Ill | Jan. 12, 1978 | Jan. 6, 1978 | TA-W-2,993 | Ball and roller bearings. |

[FR Doc. 78-4165 Filed 2-16-78; 8:45 am]

[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of January, 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Ameron Steel and Wire Producing Division (USWA). | Etiwanda, Calif | Jan. 10, 1978 | Jan. 5, 1978 | 2,962 | Reinforcing bars, wire rod, ingots. |
| Do | Imperial, Calif | do | do | 2,963 | Steel wire. |
| Ampco-Pittsburgh Steel Corp. (USWA). | Ambridge, Pa | do | do | 2,964 | Finishes hot-rolled bars and wire. |
| Do | Plymouth, Mich | do | do | 2,965 | Do. |
| Cyclops Corp., Empire-Detroit Steel Division (USWA). | Portsmouth and Dover, Ohio. | do | do | 2,966 | Flat-rolled steel, ingots, coke products. |
| Normal Shoe Co. (workers) | Auburn, N.Y | Jan. 11, 1978 | Jan. 10, 1978 | 2,967 | Retail store for ladies' shoes produced by parent company. |
| Peter Bratti Associates, Inc. (workers). | New York, N.Y | do | do | 2,968 | Construction of high-rise buildings. |
| Schmanke Shoe Co. (workers). | Rochester, N.Y | do | do | 2,969 | Retail store for ladies' shoes produced by parent firm. |
| Wheeling-Pittsburgh Steel Corp., Fabricating Plant (USWA). | Wheeling, W. Va | Jan. 10, 1978 | Jan. 5, 1978 | 2,970 | Roof decking and building materials. |
| Paulina Sportswear (workers). | Los Angeles, Calif | Dec. 28, 1977 | Dec. 23, 1977 | 2,971 | Women's coats. |
| Y&S Candies Co. (workers) | Brooklyn, N.Y | Dec. 20, 1977 | Dec. 11, 1977 | TA-W-2,972 | Variety of candies. |

[FR Doc. 78-4166 Filed 2-16-78; 8:45 am]

[4510-28]

[TA-W-1019]

**WILSHIRE KNITTING MILLS, PHILADELPHIA, PA.**

**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976, in response to a worker petition received on that date which was filed by the Knit Goods Workers Union on behalf of workers and former workers producing sweaters at Wilshire Knitting Mills, Philadelphia, Pa.

Notice of Investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37639). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Wilshire Mills were previously certified eligible to apply for adjustment assistance on November 22, 1975 (See TA-W-163).

The existing certification will expire on October 3, 1976 unless terminated by the Secretary of Labor. Workers newly separated, totally or partially, are covered by the existing certification provided such separation occurred on or after the impact date (October 3, 1974) and before the certification expiration date (October 3, 1976). Thus, a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 3rd day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 78-4167 Filed 2-16-78; 8:45 am]





[4510-22]

**Office of the Secretary**

**ADVISORY COMMITTEE TO REVIEW ADVISORY METAL AND NONMETALLIC MINE HEALTH AND SAFETY STANDARDS**

**Meeting**

Pursuant to section 301(b)(2) of the Federal Mine Safety and Health Amendments Act of 1977, Public Law 95-164, enacted November 9, 1977, notice is hereby given that the Advisory Committee to Review Advisory Metal and Nonmetallic Mine Health and Safety Standards will meet for approximately one week beginning Monday, March 6, 1978. Meetings will be held Monday through Friday starting at 9 a.m. local time each day at the New Department of Labor Auditorium, Plaza Level, Third and C Streets NW., Washington, D.C. 20210: *Provided, however,* That the first meeting on March 6, 1978, will begin at 1:30 p.m.

The committee is a statutory committee established to review the advisory health and safety standards issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act, Pub. L. 89-577, and recommend to the Secretary of Labor which of those standards, or any modifications thereof which do not substantially diminish the health and safety of miners, should be promulgated as mandatory health and safety standards.

The meetings of the advisory committee are open to the public and approximately 200 seats will be available on a first-come first-served basis. Any member of the public may file a written statement with the advisory committee before and during the public meetings. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meetings.

Copies of the committee agenda are available for examination by the public at the office of, and all written statements, comments, and inquiries should be addressed to Frank J. Delimba, Executive Secretary, Room 703, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, telephone: 703-235-8597.

Dated: February 14, 1978.

RAY MARSHALL,
*Secretary of Labor.*

[FR Doc. 78-4662 Filed 2-16-78; 11:45 am]

[6820-35]

**LEGAL SERVICES CORPORATION**

**BOARD OF DIRECTORS**

**Meeting**

A meeting of the Board of Directors of the Legal Services Corporation will be held on Thursday and Friday, March 2 and 3, 1978, in Room 405 of the Marvin Center at The George Washington University, 21st and I Streets NW., Washington, D.C.

The meeting will begin at 9 a.m. on both days. The agenda will include matters relating to selection of the Corporation's auditor, review of the fiscal year 1978 budget, status of the 1979 appropriations request, amendments to the Corporation's bylaws that were published on February 1, 1978 (43 FR 4269), regulations 1608, 1612, 1614, 1620 and 1622, the quality improvement grants program, the study of poverty groups' needs required by section 1007(h) of the Legal Services Corporation Act (as amended in 1977), the Corporation's compensation system, officers of the Corporation, receipt of outside compensation by Corporation officers, support centers, clinical education, conflicts between poverty groups in the same community, the 1977 amendments to the Legal Services Corporation Act, headquarters lease negotiations and other issues concerning the Corporation and its activities.

The entire meeting is open to the public. For more information, contact Ruth Felter at the Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C., phone: 202-376-5100.

THOMAS EHRLICH,
*President.*

[FR Doc. 78-4520 Filed 2-16-78; 8:45 am]

[6820-35]

**BOARD OF DIRECTORS COMMITTEE ON PROVISION OF LEGAL SERVICES**

**Meeting**

A meeting of the Board of Directors Committee on Provision of Legal Services will be held at 7 p.m. on Wednesday evening, March 1, 1978, in the Maryland Suite on the second floor of the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

The agenda will include consideration of the status of the Delivery Systems Study, the quality improvement grants program, and the study required by section 1007(h) of the Legal Services Corporation Act (as amended in 1977).

The entire meeting is open to the public. For more information, contact Barbara Sard at the Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C., phone: 202-376-5100.

THOMAS EHRLICH,
*President.*

[FR Doc. 78-4518 Filed 2-16-78; 8:45 am]

[7536-01]

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**EXPANSION ARTS ADVISORY PANEL**

**Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will take place March 7, 1978, from 10 a.m.-5:30 p.m.; March 8, 1978, from 9 a.m.-5:30 p.m.; March 9, 1978, from 9 a.m.-5:30 p.m.; and March 10, 1978, from 9 a.m.-4:30 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 7, 1978, from 10 a.m.-12:30 p.m. The topic of discussion will be guidelines.

The remaining sessions of this meeting on March 7, 1978, from 12:30 p.m.-5:30 p.m.; March 8, 1978, from 9 a.m.-5:30 p.m.; March 9, 1978, from 9 a.m.-5:30 p.m.; and March 10, 1978, from 9 a.m.-4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

FEBRUARY 14, 1978.

[FR Doc. 78-4351 Filed 2-16-78; 8:45 am]

[7536-01]

**VISUAL ARTS ADVISORY PANEL**

**Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Photography Exhibition Aid, Publications, Surveys) to the National Council on the Arts will take place March 8, 1978, from 9:30 a.m.-5:30 p.m.; March 9,

1978, from 9:30 a.m.-5 p.m.; and March 10, 1978, from 9:30 a.m.-5:30 p.m. in Columbia Plaza Room 1115, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

FEBRUARY 14, 1978.

[FR Doc. 78-4350 Filed 2-16-78; 8:45 am]

[1505-01]

## NATIONAL INSTITUTE OF EDUCATION

### INFORMATION AND DATA ACQUISITION ACTIVITY

#### Collection; Opportunity for Comments

*Correction*

In FR Doc 78-3435 appearing at page 5072 in the issue for Tuesday, February 7, 1978, on page 5073 in the second complete paragraph of the first column, delete "(insert 30 days from date of publication)" and insert "March 9, 1978."

[7555-01]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY COMMITTEE FOR MATERIALS RESEARCH, SUBCOMMITTEE ON METALLURGY AND MATERIALS

#### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON METALLURGY AND MATERIALS OF THE ADVISORY COMMITTEE FOR MATERIALS RESEARCH

Date and time: March 6 and 7, 1978; 9 a.m. to 5:30 p.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Wendell Williams, Section Head, Metallurgy and Materials, Division of Materials Research, National Science Foundation, telephone: 202-632-7406. Persons planning to attend should notify Mrs. Bertha Luster on 202-632-7406.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the materials sciences, especially metallurgy, ceramics and polymers.

Agenda:

*March 6, 1978:* Background information and overview of activities in the Division of Materials Research. Oversight review of the NSF Polymers Program, including presentations by NSF staff, and the ad hoc subcommittee for oversight of the Polymers Program; preparation of draft report.

*March 7, 1978:* Discussion of fiscal year 78 budget allocations and of the role of the materials sciences in the activities of the Directorate for Applied Science and Research Applications. Completion of draft report on the Polymers Program. Information items on national facilities monitored by the Division of Materials Research. Discussion of the long range outlook for materials science and engineering, and of instrument needs.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

FEBRUARY 14, 1978.

[FR Doc. 78-4456 Filed 2-16-78; 8:45 am]

[7555-01]

### ADVISORY COMMITTEE FOR OCEAN SCIENCES, SUBCOMMITTEE FOR OCEANOGRAPHY PROJECT SUPPORT

#### Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Oceanography Project Support.

Date and time: March 13 and 14, 1978, 9 a.m. to 6 p.m. each.

Place: Rooms 642 and 643, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4227.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegatd the authority to make such determination by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

FEBRUARY 17, 1978.

[FR Doc. 78-4457 Filed 2-16-78; 8:45 am]

[7590-01]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

### CAROLINA POWER & LIGHT CO.

#### Issuance Of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-23, issued to Carolina Power & Light Co. (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, S.C. The amendment is effective as of the date of its issuance.

This amendment revises the Robinson-2 Technical Specifications to delete the requirement for hydrostatic testing of steam generator tubes and to impose more restrictive limits on allowable generator tube leakage.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 4, 1976 and January 4, 1977, (2) Amendment No. 30 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, S.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-4421 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

### METROPOLITAN EDISON CO. ET AL.

#### Issuance of a Facility Operating License

Notice is hereby given that pursuant to the Initial Decision of the Atomic Safety and Licensing Board dated December 19, 1977, the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-73 to the Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., authorizing operation of the Three Mile Island Nuclear Station, Unit 2, by the Metropolitan Edison Co. in accordance with the provisions of the license and the Technical Specifications. The Three Mile Island Nuclear Station, Unit 2, is a pressurized water reactor located at the licensees' site in Londonderry Township, Dauphin County, Pa., about ten miles southeast of Harrisburg.

However, the facility is temporarily restricted from operating at full rated power until certain tests and other items noted in the license conditions are completed to the written satisfaction of the Commission.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may Be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The license also includes the condition that the license is subject to the outcome of the proceedings in *Natural Resources Defense Council* v. *NRC* (D.C. Circuit) (July 21, 1976), Nos. 74-1385 and 74-1586. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on November 4, 2009.

A copy of (1) Facility Operating License No. DPR-73, complete with Attachments 1 and 2; (2) the report of the Advisory Committee on Reactor Safeguards dated October 22, 1976; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation Report dated September 1976, and Supplements 1 and 2 thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated February 28, 1975, and supplements thereto; (6) the Draft Environmental Statement dated June 1972; (7) the Final Environmental Statement dated December 1972, (8) the Draft Supplement to the Final Environmental Statement dated July 1976; and (9) the Final Supplement to the Final Environmental Statement dated December 1976, are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., and the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

A copy of the license and item (2) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report (NUREG-0107) and Supplement Nos. 1 and 2, and the Final Environmental Statement (NUREG-0112) may be purchased, at current rates, from the National Technical Information Services, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland this 8th day of February 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
*Chief, Light Water Reactors Branch 4, Division of Project Management.*

[FR Doc. 78-4422 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket No. 50-298]

### NEBRASKA PUBLIC POWER DISTRICT

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebr. The amendment is effective as of its date of issuance.

The amendment involves changes in the facility Technical Specifications to add four valves to the list or primary containment isolation valves, to add qualification requirements for the Chemistry and Health Physics Supervisor, to alter the method of identifying Safety Review and Audit Board members, to revise the licensee's management organization chart, to delete the respiratory protection program requirements, and to modify certain facility reporting requirements.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 16, November 2, and December 23, 1977, (2) Amendment No. 41 to Licensee No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebr. 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 31st day of January, 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
*Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc. 78-4423 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket No. 50-333]

**POWER AUTHORITY OF THE STATE OF NEW YORK**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, N.Y. The amendment becomes effective 30 days after its date of issuance.

This amendment incorporates fire protection Technical Specifications on existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated August 12, 1977, as supplemented December 16, 1977, (2) the Commission's letter dated November 29, 1977, (3) Amendment No. 34 to License No. DPR-59, and (4) the Commission's related Safety Evaluation issued November 29, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, N.Y. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention, Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-4424 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-566 and STN 50-567]

**TENNESSEE VALLEY AUTHORITY, YELLOW CREEK NUCLEAR PLANT, UNIT NOS. 1 AND 2**

**Issuance of Limited Work Authorization**

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Tennessee Valley Authority to conduct certain site activities in connection with the Yellow Creek Nuclear Plant, Unit Nos. 1 and 2, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and 10 CFR 50.10(e)(3) and include the following:

Move office and shop trailers onsite; receive and store plant materials and equipment; upgrade onsite roads; clear, grub, and grade for the plant; install electrical, telephone, air, sewer and water utilities; place foundations; install protective and security fencing; clear, grub, and construct electrical feeder line; install telephone and potable water lines; construct temporary cofferdam and barge dock; relocate public utilities as necessary; clear, grub and grade for safety-related facilities and non-nuclear facilities; place reinforced concrete; place usable excavated earth materials in fill; develop borrow areas for fill materials; clear, grub, and grade access road to plant; clear, grub, grade, and erect visitors' building; if necessary, relocate onsite county road; drill, grout, place fill and dental concrete, or other foundation treatment of rock.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Tennessee Valley Authority and, except as to matters determined under sections 50.10 (e)(2) and (e)(3)(ii), the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on February 3, 1978. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated November 1977; and (5) the Commission's letter of authorization dated February 9, 1978, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the Corinth Public Library, 1023 Fillmore Street, Corinth, Miss.

Dated at Bethesda, Md., this 9th day of February 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
*Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.*

[FR Doc. 78-4425 Filed 2-16-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-266 and 50-301]

**WISCONSIN ELECTRIC POWER CO.**

**Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 33 and 37 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the date of issuance.

These amendments delete the Respiratory Protection Section of the Technical Specifications (15.6.12), which were superseded by changes to 10 CFR 20 Section 103 (c) and (f).

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the Commission's letter dated July 29, 1977, (2) Amendment No. 33 to License No. DPR-24, (3) Amendment No. 37 to License No. DPR-27, and (4) the Commission's letter dated February 13, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Attention: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-4427 Filed 2-16-78; 8:45 am]





[7590-01]

**TOPICAL REPORT**

**Issuance and Availability**

The Nuclear Regulatory Commission has issued a topical report, NUREG-0402, "Analysis of a Worldwide Strong Motion Data Sample to Develop an Improved Correlation Between Peak Acceleration, Seismic Intensity, and Other Physical Parameters."

The Commission's regulations (in 10 CFR Part 100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants") require that applicants relate historic earthquake data (intensity) to potential motion (acceleration). The scientific base for the correlation of peak ground acceleration with intensity has been expanded by increasing the number of strong motion accelerograms included in that base from 1500 to nearly 1600. In addition, this report identifies the significant variables affecting the correlation between intensity and acceleration and assesses the importance of these variables with regard to seismic risk in the Eastern United States.

This work was done by Computer Sciences Corporation under contract to the NRC.

The report is available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161. (Paper copy: $6.50; Microfiche: $3.)

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 7th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of Standards Development.*

[FR Doc. 78-4426 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-522, STN 50-523]

**PUGET SOUND POWER & LIGHT CO. ET AL., (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)**

**Order Convening Evidentiary Hearing**

The Atomic Safety and Licensing Board has considered with the parties, in accordance with the Rules of Practice of the Commission, respecting a date convenient for reconvening the evidentiary hearings. The Board had proposed convening on March 6th and extending through March 17th and the partied agreed to that schedule. It now appears that March 6th is not a convenient date for the commencement of this session; therefore, the hearings will convene on March 7th and will include, if convenient, a Saturday session on March 11th providing that the federal hearing room space is available.

This session of evidentiary hearings will be limited to geologic and seismic matters pertaining to the proposed site of the Skagit nuclear power facility. No statements by way of limited appearance will be received.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing shall convene at 9 a.m. on Tuesday, March 7, 1978, in Room 3086 of the New Federal Building, 915 Second Avenue, Seattle, Wash., to consider geologic and seismic matters pertinent to the site proposed for the Skagit nuclear power facility.

For the Atomic Safety and Licensing Board.

Issued: February 9, 1978.

SAMUEL W. JENSCH,
*Chairman.*

[FR Doc. 78-4429 Filed 2-16-78; 8:45 am]

[7590-01]

[Docket No. 50-251]

**FLORIDA POWER AND LIGHT CO. (TURKEY POINT PLANT UNIT NO.4)**

**Order for Modification of License**

I.

The Florida Power and Light Co. (the Licensee), is the holder of Facility Operating License No. DPR-41 which authorizes the operation of the nuclear power recator known as Turkey Point Unit No. 4 (the facility) at steady state reactor power levels not in excess of 2200 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site in Dade county, Fla.

II.

On August 3, 1977, the Nuclear Regulatory Commission ordered Turkey Point Unit No. 4 to perform an inspection of steam generators after 6 equivalent months of cycle 4 operation. By letter dated January 18, 1978, suplemented by letters dated February 1, 1978 and February 9, 1978, the licensee requested approval to continue operation of Turkey Point Unit No. 4 until the end of the current fuel cycle, currently estimated to be about July 22, 1978. The NRC staff has evaluated this information and has assessed continued operation of the facility. This evaluation is set forth in the accompanying Safety Evaluation Report. Based on its review, the staff has concluded that operation of the facility, under the conditions previously imposed, may be continued for an additional period of 6 weeks (7½ equivalent months of cycle 4 operation) and that the limitations contained in this Order will provide reasonable assurance that the public health and safety will not be endangered by continued operation of Unit No. 4. This Order continues in effect the leakage and radioiodine concentration limits imposed.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla: (1) the licensee's letter of January 18, 1978, supplemented by letters dated February 1, 1978 and February 9, 1978, (2) the Order for Modification of License, In the Matter of Florida Power and Light Co. (Turkey Point Unit No. 4), Docket No. 50-251 dated August 3, 1977 and (3) this Order for Modification of License, In the Matter of Florida Power and Light Co. (Turkey Point Plant, Unit No. 4), Docket No. 50-251.

III.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Part 2 and 50, *it is ordered*, that paragraph 3.D of Facility Operating License No. DPR-41 is hereby amended as follows:

D. *Steam Generator Operation*

1. Turkey Point Unit No. 4 shall be brought to the cold shutdown condition in order to perform an inspectio

of the steam generators after seven and one-half (7½) equivalent months of cycle 4 operation. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection. For the purpose of this requirement, equivalent operation is defined as operation with a primary coolant temperature greater than 350 F.

Dated in Bethesda, Md. this 10th day of February, 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 78-4428 Filed 2-16-78; 8:45 am]

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[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 14461; SR Amex 77-32]

### AMERICAN STOCK EXCHANGE, INC.

### Order Approving Proposed Rule Change

FEBRUARY 13, 1978.

On December 7, 1977, the American Stock Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "act"), and rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would allow issuers to file a short form listing application incorporating documents publicly filed with the Commission and would eliminate the printing requirement for short form listing applications.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of Commission Release (Securities Exchange Act Release No. 14260, (December 12, 1977)) and by publication in the FEDERAL REGISTER (43 FR 1656 (January 11, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder. In addition, the Commission finds that the proposed rule change is consistent with Section 12 of the Act which sets forth the registration requirements for securities.

It is therefore ordered, pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
*Assistant Secretary.*

[FR Doc. 78-4359 Filed 2-16-78; 8:45 am]

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[8010-01]

[Release No. 20412; 70-6094]

### LOUISIANA POWER & LIGHT CO.

### Proposal To Operate an Option to Subsequently Acquire Municipal Electric Facilities

FEBRUARY 10, 1978.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70174, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Louisiana is engaged in the business of generating, transmitting, distributing, and selling electric power and energy. It operates in 46 of the 64 parishes (counties) in the State of Louisiana, including the Parish of Claiborne. Louisiana's operating revenues for the twelve months ended September 30, 1977, aggregated $372,306,000.

The Town of Homer ("Town") is a municipal corporation of the State of Louisiana, located in the Parish of Claiborne, in the northwesterly part of the State. Its estimated population is approximately 4,400 people. The Town owns, operates, and maintains a system for the generation, distribution, and sale of electric power and energy to customers within the corporate limits of the Town, as well as to some customers outside of such corporate limits ("Electric System"). As of September 30, 1977, the Town had 1,939 electric customers. As of June 30, 1977, the Electric System had an estimated depreciated book value of $1,690,000 against an original cost of approximately $3,182,258. For the year ended June 30, 1977, the Electric System had operating revenues of $864,362 and operating expenses of $821,310 or net income from operations of $43,052. The Town presently has outstanding (1) bonds in the aggregate principal amount of $1,662,000 which are payable from the income and revenues of its waterworks and electric systems and plants. Louisiana states that it is its understanding that, at least in part, for financial reasons, the Town has been encountering increasing difficulty in the operation and maintenance of the Electric System.

Pursuant to an invitation of the Town and on the basis of subsequent negotiations, Louisiana, under date of August 31, 1977, submitted to the Town a proposition and offer ("Offer") which provides for the operation and possible ultimate ownership by the company of the Electric System as set forth in an Operating Agreement. A special election was called by the Town and held on October 22, 1977, and resulted in a vote by the electorate in favor of the acceptance of the Offer.

Under the terms of the Operating Agreement, Louisiana, among other things, will be obligated, at its own expense, to operate and maintain the entirety of the Electric System exclusive of the generating facilities ("Distribution System"), providing for the entirety of the electric power supply requirements of the Distribution System and its customers. The company may but will not be obligated to operate and/or maintain the Electric System's generating facilities or any part thereof. Louisiana will also be obligated to make such additions, improvements and replacements to extensions of, and retirements with respect to, the Distribution System as Louisiana, acting as a prudent operator, considers necessary or desirable, and may (but will not be obligated to) make additions, improvements and replacements to, and retirements with respect to, the Generating Facilities. Louisiana will make payments to certain paying agents of amounts necessary to pay the principal of and interest on the Bonds as such principal and interest become due. The company is also obligated to pay the Town 2 percent of the revenues from residential and commercial customers within the corporate limits of the Town. This is standard in all municipalities wherein the company is franchised.

At such time as no Bonds or refunding bonds are any longer outstanding, Louisiana will have the right and option to purchase and acquire from the Town the entirety of the Electric System in consideration of (1) the continued obligation of the company to make certain payments of $25,400 per year to the Town in each of the years 1993 through 1997 and (2) the granting by Louisiana to the Town of the right and option to require Louisiana to pay to the Town in a single lump sum, in lieu of such $25,400 annual payments, the aggregate amount of all such payments then remaining unpaid, discounted on a basis of 10 percent per annum applied against each such payment to the due date thereof.

Louisiana states that in order to integrate service to the Town into its operations, it will be necessary to construct approximately 2 miles of 34.5 KV distribution line and one 34.5/4. 16 KV, 10 MVA substation at an estimated cost of $220,000.

The application states that the Town and its electric customers will be provided with a reliable and adequate supply of electricity and with improved electric service. It is stated that existing facilities of Louisiana virtually surround the Electric System and Louisiana presently has three different 34.5 KV lines coming toward the Town from three different directions all terminating at Louisiana's Homer Switching Station near the Town and serving customers immediately outside the Town. These three 34.5 KV lines have a total power supply capability of 35 MW. Louisiana's 1977 peak load in the area served by these three lines was 21 MW. Therefore, Louisiana's assumption of the Town's load will enable Louisiana to make greater use of an already existing investment; in the same way, the proposed transaction will also enable Louisiana to effect greater utilization of its already existing operating forces in the area; and Louisiana's cost of service per customer to serve the customers of the Electric System will be less than Louisiana's average cost of service per customer. This will reduce the burden on all of Louisiana's existing customers in carrying the fixed charges on Louisiana's existing facilities and the expenses for operating forces, in this otherwise sparsely populated area, thereby benefiting Louisiana's existing customers.

Louisiana does not propose to engage in any program of upgrading to its standards the condition of either the Distribution System or the Generating Facilities. The Distribution System is operable and operating, and Louisiana will ordinarily perform such maintenance and repairs thereon as are required to keep the Distribution System operating reliably. In the future, as the Town's load grows and portions of the existing 4.16 KV distribution system reach their maximum load-handling capability, such portions will, from time to time, be converted to 13.8 or 34.5 KV, thereby extending the life of the remaining portions of the 4.16 KV system. Such conversions will be effected only as required by load growth, and the expenditures therefor will be supported by the increased operating revenues which result. With regard to the Generating Facilities, seven of the eight generating units are operable and operating. Louisiana intends to operate these generating units for peaking or emergency purposes. It is stated that the money budgeted for the repairs and maintenance of the Generating Facilities will keep these units operable and operating to the extent that Louisiana intends to use them. Louisiana sees no necessity for upgrading the condition of the Generating Facilities to its standards. However, the Generating Facilities will be declared to, and on call by, the Middle South System the same as any other generating facilities of Louisiana. In short, Louisiana intends to operate the Electric System on a profitable basis and is of the opinion it can do so and furnish reliable electric service to the Town. Louisiana further states that the ultimate acquisition by the company of the Electric System on a desirable basis is provided for in the Agreement and appears likely.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposal are estimated at $9,500, including legal fees of $7,500.

Notice is further given that any interested person may, not later than March 10, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4360 Filed 2-16-78; 8:45 am]

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[8010-01]

[Release No. 14462; SR-PHLX-77-16]

### PHILADELPHIA STOCK EXCHANGE, INC.

### Order Approving Proposed Rule Change

FEBRUARY 13, 1978.

On December 19, 1977, the Philadelphia Stock Exchange, Inc., 17th and Exchange Place, Philadelphia, Pa. 19103, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would increase the supplemental listing fee schedule for securities listed on the Exchange.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14315 (December 28, 1977)) and by publication in the FEDERAL REGISTER (43 FR 1167 (January 6, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder. More specifically, the Commission finds the proposed rule change to be consistent with section 6(b)(4) of the Act which requires the rules of an exchange to provide for the reasonable allocation of dues, fees and other charges among its members and issuers.

*It is therefore ordered,* Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 29, 1977, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
*Assistant Secretary.*

[FR Doc. 78-4361 Filed 2-16-78; 8:45 am]

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[8010-01]

[Release No. 34-14456; File No. SR-MSRB-78-3]

### SELF-REGULATORY ORGANIZATIONS

### Proposed Rule Changes By Municipal Securities Rulemaking Board

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 9, 1978, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing the following proposed amendments (hereafter referred to as the "proposed rule changes") to Board rule G-12 relating to uniform practice:

RULE G-12, UNIFORM PRACTICE[1]

(a) and (b) no change.
(c) Dealer confirmations.
(i) through (iv) no change.
(v) Each confirmation shall contain the following information:
(A) through (H) no change.
(I) yield to maturity and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to *premium* call, *or to par option*, this must be stated, and where a transaction is effected on a yield basis, the [calculation of] dollar price shall be *calculated* to the *lowest* [lower] of price to *premium* call, *price to par option*, or price to maturity);
(J) through (N) no change.
(vi) No change.
(d) No change.
(e) Delivery of securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:
(i) through (xii) no change.
(xiii) Delivery of registered securities.
(A) through (E) no change.
(F) Certificate in name of deceased person, trustee, etc.
(1) A certificate shall not constitute good delivery if executed with a qualification, restriction or special designation or if delivered in the name of, or with an assignment or power of substitution executed by a person since deceased; a minor; a receiver in bankruptcy; an agent; an attorney; or, except as provided in subparagraph (2) below, a trustee or trustees (except for trustees acting in the capacity of a board of directors of a corporation or association in which case the requirements of subparagraph (E) above shall apply), [a guardian,] an executor, or an administrator.
(2) No change.
(G) and (H) no change.
(xiv) through (xv) no change.
(f) through (l) no change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSES OF PROPOSED RULE CHANGES

The purpose of the proposed amendment to subparagraph G-12(c)(v)(I) is to ensure that all relevant call provisions are taken into account in calculating dollar price. Thus, the Board is of the view that the contra party to a transaction should be informed when a security is priced to either a premium call or a par option. (A par option is a call made at par.) The Board also believes that dollar price should be calculated to give the purchaser the benefit of the lowest dollar price, giving effect to all calls which may reasonably be expected to occur.

The purpose of the proposed amendment to item G-12(e)(xiii)(F)(1) is to correct a drafting oversight and clarify that delivery of a certificate registered in the name of a guardian constitutes good delivery under the rule. This would conform the provision in question to longstanding industry practice.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(c) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes and directs the Board to adopt rules which are

designed * * * to foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

Comments have not been solicited or received on the proposed rule changes.

BURDEN ON COMPETITION

The Board has determined that the proposed rule changes do not impose any burden on competition.

On or before March 25, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or
(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secertary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 10, 1978.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4362 Filed 2-16-78; 8:45 am]

[1] *Italics* indicate additions; [brackets] indicate deletions.

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[8010-01]

[Release No. 34-14455; File No. SR-MSRB-78-4]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change By Municipal Securities Rulemaking Board

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 9, 1978, the above-mentioned self-regulatory orgainzation filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board (the "Board") is filing the following proposed amendments (hereafter referred to as the "proposed rule change") to Board rule G-15 relating to customer confirmations:

RULE G-15. CUSTOMER CONFIRMATIONS[1]

(a) At or before the completion of a transaction in municipal securities with or for the account of a customer, each broker, dealer or minicipal securities dealer shall give or send to the customer a written confirmation of the transaction containing the following information:

(i) through (vii) no change.
(viii) yield to maturity and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to *premium* call *or to par option*, this must be stated, and where a transaction is effected on a yield basis, the [calculation of] dollar price shall be *calculated* to the *lowest* [lower] of price to *premium* call, *price to par option*, or price to maturity);
(ix) through (xiii) no change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to ensure that all relevant call provisions are taken into account in calculating dollar price. Thus, the Board is of the view that customers should be informed when securites are priced to either a premium call or a par option and that a selling dealer should calculate dollar price so as to assure the customer of the lowest dollar price, giving effect to all calls which may be reasonably expected to occur. (A par option is a call made at par.)

[1] *Italics* indicate additions; [brackets] indicate deletions.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to the provisions of section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules

* * * designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

BURDEN ON COMPETITION

The Board has determined that the proposed rule change does not impose any burden on competition.

On or before March 25, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or
(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the the caption above and should be submitted on or before March 12, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 10, 1978.

[FR Doc. 78-4363 Filed 2-16-78; 8:45 am]

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[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0322]

THE CINEMA FUND, INC.

Issuance of License To Operate as a Small Business Investment Company

On December 16, 1976, a notice of application for a license as a Small Business Investment Company (SBIC) was published in the FEDERAL REGISTER (41 FR 55015). The original application which provided for SBIC investment specialization in small concerns involved in movie production and distribution was withdrawn on May 15, 1977. On August 5, 1977, a revised application was submitted which provided for restricted investments to movies not to exceed one-third of the dollar amount of the SBIC's portfolio. A revised notice of application for a license as an SBIC was published in the FEDERAL REGISTER on November 9, 1977, (42 FR 58473) stating that an application had been filed with the Small Business Administration (SBA) pursuant to section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company by the Cinema Fund, Inc., 666 Fifth Avenue, New York, N.Y. 10019.

Interested parties were given until the close of business on December 9, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on December 19, 1977, issued License No. 02/02-0322 to the Cinema Fund, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 1, 1978.

PETER F. MCNEISH,
*Deputy Associate Administrator for Investment.*

[FR Doc. 78-4402 Filed 2-16-78; 8:45 am]

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[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Secretary

OFFSET PAPER FROM CANADA

Antidumping Proceeding

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of offset paper from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

There appears to be substantial doubt that imports of subject merchandise at less than fair value are the cause of present, or likely future, injury to an industry in the U.S. Thus, as required by the Antidumping Act, 1921, as amended, the case is being referred to the U.S. International Trade Commission for a determination on whether there is no reasonable indication of injury.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent Kane, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 12, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the International Paper Co. indicating a possibility that offset paper from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice "offset paper" means chemical-wood-pulp based offset printing paper, containing less than 5 percent by weight mechanical wood pulp, whether or not cut to size or shape, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated, provided for in item numbers 252.67 and 256.30 of the Tariff Schedules of the United States, Annotated (TSUSA).

The margin of dumping alleged, based on a comparison of prices to the

U.S. with prices in the home market, ranged from 3 to 16 percent.

There is evidence on record concerning injury or likelihood of injury to the U.S. industry from the alleged less than fair value imports. This evidence also indicates, however, that imports of offset paper from Canada only accounted for roughly 2 percent of the U.S. market for this product during the first 10 months of 1977, only a slight increase from 1975 and 1976. Furthermore, the U.S. producers' market share has remained close to 90 percent since 1975. Information also indicates that petitioner's profitability and capacity utilization has improved since 1975. Therefore, on the basis of such evidence it has been concluded that there is substantial doubt of injury, or likelihood of injury to, or prevention of establishment of an industry in the United States by virtue of such imports from Canada. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the International Trade Commission, within 30 days of receipt of the information cited in the preceding paragraph, advise the Secretary that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, the Department will publish promptly in the FEDERAL REGISTER a notice terminating the investigation. Otherwise the investigation will continue to conclusion.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 14, 1978.

[FR Doc. 78-4483 Filed 2-16-78; 8:45 am]

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[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 591]

### ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-13153, McCarty Truck Line, Inc.—Control—(B) East Nebraska Motor Freight, Inc. and (BB) Kruse Transportation Co., Inc.; MC-F-13168, McCarty Truck Line—Control—Nebraska-Iowa-Missouri Express, Inc.; MC-F-13419, McCarty Truck Line, Inc.—Investigation of Control—East Nebraska Motor Freight, Inc., Kruse Transportation Co., Inc., Nebraska-Iowa-Missouri Express, Inc., and Dewayne Marley, d.b.a. Pile Truck Line; MC 121540 (Sub 4), East Nebraska Motor Freight, Inc.; and MC 121586 (Sub 2), Kruse Transportation Co., Inc., now assigned March 20, 1978 at Lincoln, NE, will be held in Bankruptcy Court Room 543, U.S. Federal Building and Courthouse, 100 Centennial Mall North.

MC 126118 (Sub 38), Crete Carrier Corp., now assigned March 15, 1978 at Lincoln, NE, will be held in Room 2-C, Second Floor, State Office Building, 301 Centennial Mall South; and on March 17, 1978 only, will be heard in the DAS Conference Room, Fifth Floor, State Office Building, 301 Centennial Mall South.

MC 126118 (Sub 40), Crete Carrier Corp., now assigned March 13, 1978 at Lincoln, NE, will be held in Room 2-C, Second Floor, State Office Building, 301 Centennial Mall South.

MC 141641 (Sub-No. 6), Wilson Certified Express, Inc., now assigned March 7, 1978, at Chicago, IL. is canceled and application dismissed.

MC 135082 (Sub 45), Burch Trucking, Inc., d.b.a. Roadrunner Trucking, Inc., now assigned March 7, 1978 at Portland, OR, will be held in Room 103, Pioneer Courthouse, 555 Southwest Yamhill Street.

MC 142809, Don Penick and Harvey Keenan, d.b.a. Double Eagle Trucking, now assigned February 28, 1978, at Olympia, WA is canceled and reassigned for February 28, 1978 (3 days), at Seattle, WA, Edgewater Inn, Room 218, 2411 Alaskan Way.

AB 18 (Sub 21), Chesapeake and Ohio Railway Co. Abandonment of Carferry Service Across Lake Michigan Between Ludington, MI and Kewaunee, Milwaukee, and Manitowoc, WI and AB 31 (Sub 5), Grand Truck Western Railroad Co. and the Grand Trunk Milwaukee Carferry Co. Abandonment of its Lake Michigan Carferry Operation from Eastern Port of Muskegon to Western Port of Milwaukee in Muskegon County, MI and Milwaukee County, WI now being assigned February 21, 1978 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 134286 (Sub-No. 34), Illini Express, Inc., application dismissed.

No. 36434, Petition for Declaratory Order and Reconsideration (Commuter Fares-Consolidated Rail Corp., NJ and NY and No. 36474, Benjamin A. Gilman v. Consolidated Rail Corp. and Metropolitan Transportation Authority of New York, now assigned March 13, 1978, at Newburgh, NY, is cancelled and reassigned to March 27, 1978, (2 days), at the County Legislative Chamber, City Government Center, 124 Main Street, Goshen, NY and continued to March 29, 1978 (3 days). at the Suffern Village Hall, 62 Washington Avenue, Suffern, NY.

MC 1515 (Sub 228), Greyhound Lines, Inc., now assigned February 27, 1978, at Chicago, IL., is cancelled.

MC 139999 (Sub 25), Redfeather Fast Freight, Inc. and MC 114632 (Sub 111), Apple Lines, Inc., now assigned March 20, 1978 at Kansas City, MO, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 143633, James E. Ashley, d.b.a. Ashley Hauling Equipment Co., now assigned March 16, 1978 at Kansas City, MO, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 106074 (Sub 48), B & P Motor Lines, Inc., now assigned March 22. 1978 at Kansas City, MO, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 100449 (Sub 75), Mallinger Truck Line, Inc., now assigned March 14, 1978 at Kansas City, MO, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 134755 (Sub 109), Charter Express, Inc., now assigned March 15, 1978 at Kansas City, MO, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 112070 (Sub-No. 15), Gray Moving & Storage, Inc., application dismissed.

MC 107515 (Sub-No. 1040), Refrigerated Transport Co., Inc., now assigned March 8, 1978, at Chicago, IL., is canceled and application dismissed.

No. MC 95540 (Sub 990), Watkins Motor Lines, Inc., now assigned March 8, 1978, at Washington, DC, is cancelled.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4441 Filed 2-16-78; 8:45 am]

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[Notice No. 592]

### ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

*Correction*[1]

MC 115826 (Sub 272), W. J. Digby, Inc. now being assigned February 28, 1978 (1 day) at Denver, CO and will be held in Room 158, U.S. Customs House, 721 19th Street.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4442 Filed 2-16-78; 8:45 am]

[1] This notice corrects the hearing date from February 22, 1978 to February 28, 1978.





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[7035-01]

## DISCONTINUANCE OF REGIONAL GROUPINGS OF CARRIERS IN MOTOR PUBLICATIONS

FEBRUARY 13, 1978.

The Transport Statistics in the United States, Part 2—Motor (formerly designated Part 7); Statement 750, Financial and Operating Statistics Class I Motor Carriers of Passengers; and, Statement 800, Financial and Operating Statistics Class I Motor Carriers of Property, will no longer be published to include regional groupings. Effective with data for calendar year 1976, groupings will be limited to Eastern, Southern, and Western districts and United States (all districts) totals.

The new format will eliminate statistical distortions; attributed to regional groupings, that may have placed carriers in disadvantageous economic position. The change also will permit more timely release of motor carrier statistics.

Comments on the proposal or requests for further information should be directed to James H. Bayne, Chief, Section of Reports, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7331.

JAMES B. THOMAS, Jr.,
*Director, Bureau of Accounts.*

[FR Doc. 78-4443 Filed 2-16-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6712-01]

1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 15, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted:

*Agenda, Item No. and Subject*

Common Carrier—3—Modification of procedures in Docket No. 20814, investigation into AT&T's Multi-Scheduled Private Line (MPL) tariff.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: February 14, 1978.

[S-363-78 Filed 2-15-78; 10:25 am]

[6740-02]

2

FEBRUARY 15, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

Federal Energy Regulatory Commission

TIME AND DATE: February 22, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA, 54TH MEETING, FEBRUARY 22, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

*A. Pipeline rates (PGA)*

RP-1.—Docket No. RP73-65 (PGA No. 78-2), Columbia Gas Transmission Corp.
RP-2.—Reserved.
RP-3.—Reserved.

*B. Pipeline rates*

RP-4.—Docket No. RP78-18, El Paso Natural Gas Co.
RP-5.—Docket No. RP78-23, Midwestern Gas Transmission Co.
RP-6.—Docket No. RP78-37, Lawrenceburg Gas Transmission Corp.
RP-7.—Docket No. RP78-36, Southern Natural Gas Co.

II. PRODUCER MATTERS

*A. Producer certificate*

CI-1.—Docket No. CI77-657, American Natural Gas Production Co., et al.
CI-2.—Reserved.
CI-3.—Reserved.

*B. Producer rates*

CI-4.—Docket Nos. CI61-104, CI68-1146 and CI70-102, Shell Oil Co.
CI-5.—Docket No. RI72-250, Rate Schedule Nos. 318 and 415, Mobil Oil Corp.
CI-6.—Reserved.
CI-7.—Reserved.

*C. Special relief*

CI-8.—Docket No. RI77-46, Charles D. Jacobs.
CI-9.—Docket No. RI77-45. Joseph P. Mueller.
CI-10.—Docket No. RI77-117, Energy Reserves Group, Inc.

III. PIPELINE CERTIFICATE MATTERS

*A. Pipeline certificates*

CP-1(A)—Docket No. CP77-363, Columbia Gas Transmission Corp., National Fuel Gas Supply Corp.
(B)—Docket No. CP77-38, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and National Fuel Gas Supply Corp.
(C)—Docket No. CP76-432, Cabot Corp. Docket No. CP76-19, Columbia Gas Transmission Corp. and the Sylvania Corp. Docket No. CP76-361, Columbia Gas Transmission Corp.
(D)—Docket No. CP77-477, Panhandle Eastern Pipe Line Co.
CP-2.—Docket No. CP77-224, Panhandle Eastern Pipe Line Co. Docket No. CP78-88, Michigan Wisconsin Pipe Line Co.
CP-3.—Docket No. CP78-120, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-4.—Docket No. CP78-68, Florida Gas Transmission Co. Docket No. CP78-69, Florida Gas Transmission Co. and Transcontinental Gas Pipe Line Corp.
CP-5.—Reserved.
CP-6.—Reserved.

*B. Order No. 533 Authorizations*

CP-7.—Docket No. CP77-622, Transcontinental Gas Pipe Line Corporation Docket No. CP77-647, Eastern Shore Natural Gas Co. Docket No. CP77-656, Columbia Gulf Transmission Co.
CP-8.—Reserved.
CP-9.—Reserved.

*C. Curtailment*

CP-10.—Docket No. CP74-149, Consolidated Gas Supply Corp. Docket No. CP78-161, Consolidated Gas Supply Corp.

GAS AGENDA, 54TH MEETING, FEBRUARY 22, 1978 REGULAR MEETING

CAG-1.—Docket Nos. RP71-125 (PGA Nos. 78-1 and 78-1a) and RP77-98 Natural Gas Pipeline Co. of America.
CAG-2.—Docket No. RP78-34, El Paso Natural Gas Co. Docket No. RP78-35, Northwest Pipeline Corp.
CAG-3.—Docket No. RP73-3 (PGA No. 78-2), Transcontinental Gas Pipe Line Corp.
CAG-4.—Docket No. RP75-8 (PGA No. 78-3), Commercial Pipeline Co., Inc.
CAG-5.—Docket No. CP75-3, et al., Trunkline Gas Co.
CAG-6.—Docket No. CI77-365, General American Oil Co. of Texas.
CAG-7.—Docket No. G-896, United Gas Pipe Line Co.
CAG-8.—Docket No. CP77-347, Western Gas Interstate Co.
CAG-9.—Docket No. CP72-53, Trunkline Gas Co. and Texas Gas Transmission Corp.
CAG-10.—Docket No. CP75—202, Natural Gas Pipeline Co. of America. Docket No. CP75-205, Michigan Wisconsin Pipe Line Co.
CAG-11.—Docket No. CP76-500, Cities Service Gas Co.
CAG-12(A)—*Compania de Gas de Neuvo Laredo, S.A.* v. *F.E.R.C.*, D.C. Cir. No. 78-1001
(B)—*Wise Oil Company* v. *F.E.R.C.*, D.C. Cir. No. 78-1026
(C)—*Edwin L. Cox* v. *F.E.R.C.*, 5th Cir. No. 77-3493
(D)—*Transwestern Pipeline Company* v. *F.E.R.C.*, 5th Cir. No. 78-1090
(E)—*United Gas Pipe Line Co.* v. *F.E.R.C.* 5th Cir. No. 78-1091
(F)—*Damson Oil Corp.* v. *F.E.R.C.* 5th Cir. No. 78-1131





POWER AGENDA, 54TH MEETING, FEBRUARY 22, 1978, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1. Project No. 401, Michigan Power Co.

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER78-80, Central Illinois Public Service Co.
ER-2. Docket Nos. ER78-78 and ER78-79, New England Power Co.
ER-3. Docket Nos. ER78-84, ER78-85, ER78-86, Southern California Edison Co., Arizona public Service Co., Nevada Power Co. and Tucson Gas & Electric Co.
ER-4. Docket No. ER77-566, New England Power Co.
ER-5. Docket No. ER76-878, Maine Electric Power Co.
ER-6. Docket No. E-9611, *Columbia Water & Light Department* vs. *Wisconsin Power & Light Company*
ER-7. Docket No. ES78-16, The Union Light, Heat & Power Co.

POWER AGENDA, 54TH MEETING, FEBRUARY 22, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-106, Kansas City Power & Light Co.
CAP-2.—Docket No. ER78-177, Northern States Power Co. of Minnesota.
CAP-3.—Docket No. ES78-18, Community Public Service Co.
CAP-4.—Project Nos. 2245 and 2614, city of Vanceburg, Ky.
CAP-5.—Project No. 2169, Tapoco, Inc.
CAP-6.—Project No. 2216, Power Authority of the State of New York.
CAP-7.—State Director, Bureau of Land Management, Salt Lake City, Utah, Application (U-37477).
CAP-8.—State Director, Bureau of Land Management, Denver, Colo., Application (C-25762).
CAP-9.—State Director, Bureau of Land Management, Boise, Idaho, Application (I-13431).
CAP-10.—State Director, Bureau of Land Management, Portland, Oreg., Application (OR-17873).
CAP-11.—State Director, Bureau of Land Management, Sacramento, Calif., Application (CA-4212).
CAP-12.—State Director, Bureau of Land Management, Denver, Colo., Application (C-25234).
CAP-13.—State Director, Bureau of Land Management, Denver, Colo., Application (C-25519).
CAP-14.—Docket No. E-9579, Idaho Power Co.
CAP-15.—Docket No. ER77-511, New York Power Pool.

KENNETH F. PLUMB,
*Secretary.*

[S-376-78 Filed 2-15-78; 3:01 pm]

[6730-01]

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., February 22, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Items disposed of through the notation system during January, 1978.
2. Report on times shortened for submitting comments on section 15 agreements during the month of January, 1978, pursuant to authority delegated to the Secretary.
3. Report of Applications for Admission to Practice approved during the month of January, 1978, pursuant to authority delegated to the Secretary.
4. Assignment of informal dockets during the month of January, 1978, pursuant to authority delegated to the Secretary.
5. Special Docket No. 489: *Williams, Clarke Company, Inc.* v. *Sea-Land Service, Inc.* Consideration of initial decision.
6. Emergency surcharges in the North and South Atlantic trades.

Portions closed to the public:

1. Matson Navigation Co. general rate increase in the U.S. West Coast/Hawaii trade.
2. Docket No. 76-35: Cancellation of the Consolidation Allowance Rule published in the Freight Tariffs of the Conferences and the Rate Agreement Operating from U.S. Atlantic Ports to Ports in the United Kingdom, Ireland, the Scandinavian Peninsula, and Continental Europe. Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-371-78 Filed 2-15-78; 11:26 am]

[6210-01]

4

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, February 22, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

*Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board request that an item be moved to the discussion agenda.

1. Proposed report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of Citizens Bank of Hattiesburg, Hattiesburg, Miss., with First National Bank of Jackson, Jackson, Miss.
2. Proposed amendment to Regulation O (Loans to Executive Officers of Member Banks) regarding credit card indebtedness by executive officers of member banks.
3. Proposed participation in a survey of bank-assisted private placements for the House Banking, Finance and Urban Affairs Committee.

*Discussion Agenda:* 1. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: February 14, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. S-369-78 Filed 2-15-78; 8:45 am]

[6750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 22, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: open.

MATTERS TO BE CONSIDERED:

The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, February 22, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded message: 202-523-3806.

[FR Doc. S-372-78 Filed 2-15-78; 1:23 pm]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 22, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

*Nonadjuticative Matters:*

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meetings of January 24, and 26, 1978.
(2) Consideration of acceptance of proposed Consent Agreement in Bankers Life and Casualty Co., et al., Docket No. 9075.

*Adjudicative Matters Under Part 3 of the Rules of Practice:*

(1) Approval of Minutes of Adjudicative Matters Considered at Meetings of January 24, and February 8, 1978.
(2) Consideration of final decision in Reichold Chemicals, Inc., Docket No. 9076.
(3) Consideration of Disposition of Respondent's Appeal from Initial Decision in Fruehauf Corp., Docket No. 8972.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information 202-523-3830: Recorded Message: 202-523-3806.

[S-373-78 Filed 2-15-78; 1:23 pm]

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[3710-GX]

7

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: Beginning 8:30 a.m., March 6, 1978, and adjourning 5 p.m., March 7, 1978.

PLACE: 1400 Walnut Street, Vicksbury, Miss.

STATUS: Open to the public for observation but not for participation.

MATTERS TO BE CONSIDERED:

REPORTS OF THE COMMISSION STAFF

(1) Comprehensive Briefing on the Atchafalaya Basin;
(2) Phase I Report on Bushley Bayou;
(3) Survey Report on Helena Harbor;
(4) Briefing on Fifteen Mile Bayou (Supplement to General Design Memorandum);
(5) Progress Report on Shaping of Spoil Banks and Drainage of Borrow Pits;
(6) Standard Design Sections for MR&T Levees—Typical Problems Associated with the Levee System and Remedial Measures, and Special Studies on Problems Areas;
(7) Hydraulic and Hydrologic Aspects of the Flood Control System for the MR&T Project, Including the Refined 1973 MR&T Project Flood Flowline.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601-636-1311, extension 205.

[S-377-78 Filed 2-15-78; 3:44 pm]

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[7550-01]

8

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, March 1, 1978.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of February, 1978.
2. Other priority matters which come before the Board for which notice will be given at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary; telephone 202-523-5012.

Dated: February 14, 1978.

[S-378-78 Filed 2-15-78; 3:45 am]

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[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 23, 1978 (NM-78-9).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first four items will be open to the public; the fifth item will be closed. (Exemption 10 of the government in the Sunshine Act.)

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report.* Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Va., March 8, 1977.
2. *Letter.* To Secretary of DOT re UMTA's oversight of Mass Transit authorities.
3. *Discussion.* Communications with Accident Investigation Parties.
4. *Discussion.* Proposed En Banc Hearing on Derailments and Carriage of Hazardous Materials.
5. *Opinion and Order.* Petition of Jensen, Dkt. SM-1749; disposition of petitioner's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-472-6022.

[S-370-78 Filed 2-15-78; 8:45 am]

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[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 20, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 21, 9:30 A.M.

1. Discussion of propsed legislation connected with physical security and related matters. (Approximately 1 hour.) (Public meeting—Portions may be closed.)
2. Discussion of personnel matter. (Approximately 1½ hours. (Closed—Exemption 8.)

TUESDAY, FEBRUARY 21, 1:30 P.M.

1. Discussion of release of staff papers discussed at public meetings. (Approximately 1 hour.) (Public meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
*Office of the Secretary.*

FEBRUARY 14, 1978.

[S-379-78 Filed 2-15-78; 3:45 pm]

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[7910-01]

11

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, March 15, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED:

Poloron Products, Inc. (Consolidated)
Poloron Products of Pa., Inc.
Poloron Products of Miss., Inc.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 15, 1978.

GOODWIN CHASE,
*Chairman.*

[S-374-78 Filed 2-15-78; 3:01 pm]

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[7910-01]

12

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, February 22, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

STATUS: Matters 1 through 9 are open to the public. Matters 10 and 11 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held February 14, 1978 and other Board meetings, if any.
2. Report of the Chairman concerning: (a) Budget, (b) Case processing, (c) Personnel actions, (d) Organization progress of the staff, (e) Rulemaking and regulations.
3. Recommendation for assignment to a division: Bata Shoe Co., Inc., fiscal year ended December 31, 1972.
4. (a) Security Pacific National Bank, fiscal years ended December 31, 1971 through 1975, (b) Security Pacific Leasing Co., fiscal years ended December 31, 1975, (c) Security Pacific National Leasing, Inc., fiscal years ended December 31, 1973, 1974 and 1975.
5. Revision to security clearance procedures.
6. Preliminary report concerning revision of general orders, staff guides and administrative letters.





7. Recommendation to approve request for special accounting agreement: Thiokol Corp., fiscal year ended December 30, 1973 and, subsequent years.
8. Recommended clearances without assignment (List 1894) (a) American Air Filter Co., Inc., fiscal year ended October 31, 1975, (b) Raymond Engineering Inc., fiscal years ended December 31, 1974 and 1975, (c) Charles Kurz and Co., fiscal years ended December 31, 1974 and 1975, (c-1) Keystone Shipping Co., fiscal year ended December 31, 1975, (d) BCS Associates Inc., fiscal year ended December 31, 1975, (e) Kaman Corp. (Holding Co.), fiscal year ended December 31, 1975.
9. Principles and concepts for the application of the statutory factors.
10. Approval of agenda for meeting to be held March 7, 1978.
11. Approval of agenda for other meetings.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 15, 1978.

GOODWIN CHASE,
*Chairman.*

[S-375-78 Filed 2-15-78; 3:01 pm]

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federal register

FRIDAY, FEBRUARY 17, 1978
PART II

# DEPARTMENT OF LABOR

## Employment Standards Administration

# MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions

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[4510-27]

## DEPARTMENT OF LABOR

### Employment Standards Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

### General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basis hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

### MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitations as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

### MODIFICATIONS TO GENERAL WAGE DETERMINATIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

| | |
|---|---|
| Alabama: | |
| AL78-1003 | Feb. 3, 1978. |
| Arizona: | |
| AZ77-5058 | June 17, 1977. |
| Iowa: | |
| IA77-4224; IA77-4228; IA77-4229; IA77-4230; IA77-4235. | Sept. 30, 1977. |
| Kansas: | |
| KS77-4023; KS77-4024; KS77-4025. | Feb. 18, 1977. |
| Louisiana: | |
| LA78-4001 | Jan. 6, 1978. |
| Maryland: | |
| MD77-3080 | June 24, 1977. |
| MD77-3086 | Aug. 5, 1977. |
| MD77-3119 | Sept. 9, 1977. |
| MD77-3130 | Sept. 23, 1977. |
| MD78-3000 | Jan. 27, 1978. |
| New Hampshire: | |
| NH77-2001; NH77-2002 | Jan. 21, 1977. |
| NH77-2003; NH77-2004 | Jan. 28, 1977. |
| New Jersey: | |
| NJ77-3093 | July 8, 1977. |
| New York: | |
| NY77-3087 | Do. |
| Texas: | |
| TX77-4193 | Aug. 19, 1977. |
| TX77-4262 | Sept. 30, 1977. |
| Virginia: | |
| VA-3089; VA77-3090; VA77-3091. | July 1, 1977. |
| Wisconsin: | |
| WI77-2117 | Aug. 19, 1977. |

### SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

| | |
|---|---|
| Connecticut: | |
| CT77-3131(CT78-3003); CT77-3132) CT78-78-3004). | Sept. 30, 1977. |
| Illinois: | |
| IL77-5056(IL78-2008) | June 3, 1977. |
| Indiana: | |
| IL77-5056(IL78-2008) | June 3, 1977. |
| Kentucky: | |
| IL77-5056(IL78-2008) | June 3, 1977. |
| Louisiana: | |
| LA77-4220(LA78-4013) | Sept. 23, 1977. |
| Mississippi: | |
| MS76-1137(MS78-1002); MS76-1137 (MS78-1009); MS76-1137(MS78-1010); MS76-1137(MS78-1011); MS78-1137(MS78-1012). | Dec. 17, 1978. |
| MS77-1130(MS78-1014) | Mar. 25, 1977. |
| Missouri: | |
| IL77-5056(IL78-2008) | June 3, 1977. |
| Ohio: | |
| IL77-5056(IL78-2008) | June 3, 1977. |
| Texas: | |
| TX77-4258(TX78-4015); TX77-4259 (TX78-4014). | Sept. 30, 1977. |
| West Virginia | |
| IL77-1056(IL78-2008) | June 3, 1977. |

### CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C. this 10th day of February 1978.

RAY J. DOLAN,
*Assistant Administrator,*
*Wage and Hour Division.*





MODIFICATIONS P. 2

| Decision No. AZ77-5058 (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Line Construction: | | | | | |
| Zone I | | | | | |
| Groundmen | 9.97 | 8% | 3%+7% | | 1/2% |
| Equipment Operators; Powdermen; Mechanics | 11.47 | 8% | 3%+7% | | 1/2% |
| Linemen; Technicians; Crane Operators; Linemen Welders | 12.90 | 8% | 3%+7% | | 1/2% |
| Cable Splicers | 13.30 | 8% | 3%+7% | | 1/2% |
| Zone I-A | | | | | |
| Groundmen | 10.81 | 8% | 3%+7% | | 1/2% |
| Equipment Operators; Powdermen; Mechanics | 12.24 | 8% | 3%+7% | | 1/2% |
| Linemen; Technicians; Crane Operators; Linemen Welder | $13.72 | 8% | 3%+7% | | 1/2% |
| Cable Splicers | 14.20 | 8% | 3%+7% | | 1/2% |
| Zone II | | | | | |
| Groundmen | 11.59 | 8% | 3%+7% | | 1/2% |
| Equipment Operators; Powdermen; Mechanics | 13.03 | 8% | 3%+7% | | 1/2% |
| Linemen; Technicians; Crane Operators; Linemen Welder | 14.52 | 8% | 3%+7% | | 1/2% |
| Cable Splicers | 14.95 | 8% | 3%+7% | | 1/2% |

MODIFICATIONS P. 1

| DECISION #AL78-1003 - Mod. #1. (43-FR-4805 - February 3, 1978) Statewide Alabama | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| CHANGE: | | | | | |
| Description of Work: Highway Construction (does not include building structures in rest area projects; bridges over navigable waters; tunnels; and railroad construction). | | | | | |
| DECISION NO. AZ77-5058 - Mod. #6 (42 FR 31056 - June 17, 1977) Statewide, Arizona | | | | | |
| Change: | | | | | |
| Painters (Phoenix Area): | | | | | |
| Zone A | | | | | |
| Brush | $9.85 | .60 | .40 | | .08 |
| Spray | 10.10 | .60 | .40 | | .08 |
| Steel and bridge, brush | 10.93 | .60 | .40 | | .08 |
| Steel and bridge, spray | 11.13 | .60 | .40 | | .08 |
| Zone B | | | | | |
| Brush | 10.85 | .60 | .40 | | .08 |
| Spray | 11.10 | .60 | .40 | | .08 |
| Steel and bridge, brush | 11.93 | .60 | .40 | | .08 |
| Steel and bridge, spray | 12.13 | .60 | .40 | | .08 |
| Zone C | | | | | |
| Brush | 12.10 | .60 | .40 | | .08 |
| Spray | 12.35 | .60 | .40 | | .08 |
| Steel and bridge, brush | 13.18 | .60 | .40 | | .08 |
| Steel and bridge, spray | 13.38 | .60 | .40 | | .08 |
| Plumbers; Steamfitters: | | | | | |
| Zone I | 12.24 | .75 | 1.35 | | .10 |
| Zone II | 12.59 | .75 | 1.35 | | .10 |
| Zone III | 13.01 | .75 | 1.35 | | .10 |
| Zone IV | 14.31 | .75 | 1.35 | | .10 |
| Sheet Metal Workers: | | | | | |
| Plagstaff, Kingman and Phoenix Area: | | | | | |
| Zone I | 10.83 | 3%+.80 | 1.30 | | .10 |
| Zone II | 11.48 | 3%+.80 | 1.30 | | .10 |
| Zone III | 13.33 | 3%+.80 | 1.30 | | .10 |
| Soft Floor Layers: (Phoenix Area) | | | | | |
| Zone A | 9.21 | .59 | .12 | | .12 |
| Zone B | 10.21 | .59 | .12 | | .12 |
| Zone C | 10.71 | .59 | .12 | | .12 |

MODIFICATIONS P. 3

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Decision #IA77-4228-Mod. #2 (42 FR 53011-September 30,1977) Johnson(City of Iowa City and abutting municipalities) Co. IA | | | | | |
| Change: Cement Masons | $10.09 | .45 | | | |
| Decision #IA77-4229-Mod #3 (42 FR 53013-September 30,1977) Linn County, Iowa | | | | | |
| Change: Cement Masons | 10.09 | 45 | | | |
| Decision #IA77-4230-Mod. #4 (42 FR 53015-September 30,1977) Polk County, Iowa | | | | | |
| Change: Ironworkers | 10.12 | .50 | .845 | | 025 |
| Decision #IA77-4235-Mod. #3 (42 FR 53024-September 30,1977) Woodbury (City of Sioux City and abutting municipalities) Co. IA | | | | | |
| Change: Bricklayers & Stonemasons | 10.63 | | .40 | | .01 |
| Lathers | 9.20 | | | | 01 |
| Marble Setters | 10.63 | | .40 | | .01 |
| Terrazzo Workers | 10.83 | | .40 | | .01 |
| Decision #IA77-4224-Mod #3 (42 FR 53004-September 30,1977) Cerro Gordo (City of Mason City) County, Iowa | | | | | |
| Change: Glaziers | 8.05 | .70 | .25 | 4% | |

MODIFICATIONS P. 4

Decision #KS77-4023 - Mod. #2 - (42 FR 10233 - February 18, 1977)-Sedgwick County, Kansas

Decision #KS77-4024 - Mod. #2 - (42 FR 10234 - February 18, 1977)-Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Grove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Neas, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlings, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita Counties

Decision #KS77-4025 - Mod. #3 - (42 FR 10235 - February 18, 1977)-Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautaugua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties, and Geary and Riley Counties, for Highway Construction only Kansas

Change:
Description of Work to Read: Highway (does not include bridges over navigable waters, tunnels; building structures in rest area projects; railroad construction) and Water and Sewer Line Construction

| DECISION #LA78-4001 - Mod. #3 (43 FR 1276 - January 6, 1978) Statewide Louisiana | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and or Appr. Tr. |
| Change: | | | | | |
| Carpenters: | | | | | |
| Zone 1 - Carpenters | $ 9.00 | .50 | | | |
| Millwrights | 9.72 | .50 | | | |
| Piledrivermen | 9.90 | .50 | | | |
| Glaziers - Zone 1 | 9.65 | | | | .02 |
| Zone 3 | 10.025 | .17 | .30 | | .01 |
| Power Equipment Operators (Highway Construction): | | | | | |
| Group 5 - Zone 5 | 5.71 | .65 | .55 | | .05 |
| Sheet metal workers - Zone 1 | 10.97 | .40 | .27 | | .10 |
| Zone 3 | 11.65 | .40 | .50 | | .12 |

DECISION #MD78-1000 - Mod. #2
(43 FR 3867 - January 27, 1978)
Cecil, Caroline, Dorchester, Harford, Kent, Queen Annes, Sommerset, Talbot, Wicomico and Worcester Counties, Maryland

Change:
DESCRIPTION OF WORK
Highway Construction (does not include bridges over navigable water, tunnels, rest areas which include building structures and railroad construction)



MODIFICATIONS P. 5

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION #MD77-3080 - Mod. #5 (42 FR 32476 - June 24, 1977) Baltimore City, Maryland | | | | | |
| Change: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction) | | | | | |
| DECISION #MD77-3086 - Mod. #4 (42 FR 39880 - August 5, 1977) Allegany & Garrett Counties, Maryland | | | | | |
| Omit: Roofers: Helpers - Composition (1st yr) Helpers - Composition (2nd yr) | | | | | |
| DECISION #MD77-3119 - Mod. #1 (42 FR 45588 - September 9, 1977 Anne Arundel, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince George's, St. Mary's and Washington Counties, Maryland | | | | | |
| Change: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters, tunnels, rest areas which include building structures, and railroad construction) | | | | | |
| DECISION #MD77-3130 - Mod. #4 (42 FR 48661 - September 23, 1977) Baltimore County, Maryland | | | | | |
| Change: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable water; tunnels; rest areas which include building structures; and railroad construction) | | | | | |

MODIFICATIONS P. 6

DECISION NO. NH77-2001- Mod #4
(42 FR 4087- January 21, 1977)
Hillsboro County, New Hampshire

| Change: | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters: | | | | | |
| Entire county | $8.79 | .55 | .40 | | .01 |
| Carpenters: | | | | | |
| Pelham & Greenville | 10.40 | .60 | 1.00 | | .07 |
| Remainder of County: | | | | | |
| Piledrivermen & millwrights | 8.80 | .65 | .50 | | .01 |
| Carpenters & soft floor layers | 7.95 | .65 | .50 | | .01 |
| Electricians: Remainder of Co. | 10.75 | .50 | 3% | | .03 |
| Ironworkers: Structural, ornamental and reinforcing | 10.15 | 1.00 | 1.00 | | .02 |
| Plumbers and steamfitters: | | | | | |
| Hudson and Pelham | 10.77 | 1.10 | .60 | | .02 |
| Remainder of County | 10.40 | .63 | .55 | | .02 |
| Power equipment operators: | | | | | |
| Heavy & Highway Construction: | | | | | |
| Class 1 | 9.15 | .85 | .75 | a | .05 |
| Class 2 | 8.90 | .85 | .75 | a | .05 |
| Class 3 | 8.70 | .85 | .75 | a | .05 |
| Class 4 | 8.15 | .85 | .75 | a | .05 |
| Class 5 | 7.825 | .85 | .75 | a | .05 |
| Class 6 | 7.10 | .85 | .75 | a | .05 |
| Class 7 | 9.65 | .85 | .75 | a | .05 |

DECISION NO. NH77-2002 - Mod #4
(42 FR 2090- January 21, 1977)
Merrimack County, New Hampshire

Change:

| | | | | | |
|---|---|---|---|---|---|
| Bricklayers, cement masons, marble setters, plasters, stone masons, terrazzo workers, and tile setters | 8.79 | .55 | .40 | | .01 |
| Carpenters | 7.95 | .65 | .50 | | .01 |
| Millwrights and piledrivers | 8.80 | .65 | .50 | | .01 |
| Electricians: | | | | | |
| Hookset | 10.75 | .50 | 3% | | .03 |
| Remainder of County: | | | | | |
| General contracts $300,000 and over | 9.85 | .70 | 3%+.50 | | .02 |
| General contracts less than $300,000 | 7.00 | .70 | 3%+.50 | | .02 |

MODIFICATIONS P. 7

| DECISON NO. NH77-2002- Mod #4(Cont) (42 FR 2090- January 21, 1977) Merrimack County, New Hampshire | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Change: | | | | | |
| Ironworkers-- structural, ornamental, and reinforcing | $10.15 | 1.00 | 1.00 | | .02 |
| Plumbersaand steamfitters | 10.40 | .63 | .55 | | .02 |
| Power equipment operators: | | | | | |
| Class 1 | 9.15 | .85 | .75 | a | .05 |
| Class 2 | 8.90 | .85 | .75 | a | .05 |
| Class 3 | 8.70 | .85 | .75 | a | .05 |
| Class 4 | 8.15 | .85 | .75 | a | .05 |
| Class 5 | 7.82 | .85 | .75 | a | .05 |
| Class 6 | 7.30 | .85 | .75 | a | .05 |
| Class 7 | 9.65 | .85 | .75 | a | .05 |
| DECISION NO. NH77-2003- Mod #6 (42 FR 5625- January 28, 1977) Rockingham County, New Hampshire | | | | | |
| Change: | | | | | |
| Carpenters: | | | | | |
| Salem: | | | | | |
| Carpenters & Soft floor layers | 10.40 | .60 | 1.00 | | .02 |
| Remainder of County: | | | | | |
| Carpenters & soft floor layers | 7.95 | .85 | .50 | | .01 |
| Piledrivermen, wharf and dock builders and millwrights | 8.80 | .65 | .50 | | .01 |
| Electricians: Ramainder of Co. | 10.75 | .50 | 3% | | .03 |
| Ironworkers-- structural, ornamental, and reinforcing | 10.15 | 1.00 | 1.00 | | .02 |
| Painters: Salem: | | | | | |
| Brush | 10.06 | .82 | 1.15 | | .04 |
| Steel | 12.18 | .82 | 1.15 | | .04 |
| Spray and sandblasting | 11.06 | .82 | 1.15 | | .04 |
| Repaint | 8.61 | .82 | 1.15 | | .04 |

MODIFICATIONS P. 8

| DECISION NO. NH77-2003- Mod #6 (Cont.) (42 FR 5625- January 28, 1977) Rockingham County, N.H. | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Change: | | | | | |
| Plumbers and Steamfitters: Remainder of County | $10.40 | .63 | .55 | | .02 |
| Power equipment operators: | | | | | |
| Class 1 | 10.18 | 1.10 | 1.00 | a | .03 |
| Class 2 | 10.06 | 1.10 | 1.00 | a | .03 |
| Class 3 Building | 9.37 | 1.10 | 1.00 | a | .03 |
| Class 4 Construction | 8.63 | 1.10 | 1.00 | a | .03 |
| Class 5 | 8.11 | 1.10 | 1.00 | a | .03 |
| Class 6 | 7.70 | 1.10 | 1.00 | a | .03 |
| Class 1 | 9.37 | 1.10 | 1.00 | a | .03 |
| Class 2 | 9.92 | 1.10 | 1.00 | a | .03 |
| Class 3 Heavy | 9.25 | 1.10 | 1.00 | a | .03 |
| Class 4 Construction | 8.185 | 1.10 | 1.00 | a | .03 |
| Class 5 | 8.75 | 1.10 | 1.00 | a | .03 |
| Class 6 | 7.45 | 1.10 | 1.00 | a | .03 |
| Class 7 | 7.51 | 1.10 | 1.00 | a | .03 |
| DECISION NO. NH77-2004- Mod #4 (42 FR 5629- January 28, 1977) Strafford County, New Hampshire | | | | | |
| Change: | | | | | |
| Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, & tile setters | 8.79 | .55 | .40 | | .01 |
| Carpenters, soft floor layers | 8.05 | .55 | .60 | | .01 |
| Ironworkers | 10.15 | 1.00 | 1.00 | | .02 |
| Plumbers & Steamfitters | 10.40 | .63 | .55 | | .02 |
| Power equipment operators: Building, and Heavy & Highway | See PEO schedule above (Rockingham County, Mod # 6-- the same) | | | | |
| DECISION #NJ77-3093 - Mod. #8 (42 FR 35567 - July 8, 1977) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey | | | | | |
| Change: | | | | | |
| Asbestos Workers: Zone 2 | $12.71 | 1.09 | 1.09 | | .04 |





MODIFICATIONS P. 9

| DECISION NO. NY77-3087 - MOD. #1 (42 FR 35583 - July 8, 1977) Erie County, New York | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| CHANGE: | | | | | |
| ASBESTOS WORKERS | $11.31 | 1.17 | .80 | | .04 |
| BOILERMAKERS | 11.05 | 1.00 | 1.25 | | .02 |
| BRICKLAYERS, POINTERS, CAULKERS, CLEANERS AND STONE MASONS | 12.39 | .55 | 1.40 | | |
| MARBLE MASONS | 12.01 | .55 | 1.40 | | |
| CARPENTERS: Building Grand Islsnd north of White Haven Road: | | | | | |
| Carpenters | 10.39 | 1.35 | 1.00 | | .025 |
| Millwrights | 10.49 | 1.35 | 1.00 | | .025 |
| CARPENTERS: Heavy and Highway Carpenters and Piledrivers | 8.37 | 1.35 | 1.00 | a | .025 |
| CEMENT MASONS: | | | | | |
| Cement Masons | 12.68 | | 1.25 | | |
| Machine Operator | 12.85 | | 1.25 | | |
| Swing Scaffold | 12.95 | | 1.25 | | |
| Machine Operator on Swing Scaffold | 13.10 | | 1.25 | | |
| ELECTRICIANS: | | | | | |
| Electricians | 12.49 | 1.00 | 3%+1.25 | b | .05 |
| Cable Splicers | 12.99 | 1.00 | 3%+1.25 | b | .05 |
| ELEVATOR CONSTRUCTORS | 12.51 | .745 | .56 | c+d | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS | 8.76 | .745 | .56 | c+d | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY) | 6.255 | | | | |
| IRONWORKERS: Grand Island to White Haven Road: | | | | | |
| Structural, Ornamental, Reinforcing, Machinery movers, Riggers, Rodmen, Fence Erectors and Stone Derrickmen | 10.82 | .51 | .82 | | |
| Remainder of County: Structural, ornamental, reinforcing, Machinery movers, Riggers, Rodmen, Fence Erectors and Stone Derrickmen | 11.52 | 1.06 | 1.56 | | |
| Sheeters | 11.92 | 1.06 | 1.56 | | |
| Sheeters, Buckerup | 11.695 | 1.06 | 1.56 | | |
| LEADBURNERS | 10.75 | .40 | .25 | e | .01 |

MODIFICATIONS P. 10

| DECISION NO. NY77-3087-Mod. #1 Continued: | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| LINE CONSTRUCTION | | | | | |
| ELECTRICAL OVERHEAD AND UNDERGROUND DISTRIBUTION WORK: | | | | | |
| Lineman and Technicians | 10.00 | 1.00 | 3%+.75 | f | 3% |
| Cable Splicers | 12.87 | 1.00 | 3%+.75 | f | 3% |
| Groundman Digging Machine Operator and Ground man Dynamiteman | 9.00 | 1.00 | 3%+.75 | f | 3% |
| Groundman mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units) | 8.00 | 1.00 | 3%+.75 | f | 3% |
| Groundman Truck Driver, Driver Mechanic, Groundman(experienced) | 7.50 | 1.00 | 3%+.75 | f | 3% |
| ALL OVERHEAD TRANSMISSION LINE WORK AND LIGHTING FOR ATHLETIC FIELDS: | | | | | |
| Lineman and Technicians | 11.25 | 1.00 | 3%+.75. | f | 3% |
| Groundman Digging Machine Operator, Groundman Dynamiteman | 10.125 | 1.00 | 3%+.75 | f | 3% |
| Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer unit) | 9.00 | 1.00 | 3%+.75 | f | 3% |
| Groundman Truck Driver, Driver-Mechanic, Groundman (experienced) | 8.4375 | 1.00 | 3%+.75 | f | 3% |
| ALL PIPE TYPE CABLE INSTALLATIONS: | | | | | |
| Lineman and Groundman Equipment operator | 11.70 | 1.00 | 3%+.75 | f | 3% |
| Cable Splicer | $12.87 | 1.00 | 3%+.75 | f | 3% |
| Groundman Truck Driver, Groundman (experienced) | 8.775 | 1.00 | 3%+.75 | f | 3% |

| DECISION NO. NY77-3087-Mod. #1 Continued: | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| SUB-STATION, SWITCHING STRUCTURES (when not part of the line), Traffic Signals, Street Lighting and Electrical, Telephone or CATV Commercial Work: | | | | | |
| Linemen and Technicians | 11.70 | 1.00 | 3%+.75 | f | 3% |
| Cable Splicers | 12.87 | 1.00 | 3%+.75 | f | 3% |
| Groundman Digging Machine Operator, Mechanic 1st Class, groundman truck driver(tractor-trailer unit) | 9.36 | 1.00 | 3%+.75 | f | 3% |
| Groundman Truck Driver, Driver-mechanic, Groundman(experienced | 8.775 | 1.00 | 3%+.75 | f | 3% |
| TELEPHONE AND OTHER COMMUNICATION SYSTEMS, both overhead and underground: | | | | | |
| Linemen and Installer Repairmen | 8.34 | .40 | 3%+.25 | f | 1% |
| Spilcers | 8.89 | .40 | 3%+.25 | f | 1% |
| Groundman Digging Machine Operator | 7.73 | .40 | 3%+.25 | f | 1% |
| Groundman | 5.72 | .40 | 3%+.25 | f | 1% |
| Groundman Truck Driver | 6.82 | .40 | 3%+.25 | f | 1% |
| Groundman Dynamiteman | 6.60 | .40 | 3%+.25 | f | 1% |
| MARBLE, TILE AND TERRAZZO FINISHERS | $ 9.51 | 1.55 | .40 | | |
| ROOFERS: | | | | | |
| Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor, steep and siders | 10.96 | | 1.40 | | .02 |
| State, Precast Tile and Tile asbestos | 11.11 | | 1.40 | | .02 |
| SPRINKLER FITTERS | 12.49 | .65 | .95 | | .06 |
| TRUCK DRIVERS, BUILDING, HEAVY AND HIGHWAY: | | | | | |
| Contract Drivers | 10.72 | .60 | .775 | g+h | |
| Euclid | 10.97 | .60 | .775 | g+h | |



Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Paid Holidays: C and D

b. Employees shall be given time off with pay on Election day in accordance with New York State Election Laws.

c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F plus day after Thanksgiving.

e. Paid Holidays: A through F, Good Friday, Washington's Birthday, and Christmas Eve provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, Washington's Birthday, Good Friday and Election Day for President of the U.S. and Governor of New York, provided the employee works the day before and after the holiday.

g. After on year, one week vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the claendar year, if an employee works less than 1040 hours in any calender year, vacation will be prorated for either 1 or 2 weeks of vaction on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

h. Holidays; A through F, except where the employee is laid off 2 of more weeks prior to the holiday.







| DECISION NO. NY77-3087-Mod. #1 Continued: | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| Building Construction | | | | | |
| GROUP I | 12.92 | 1.00 | 1.15 | a | .15 |
| GROUP II | 11.835 | 1.00 | 1.15 | a | .15 |
| GROUP III | 11.68 | 1.00 | 1.15 | a | .15 |
| GROUP IV | 11.64 | 1.00 | 1.15 | a | .15 |
| GROUP V | 11.555 | 1.00 | 1.15 | a | .15 |
| GROUP VI | 8.75 | 1.00 | 1.15 | a | .15 |
| GROUP VII | 11.64 | 1.00 | 1.15 | a | .15 |
| GROUP VIII | 8.435 | 1.00 | 1.15 | a | .15 |
| GROUP IX | 8,68 | 1.00 | .75 | a | .15 |
| GROUP X | 10.785 | 1.00 | 1.15 | a | .15 |
| GROUP XI | 11.40 | 1.00 | 1.15 | a | .15 |
| GROUP XII | 8.905 | 1.00 | 1.15 | a | .15 |
| GROUP XIII | 11.245 | 1.00 | 1.15 | a | .15 |
| GROUP XIV | 8.535 | 1.00 | .75 | a | .15 |
| GROUP XV | 12.335 | 1.00 | 1.15 | a | .15 |
| GROUP XVI | 12.835 | 1.00 | 1.15 | a | .15 |
| GROUP XVII | 13.335 | 1.00 | 1.15 | a | .15 |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Heavy and Highway Construction | | | | | |
| CLASS 5-B | 8.84 | 1.00 | .75 | a | .15 |
| CLASS 5-C | 8.39 | 1.00 | .75 | a | .15 |
| DECISION #TX77-4193 - Mod. #5 (42 FR 42121 - August 19, 1977) Bexar County, Texas | | | | | |
| Change: | | | | | |
| Painters: | | | | | |
| Brush; Paperhanger; Taper & floater | $ 8.54 | | .20 | | .05 |
| Spray; Structural steel | 8.79 | | .20 | | .05 |
| Spray on structural steel; sandblasting | 9.04 | | .20 | | .05 |
| DECISION #TX77-4262 - Mod. #3 (42 FR 53167 - September 30, 1977) Smith County, Texas | | | | | |
| Change: | | | | | |
| Carpenters | 8.15 | | | | |



| DECISION NO. VA77-3089 - Mod. #3 (42 FR 34261 - July 1, 1977) Henrico County and the Independent City of Richmond, Virginia | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Change: | | | | | |
| Power Equipment Operators | | | | | |
| Building Construction: | | | | | |
| Group 1 | $ 9.50 | .425 | .35 | | .08 |
| Group 2 | 7.60 | .425 | .35 | | .08 |
| Group 3 | 6.25 | .425 | .35 | | .08 |
| Group 4 | 6.05 | .425 | .35 | | .08 |
| Group 5 | 5.86 | .425 | .35 | | .08 |
| Marble, Tile and Terrazzo Workers | 8.00 | | | | |
| DECISION NO. VA77-3090 - Mod. #4 (42 FR 34264 - July 1, 1977) The Independent Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia | | | | | |
| Change: | | | | | |
| Power Equipment Operators | | | | | |
| Building Construction: | | | | | |
| Group 1 | 9.50 | .425 | .35 | | .08 |
| Group 2 | 7.60 | .425 | .35 | | .08 |
| Group 3 | 6.25 | .425 | .35 | | .08 |
| Group 4 | 6.05 | .425 | .35 | | .08 |
| Group 5 | 5.86 | .425 | .35 | | .08 |
| Sheet Metal Workers | 9.05 | .45 | .55 | | .005 |
| DECISION NO. VA77-3091 - Mod. #4 (42 FR 34266 - July 1, 1977) York County and the Cities of Hampton and Newport News (including Langley AFB, Ft. Eustis and Ft. Monroe, Virginia | | | | | |
| Change: | | | | | |
| Power Equipment Operators | | | | | |
| Building Construction: | | | | | |
| Group 1 | 9.50 | .425 | .35 | | .08 |
| Group 2 | 7.60 | .425 | .35 | | .08 |
| Group 3 | 6.25 | .425 | .35 | | .08 |
| Group 4 | 6.05 | .425 | .35 | | .08 |
| Group 5 | 5.86 | .425 | .35 | | .08 |
| DECISION NO. WI77-2117 - MOD. #2 (42 FR 42172 - August 19, 1977) Green Lake, Marquette, Waupaca, Waushara, & Winnebago Counties, Wisconsin | | | | | |
| Change: | | | | | |
| Electricians | $11.08 | .60 | 3% | | .5% |

SUPERSEDEAS DECISION

STATE: CONNECTICUT
COUNTIES: *See Below
DECISION NUMBER: CT78-3003
DATE: Date of Publication
Supersedeas Decision No.: CT77-3131 dated September 30, 1977 in 42 FR 52975.

DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction



DECISION NO. CT78-3003

| *Fairfield, Litchfield, and Windham Counties | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS: Fairfield Co.; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris New Hartford, New Milford, Plymouth, Roxbury, Sharon, Torrington, Warren, Washington, Watertown, Winchester, Woodbury, & Thomaston; Windham Co.: Ashford, Chaplin, Eastford, Hampton, Scotland, & Windham | $11.44 | .65 | 1.16 | | |
| Litchfield Co.: Canaan, Colbrook Norfolk, N. Canaan & Salisbury; Windham Co.: Woodstock | 9.95 | .94 | 1.25 | | .01 |
| Windham Co.: Brooklyn, Canterbury, Killingly, Plainfield, Pomfret, Putnam, Sterling, & Thompson | 10.28 | 1.00 | 1.18 | | |
| BOILERMAKERS | 10.00 | .60 | 10% | | .01 |
| BRICKLAYERS: Cement masons; Finishers; Marble masons; Plasterers, Stonemasons; terrazzo workers; Tile setters (Building Construction): Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Southport, Stratford, & Trumbull | 9.85 | .75 | .75 | | .03 |
| Fairfield Co.: New Canaan, Norwalk, Ridgefield, Weston, Westport, & Wilton | 10.00 | .75 | .75 | | .03 |
| Fairfield Co.: Darien & Stampford | 10.42 | .83 | .25 | | .03 |
| Fairfield Co.: Greenwich | 10.25 | .55 | .55 | | .03 |
| Fairfield Co.: Bethel, Brookfield Danbury, New Fairfield, Newtown Redding, & Sheman; Litchfield Co.: Bridgewater, Kent, New Milford, & Roxbury | 9.80 | .75 | .75 | | .03 |

| BRICKLAYERS (CONT'D): Litchfield Co.: Bantam, Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, N. Canaan, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, & Winsted | $ 9.60 | .75 | .75 | | .03 |
|---|---|---|---|---|---|
| Windfield Co. | 10.00 | .75 | .75 | | .03 |
| Litchfield Co.: Plymouth, Thomaston, Watertown, & Woodbury | 9.70 | .75 | .75 | | .03 |
| BRICKLAYERS (Heavy & Highway Construction): Fairfield Co., except Darien, Greenwich, & Stamford, Litchfield Co., w. of Housatonic River | 9.00 | .65 | .50 | b | |
| Fairfield Co.: Darien & Stamford | 9.08 | .68 | .25 | b | |
| Fairfield Co.: Greenwich | 9.09 | .56 | .45 | b | |
| Litchfield Co., e. of Housatonic River; & Windham Co. | 8.95 | .65 | .50 | b | |
| CARPENTERS: Millwrights; Piledrivermen; & Soft floor layers (Building Construction): Fairfield Co.: Greenwich | 9.43 | .46 | .45 | | .02 |
| Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston, & Westport, & that part of Orange from Orange Center Road w. to Milford & the Oyster River situated in Orange | 10.00 | .80 | .50 | c | a |
| Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook | | | | | |







DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| CARPENTERS (CONT'D): Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, & Woodbury | $ 9.85 | .70 | .45 | | .10 |
| Litchfield Co.: Harwinton, Plymouth, & Terryville | 9.80 | .70 | .45 | | .05 |
| Fairfield Co.: Shelton | 9.35 | .35 | .30 | d | |
| Litchfield Co.: Morris (S of Rte #109), Northfield, Thomaston, & Watertown | 9.35 | .50 | .30 | e | .03 |
| Windham Co. | 10.00 | .80 | .55 | | .03 |
| CARPENTERS (Heavy & Highway Construction): Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton Stratford, Trumbull, Weston, & Westport | 9.85 | .75 | .85 | f | a |
| Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Norfolk, Redding, Ridgefield, Sherman, Stamford & Litchfield Co. | 9.80 | .80 | .55 | f | .10 |
| Fairfield Co.: Greenwich | 9.85 | .75 | .85 | f | .02 |
| Windham Co. | 9.80 | .80 | .55 | f | .03 |
| ELECTRICIANS: Fairfield Co.: Norwalk (E. of Five Mile River), Weston, Westport, & Wilton Building construction | 10.10 | .68 | 3%+.30 | 6% | ½% |
| Residential construction | 5.30 | .68 | 3%+.30 | 6% | ½% |
| Fairfield Co.: Bethel, Bridgeport, Brookfield, Danbury, Easton, Fairfield, Monroe, New Fairfield, Newtown, Redding, Ridgefield, Shelton, Sherman, Stratford, & Trumbull; Litchfield Co.: Bridgewater, & New Milford Building construction | 10.40 | 1.10 | 3%+.30 | | ½% |
| Residential construction | 5.65 | 1.10 | 3%+.20 | | ½% |



DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS (CONT'D): Fairfield Co.: Darien, Greenwich, New Canaan, & Stamford | $11.58 | 1.35 | 7½%+1.50 | 1.15 | .06 |
| Litchfield Co.: Plymouth Building construction | 10.17 | 1.00 | 3%+.50 | | ½% |
| Residential construction | 5.53 | 1.00 | 3%+.50 | | ½% |
| Windham Co.: Building construction | 11.30 | 1.50 | 3%+.50 | | ½% |
| Residential construction | 5.50 | .75 | 3%+.45 | | ½% |
| Litchfield Co.: Rem. of Co. | 10.30 | .82 | 3%+.60 | g | 1/8% |
| ELEVATOR CONSTRUCTORS | 10.35 | .545 | .35 | 4%+h+i | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 7.245 | .545 | .35 | 4%+h+i | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 5.175 | | | | |
| GLAZIERS: Fairfield Co.: Greenwich | 9.10 | .66 | 1.66 | .365 | .03 |
| Fairfield Co.: Rem of Co.; & Litchfield Co. | 9.83 | .95 | .47 | j | .01 |
| Windham Co. | 11.41 | .84 | .55 | k | |
| IRONWORKERS: Ornamental; Reinforcing; Structural; and Precast concrete erection | 11.95 | .75 | 1.30 | 1 | .08 |
| LATHERS: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Redding, Ridgefield, Shelton, Stratford, Trumbull, Weston Westport, & Wilton | 9.73 | .35 | .40 | | .01 |
| Fairfield Co.: Greenwich, New Canaan, Norwalk, & Stamford | 8.51 | .35 | .20 | .75 | .01 |
| Fairfield Co.: Bethel, Brookfield, Danbury, New Fairfield Newtown, & Sherman; Litchfield Co.: Bethlehem, Bridgewater, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Milford N. Canaan, Plymouth, Roxbury, Thomaston, Torrington Warren, Washington, Watertown, & Woodbury | 9.65 | .35 | .30 | | .01 |

DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LATHERS (CONT'D): | | | | | |
| Litchfield Co.; Barkhamsted, Colebrook, New Hartford, Norfolk & Winchester; Windham Co.: Chaplin, Hampton, Scotland, & Windham | $ 9.90 | .50 | .30 | | .01 |
| Windham Co.: Danielson | 9.25 | .45 | .55 | | .01 |
| LEADBURNERS | 9.25 | .35 | | m | .01 |
| LINE CONSTRUCTION: | | | | | |
| Fairfield Co.: Darien, Greenwich, New Canaan, Stamford, & that portion of Norwalk, w. of Five Mile River | | | | | |
| Linemen | 9.33 | 3-3/4% | 6%+n+o | 10% | 4% |
| Cable splicers | 9.33 | 3-3/4% | 6%+n+o | 10% | 4% |
| Driver groundmen | 9.33 | 3-3/4% | 6%+n+o | 10% | 4% |
| Fairfield Co.: Rem. of Co.; Litchfield Co.; & Windham Co. | | | | | |
| Linemen | 10.92 | .70 | 3%+.50 | p | |
| Equipment operators | 10.19 | .70 | 3%+.50 | p | |
| Driver groundmen | 7.87 | .70 | 3%+.50 | p | |
| MARBLE SETTERS' HELPERS: | | | | | |
| Fairfield Co.: Darien, Greenwich, Norfolk, Stamford, & Westport | 7.33 | .74 | .88 | q | |
| MARBLE SETTERS' HELPERS; Terrazzo workers' helpers; & Tile setters' helpers: | | | | | |
| Fairfield Co.: Rem. of Co.; Litchfield Co.; & Windham Co. | 8.65 | .50 | .65 | | |
| PAINTERS: | | | | | |
| Bridge: | | | | | |
| Structural steel | 12.00 | | | | |
| Spray | 15.50 | | | | |
| Sandblasting or power tools | 13.00 | | | | |
| Fairfield Co.: Greenwich | | | | | |
| Brush; Structural steel; Paperhangers; Tapers | 8.40 | .20 | .75 | .30 | |
| Spray | 12.60 | .20 | .75 | .30 | |
| Fairfield Co.: Bridgeport, Easton, Fairfield, Southport, Stratford and Trumbull | | | | | |
| Brush | 8.65 | .50 | .65 | r | |
| Spray | 10.65 | .50 | .65 | r | |
| Taper | 9.04 | .50 | .65 | r | |



DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS (CONT'D): | | | | | |
| Fairfield Co.: Darien, Stamford, New Canaan, Norwalk, Weston, Westport, & Wilton | | | | | |
| Brush | $ 8.35 | .50 | .50 | | .01 |
| Roller, paperhangers, tapers epoxy | 8.85 | .50 | .50 | | .01 |
| Fairfield Co.: Bethel, Brookfield, Danbury, New Fairfield Newtown, Redding, Ridgefield, Sandy Hook & Sherman; Litchfield Co.: New Milford | | | | | |
| Brush, Roller | 10.35 | .50 | .40 | | |
| Steel | 11.45 | .50 | .40 | | |
| Paperhangers; Tapers | 9.70 | .50 | .40 | | |
| Epoxy | 11.85 | .50 | .40 | | |
| Residential | 8.60 | .50 | .40 | | |
| Fairfield Co.: Byram | | | | | |
| Brush | 8.15 | .45 | .45+.426/7 | .40 | |
| Spray | 9.15 | .45 | .45+.426/7 | .40 | |
| Steel & Swing stage & boatswain chair | 9.313/7 | .45 | .45+.426/7 | .40 | |
| Drywall taper | 8.95 | .45 | .45+.426/7 | .40 | |
| Fairfield Co.: Monroe & Shelton | | | | | |
| Brush | 10.00 | .50 | .80 | s | .01 |
| Hand roller; Paperhangers | 10.50 | .50 | .80 | s | .01 |
| Structural steel, epoxy, polyester | 11.00 | .50 | .80 | s | .01 |
| Spray | 13.50 | .50 | .80 | s | .01 |
| Windham Co.: Willimantic & Windham | | | | | |
| Brush,; Tapers | 10.00 | .80 | .60 | | |
| Paperhangers | 10.50 | .80 | .60 | | |
| Riding steel; Steamcleaning; Sandblasting; Tanks; Towers; & Hazardous work | 10.58 | .80 | .60 | | |
| Spray | 13.00 | .80 | .60 | | |
| Litchfield Co.: Bantam, Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, New Hartford New field, N. Canaan, Plymouth Salisbury, Sharon, Terryville | | | | | |







DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS (CONT'D): | | | | | |
| Torrington, Warren, Winchester, & Winsted | | | | | |
| Brush; Roller; Taping | $ 9.60 | .80 | .45 | | |
| Spray; High | 12.00 | .80 | .45 | | |
| Epoxy | 9.85 | .80 | .45 | | |
| Paperhanging | 10.10 | .80 | .45 | | |
| Work over 60' & Boatswain chair; Open steel | 14.40 | .80 | .45 | | |
| Swing Stage 40-60 | 10.60 | .80 | .45 | | |
| Windham Co., except Willimantic & Windham | | | | | |
| Brush | 9.90 | .50 | .70 | | .01 |
| Paperhangers | 10.20 | .50 | .70 | | .01 |
| Sign | 10.28 | .50 | .70 | | .01 |
| Taping | 10.30 | .50 | .70 | | .01 |
| Roller | 10.40 | .50 | .70 | | .01 |
| Structural steel | 10.70 | .50 | .70 | | .01 |
| Spraying oil paint | 13.05 | .50 | .70 | | .01 |
| Spraying epoxy | 15.58 | .50 | .70 | | .01 |
| PLUMBERS: | | | | | |
| Windham Co.: Windham | 10.10 | .62 | .62 | | .20 |
| PLUMBERS; Steamfitters: | | | | | |
| Fairfield Co.: Greenwich | 10.00 | .45 | .70 | | .02 |
| Fairfield Co.: Bridgport, Easton, Fairfield, Monroe, Shelton, Stratford, & Trumbull | 10.49 | .75 | 70 | .42 | .01 |
| Fairfield Co.: Georgetown, Norwalk. S. Norwalk, Weston, Westport & Wilton | 9.50 | .75 | .50 | .36 | .02 |
| Fairfield Co.: Bethel, Brookfield, Danbury, New Fairfield Newtown, Redding, Ridgefield, & Sherman; Litchfield Co.: Bridgewater, & New Milford | 10.70 | .75 | .70 | .50 | .02 |
| Fairfield Co.: Darien, New Canaan, & Stamford | 10.20 | .75 | .70 | 4% | .02 |
| Litchfield Co.: Bantam, Barkhamsted, Canaan, Colebrook, Cornwall, Falls Village, Goshen, Harwinton, Kent, Lakeville, Litchfield, Morris, New Hartford, Norfolk, N. Canaan, Salisbury, Sharon, Torrington, Warren, Winchester, & Winstead | 9.64 | .83 | .70 | t | .05 |



DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLUMBER: Steamfitters (CONT'D): | | | | | |
| Litchfield Co.: Bethlehem, New Preston Plymouth (incl. Terryville), Roxbury, Thomaston, Washington, Watertown & Woodbury | $10.00 | .83 | .70 | t | .05 |
| Windham Co., except Windham | 11.92 | .60 | .70 | u | .05 |
| ROOFERS: | | | | | |
| Fairfield Co., ecept that portion of Fairfield Co. bounded on the e. by the eastern boundary of Greenwich; Litchfield Co.: Bethlehem, Bridgewater, Kent New Milford, Roxbury, Washington & Woodbury | 10.15 | 1.05 | .45 | | |
| Litchfield Co.: Bantam, Canaan Colebrook, Cornwall, Cornwall Bridge, E. Canaan, Falls Village, Gaylordsville, Goshen Lakeside, Litchfield, Marbledale, Morris, New Hartford, New Preston, Norfolk, Northfield, Oakville, Pequabuck, Pine Meadow Pleasant Valley, Plymouth, Riverton, Salisbury, Sharon, S. Kent, Taconic, Terryville, Thomaston, Torrington, Washington Depot, Watertown, W. Cornwall, W. Goshen, Winchester Center, & Winsted; Windham Co. | | | | | |
| Composition | 8.75 | .525 | .70 | .55 | |
| Slate & tile | 9.25 | .525 | .70 | .55 | |
| Fairfield Co.: that portion of Fairfield Co. bounded on the e. by the eastern boundary of Greenwich | | | | | |
| Slate & Tile | 9.20 | .50 | 1.40 | 1.40 | |
| Helpers | 7.50 | .50 | 1.00 | 1.00 | |
| SHEET METAL WORKER: | | | | | |
| Fairfield Co.; Litchfield Co. | 11.19 | 9.5% | 7% | | .02 |
| Windham Co. | 10.55 | .70 | .86 | | .05 |

DECISION NO. CT78-3003

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| SPRINKLER FITTERS | $11.38 | .65 | .95 | | .08 |
| STEAMFITTERS: | | | | | |
| Windham Co.: Windham | 10.27 | 1.16 | .66 | | .13 |
| TILE SETTERS' HELPERS: | | | | | |
| Fairfield Co.: Darien, Greenwich, Stamford, Norfolk, & Westport | 7.58 | .50 | 1.27 | | |







DECISION NO. CT78-3003

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. 50 per worker per year.
b. 1 paid holiday: Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday.
c. 4 paid holidays: B, C, D, and Good Friday. Employee must be employed 14 consecutive days immediately, prior to the holiday.
d. 3 paid holidays: C, D, and E.
e. 4 paid holidays: B, C, D, and E.
f. 3 paid holidays: B, C, and D.
g. The last 4 regular working hours prior to Christmas shall be paid half day.
h. 6 paid holidays: A through F
i. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
j. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Columbus Day.
k. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Columbus Day.
l. The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve.
m. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
n. 1% of the gross electrical labor payroll.
o. Employer contributes $1.50 per day to a supplemental unemployment fund.
p. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays and works the scheduled work days immediately preceding and following the holidays
q. 1 paid holiday: St Patrick's Day
r. 2 paid holidays: C and D providing the employee works the day before and the day after the holiday.
s. 4 paid holidays: B, C, D, and E providing the employee works the day before and the after the holiday
t. 2 paid holidays: B and D and half day paid holiday the Friday after Thanksgiving and the last working day before Christmas and Good Friday paid half day
u. 1 paid holiday: D
y. 3% of gross earnings to SASMI





DECISION NO. CT78-3003

| POWER EQUIPMENT OPERATORS (Building Construction) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone | $11.32 | .80 | .75 | a | .10 |
| Dragline; Forklift - over 4' lift; Front end loader - 7cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, motive power or operation); koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane | 11.21 | .80 | .75 | a | .10 |
| Maintenance engineer | 11.11 | .80 | .75 | a | .10 |
| Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over ½yd; Conveyors - regardless of motive power; Front end loader 3cy. up to 7 cy.; Joy drill limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger | 10.85 | .80 | .75 | a | .10 |
| Compressor battery operator | 10.06 | .80 | .75 | a | .10 |
| Asphalt spreader | 10.64 | .80 | .75 | a | .10 |
| Bulldozer; Carry-all operators; Grader; & Scraper pan | 10.58 | .80 | .75 | a | .10 |
| Combination hoe and loader machine; Concrete mixer - 5 bags over; Front end loader under 3 cy.; Powerstone speader | 10.53 | .80 | .75 | a | .10 |
| Air and steam valve | 9.80 | .80 | .75 | a | .10 |
| Compressor; Generator; Pump and Well point; Welding machine | 9.69 | .80 | .75 | a | .10 |



DECISION NO. CT78-3003

| POWER EQUIPMENT OPERATORS (Building Construction) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS (CONT'D): | | | | | |
| Fork lift not over 4'; & Steam Jenny | $10.43 | .80 | .75 | a | .10 |
| Mechanical heater | 9.53 | .80 | .75 | a | .10 |
| Roller | 10.32 | .80 | .75 | a | .10 |
| Dinky machine; Power pavement breaker | 10.16 | .80 | .75 | a | .10 |
| Fireman (High pressure) | 9.32 | .80 | .75 | a | .10 |
| Oiler | 8.85 | .80 | .75 | a | .10 |
| Crane with boom, excluding jib, over 150' - $.25 extra | | | | | |
| Crane with boom, excluding jib, over 200' - $.50 extra | | | | | |
| Apprentice Oilers (Newly hired on Backhoes on Tracks) | 5.80 | .45 | .90 | a | .10 |
| LABORERS (Heavy and Highway Construction): | | | | | |
| Laborers | 7.75 | .50 | .55 | | .10 |
| Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators | 8.00 | .50 | .55 | | .10 |
| Air track operators; Block paver; Curb setters | 8.25 | .50 | .55 | | .10 |
| Blasters | 8.50 | .50 | .55 | | .10 |

DECISION NO. CT78-3003

| POWER EQUIPMENT OPERATORS (Heavy and Highway Construction) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| CLASS 1 | $11.14 | .55 | 1.00 | a | .10 |
| CLASS 2 | 11.00 | .55 | 1.00 | a | .10 |
| CLASS 3 | 10.67 | .55 | 1.00 | a | .10 |
| CLASS 4 | 10.48 | .55 | 1.00 | a | .10 |
| CLASS 5 | 10.33 | .55 | 1.00 | a | .10 |
| CLASS 6 | 10.15 | .55 | 1.00 | a | .10 |
| CLASS 7 | 9.94 | .55 | 1.00 | a | .10 |
| CLASS 8 | 9.08 | .55 | 1.00 | a | .10 |
| CLASS 9 | 9.18 | .55 | 1.00 | a | .10 |
| CLASS 10 | 9.53 | .55 | 1.00 | a | .10 |
| CLASS 11 | 9.87 | .55 | 1.00 | a | .10 |
| CLASS 12 | 8.73 | .55 | 1.00 | a | .10 |
| CLASS 13 | 9.47 | .55 | 1.00 | a | .10 |
| Crane with 150' boom - $.25 extra | | | | | |
| Crane with 200' boom - $.50 extra | | | | | |
| TRUCK DRIVERS (Building, Heavy and Highway Construction) | | | | | |
| CLASS 1 | 7.66 | .665 | .65 | a | |
| CLASS 2 | 7.76 | .665 | .65 | a | |
| CLASS 3 | 7.86 | .665 | .65 | a | |
| CLASS 4 | 7.81 | .665 | .65 | a | |
| CLASS 5 | 7.91 | .665 | .65 | a | |
| CLASS 6 | 7.96 | .665 | .65 | a | |
| LABORERS (Building Construction) Laborer | 7.75 | .50 | .70 | | .10 |
| Asphalt rakers, concrete & power buggy ops, concrete saw ops, chain saw ops, fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops, pneumatic gas & electric drill ops, powdermen, & wagon drill operators | 8.00 | .50 | .70 | | .10 |
| Air track ops, block pavers; and curb setters | 8.25 | .50 | .70 | | .10 |
| Blasters | 8.50 | .50 | .70 | | .10 |



DECISION NO. CT78-3003

| LABORERS (Building Construction) (CONT'D): | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Open Air Caisson, Cylindrical Work and Boring Crew: | | | | | |
| Top man | $ 7.75 | .50 | .70 | | .10 |
| Bottom man | 8.25 | .50 | .70 | | .10 |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS: POWER EQUIPMENT OPERATORS

Class 1: Erecting and handling structural steel; Front end loader (7cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper) Master mechanic
Class 3: Drill (Jov heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post hole digger; Well digger; & Hammer (vibratory); Central mix; Combination hoe & loader (over ½yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3yds. or over); Grader; Power stone spreader; combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant

CLASSIFICATIONS: TRUCK DRIVERS

Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and simi-trailer (including Euclids)
Class 6: Heavy duty trailer-40 tons and over





SUPERSEDEAS DECISION

STATE: CONNECTICUT
DECISION NUMBER: CT78-3004
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. : CT77-3132 dated September 30, 1977 in 42 FR 52982.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy (excluding tunnel construction), and highway construction.



DECISION NO. CT78-3004

| *Hartford, Middlesex, New Haven, New London, and Tolland Counties | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS: Hartford Co.: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, E. Hartford, E. Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, S. Windsor, W. Hartford, Wethersfield, & Windsor; Middlesex Co.; New Haven Co.; New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Groton, Lebanon, Lyme, Montville, New London, Norwich, Old Lyme, Salem, Sprague & Waterford; & Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, & Willington | $11.44 | .65 | 1.16 | | |
| Hartford Co.: E. Granby, Enfield, Granby, Hartland, Suffield, & Windsor Locks; Tolland Co.: Somers, Stafford, & Union | 9.95 | .94 | 1.25 | | .01 |
| New London Co.: Griswold, Ledyard, Lisbon, N. Stonington, Preston, Stonington, & Voluntown | 10.28 | 1.00 | 1.18 | | |
| BOILERMAKERS | 10.00 | .60 | 10% | | .01 |
| BRICKLAYERS:; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers & Tile setters (Building Construction): Hartford Co.: Avon, Bloomfield, Burlington, Enfield, E. Granby, E. Hartford, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Rocky Hill, Simsbury | | | | | |

| DECISION NO. CT78-3004 (CONT'D): | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BRICKLAYERS (CONT'D): S. Windsor, Suffield, Thompsonville, W. Hartford, Wethersfield, Windsor, Windsor Locks; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | $ 9.75 | .90 | .75 | | |
| Hartford Co.: Berlin, Kensington, New Britain, Newington, Plantsville, & Southington; New Haven Co.: Meriden | 9.85 | .75 | .75 | | .03 |
| Hartford Co.: Canton | 9.60 | .75 | .50 | | .03 |
| Middlesex Co.: & New London Co. | 10.00 | .75 | .75 | | .03 |
| New Haven Co.: Bethany, Bradford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, W. Haven, Woodbridge, part of Milford, & parts of Chesire | 9.95 | .50 | .50 | | |
| New Haven Co.: Ansonia & Derby | 9.50 | .75 | | | .03 |
| Hartford Co.: Bristol, Marion, & Plainville; New Haven Co.: Beacon Falls, Middlebury, Mixville, Naugatuck. Prospect, Waterbury, & Wolcott | 9.70 | .75 | .75 | | .03 |
| New Haven Co.: Devon to the Orange Town line & the Indian River in Milford | 9.85 | .75 | .50 | | |
| BRICKLAYERS (Heavy & Highway Construction): New Haven Co.: Milford | 9.00 | .65 | .50 | b | |
| Hartford Co.; Middlesex Co.; New Haven Co., except Milford; New London Co.; & Tolland Co. | 8.95 | .65 | .50 | b | |
| CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers (Building Construction) New Haven Co.: Milford | 10.00 | .80 | .55 | c | e |
| Hartford Co.: Avon, E. Granby, E. Hartland, E. Windsor, Enfield, Farmington, Glastonbury, Granby, | | | | | |

DECISON NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| CARPENTERS (CONT'D): Hartford, Hartland, Manchester, Rocky Hill, Simsbury, S. Windsor, Suffield, Thompsonville, Unionville, W. Hartford, Wethersfield, Windsor, Windsor Locks; Tolland Co.: Bolton, Ellington, Rockville, Somers, Stafford, Tolland, & Vernon | $ 9.71 | .70 | .45 | | .05 |
| Hartford Co.: Barlin, Bristol, Canton, E. Berlin, Kensington, Marion, Milldale, New Britain, Newington, Plainville, & Southington; Middlesex Co.; New Haven Co.: Meriden, & Wallingford | 9.80 | .70 | .40 | | .05 |
| New Haven Co.: Bethany, Branford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, S. Cheshire, W. Haven, & Woodbridge | 9.80 | .70 | .40 | | .05 |
| New Haven Co.: Ansonia, Derby, Orange, Oxford, & Seymour | 9.35 | .35 | .30 | d | |
| New Haven Co.: Beacon Falls, Bethany (to the firehouse), Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, & Wilcott | 9.80 | .70 | .40 | | .05 |
| New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Griswold, Groton, Lebanon, Ledysrd, Lisbon, Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington (N. of Rte #184). Voluntown & Waterford; Tolland Co.: Andover, Columbia, Coventry, Hebron, Mansfield, Union, & Willington | 10.00 | .80 | .55 | | .03 |



DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| CARPENTERS (Heavy & Highway Construction): New Haven Co.: Ansonia, Derby, Milford, Orange (W. of Orange Center Road & S. of Rte #1 & W. of the Oyster River), Oxford, & Seymour | $ 9.80 | .80 | .55 | f | e |
| Hartford Co.; Middlesex Co.; & New Haven Co.: Rem. of Co.; Tolland Co.: Bolton, Ellington, Somers, Stafford, Toland, & Vernon | 9.85 | .75 | .85 | f | .05 |
| New London Co.; Tolland Co.: Andover, Columbia, Coventry, Hebron, Mansfield, Union, & Willington | 9.85 | .75 | .85 | f | .03 |
| ELECTRICIANS: New Haven Co.: Milford | 10.40 | 1.10 | 3%+.30 | | 4% |
| Hartford Co.: Berlin, Bristol, New Britain, Newington, Plainville, & Southington | 10.17 | 1.00 | 3%+.30 | | 4% |
| Hartford Co.: Suffield, Thomasville, & Enfield | 9.85 | .70 | 3%+.30 | .43 | .03 |
| Hartford Co.: Hartland; New Haven Co.: Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, & Wolcott | 10.30 | .80 | 3%+.60 | h | 1/8% |
| Hartford Co.: Rem. of Co.; Middlesex Co.: Cromwell, Middlefield, Middletown & Portland; New London Co.: Bozrah Colchester, Franklin, Lisbon, Montville, N. Stonington, Norwich, Preston, Salem, Sprague, Stonington, & Voluntown; & Tolland Co. | 11.30 | 1.50 | 3%+.50 | | 4% |



DECISON NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ELECTRICIANS (CONT'D): Middlesex Co.: Centerbrook, Chester, Clinton, Cobalt, Deep River, Durham, E. Hampton, Essex, Haddam, Higganum, Ivoryton, Middle Haddam, Moodus, Old Saybrook, Rockfall & Westbrook; New Haven Co.: Ansonia, Branford, Cheshire, Derby, Guilford, Madison, Meriden, New Haven, N. Branford, N. Haven, Northford, Orange, S. Britain & Wallingford; New London Co.: E. Lyme, Groton, Lyme, New London, Old Lyme, & Waterford | $10.36 | 1.00 | 3% | | ½ of 1% |
| ELEVATOR CONSTRUCTORS | 10.35 | .545 | .35 | 4%+i+j | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 7.245 | .545 | .35 | 4%+i+j | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 5.175 | | | | |
| GLAZIERS: New Haven Co., except Wallingford | 9.83 | .95 | .47 | k | .01 |
| Hartford Co.; Middlesex Co.: New Haven Co.; Wallingford; New London Co.; & Tolland Co. | 11.41 | .84 | .55 | l | |
| IRONWORKERS: Ornamental; Reinforcing; Structural and Precast concrete erection | 11.95 | .75 | 1.20 | m | .08 |
| LATHERS: Hartford Co.: Bristol, Southington; New Haven Co.: Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, & Wolcott | 9.65 | .35 | .30 | | .01 |
| Hartford Co.: Avon, Berlin, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, New Britain, Newington, | | | | | |



DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LATHERS (CONT'D): Plainville, Rocky Hill, Simsbury, S. Windsor, W. Hartford, Windsor & Windsor Locks; Middlesex Co.: Cromwell, E. Naddam, E. Hampton, Middlefield, Middletown & Portland; New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Groton, Lebanon, Lisbon, Lyme, Salem, Sprague, & Waterford; Tolland Co.: Andover, Bolton, Columbia, Coventry, Hebron, Mansfield, & Vernon | $ 9.90 | .50 | .30 | | .01 |
| Hartford Co.: Broad Brook, Enfield, Hazardville, Melrose, Suffield, Thompsonville, & Warehouse Point; Tolland Co.: Crystal Lake, N. Somers, Somers, Stafford, Stafford Springs, Staffordville & Union | 8.45 | .45 | .25 | | .01 |
| Middlesex Co.: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook & Westbrook; New Haven Co.: Ansonia, Branford, Derby, E. Haven, Guilford, Hamden, Madison, Milford, New Haven, N. Branford, N. Haven, Orange, Seymour, Wallingford, W. Haven, & Woodbridge | 9.80 | .75 | .45 | | .01 |
| New London Co.: Groton | 9.25 | .45 | .55 | | .01 |
| LEADBURNERS | 9.25 | *.35 | | n | .01 |
| LINE CONSTRUCTION: Linemen | 10.92 | .70 | 3%+.50 | o | |
| Equipment operators | 10.19 | .70 | 3%+.50 | o | |
| Driver groundmen | 7.87 | .70 | 3%+.50 | o | |
| MARBLE SETTERS' HELPERS: Terrazzo workers' helpers; & Tile setters' helpers | 8.65 | .50 | .65 | | |

DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS: | | | | | |
| Bridge and Highway | | | | | |
| Structural steel | $12.45 | | | | |
| Sandblasting or power tools | 13.45 | | | | |
| Spray | 15.95 | | | | |
| New Haven Co.: Milford (up to Gulf Street) | | | | | |
| Brush | 8.65 | .50 | .65 | p | |
| Taping | 9.04 | .50 | .65 | p | |
| Spray | 10.65 | .50 | .65 | p | |
| Hartford Co.: Avon, Bloomfield, Broad Brook, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, S. Windsor, Suffield, S. Manchester, W. Hartford, W Simsbury, Wethersfield, Windsor, & Windsor Locks; Tolland Co.: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Rockville, Stafford, Somers, Tolland, Union, Vernon, & Willington | | | | | |
| Brush; Tapers | 10.00 | .80 | .60 | | |
| Paperhangers | 10.50 | .80 | .60 | | |
| Riding steel; Steamcleaning; Sandblasting; Tank; Towers, & Hazardous work | 10.58 | .80 | .60 | | |
| Spray | 13.00 | .80 | .60 | | |
| Hartford Co.: Berlin, Bristol, Burlington, E. Berlin, Forestville, Hartland, Kensington, Milldale, New Britain, Newington, Plainville, Plantsville, Southington, & Unionville; New Haven Co.: Cheshire, Guilford Madison, Meriden, & Wallingford; | | | | | |



DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS (CONT'D): | | | | | |
| Middlesex Co.: Chester, Clinton, Cromwell, Deep River, Durham, E. Haddam, E. Hampton, Essex, Haddam, Higganum, Ivoryton, Killingworth, Middlefield, Middletown, Moodus, Norfolk, Portland, Saybrook, & Westbrook | | | | | |
| Brush; Roller; Taping | $ 9.60 | .80 | .45 | | |
| Spray | 12.00 | .80 | .45 | | |
| Epoxy | 9.85 | .80 | .45 | | |
| Paperhanging | 10.10 | .80 | .45 | | |
| Work over 60' & Boatswain chair; Open Steel | 14.40 | .80 | .45 | | |
| Swing stage 40 - 60' | 10.60 | .80 | .45 | | |
| New Haven Co.: Ansonia, Beacon Falls, Derby, Oxford, & Seymour | | | | | |
| Brush | 10.00 | .50 | .80 | q | .01 |
| Hand roller; Paperhangers | 10.50 | .50 | .80 | q | .01 |
| Structural steel, epoxy polyester | 11.00 | .50 | .80 | q | .01 |
| Spray | 13.50 | .50 | .80 | q | .01 |
| New Haven Co.: Bethany, Branford, E. Haven Hamden, Milford, (s. on Gulf Street & n. on North Street), New Haven, N. Branford, N. Haven, Orange, W. Haven, Woodbridge, & Woodmont | | | | | |
| Brush; Sandblasting | 9.05 | .50 | .60 | | .02 |
| Tapers | 9.40 | .50 | .60 | | .02 |
| Paperhangers | 9.55 | .50 | .60 | | .02 |
| Spray | 11.70 | .50 | .60 | | .02 |
| Structural steel | 9.30 | .50 | .60 | | .02 |
| New Haven Co.: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Thomaston, Washington, Waterbury, Watertown, Wolcott, & Woodbury | | | | | |
| Brush | 8.80 | .50 | .60 | | |
| Paperhanger & Tapers | 9.05 | .50 | .60 | | |
| Spray | 13.20 | .50 | .60 | | |







DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS (CONT'D): | | | | | |
| New London Co.: Norwich | | | | | |
| Brush | $ 9.90 | .50 | .70 | | .01 |
| Paperhangers | 10.20 | .50 | .70 | | .01 |
| Sign | 10.28 | .50 | .70 | | .01 |
| Taping | 10.30 | .50 | .70 | | .01 |
| Roller | 10.40 | .50 | .70 | | .01 |
| Structural steel | 10.70 | .50 | .70 | | .01 |
| Spraying oil paint | 13.05 | .50 | .70 | | .01 |
| Spraying epoxy | 15.58 | .50 | .70 | | .01 |
| PLUMBERS: | | | | | |
| Hartford Co.: Avon, Bloomfield, Burlington Canton, E. Granby, E. Hartford, E.Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, Windsor Locks Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Atomic River Project) Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | 10.31 | 1.10 | 1.39 | | .10 |
| PLUMBERS; Steamfitters: | | | | | |
| New Haven Co.: Milford | 10.49 | .75 | .70 | .42 | .01 |
| Hartford Co.: Southington; Middlesex Co.: Durham; New Haven Co.: Cheshire, Meriden, & Wallingford | 10.35 | .75 | .70 | r | .03 |
| Hartford Co.: Berlin, Bristol. E. Berlin, Kensington, New Britain, & Plainville | 9.40+10 u | .75 | 70 | s | .03 |



DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLUMBERS; Steamfitters (CONT'D): | | | | | |
| Middlesex Co.: Clinton, Killingworth, & Westbrook; New Haven Co.: Branford, Derby, E. Haven Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, W. Havan, & Woodbridge | $10.55 | .75 | .70 | t | .02 |
| Middlesex Co.: Essex, Ivoryton, Old Saybrook, & Saybrook; New London Co.: Bozrah, Colchester E.Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, & Waterford | 11.92 | .60 | .70 | u | .05 |
| New Haven Co.: Ansonia, Beacon, Falls, Bethany, Naugatuck, Oxford, Prospect, & Seymour New Haven Co.: Middlebury, South bury, S. Britain, Waterbury & Wolcott | | | | | |
| Hartford Co.: Hartland | 10.45 | .88 | .70 | v | .05 |
| ROOFERS: | | | | | |
| New Haven Co.: Ansonia, Beacon Falls, Bethany, Branford, Derby E. Haven, Guilford, Hamden, Madison, Milford, Middlebury, Naugatuck, New Haven, N, Branford, N. Haven, Orange, Oxford, Seymour, Union City, W. Haven, & Woodbridge | 10.15 | 1.05 | .45 | | |
| Hartford Co.; Middlesex Co.; New Haven Co.: Cheshire, Meriden, Prospect, Wallingford, & Wolcott; New London Co.; & Tolland Co. | | | | | |
| Composition | 8.75 | .525 | .70 | .55 | |
| Slate, Tile | 9.25 | .525 | .70 | .55 | |
| SHEET METAL WORKERS | 10.55 | .70 | .86 | | .05 |
| SPRINKLER FITTERS | 11.38 | .65 | .95 | | .08 |

DECISION NO. CT78-3004

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| STEAMFITTERS: Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, & Windsor Locks; Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | $10.27 | 1.16 | .66 | | .13 |



DECISION NO. CT78-3004

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 7 paid holidays: A through F, and Good Friday.
b. 1 paid holiday: Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday.
c. 4 paid holidays: B, C, D, and Good Friday. Employee must be employed 14 consecutive days immediately prior to the holiday.
d. 3 paid holidays: C, D, and E
e. $.50 per worker per year
f. 3 paid holidays: B, C, and D
h. The last 4 regular working hours prior to Christmas Day shall be paid half day.
i. 6 paid holidays: A through F
j. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
k. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Columbus Day
l. 9 paid holidays: A through F, Washington's Birthday, good Friday and Columbus Day
m. The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve
n. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
o. 9 paid holidays: A through F Washington's Birthday, Good Friday and a floating holiday pre year provided the employee has been employed for a period of 5 working days prior to the holidays and works the scheduled work days immediately preceding and following the holidays
p. 2 paid holidays: C and D providing the employee works the day before and the day after the holiday
q. 4 paid holidays: B, C, D, and E providing the employee works the day before and the day after the holiday
r. 1 paid holiday: D
s. Paid holidays: D, and the Friday after Thanksgiving is a paid half day, and December 24, provided it falls on a working day, is a paid half day
t. 3½ paid holidays: C, D, E, and the half day Friday after Thanksgiving
u. 1 paid holiday: D
v. 2 paid holidays: B, D & half day paid holiday the Friday after Thanksgiving and the last working day before Christmas, & Good Friday paid half day







DECISION NO. CT78-3004
POWER EQUIPMENT OPERATORS
(Building construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS: Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone | $11.32 | .80 | .75 | a | .10 |
| Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane | 11.21 | .80 | .75 | a | .10 |
| Maintenance engineer | 11.11 | 180 | .75 | a | .10 |
| Central mix operator; Coleman loader and screening plant or similar equipment; combination hoe and loader over ¼ yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hoe digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger | 10.85 | .80 | .75 | a | .10 |
| Compressor battery operator | 10.06 | 180 | .75 | a | .10 |
| Asphalt spreader | 10.64 | .80 | .75 | a | .10 |
| Bulldozer; Carry-all operators; Grader; & Scraper pan | 10.58 | .80 | .75 | a | .10 |
| Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader | 10.53 | .80 | .75 | a | .10 |
| Air and steam valve | 9.80 | .80 | .75 | a | .10 |
| Compressor; Generator; Pump and Well point; Welding machine | 9.69 | .80 | .75 | a | .10 |



DECISION NO. CT78-3004
POWER EQUIPMENT OPERATORS
(Building Construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS (CONT'D): Fork lift not over 4'; & Steam Jenny | $10.43 | .80 | .75 | a | .10 |
| Mechanical heater | 9.53 | .80 | .75 | a | .10 |
| Roller | 10.32 | .80 | .75 | a | .10 |
| Dinky machine; Power pavement breaker | 10.16 | .80 | .75 | a | .10 |
| Fireman (High pressure) | 9.32 | .80 | .75 | a | .10 |
| Oiler | 8.85 | .80 | .75 | a | .10 |
| Crane with boom, excluding jib, over 150' - $.25 extra | | | | | |
| Crane with boom, excluding jib, over 200' - $.50 extra | | | | | |
| LABORERS ( Heavy and Highway Construction): Laborers | 7.75 | .50 | .55 | | .10 |
| Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators | 8.00 | .50 | .55 | | .10 |
| Air track operator; Block pavers; Curb setters | 8.25 | .50 | .55 | | .10 |
| Blasters | 8.50 | .50 | .55 | | .10 |

DECISION NO. CT78-3004

POWER EQUIPMENT OPERATORS
(Heavy and Highway construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Class 1 | $11.35 | .80 | .75 | a | .10 |
| Class 2 | 11.20 | .80 | .75 | a | .10 |
| Class 3 | 10.87 | .80 | .75 | a | .10 |
| Class 4 | 10.67 | .80 | .75 | a | .10 |
| Class 5 | 10.52 | .80 | .75 | a | .10 |
| Class 6 | 10.33 | .80 | .75 | a | .10 |
| Class 7 | 10.12 | .80 | .75 | a | .10 |
| Class 8 | 9.24 | .80 | .75 | a | .10 |
| Class 9 | 9.34 | .80 | .75 | a | .10 |
| Class 10 | 9.70 | .80 | .75 | a | .10 |
| Class 11 | 10.05 | .80 | .75 | a | .10 |
| Class 12 | 8.88 | .80 | .75 | a | .10 |
| Class 13 | 9.64 | .80 | .75 | a | .10 |
| Crane with 150' boom - $.25 extra | | | | | |
| Crane with 200' boom - $.50 extra | | | | | |
| TRUCK DRIVERS (Building, Heavy & Highway Construction) | | | | | |
| TRUCK DRIVERS: | | | | | |
| Class 1 | 7.66 | .665 | .65 | a | |
| Class 2 | 7.76 | .665 | .65 | a | |
| Class 3 | 7.86 | .665 | .65 | a | |
| Class 4 | 7.81 | .665 | .65 | a | |
| Class 5 | 7.91 | .665 | .65 | a | |
| Class 6 | 7.96 | .665 | .65 | a | |
| LABORERS (Building Construction) | | | | | |
| Laborers | 7.75 | .50 | .70 | | .10 |
| Asphalt rakers, concrete & power buggy ops, concrete saw ops, chain saw ops, fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatice drill ops, pneumatic gas & electric drill ops, powdermen, & wagon drill ops | 8.00 | .50 | .70 | | .10 |
| Air track ops, block pavers, and curb setters | 8.25 | .50 | .70 | | .10 |
| Blasters | 8.50 | .50 | .70 | | .10 |
| Open Air Caisson, Cylindrical Work and Boring Crew: | | | | | |
| Top man | 7.75 | .50 | .70 | | .10 |
| Bottom man | 8.25 | .50 | .70 | | .10 |



DECISION NO. CT78-3004

CLASSIFICATIONS:

POWER EQUIPMENT OPERATORS:

Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper); Master mechanic
Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post hole digger; Well digger; & Hammer (vibratory); Central mix; Combination hoe & loader (over ¾ yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant

TRUCK DRIVERS:

Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready-mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
Class 6: Heavy duty trailer-40 tons and over







SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: IL78-2008 DATE: Date of Publication
SUPERSEDES DECISION NO.: IL77-5056 dated June 3, 1977 in 42 FR 28759
DESCRIPTIONOF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| AREA I | | | | | |
| Within the geographical jurisdiction of the St. Louis District, Corps of Engineers. | | | | | |
| Levermen, Engineer, Mechanic, and Boatman | $9.95 | .87 | 1.51 | | |
| Oiler | 8.46 | .87 | 1.51 | | |
| AREA II | | | | | |
| Within the geographical jurisdiction of the Louisville District, Corps of Engineers | | | | | |
| Levermen, Engineer, Mechanic, and Boatman | 9.81 | .87 | 1.51 | | |
| Oiler | 7.35 | .87 | 1.51 | | |
| AREA III | | | | | |
| Within the geographical jurisdiction of the Huntington District, Corps of Engineers | | | | | |
| Levermen, Engineer, Mechanic, and Boatman | 9.47 | .87 | 1.51 | | |
| Oiler | 6.84 | .87 | 1.51 | | |

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier, Caddo & Calcasieu
DECISION NO.: LA78-4013 DATE: Date of Publication
Supersedes Decision No. LA77-4220, dated September 23, 1977, in 42 FR 48659.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ASBESTOS WORKERS: | | | | | |
| Bossier & Caddo Parishes | $10.03 | .40 | .76 | | .025 |
| Calcasieu Parish | 10.595 | .525 | .90 | | .04 |
| BOILERMAKERS | 10.00 | .50 | 1.00 | | .02 |
| BRICKLAYERS & STONEMASONS: | | | | | |
| Bossier & Caddo Parishes | 9.55 | .40 | .45 | | |
| Calcasieu Parish | 10.85 | .53 | .30 | | .02 |
| CARPENTERS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| Carpenters | 9.30 | .40 | .35 | | .04 |
| Millwrights | 10.05 | .40 | .35 | | .04 |
| Piledrivermen | 9.55 | .40 | .35 | | .04 |
| Calcasieu Parish | | | | | |
| Carpenters & piledrivermen | 9.745 | .40 | .33 | | .05 |
| Millwrights | 11.245 | | | | .05 |
| CEMENT MASONS: | | | | | |
| Bossier & Caddo Parishes | 8.75 | .35 | | | |
| Calcasieu Parish | 9.45 | | | | |
| ELECTRICIANS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| Electricians | 11.00 | 1.00 | 3% | | 1% |
| Cable splicers | 11.50 | 1.00 | 3% | | 1% |
| Calcasieu Parish: | | | | | |
| New & old single or multiple family residences and apartment complexes, not to exceed 12 units, 2 story walk-up. | 6.25 | .35 | 3%+.20 | | 3/10% |
| Other work: | | | | | |
| Electricians | 12.30 | .35 | 3%+.20 | | 1/10% |
| Cable splicers | 12.55 | .35 | 3%+.20 | | 1/10% |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| Mechanics | 9.595 | .745 | .35 | 4%+a+b | .02 |
| Helpers | 70%JR | .745 | .35 | 4%+a+b | .02 |
| Helpers (Probationary) | 50%JR | | | | |
| Calcasieu Parish: | | | | | |
| Mechanics | 9.76 | .545 | .35 | 4%+a+b | .02 |
| Helpers | 70%JR | .545 | .35 | 4%+a+b | .02 |
| Helpers (Probationary) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Bossier & Caddo Parishes | 7.88 | | .30 | | .04 |
| Calcasieu Parish | 9.15 | | | | .02 |
| IRONWORKERS: | | | | | |
| Bossier & Caddo Parishes | 10.75 | .45 | .50 | | .04 |
| Calcasieu Parish | 10.30 | .35 | .60 | | .025 |

DECISION NO. LA78-4013

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LABORERS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| GROUP 1 - Building laborers | 6.25 | .15 | .10 | | .05 |
| GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers | 6.35 | .15 | .10 | | .05 |
| GROUP 3 - Mortar mixers | 6.40 | .15 | .10 | | .05 |
| GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers | 6.45 | .15 | .10 | | .05 |
| Calcasieu Parish: | | | | | |
| GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners | 7.55 | .15 | .10 | | .05 |
| GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks & vessles power equipment | 7.65 | .15 | .10 | | .05 |
| GROUP 3 - Mortar mixers & jackhammer operators | 7.70 | .15 | .10 | | .05 |
| GROUP 4 - Blasterers | 8.51 | .15 | .10 | | .05 |
| GROUP 5 - Blaster helpers; concrete cutters behind paving machines & puddlers; form setters & lines asphalt worker | 8.07 | .15 | .10 | | .05 |
| GROUP 6 - Wipe joints, laying pipe & tile from pumpcrete | 7.81 | .15 | .10 | | .05 |
| GROUP 7 - Interior of closed tanks & vessels manually | 7.60 | .15 | .10 | | .05 |
| LATHERS: | | | | | |
| Bossier & Caddo Parishes | 10.75 | | | | |
| Calcasieu Parish | 10.585 | .30 | | | .01 |
| MARBLE SETTERS: | | | | | |
| Bossier & Caddo Parishes | 8.55 | .30 | | | |
| Calcasieu Parish | 10.85 | .53 | .30 | | .02 |
| PAINTERS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel | 8.85 | .40 | .30 | | .05 |
| GROUP 2 - Stage, window jacks & structural steel over 30 ft. | 9.10 | .40 | .30 | | .05 |



DECISION NO. LA78-4013

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| GROUP 3 - Stage, window jacks & structural steel over 75ft. | $ 9.35 | .40 | .30 | | .05 |
| GROUP 4 - Sandblasting, spray | 9.45 | .40 | .30 | | .05 |
| Calcasieu Parish: | | | | | |
| GROUP 1 - Brush, wood or wall; rollers | 10.36 | | | | |
| GROUP 2 - Brush on steel, buffer on wood or wall | 10.485 | | | | |
| GROUP 3 - Paperhanging, taping & flosting | 10.56 | | | | |
| GROUP 4 - Spray, wood & wall | 10.705 | | | | |
| GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & proflexing, steam jennies, spray on steel | 10.845 | | | | |
| PLASTERERS: | | | | | |
| Bossier & Caddo Parish | 9.75 | | | 1.00 | |
| Calcasieu Parish | 10.07 | | | | |
| PLUMBERS & PIPEFITTERS: | | | | | |
| Bossier & Caddo Parishes | 9.94 | .40 | .50 | .95 | .09 |
| Calcasieu Parish | 11.15 | .67 | .72 | | .08 |
| ROOFERS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| Roofers | 9.10 | | .20 | | .02 |
| Kettlemen | 6.31 | | .20 | | .02 |
| Calcasieu Parish: | | | | | |
| Roofers | 9.73 | | .10 | | |
| SHEET METAL WORKERS: | | | | | |
| Bossier & Caddo Parishes | 6.34 | 3%+.40 | | | .12 |
| Calcasieu Parish | 10.97 | .40 | .27 | | .10 |
| SOFT FLOOR LAYERS: | | | | | |
| Bossier & Caddo Parishes | 9.30 | .40 | .35 | | .04 |
| Calcasieu Parish | 9.745 | .40 | .33 | | .05 |
| SPRINKLER FITTERS | 10.35 | .65 | .95 | | .08 |
| TERRAZZO WORKERS: | | | | | |
| Bossier & Caddo Parishes | 8.55 | .30 | | | |
| Calcasieu Parish | 10.85 | .53 | .30 | | .02 |
| TILE SETTERS: | | | | | |
| Bossier & Caddo Parishes | 8.55 | .30 | | | |
| Calcasieu Parish | 7.65 | .40 | .30 | | .02 |
| TRUCK DRIVERS: | | | | | |
| Bossier & Caddo Parishes: | | | | | |
| GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock | 5.47 | | | | |
| GROUP 2 - Stake bodies; flat beds (all sizes) | 5.55 | | | | |



DECISION NO. LA78-4013

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TRUCK DRIVERS (CONT'D): | | | | | |
| GROUP 3 - Single axle dumps & water trucks; transit mix up to & including 3 yds. | $ 5.80 | | | | |
| GROUP 4 - Tandem axle, dump, batch & water trucks over 3 tons, pick-ups with trailer | 5.95 | | | | |
| GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors & wobble wheels | 6.10 | | | | |
| GROUP 6 - Euclids, lowboys, Dempsey dumpsters, Koehring dumps, five axle trucks, transit mix over 3 yds.; fuel truck | 6.30 | | | | |
| Calcasieu Parish: | | | | | |
| GROUP 1 - Teamsters, pick-up drivers | 4.91 | | | | |
| GROUP 2 - Stake bodies (all sizes) | 5.34 | | | | |
| GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to & including 8 yds.) | 5.55 | | | | |
| GROUP 4 - Mixers on trucks up to & including 3 yds. | 5.35 | | | | |
| GROUP 5 - Winch trucks | 5.45 | | | | |
| GROUP 6 - Dump trucks | 5.37 | | | | |
| GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds. | 5.76 | | | | |

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays - A thru G

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day



DECISION NO. LA78-4013

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Calcasieu Parish: | | | | | |
| GROUP 1 | $7.43 | .65 | .48 | | .05 |
| GROUP 2 | 7.11 | .65 | .48 | | .05 |
| GROUP 3 | 6.90 | .65 | .48 | | .05 |
| GROUP 4 | 7.71 | .65 | .48 | | .05 |
| GROUP 5 | 10.095 | .65 | .48 | | .05 |
| GROUP 6 | 8.12 | .65 | .48 | | .05 |
| GROUP 7 | 8.80 | .65 | .48 | | .05 |

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator
GROUP 2 - Pumps under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 Ft. on structures other than building); Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman: Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator
GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps
GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS78-1002 DATE: Date of Publication
Supersedes Decision No.: MS76-1137, dated December 17, 1976 in 41-FR-55271
DESCRIPTION OF WORK: Highway Construction (Does not include Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | M & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $4.97 | | | | |
| Cement Mason/Finisher | 3.75 | | | | |
| Ironworkers, reinforcing | 5.45 | | | | |
| Laborers: | | | | | |
| Unskilled | 2.81 | | | | |
| Mason Tender | 3.56 | | | | |
| Asphalt Raker | 3.25 | | | | |
| Grade Checker | 4.47 | | | | |
| Truck Driver | 3.09 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Aggregate Spreader operator | 3.75 | | | | |
| Asphalt Distributor-Spreader Operator | 3.66 | | | | |
| Backhoe/Shovel Operator | 4.64 | | | | |
| Bulldozer Operator | 4.92 | | | | |
| Crane, Dragline Operator | 5.70 | | | | |
| Loader Operator (all types) | 4.26 | | | | |
| Mechanic | 5.11 | | | | |
| Motor Patrol Operator | 5.16 | | | | |
| Oiler-greaser | 3.97 | | | | |
| Roller Operator (self-propelled) | 3.23 | | | | |
| Scraper Operator | 5.70 | | | | |
| Striping Machine Operator | 4.25 | | | | |
| Tractor Operator (wheel type) | 2.75 | | | | |

Area I Counties:
Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS78-1009 DATE: Date of Publication
Supersedes Decision No.: MS76-1137, dated December 17, 1976 in 41-FR-55271
DESCRIPTION OF WORK: Highway Construction, (does not include Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | M & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $4.50 | | | | |
| Cement Masons/Finisher | 5.00 | | | | |
| Ironworkers, Reinforcing | 3.75 | | | | |
| Laborers: | | | | | |
| Unskilled | 2.74 | | | | |
| Asphalt Raker | 2.85 | | | | |
| Grade Checker | 3.75 | | | | |
| Truck Driver | 2.65 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Asphalt Distributor-Spreader Operator | 3.36 | | | | |
| Backhoe/Shovel Operator | 5.00 | | | | |
| Bulldozer Operator | 4.99 | | | | |
| Crane, Dragline Operator | 6.00 | | | | |
| Loader Operator (all types) | 3.73 | | | | |
| Mechanic | 4.85 | | | | |
| Mixer Operator (all types) | 3.00 | | | | |
| Motor Patrol Operator | 5.00 | | | | |
| Oiler-greaser | 3.67 | | | | |
| Roller Operator (self-propelled) | 2.75 | | | | |
| Scraper Operator | 4.57 | | | | |
| Striping Machine Operator | 4.02 | | | | |

Area II Counties:
Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, & Yalobusha.



SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: * SEE BELOW
DECISION NUMBER: MS78-1010 DATE: Date of Publication
Supersedes Decision No.: MS76-1137, dated December 17, 1976 in 41-FR-55271
DESCRIPTION OF WORK: Highway Construction (does not include Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | M & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $4.50 | | | | |
| Cement Masons/Finisher | 4.00 | | | | |
| Ironworkers, reinforcing | 3.75 | | | | |
| Laborers: | | | | | |
| Unskilled | 2.83 | | | | |
| Grade Checker | 3.00 | | | | |
| Asphalt Raker | 3.25 | | | | |
| Mason Tender | 4.00 | | | | |
| Truck Driver | 3.00 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Aggregate spreader operator | 3.50 | | | | |
| Asphalt distributor-spreader operator | 3.50 | | | | |
| Backhoe/Shovel operator | 4.91 | | | | |
| Bulldozer operator | 5.25 | | | | |
| Concrete finishing machine operator | 4.47 | | | | |
| Crane, dragline operator | 5.50 | | | | |
| Earth Auger | 5.90 | | | | |
| Loader operator (all types) | 4.00 | | | | |
| Mechanic | 4.95 | | | | |
| Mixer operator (all types) | 3.60 | | | | |
| Motor patrol operator | 4.50 | | | | |
| Oiler-greaser | 4.00 | | | | |
| Roller operator (self-propelled) | 3.00 | | | | |
| Scraper operator | 5.00 | | | | |
| Striping machine operator | 4.00 | | | | |

Area III Counties:
Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS78-1011 DATE: Date of Publication
Supersedes Decision No.: MS76-1137 dated December 17, 1976 in 41 FR 55271
DESCRIPTION OF WORK: Highway Construction. (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Water, Tunnels and Railroad Construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | M & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $4.00 | | | | |
| Cement Masons/Finisher | 3.99 | | | | |
| Laborers: | | | | | |
| Unskilled | 2.65 | | | | |
| Grade Checker | 3.50 | | | | |
| Asphalt Raker | 3.00 | | | | |
| Truck Driver | 2.65 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Asphalt Distributor-Spreader Operator | 3.24 | | | | |
| Asphalt Plant | 3.00 | | | | |
| Bulldozer Operator | 4.00 | | | | |
| Concrete Finishing Machine Operator | 4.50 | | | | |
| Loader Operator (all types) | 2.75 | | | | |
| Mechanic | 4.00 | | | | |
| Motor Patrol Operator | 4.00 | | | | |
| Oiler-greaser | 3.00 | | | | |
| Roller Operator (self-propelled) | 3.00 | | | | |
| Scales (all types) | 2.65 | | | | |
| Scraper Operator | 4.00 | | | | |
| Striping Machine Operator | 4.25 | | | | |
| Tractor Operator (wheel type) | 2.75 | | | | |

Area IV Counties:
Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: *SEE BELOW
DECISION NUMBER: MS78-1012 DATE: Date of Publication
Supersedes Decision No.: MS76-1137 dated December 17, 1976 in 41 FR 55271
DESCRIPTION OF WORK: Highway Construction. (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Waters, Tunnels and Railroad Construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $4.50 | | | | |
| Cement Masons/Finisher | 5.00 | | | | |
| Electricians | 6.00 | | | | |
| Ironworkers, Reinforcing | 4.86 | | | | |
| Ironworkers, Structural | 4.56 | | | | |
| Laborers: | | | | | |
| Unskilled | 2.73 | | | | |
| Asphalt Raker | 3.39 | | | | |
| Grader Checker | 3.50 | | | | |
| Piledriverman | 5.07 | | | | |
| Truck Driver | 3.06 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Asphalt Distributor-Spreader Operator | 3.30 | | | | |
| Backhoe/Shoval Operator | 4.25 | | | | |
| Bulldozer Operator | 4.54 | | | | |
| Crane, Dragline Operator | 5.00 | | | | |
| Loader Operator (all types) | 4.05 | | | | |
| Mechanic | 4.50 | | | | |
| Mixer Operator (all types) | 3.37 | | | | |
| Motor Patrol Operator | 5.50 | | | | |
| Oiler-greaser | 3.88 | | | | |
| Roller Operator (self-propelled) | 2.95 | | | | |
| Scraper Operator | 4.25 | | | | |
| Striping Machine Operator | 4.00 | | | | |
| Tractor Operator (wheel type) | 2.75 | | | | |

Area V Counties:
Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: See below*
DECISION NO. MS78-1014 DATE: Date of Publication
Supersedes Decision No. , MS77-1030 dated March 25, 1977, in 42 FR 16356
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

*Counties: Hancock, Harrison, Jackson, & Pearl River

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Asbestos workers (Pearl River and Hancock) | 9.05 | .50 | 1.10 | | .05 |
| Asbestos workers (Jackson and Harrison) | 10.35 | .495 | 1.00 | c | .02 |
| Boilermakers | 9.95 | 1.05 | 1.05 | | .02 |
| Bricklayers: | | | | | |
| Bricklayers | 8.55 | .40 | .40 | | |
| Blockmasons | 8.55 | .40 | .40 | | |
| Caulkers & Pointers | 8.55 | .40 | .40 | | |
| Marble masons | 8.55 | .40 | .40 | | |
| Stonemasons | 8.55 | .40 | .40 | | |
| Plasterers | 8.45 | .40 | .40 | | |
| Terrazzo workers | 8.45 | .40 | .40 | | |
| Tile setters | 8.45 | .40 | .40 | | |
| Cement masons | 7.95 | .40 | .40 | | |
| Carpenters: | | | | | |
| Carpenters | 8.15 | .40 | .30 | | .05 |
| Soft floor layers | 8.40 | .40 | .30 | | .05 |
| Millwrights | 8.50 | .40 | .30 | | .05 |
| Electricians: | | | | | |
| Electricians | 10.10 | 5% | 3%+.20 | | 1/8 of 1% |
| Cable splicers | 10.35 | 5% | 3%+.20 | | 1/8 of 1% |
| Elevator constructors: | 7.83 | .545 | .35 | 2%+a&b | .02 |
| Ironworkers: | | | | | |
| Jackson Co. & eastern 1/3 of Harrison Co. (incl. Biloxi, Keesler AFB, & towns of Howison & Success) | | | | | |
| Structural, Ornamental, & Reinforcing | 9.88 | .40 | .50 | | |
| Ironworkers: | | | | | |
| Hancock & Pearl River Counties & western 2/3 of Harrison Co. | | | | | |
| Structural, Ornamental, & Reinforcing | 10.19 | .30 | .35 | | .04 |

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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Laborers: | | | | | |
| Laborers | 5.05 | .15 | .15 | | .05 |
| Asphalt rakers, mason tenders, morter mixers, pipelayers, pipe wrappers, post hole digger, plasterer tenders | 5.20 | .15 | .15 | | .05 |
| Line Construction: | | | | | |
| Linemen | 10.10 | 5% | 3%+.20 | | 1/8 of 1% |
| Cable splicers | 10.35 | 5% | 3%+.20 | | 1/8 of 1% |
| Painters (Harrison & Jackson Counties: | | | | | |
| Commercial: | | | | | |
| Brush | 7.40 | | .40 | | .12 |
| Roller | 7.50 | | .40 | | .12 |
| Spray | 7.70 | | .40 | | .12 |
| Industrial: | | | | | |
| Brush | 8.20 | | .40 | | .12 |
| Spray & Sandblasting | 9.50 | | .40 | | .12 |
| Painters (Hancock & Pearl River Counties: | | | | | |
| Commercial: | | | | | |
| Brush & roller | 5.55 | | | | .03 |
| Spray | 6.55 | | | | .03 |
| Piledrivermen | 8.84 | .30 | .35 | | |
| Piledrivermen on creosote material | 9.09 | .30 | .35 | | |
| Plumbers & steamfitters | 10.44 | | .50 | | .02 |
| Roofers: | | | | | |
| Roofers | 8.60 | | .20 | | |
| Kettlemen | 6.75 | | .20 | | |
| Sheet metal workers | 10.55 | .55 | .81 | | .14 |
| Sprinkler fitters | 10.10 | .60 | .90 | | .08 |

PAID HOLIDAYS:
A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:

a. Holiday: A through F.

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day and Thanksgiving Day, provided the employee works at least one day out of the 3 workdays prior to the paid holidays and the first workday after the paid holiday.

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MS78-1014 - (Cont'd)

| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| GROUP I | 6.35 | .35 | .35 | | |
| GROUP II | 6.94 | .35 | .35 | | |
| GROUP III | 8.25 | .35 | .35 | | |

GROUP I: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters, general warehousemen.

GROUP II: Truck drivers on equipment 1½ tons and up to but not including 5 tons.

GROUP III: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitator, ross carriers, demsey dumps, eculid tricks, forklift trucks in warehouse and similar equipment such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

MS78-1014 - (Cont'd)

POWER EQUIPMENT OPERATORS:

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| GROUP 1 | 8.75 | .30 | .30 | | |
| GROUP 2 | 7.80 | .30 | .30 | | |
| GROUP 3 | 7.55 | .30 | .30 | | |
| GROUP 4 | 7.00 | .30 | .30 | | |
| GROUP 5 | 5.95 | .30 | .30 | | |
| GROUP 6 | 5.95 | .30 | .30 | | |

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane derrick, derrick boat, derrick car, draglino. dredge. elevating grader, excavator (power belt), fork-lift, hoist (2 drum) locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine ( over 18" bucket line width), tournapull, DW-10 & similar pulltype scrapers, traxavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) acphalt spreader (bituminous mixer), backfilling machine. conveyor, drill (earth), finishing machine, fireman, boating plant, hoist, marine engineer (assietant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine(18" or smaller bucket line width), tugboat, winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler scowman

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: TX78-4014 DATE: Date of Publication
Supersedes Decision No. TX77-4259, dated September 30, 1977, in 42 FR 53161.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $10.03 | .40 | .76 | | .025 |
| BOILERMAKERS | 10.00 | .50 | 1.00 | | .02 |
| BRICKLAYERS | 9.80 | | .35 | | .05 |
| CARPENTERS: | | | | | |
| Carpenters | 8.25 | | | | .015 |
| Millwrights | 10.50 | | | | .015 |
| Piledrivermen | 8.75 | | | | .015 |
| CEMENT MASONS | 6.50 | | | | |
| ELECTRICIANS: | | | | | |
| Electricians | 9.05 | .60 | 3% | | 4% |
| Cable splicers | 9.45 | .60 | 3% | | 4% |
| GLAZIERS | 5.80 | | | | |
| IRONWORKERS | 8.95 | .35 | .35 | | .04 |
| LABORERS: | | | | | |
| Laborers | 3.40 | | | | |
| Mason tenders | 3.80 | | | | |
| Plasterers' tenders | 4.40 | | | | |
| LATHERS | 6.875 | .20 | .10 | | .01 |
| PAINTERS, BRUSH | 6.75 | | | | |
| PLASTERERS | 7.68 | | | | |
| PLUMBERS & PIPEFITTERS | 7.79 | .43 | .90 | | .10 |
| ROOFERS | 6.40 | | | | |
| SHEET METAL WORKERS | 8.455 | 3%+.35 | .50 | | .055 |
| TILE SETTERS | 6.90 | | | | |
| TILE SETTERS' HELPERS | 3.65 | | | | |
| TRUCK DRIVERS | 3.50 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Backhoes | 4.50 | | | | |
| Blade graders | 4.50 | | | | |
| Bulldozers | 4.75 | | | | |
| Cherry pickers | 4.50 | | | | |
| Drilling machine operators | 3.75 | | | | |
| Loaders | 4.50 | | | | |
| Motor graders | 5.00 | | | | |
| Rollers | 4.87 | | | | |
| Scrapers | 4.28 | | | | |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | | | | |







SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX78-4015 DATE: Date of Publication
Supersedes Decision No. TX77-4258, dated September 30, 1977, in 42 FR 53158.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $10.60 | .80 | .80 | | .06 |
| BOILERMAKERS | 10.00 | .50 | 1.00 | | .02 |
| BRICKLAYERS & STONEMASONS | 10.53 | .63 | .60 | | .06 |
| CARPENTERS: | | | | | |
| Carpenters & piledrivermen | 10.00 | .75 | .70 | | .05 |
| Millwrights | 10.36 | .75 | .70 | | .05 |
| CEMENT MASONS: | | | | | |
| Galveston County | 9.86 | .52 | .55 | | |
| Harris County | 9.86 | .52 | .55 | | .08 |
| ELECTRICIANS: | | | | | |
| Galveston County | 12.29 | .40 | 3%+.40 | | .06 |
| Harris County | 11.05 | .55 | 10% | | .06 |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Mechanics | 10.35 | .745 | .35 | 4%+a+b | .02 |
| Helpers | 70%JR | .745 | .35 | 4%+a+b | .02 |
| Helpers (Probationary) | 50%JR | | | | |
| GLAZIERS | 11.17 | .60 | .425 | | .01 |
| IRONWORKERS | 10.28 | .55 | 1.00 | | .10 |
| LABORERS: | | | | | |
| GROUP 1 - Common | 7.40 | .38 | .53 | | .02 |
| GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator | 7.575 | .38 | .53 | | .02 |
| GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers | 7.675 | .38 | .53 | | .02 |
| GROUP 4 - Well driller | 7.95 | .38 | .53 | | .02 |
| GROUP 5 - Well driller tender | 7.525 | .38 | .53 | | .02 |
| GROUP 6 - Blaster, powderman | 7.825 | .38 | .53 | | .02 |
| LATHERS (Harris County only) | 10.62 | .60 | .35 | | .02 |
| LINE CONSTRUCTION: | | | | | |
| Lineman & cable splicer | 11.62 | .40 | 3% | | 1/2% |
| Groundmen (1st 6 mos.) | 4.07 | .40 | 3% | | 1/2% |
| Groundmen (2nd 6 mos.) | 4.88 | .40 | 3% | | 1/2% |
| Groundmen. | 6.74 | .40 | 3% | | 1/2% |
| MARBLE MASONS: | | | | | |
| Galveston County | 10.21 | | | | |
| Harris County | 10.46 | | | | |
| MARBLE MASONS' FINISHERS | 7.90 | | | | |

DECISION NO. TX78-4015 Page 2

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| PAINTERS: | | | | | |
| East Harris County: | | | | | |
| GROUP 1 - All brush painting, hand rolling and all other work other than that below | $11.31 | | | | |
| GROUP 2 - All pneumatic and electric tools & steam cleaning | 11.665 | | | | |
| GROUP 3 - All tape and float on drywall | 11.435 | | | | |
| GROUP 4 - All paper & vinyl hanging | 11.56 | | | | |
| GROUP 5 - All spray painting, sandblasting & waterblasting | 11.705 | | | | |
| GROUP 6 - Steeple jack work, hot materials | 11.97 | | | | |
| Remainder of Harris County: | | | | | |
| GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools | 9.795 | .565 | .45 | .40 | .04 |
| GROUP 2 - All spray painting, sandblasting, waterblasting | 10.17 | .565 | .45 | .40 | .04 |
| GROUP 3 - Tape, float & drywall | 9.92 | .565 | .45 | .40 | .04 |
| GROUP 4 - Steeple jack work, hot materials | 10.42 | .565 | .45 | .40 | .04 |
| Galveston County: | | | | | |
| GROUP 1 - Painters on new work | 9.65 | .55 | .50 | .75 | .035 |
| GROUP 2 - Painters on swinging stage work or using materials injurious to the skin | 9.90 | .55 | .50 | .75 | .035 |
| GROUP 3 - Painters on rework & repaint | 8.895 | .55 | .50 | .75 | .035 |
| PIPEFITTERS: | | | | | |
| That part of Galveston County east of the Trinity River | 11.345 | .545 | .60 | | .10 |
| That part of Galveston County west of the Trinity River & all of Harris County | 11.35 | .45 | .65 | | .045 |
| PLASTERERS | 10.50 | .77 | .30 | | .02 |
| PLUMBERS: | | | | | |
| Galveston County | 11.345 | .545 | .60 | | .10 |
| Harris County | 11.17 | .65 | .70 | | .12 |
| ROOFERS | 9.11 | .20 | .35 | .25 | .03 |
| SHEET METAL WORKERS: | | | | | |
| Galveston County | 10.52 | .70 | .50 | .50 | .10 |
| Harris County | 10.83 | .325 | .645 | .42 | .06 |
| SOFT FLOOR LAYERS | 9.57 | .35 | .45 | | .09 |
| SPRINKLER FITTERS | 11.15 | .65 | .95 | | .08 |
| TERRAZZO WORKERS: | | | | | |
| Galveston County | 10.21 | | | | |
| Harris County | 10.46 | | | | |
| TERRAZZO WORKERS' FINISHERS: | | | | | |
| Terrazzo workers' finishers | 7.90 | | | | |
| Terrazzo floor machinemen | 8.05 | | | | |
| Terrazzo base machinemen | 8.20 | | | | |

DECISION NO. TX78-4015

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TILE SETTERS: | | | | | |
| Galveston County | $10.21 | | | | |
| Harris County | 10.46 | | | | |
| TILE SETTERS' FINISHERS | 7.90 | | | | |
| TRUCK DRIVERS: | | | | | |
| GROUP 1 - Under 1½ tons; wash, grease, tireman, fuel pump operator when used on construction jobs | 7.84 | | | | |
| GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds. | 8.23 | | | | |
| GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats | 8.45 | | | | |
| GROUP 4 - Euclids (not self-loading) | 8.61 | | | | |
| GROUP 5 - Warehousemen | 8.10 | | | | |
| GROUP 6 - Material checkers; pick-up drivers | 9.14 | | | | |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | | | | |

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; G-the Friday after Thanksgiving Day; F-Christmas Day



DECISION NO. TX78-4015

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| POWER EQUIPMENT OPERATORS | | | | | |
| GROUP 1 | $10.37 | .45 | .85 | | .06 |
| GROUP 2 | 8.78 | .45 | .85 | | .06 |
| GROUP 3 | 8.24 | .45 | .85 | | .06 |
| GROUP 4 | 8.06 | .45 | .85 | | .06 |

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulle; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

[FR Doc. 78-4151 Filed 2-16-78; 8:45 am]





federal register

FRIDAY, FEBRUARY 17, 1978
PART III

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Additional System of Records

[3410-01]

# DEPARTMENT OF AGRICULTURE
## OFFICE OF THE SECRETARY

## PRIVACY ACT OF 1974

## Notice of Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a (e) (4) and (11), intends to adopt the notice of an additional system of records set forth below. Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of this notice.

Interested persons may submit written comments on this notice to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 18, 1978. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

This additional notice will be adopted without further publication as set forth below 60 days after the date of its publication in the FEDERAL REGISTER (April 18, 1978) unless modified by a subsequent notice to incorporate comments received from the public.

### USDA/FNS-8

**System Name:** Food Service Management Company Registration System for the Summer Food Service Program for Children-USDA/FNS.

**Security location:** Special Feeding Programs Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 201 14th Street SW., Room 3300-B, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Included in this system are, for food service management companies applying for registration in the Summer Food Service Program for Children, past (within 3 years) and present (1) company owners, directors, officers, and (2) local officials responsible for the operation of the food preparation facilities and (3) any of the persons listed in (1) or (2) who have any relationship to any Summer Food Service Program for Children sponsor or any food service management company which participated in the Program in the last 3 years. For the purposes of this Program, relationship shall be defined as: to his knowledge he or his immediate family, partners, or organization in which his immediate family or partner has a financial or other interest, or with whom he is negotiating or has any arrangements concerning prospective employment, with or without payment.

**Categories of records in the system:** The system consists of name and social security number (when provided) of (1) and (2) of the preceding paragraph, and name, company or sponsor name of relation, name of relation and relationship of (3) of the preceding paragraph.

**Authority for maintenance of the system:** 42 U.S.C. 1771

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to State agencies and Food and Nutrition Service Regional Offices, upon request, charged with the responsibility of determining registration or nonregistration of food service management companies; (2) Referral to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; and (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and magnetic tapes.

**Retrievability:** Records can be retrieved by food service management company name, by number assigned to the food service management company, by an individual's social security number, and by an individual's name.

**Safeguards:** Records are kept in either locked filing cabinets or in locked offices. The computer tapes will have a password master file access, and the tapes will be kept in locked filing cabinets or in locked offices.

**Retention and disposal:** Records are maintained for two years following the year of application for registration. Thereafter, they are transferred to Federal Archives and Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Manager, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8130).

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain the individual's name, and if known the name of the food service management company(s) which supplied the information pertaining to him.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and the letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system is provided by food service management companies which apply for registration in the Program, and the applicable State agencies or Food and Nutrition Service Regional Offices.

Dated: February 10, 1978.

CAROL TUCKER FOREMAN,
*Acting Secretary.*

[FR Doc. 78-4196 Filed 2-16-78; 8:45 am]

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FRIDAY, FEBRUARY 17, 1978
PART IV

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Federal Insurance Administration

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# MANDATORY FLOOD INSURANCE

## Purchase Requirements

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[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. R-78-507]

## MANDATORY FLOOD INSURANCE

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule amends Parts 1909, 1914, and 1925 of 24 CFR to include changes in the National Flood Insurance Program imposed by the Housing and Community Development Act of 1977. The rule updates, also, the list of States exempt from the mandatory insurance purchase requirements pursuant to Section 102(c) of the Federal Disaster Protection Act of 1973, as amended.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Secretary, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Section 704 of Pub. L. 95-128 increased the maximum limits of flood insurance coverage available under the Regular Program for residential properties and small business concerns to better reflect today's real estate and property values. Thus, the ceiling of flood insurance coverage on residential structures is increased to $185,000, and on contents to $60,000. In the case of a small business property, $250,000 worth of flood insurance coverage for the structure shall be available. It must be emphasized that risk premium actuarial rates would prevail for additional insurance coverage available under the Regular Program. The increased limits were published in the FEDERAL REGISTER at 43 FR 2572 on January 17, 1978. Section 701(b) extended the Emergency Program to September 30, 1978. Thus, technical amendments were necessary to reflect that change.

Section 703(b) of Pub. L. 95-128 amended the definition of "financial assistance for acquisition or construction purposes" to exclude all disaster assistance unless flood-related. This exclusion of nonflood-related disaster (i.e., fire, tornado) assistance from that definition means that flood insurance is no longer required as a condition for a Federal loan to repair damaged property in a community which suffers a disaster unrelated to flooding.

It has been determined that these rule changes do not have a substantial impact upon the quality of the environment. A finding to that effect is included in the formal docket file in the Office of the Rules Docket Clerk and is available for public inspection and copying.

NOTE.—It is hereby certified that the economic and inflationary aspects of these rule changes have been carefully evaluated in accordance with OMB Circular A-107 and E.O. 11821.

As the purpose of these revisions is to reflect legislative history, and for the convenience of the public, further notice and public procedure are unnecessary, and cause exists to make these revisions effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is revised as follows:

### PART 1909—GENERAL PROVISIONS

1. Section 1909.1 is amended to read as follows:

§ 1909.1 Definitions.

• • • • • •

"Financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood). It includes only financial assistance insurable under the Standard Flood Insurance Policy.

2. Section 1909.2(a) is amended to read as follows:

§ 1909.2 Description of program.

(a) The National Flood Insurance Act of 1968 was enacted by Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448, August 1, 1968) to provide previously unavailable flood insurance protection to property owners in flood-prone areas. Mudslide (as defined in § 1909.1) protection was added to the Program by the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969). Flood-related erosion (as defined in § 1909.1) protection was added to the Program by the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1973). The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally-related financial assistance for acquisition or construction purposes with respect to insurable buildings and mobile homes within an identified special flood, mudslide (i.e., mudflow), or flood-related erosion hazard area that is located within any community participating in the Program. The Act also requires that on and after July 1, 1975, or one year after a community has been formally notified by the Administrator of its identification as community containing one or more special flood, mudslide (i.e., mudflow), or flood-related erosion hazard areas, no such Federal financial assistance shall be provided within such an area unless the community in which the area is located is then participating in the Program, subject to certain exceptions. See FIA published Guidelines at § 1909.4(c).

• • • • • •

3. Section 1909.3 is amended to read as follows:

§ 1909.3 Emergency program.

The 1968 Act required a risk study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in section 408 of the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969), established an Emergency Flood Insurance Program as a new Section 1336 of the National Flood Insurance Act (42 U.S.C. 4056) to permit the early sale of insurance in flood-prone communities. The emergency program, which under existing law extends to September 30, 1978, does not affect the requirement that a community must adopt adequate flood plain management regulations pursuant to Part 1910 of this subchapter but permits insurance to be sold before a study is conducted to determine risk premium rates for the community. The program still requires upon the effective date of a FIRM the charging of risk premium rates for all new construction and substantial improvements and for higher limits of coverage for existing structures.

4. Section 1909.4 is amended as follows: Paragraph (a)(5) is amended; paragraph (b)(1) is amended and paragraphs (b) (12), (13), and (14) are added to read as follows:

§ 1909.4 References.

(a) The following are statutory references for the National Flood Insurance Program, under which these regulations are issued:

• • • • • •





(5) Pub. L. 95-128 (effective October 12, 1977).

(b) The following are references relevant to the National Flood Insurance Program:

(1) Executive Order 11988 (Floodplain Management, dated May 24, 1977 (42 FR 26951, May 25, 1977)).

• • • • • •

(12) Executive Order 11990 (Protection of Wetlands, dated May 24, 1977 (42 FR 26951, May 25, 1977)).

(13) Water Resources Council (Guidance for Floodplain Management) (42 FR 52590, September 30, 1977).

(14) Unified National Program for Floodplain Management of the United States Water Resources Council, July 1976.

### PART 1914—COMMUNITIES FLIGIBLE FOR THE SALE OF INSURANCE

5. Section 1914.1(b) is amended to read as follows:

§ 1914.1 Purpose of part.

• • • • • •

(b) 42 U.S.C. 4056 authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on September 30, 1978, the Administrator may make subsidized coverage available to eligible communities prior to the completion of detailed risk studies for such areas. This Part also describes procedures under the emergency program and lists communities which become eligible under that program.

### PART 1925—EXEMPTION OF STATE-OWNED PROPERTIES UNDER SELF-INSURANCE PLAN

6. Section 1925.14 is amended to read as follows:

§ 1925.14 States exempt under this part.

The following States have submitted applications and adequate supporting documentation and have been determined by the Administrator to be exempt from the requirement of flood insurance on State-owned structures and their contents because they have in effect adequate State plans of self-insurance: Maine, Georgia, Oregon, and Florida.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued at Washington, D.C., February 3, 1978.

PATRICIA ROBERTS HARRIS,
*Secretary, Housing and Urban Development.*

[FR Doc. 78-4277 Filed 2-16-78; 8:45 am]

[4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Insurance Administration

[Docket No. N-78-842]

### MANDATORY PURCHASE OF FLOOD INSURANCE

### Guidelines

AGENCY: Federal Insurance Administration, Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: The revised Guidelines provide guidance to the many Federal agencies and private lending institutions subject to the flood insurance purchase requirements of section 102 of the Federal Disaster Protection Act of 1973, as amended. The revisions are necessary due to changes made by the Housing and Community Development Act of 1977.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator for Flood Insurance, Office of Flood Insurance, Federal Insurance Administration, Washington, D.C. 20410, 202-755-5581.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 92-234, December 31, 1973, hereinafter referred to as the "Act") requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in identified zones, A, A1-30, A99, VI-30, A0, VO, M, and E within any community currently participating in the National Flood Insurance Program. This federal program is authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127).

Until July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas had been identified. However, after July 1, 1975, the requirement applies to all identified special flood hazard areas within the United States. After that date, no Federal financial assistance for acquisition or construction of a structure can be provided in these areas unless the community has entered the program and flood insurance has been purchased, provided that the community has been identified as flood-prone for at least 1 year.

The term Federal financial assistance includes loans, grants, guarantees, and similar forms of direct and indirect assistance from Federal agencies, such as FHA or VA mortgage insurance. For communities participating in the National Flood Insurance Program, it also includes conventional loans from Federally insured, supervised or approved lending institutions.

Acquisition or construction purposes include all forms of construction, reconstruction, repair, or improvement to real estate, whether or not the value of the building is enhanced, and the flood insurance purchase requirement applied to both private and public recipients, except as otherwise noted in the guidelines. Terms used in the National Flood Insurance Program appear at 24 CFR Part 1909, and apply to these guidelines.

In addition to increasing the maximum limits of flood insurance coverage available under the regular Program and extending the Emergency Program to September 30, 1978, the Housing and Community Development Act of 1977 contained two other important revisions.

The first, section 703(b) of Pub. L. 95-128, amended the definition of "financial assistance for acquisition or construction purposes" to exclude disaster assistance pursuant to the Disaster Relief Act of 1974 (Pub. L. 93-288) unless flood related. This exclusion of nonflood-related disaster (i.e., fire, tornado) assistance from the definition statutorily means that flood insurance is no longer required as a condition for a Federal loan to repair damaged property in a community which suffers a disaster unrelated to flooding. The Administrator for the Federal Disaster Assistance Administration (FDAA) has determined that the FDAA will, pursuant to its mandate, require community participation in the Program and purchase of flood insurance by the applicant for permanent work not rendered in connection with a flood.

The second replaced section 202(b) of the Act with an entirely new section 202(b). Section 202(b) formerly limited the ability of Federally regulatory, supervised and insured lending institutions to make conventional mortgage loans in special flood hazard areas of communities which were not participating in the Program within one year from the community's flood-prone identification. The new section requires the Federal agencies responsible for regulating, approving, supervising, and insuring the banks and savings and loan institutions to require those financial institutions to notify a borrower, before the loan is made whether, in the event of flood damage to the improved real estate or mobile home, Federal disaster assistance will be available to the property.

The guidelines also reflect the Secretary's determination, pursuant to section 1340 of the National Flood Insurance Act of 1968 (Pub. L. 90-448), that operation of the flood insurance program authorized by the National Flood Insurance Act of 1968 would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance.

Substantive changes in these guidelines presently are under consideration.

### A. BACKGROUND

1. *Description of program and program limits.* (a) The National Flood Insurance Program was enacted by the Congress in 1968 as a means of making flood insurance, which was previously unavailable from the private insurance industry, available at reasonable rates within communities that meet certain flood plain management measures, consistent with Federal criteria, to reduce or avoid flooding in connection with future construction in their flood plains.

(b) The program is highly subsidized and seeks in its early stages to assure wiser future flood plain management rather than to obtain adequate premiums for the coverage provided. However, flood insurance for buildings constructed within identified special flood hazard areas after December 31, 1974 (or the effective date of the initial Flood Insurance Rate Map, whichever is later), are subject to actuarial rather than the subsidized premium rates. Such rates can be prohibitively expensive unless the buildings are properly elevated or flood-proofed to lessen flood damage.

(c) Communities entering the National Flood Insurance Program generally do so in two phases. They first become eligible for the sale of flood insurance in the Emergency Program, under which lower limits of coverage are available and all such insurance is sold at subsidized premium rates. After the flood insurance rate study has been completed, a community enters the Regular Program under which full limits of coverage are available.

(d) Under the Regular Program, buildings constructed on or before December 31, 1974 (or before the effective date of the rate map, if later), as well as those outside of the special flood hazard areas, remain eligible for the lower available coverage (known as "first layer" coverage) at either subsidized rates or actuarial rates, whichever are cheaper. All other buildings require actuarial rates on both layers of coverage.

(e) Regardless of date of construction, actuarial rates are always required for the full limits of coverage, although subsidized coverage may be available for lower amounts of coverage for existing construction.





(f) Present limits of coverage under the Emergency Program (except in Alaska, Hawaii, the Virgin Islands, and Guam) are $35,000 on single family dwellings and $100,000 on all other types of buildings, with $10,000 per unit available for residential contents, and $100,000 per building available for nonresidential contents. In Alaska, Hawaii, the Virgin Islands, and Guam, limits on residential structure coverage under the Emergency Program are increased to $50,000 on single-family dwellings and $150,000 on buildings containing more than one unit.

(g) The following chart provides the limits of coverage available and maximum amounts required under section 102.

AVAILABLE LIMITS OF COVERAGE FOR EXISTING AND NEW CONSTRUCTION UNDER THE REGULAR PROGRAM

| | First layer (emergency) | Second layer (regular) | Total | Maximum required under the act |
|---|---|---|---|---|
| Single family residential | | | | |
| Except in Hawaii, Alaska, Guam, U.S. Virgin Islands | $35,000 | $150,000 | $185,000 | $70,000 |
| In Hawaii, Alaska, Guam, U.S. Virgin Islands | 50,000 | [1] 150,000 | 185,000 | 100,000 |
| Other residential | | | | |
| Except in Hawaii, Alaska, Guam, U.S. Virgin Islands | 100,000 | 150,000 | 250,000 | 200,000 |
| In Hawaii, Alaska, Guam, U.S. Virgin Islands | 150,000 | [2] 150,000 | 250,000 | 250,000 |
| Small business | 100,000 | 150,000 | 250,000 | 200,000 |
| Churches and other properties | 100,000 | 100,000 | 200,000 | 200,000 |
| Contents | | | | |
| Residential | 10,000 | 50,000 | 60,000 | 20,000 |
| Small business | 100,000 | 200,000 | 300,000 | 200,000 |
| Churches, other | 100,000 | 100,000 | 200,000 | 200,000 |
| Properties (per unit) | [3] | [3] | [3] | [3] |

[1] N.B. add to $35,000.
[2] N.B. add to $100,000.
[3] No change in amounts available and amounts required for insurable property pursuant to the emergency program.

(h) The regulations governing the National Flood Insurance Program are set forth in Title 24 of the Code of Federal Regulations, Chapter X Subchapter B, commencing at Part 1909. Specific information on insurance coverage and rates is set forth in 24 CFR Part 1911, as amended.

(2) *Community eligibility and special flood hazard area identifications.* (a) Once a community has met eligibility requirements for the Emergency Program and has submitted a copy of its preliminary flood plain management measures, the Federal Insurance Administration arranges for the sale of flood insurance within the community in less than two weeks (normally, within 6 working days). The eligibility date for a particular community is always published in the FEDERAL REGISTER, indexed both under HUD and under Federal Insurance Administration, at 24 CFR Part 1914.

(b) Similarly, lists of communities with newly identified special flood hazard areas are regularly published in the FEDERAL REGISTER under 24 CFR Part 1915. However, the maps showing the boundaries of such areas are not published in the FEDERAL REGISTER and must be obtained or verified as indicated below.

(c) In addition to publication in the FEDERAL REGISTER, daily notifications are made to HUD regional offices and to the fiscal agent of changes in community status within their areas. A list of all eligible communities, indicating the dates of all hazard area identifications, are published in booklet form every other month with information current as of the last calendar day of the previous month and are distributed without cost to anyone having an interest in the flood insurance program. However, because of printing and mail delivery time lags, the published lists available at any given time may be as much as 60 days old. To ascertain whether a community not listed in this booklet has been subsequently identified as flood prone, an inquiry may be made to the fiscal agent in the appropriate state or by calling the FIA toll free numbers 800-424-8872 or 800-424-8873.

(d) It is not the intent of the program to require the purchase of flood insurance for buildings located outside the special flood hazard area. Consequently, after the publication of flood maps, the Administrator may issue amendments to the maps correcting technical mapping deficiencies. See 24 CFR Part 1920.

(e) The descriptions of special flood hazard areas contained in Flood Hazard Boundary Maps and Flood Insurance Rate Maps in some instances may not be clear enough to permit lending institutions to decide with certainty and precision whether or not property which is the security for a loan or which is the subject of a loan is located in such an area. Accordingly, for the purposes of the Flood Disaster Protection Act of 1973 and for the loan, the Federal Insurance Administrator has determined that a lender's decision made in the exercise of due diligence and good faith as to the location of a property, which is the subject of a loan, on such a map will be final and sufficient to comply with the Act.

(f) In such instances where a good faith finding has been made by a lender or its agent, acting pursuant to the requirements of the Act, that the property is outside the special flood hazard area, such finding as to the location of the property shall be final with respect to such property, regardless of any subsequent contrary conclusion by any person, agency, or body, and regardless of any change of ownership of the property or status of the loan or transaction, provided, at the time of any subsequent making, increasing, extension, or renewal of a loan with respect to which the property is the subject, the map upon which the original finding was based is still in effect and remains unrevised as to the property in question.

(g) Because the most current information on program changes is that which is periodically published in the FEDERAL REGISTER, a publication routinely available to Federal agencies but not private lenders, private lenders might consider subscribing to the FEDERAL REGISTER directly. The FEDERAL REGISTER may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402, at a subscription price of $5 per month or $45 per year, payable in advance.

3. *Where to obtain insurance policies, maps, and program information.* (a) Insurance policies under the National Flood Insurance agent or broker serving the eligible community, or from the servicing agent (see 24 CFR Part 1912 at § 1912.3).

(b) The Flood Hazard Boundary Maps are the first maps prepared in the identification process. These indicate the locations of identified special flood hazard areas and are always maintained on file within each eligible community in a repository designated by the mayor or chief executive officer, usually the building inspector's office or the city clerk's office. The address of such repository is published in the FEDERAL REGISTER at 24 CFR Part 1914. The Flood Insurance Rate Maps are issued later following a detailed study of the flood hazard area. These maps delineate degrees of flood hazard and include more precise area identification.

(c) Maps, literature, and policy application forms and manuals are available from the servicing agent. The servicing agent is also equipped to answer questions on eligibility of communities. scope of coverage, and maximum amounts of insurance available with respect to particular types of buildings.

(d) Specific questions relating to insurance coverage should be referred to individual insurance agents or brokers or to the servicing agent; general questions on the Program that cannot be answered may be referred to the nearest HUD regional office; or to the Federal Insurance Administration, HUD, Washington, D.C., 202-755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

(e) Copies of statutes, program regulations, and community eligibility application forms may be obtained from HUD regional offices or directly from the Federal Insurance Administration in Washington.

B. GENERAL GUIDELINES FOR LENDERS

1. *Property eligible for flood insurance coverage.* (a) For the purposes of the National Flood Insurance Program, the term building is defined to include mobile homes, as well as any walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site. Thus, nearly all types of industrial, commercial and agricultural buildings, such as lumber sheds, machinery storage sheds, grain storage bins, and silos are eligible for coverage, but each building and its contents (if eligible) must generally be insured separately.

*Exception.* The owner of a single family dwelling may apply up to 10 percent of his coverage to the appurtenant private structures on the premises if they are used primarily in connection with the occupancy of the dwelling.

(b) Mobile homes are eligible for coverage if they are on foundations, whether or not permanent, and regardless of whether the wheels are removed either at time of purchase or while on the foundation. Travel trailers and campers are not eligible for coverage, and thus the insurance purchase requirement of the Act does not apply to them.

(c) Where a condominium plan includes traditional townhouses and row houses that are contiguous to the ground and capable of separate ownership and legal descriptions, these units are eligible for coverage as single-family dwellings, regardless of the type of common walls. However, high-rise or verticle condominium units are not eligible for separate coverage, since all condominium owners normally share ownership in, and liability for, structural damage to the common areas which comprise the entire structure less the individual units. There are normally two ways to insure a high-rise condominium.

The policy may be issued in the name of the condominium owners' association, up to a maximum coverage of $100,000 per building under the Emergency Program and $250,000 per building under the Regular Program. In such a case, when an individual loan is obtained to purchase a condominium unit, the lender should see to it that flood insurance coverage is obtained by the owner's association in an amount equal to the amount of the loan, and that the new purchaser's name is added to the schedule of named insured until the association has purchased the maximum amount of coverage for which the building can be insured under the Program. New subsequent condominum unit purchasers would simply have their names added to the common policy on the building.

However, if an owner's association will not buy structure coverage in its own name for the commonly owned areas, an individual unit owner may purchase structure coverage separately, in the amount of his insurable interest in the structure (as stated in the condominium owners association agreement). In such cases, the policy should be issued to the individual and the condominium association, as named insureds, "as their interests may appear." Then, at the time of a loss involving damage to the structure's commonly owned areas, the unit owner could apply to flood-damaged commonly owned areas of the structure, a percentage of the face value of his policy equal to his insurable interest in those areas. In this case, the individual unit owner would be required to purchase coverage in the amount of the loan or mortgage on his individual insurable interest in the structure or the maximum amount available under the Program for a single-family dwelling, whichever is less.

(d) All condominium unit owners in eligible communities are entitled to purchase individual contents coverage, however, and the owners of units on the first two floors of buildings located within special flood hazard areas should be especially encouraged to do so, since they are most likely to sustain individual damage.

(e) Regardless of the type of condominium involved, contents coverage up to $10,000 per unit under the Emergency Program, and $50,000 additional under the Regular Program for a total amount of $60,000, is available for each condominium unit owner. Contents coverage for a mobile home, however, is available only if the mobile home is eligible for structure coverage, as discussed in paragraph (b) above.

(f) Although structure coverage may be written on buildings that are not fully enclosed, flood insurance coverage is applicable to contents only while in an enclosed structure. Thus, contents coverage cannot be written on the contents of a three-walled machinery shed or a similar type of open building, and flood insurance on such contents is never required.

2. *When the purchase of flood insurance is required.* (a) After March 2, 1974, flood insurance is required by the Act when financial assistance is provided to finance the acquisition, construction, repair, or improvement of a building or mobile home located within an identified Zone A, A1-99, AO, V, V1-30, and VO in a community in which flood insurance under the program is currently being sold. Unless the community involved is participating in the National Flood Insurance Program, insurance is not available.





Note that under the Housing and Community Development Act of 1977, federally regulated, approved, supervised, or insured lending institutions must notify purchasers or lessees obtaining loans secured by real improved real property or a mobile home in a designated special flood hazard area as to whether, in the event of flood damage to that property, Federal disaster assistance will be available.

(b) The Federal Insurance Administration and the Federal Home Loan Bank Board have construed the Act to include not only the origination of mortgage loans but also the purchase of mortgage loan portfolios in the secondary market and participations thereof. Thus, mortgage loans and interests in mortgage loans purchased after March 2, 1974, must be covered by flood insurance, where applicable, unless the original loan was made pursuant to a formal loan commitment issued prior to March 2, 1974. The Federal Deposit Insurance Corporation, the Federal Reserve Board and the Comptroller of the Currency have construed the term financial assistance to include only the origination of mortgage loans and not the purchase of loans in the secondary markets in this respect; therefore, regulations of these instrumentalities differ. See 12 CFR Parts 22, 28, 339, 523, and 760.

(c) The mere assumption of an existing mortgage by the new purchaser of a property after March 2, 1974, does not require the purchase of flood insurance if the original mortgage was made before March 2, 1974, and there is no material change in its terms after that date. However, if there is any extension, increase, or renewal, including a novation, then flood insurance is required if the insurance purchase requirement has become applicable since the date of the mortgage.

(d) Since mobile homes are treated in the same manner as improved real estate under the Act, any financing of mobile homes on foundations requires the purchase of flood insurance if located or to be located in a special flood hazard area. Where a mobile home has not yet been placed on a foundation at the time of closing, but it is known that the home will be placed on a foundation located in a special flood hazard area, flood insurance coverage of the mobile home must be obtained as a condition of the loan.

(e) Flood insurance is required on personal property, as well as inventory, machinery and equipment, only when the loan from a private lender involves not only a security interest in the personal property, but also a security interest in real estate or else a related real estate loan that is made, extended, or refinanced at the same time as the personal property loan. Private loans for personal property that do not involve direct or indirect Federal assistance (such as guarantees) or mortgages on real estate, are not subject to the flood insurance purchase requirement, regardless of where the property is to be located. The lender, however, may require flood insurance on its own initiative.

(f) The burden of determining the location of the real property to be financed is on the lender and cannot be discharged merely by obtaining a self-certification from the borrower that the property is not located in an area having special flood hazards. If an appraisal of the property is required, its location in relation to an identified special flood hazard area should be part of the appraisal. If no appraisal is obtained, then the lending institution should verify the location.

(g) The insurance purchase requirement with respect to a particular community is altered by the issuance or withdrawal of FIA's official flood maps. If the Federal Insurance Administration withdraws a Flood Hazard Boundary Map (for any reason), the insurance purchase requirement is completely suspended during the period of withdrawal. However, if the community is in the Regular Program and only the Flood Insurance Rate Map (which controls actuarial rates) is withdrawn but a Flood Hazard Boundary Map remains in effect, then flood insurance is still required, but the maximum amount of insurance available is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn.

(h) Because of possible changes in a community's eligibility and area identification status during the implementation of the Act, the Federal Insurance Administration believes that the insurance purchase requirements of the Act must be applied on the basis of the circumstances existing as of the date of closing. Lenders may accomplish this by placing a condition at the time of commitment that insurance will be required if the property is located in a special flood hazard area at the time of closing. To make the imposition of the flood insurance purchase requirement on the date of closing a practicable and equitable procedure, the Federal Insurance Administration urges Federal agencies and instrumentalities to provide for notice to the borrower in the loan approval or commitment that if the flood insurance purchase requirement is applicable on the date of closing, it will be implemented.

For example, the date on which flood insurance is required by a Federal agency may be the date of the formal loan approval or commitment. However, if flood insurance cannot be required at the time of approval or commitment, but the status of the structure or community changes so that at the time of closing flood insurance should be required, the purchase of insurance should be imposed at the time of closing. If the status changes so that the insurance purchase requirement does not become applicable until more than 30 days after the loan approval or commitment and the Federal agency or instrumentalities believes it cannot practically impose such requirement on the basis of the status at the time of closing, it may choose not to do so. The insurance purchase requirement may also be affected by the withdrawal of a map or the suspension of a community from the program. The insurance purchase requirement still technically applies, although insurance cannot be purchased. If the community reenters the program, lapsed policyholders should be required to purchase new policies. Loans do not, however, have to be called when policies lapse due to suspension.

(i) As in all other matters treated in these quidelines, however, Federal supervisory instrumentalities and private lenders may impose more stringent requirements for their own protection and the protection of their borrowers if they choose to do so.

3. *Amount of flood insurance required.* (a) For communities in the Emergency Program, the maximum amount of flood insurance required is the maximum amount available under the Emergency Program. For communities in the Regular Program, the maximum amount required is not the maximum amount available under the Regular Program, but only the emergency program limits increased by a multiple of two (2). However, these requirements are subject to the qualifications set forth below.

(b) The administration of the insurance purchase requirement of the Act should conform as closely as practicable to normal commercial lending practices. Thus, while flood insurance is required in the amount of the loan or the maximum amount available under the program, whichever is less, the amount of the insurance required should be reduced by the value of the land involved, in cases where the proposed loan clearly exceeds the value of the insurable improvements. However, such a reduction is not required. Private lenders that do not normally appraise land values separately, and that generally require fire insurance for the full amount of the loan, are free to follow the same practice, to the extent otherwise permitted by law, with respect to flood insurance.

(c) If a loan is made while a community is in the Emergency Program and the amount of flood insurance available is insufficient to cover the amount of the loan, the lender has no

obligation to increase the amount of flood insurnce required when the community enters the Regular Program. However, the lender is not precluded from doing so.

4. *Proof of purchase and maintenance of flood insurance.* (a) Lenders shall treat the flood insurance purchase requirement in essentially the same way as the fire insurance requirement they customarily impose. That is, most lenders will require a copy of the Standard Flood Insurance Policy, endorsed to show them as a beneficiary.

(b) At the time of the loan closing, however, unless the lender or the supervisory instrumentality rules otherwise, a copy of the flood insurance policy application, indicating that the full premium has been paid is sufficient evidence of the purchase of flood insurance, since there is normally a 15-day waiting period before the policy is actually issued and the coverage becomes effective. However, once the policy has been issued, a copy of the policy should be obtained and maintained by the lender.

(c) Since the flood insurance policy is an annual policy, lenders will be expected to see that flood insurance is renewed and maintained for the entire duration of the loan. Thus, if the borrower does not renew his policy on time, the lender will have the usual option of renewing it for him or calling the loan. The FIA is equipped to assure that mortgagees receive copies of flood insurance policies and renewal notices. Such notices are normally sent out 45 days, but no less than 30 days, before the expiration date of the policy. In the event the flood insurance coverage is obtained from a source other than the FIA, lenders should require similar notices to permit the lender to renew the policy or call the loan.

(d) Flood insurance is not available for buildings during the course of construction until such building has walls and is roofed, unless building materials are stored in a fully enclosed structure adjacent to the building site, but the amount of flood insurance required by the lender at any given time need not exceed the amount of the lender's total disbursement to date.

(e) Flood insurance is not available for multiple buildings under a single flood insurance policy at the present time. Thus, if a lender makes a commitment for a multiple housing development under a single loan, it will be necessary to obtain an individual flood insurance policy on each individual building covered by the mortgage.

(f) A special disbursement by a private lender after March 2, 1974, to protect its security interest in a real estate loan made at any time, such as a disbursement to pay real estate taxes or a fire insurance premium for a delinquent borrower, does not constitute a new loan or loan modification requiring the purchase of flood insurance if such disbursement is made solely for the purpose of protecting the lender's security interest, and none of the funds go to the borrower.

(g) When a loan is made after March 2, 1974, and is subject to the insurance purchase requirement of the Act and the community in which the property is located loses its eligibility for the sale of flood insurance, flood insurance is no longer available at the time of policy renewal. Such an existing loan does not have to be called in those circumstances, although it cannot be increased, extended, or otherwise modified for the benefit of the borrower after the flood insurance policy lapses.

### C. Additional Guidelines for Federal Agencies

1. *When the purchase of flood insurance is required.* (a) The guidelines applicable to private lenders are also generally applicable to Federal agencies. However, the Act imposes more stringent requirements on Federal agencies with respect to new financial assistance to projects that they have previously assisted.

(b) With respect to Federal agencies, the insurance purchase requirement applies to all assisted personal property, except in research and development projects which do not involve insurable items, regardless of whether the agency has provided or is providing any financial assistance with respect to real estate. If at the time of providing the financial assistance for personal property, the agency takes back a mortgage on real estate, flood insurance must be required on the real estate as well.

(c) Similarly, if a Federal agency provides financial assistance for personal property to a borrower that the agency has previously assisted with respect to real estate at the same facility in the same location, then it must require flood insurance on the previously-assisted building as well as on the personal property. The amount of flood insurance required on the building should be based upon its current value, however, and not on the amount of assistance previously provided.

(d) Federal agencies must require flood insurance on all assisted personal property even in cases, such as working capital guarantees, where no funds are disbursed and no security interest is obtained.

2. *Amount of flood insurance required.* (a) The Act imposes two requirements on Federal agencies that are different from those imposed upon private lenders. The first is that flood insurance must be obtained in the amount of project cost (except where a loan is involved), and the second is that land value must be subtracted out of determining project cost. The requirement to subtract out land cost does not apply to agencies that do not lend Federal funds but operate entirely through private lenders.

(b) The term project cost is not defined but is expect to be construed as the agency involved would normally construe it. However, since certain public facilities, such as bridges, dams, water and sewer lines, and underground structures are not insurable under the program, the uninsurable portions of project cost, as well as land cost (or the value allocated to land, where no land acquisition is involved), would normally be subtracted from project cost in determining the amount of flood insurance required. Thus, flood insurance need not be required in excess of the value of the buildings to be insured.

(c) For example, if 90 percent of the cost of a $5 million sewer system consisted of underground lines and underground pumping stations, and the balance of the cost represented aboveground buildings, then flood insurance would be required only on the $500,000 portion of the project that was eligible for insurance. If that portion consisted of only two equally valued buildings, within a community in the Regular Program, then only $200,000 on each building would be required. If the two buildings were valued at $100,000 and $400,000, then $100,000 and $200,000 of insurance, respectively, would be required.

(d) Similarly, if an agency such as the Defense Civil Preparedness Agency (DCPA) provided 50 percent of the cost of constructing an Emergency Operating Center (EOC) in the basement of a new courthouse that was not built with Federal funds, then flood insurance (to the extent available) would be required in an amount equal to 100 percent of the cost of the Center or $200,000, whichever is lesser, regardless of the fact that a local government had provided the remainder of the cost. The amount of flood insurance required would be based not on the total cost of the courthouse, but only on the cost of the portion of the building that constituted DCPA's project. However, agencies can adopt more stringent requirements if they believe the interests of the Government require them to do so.

(e) A number of Federal agencies make grants for projects other than those strictly limited to acquisition or construction of buildings in special flood hazard areas. Such projects might involve the maintenance and operation of a building or research and development. When grants are to be used for the maintenance and operation of buildings, no flood insurance would be required. Where equipment





is purchased in connection with research and grant projects and for the maintenance and operation of buildings (including routine alterations and repairs), the amount of flood insurance required need not exceed the value of the equipment.

(f) Other agencies, such as the Federal Highway Administration or the Environmental Protection Agency, make substantial loans or grants primarily for the construction of facilities other than buildings, such as bridges or water and sewer lines. Where what is essentially an uninsurable facility only incidentally involves insurable construction, such as a small drawbridge station or the aboveground portion of an underground pumping station, flood insurance is required only for insurable items.

3. *Evidence of insurance where a security interest is not retained.* (a) Because Federal agencies are legally responsible for seeing that flood insurance is maintained by recipients of financial assistance for the entire anticipated economic or useful life of the project, it is recommended that they obtain a copy of the flood insurance policy and receive copies of renewal notices in the same manner as a mortgagee, so that they will know whether the requirement they have imposed is actually being carried out by the recipient beyond the first expiration date of the policy. The simplest way to accomplish this purpose is to have the recipient list the Federal agency as a "mortgagee" on his flood insurance application. Notifications on the status of the policy will then be automatic.

(b) However, where circumstances warrant, as in the case of research contracts and grants to public recipients that only incidentally involve construction, the agency may accept a certificate from the recipient formally stating that flood insurance is available at the time the award is made and that the recipient has purchased and will maintain adequate flood insurance for the entire duration of its work under the contract or grant. Individual agency policies may vary in this matter.

### D. Acceptance of Private Flood Insurance To Meet Statutory Requirement

It was a primary legislative purpose of the Act not only to make property owners throughout the nation aware of the significance and severity of the flood peril and to assure their purchase of flood insurance where needed, but also to guarantee their adequate protection through a Federally-sponsored and subsidized program, and thereby to reduce the increasing costs of Federal disaster relief expenditures to the nation's taxpayers. Had adequate and assured flood insurance protection been available through the private insurance market, the National Flood Insurance Program would not have been necessary.

These guidelines represent the position of the Federal Insurance Administration with respect to what insurance policies, other than the Standard Flood Insurance Policy, are acceptable in meeting the statutory requirement for insurance established under section 102 of the Flood Disaster Protection Act of 1973. A guideline of this nature is required because that Act mandates the purchase of flood insurance as a precondition for certain assistance for construction and acquisition purposes from Federal agencies, and for most private mortgage loans, in identified special flood hazard areas.

Most persons will be purchasing flood insurance for the first time, and the majority would not have purchased it except for the statutory requirement. It is, therefore, essential that the insurance which the public is required to purchase be reasonable as to price and quality.

Such reasonableness is, of course, built into the Standard Flood Insurance Policy, issued in accordance with the National Flood Insurance Program, originally enacted in 1968. Although flood insurance coverage, many of which are incorporated in package policies covering other perils, are subject to State regulations of insurance, and although in many States the policy forms and rates are approved by the State Insurance Commissioner, these other policies may not necessarily meet the requirements of the National Flood Insurance Program.

Consequently, the following criteria should be met with respect to any flood insurance policy submitted to a lending institution or a Federal agency in purported satisfaction of the insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973:

(a)(i) The insurer is licensed to do business in the jurisdiction where the property is located; or

(ii) In the case of non-residential, commercial property insured pursuant to a policy of difference in conditions, multiple peril, all risk, or other blanket coverage, the insurer is recognized, or not disapproved, as a surplus lines insurer in the jurisdiction where the property is located.

(b) The flood insurance policy issued by the insurer includes an endorsement which:

(1) Requires that that the insurer give 30 days written notice of cancellation or non-renewal to the insured with respect to the flood insurance coverage. To be effective, such notice must be mailed to both the insured and the lender or Federal agency and must include information as to the availability of flood insurance coverage under the National Flood Insurance Program; and

(2) Guarantees that the flood insurance coverage, considering both deductibles and exclusions or conditions offered by the insurer is at least as broad as the coverage offered by the Standard Flood Insurance Polciy.

In order to assure that the purposes of the flood insurance legislation are met, all lending institutions and Federal agencies acting in accordance with section 102 of the Flood Disaster Protection Act of 1973 should take the following additional actions when flood insurance, other than the Standard Flood Insurance Policy, is offered in satisfaction of the statutory requirement:

(1) Advise borrowers of the availability of flood insurance coverage under the National Flood Insurance Program so that the borrower can, if he wishes, make an appropriate comparison of the respective premium costs.

(2) Where applicable, satisfy themselves that a mortgagee interest clause similar to that contained in the Standard Flood Insurance Policy is contained in the other insurance policy.

It is the opinion of the Federal Insurance Administration that an insurance policy which meets all of the above criteria meets the insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973.

### E. List of HUD Regional Offices

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: 15 New Chardon Street, Boston, Mass. 02114, Regional Flood Insurance Staff, 617-223-2616.

Region II—New Jersey, New York, and Puerto Rico: 90 Church Street, Room 801, New York, N.Y. 10007, Regional Flood Insurance Staff, 212-264-4734.

Region III—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia: Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Regional Flood Insurance Staff, 215-597-9581.

Region IV—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: 1371 Peachtree Street NE., Atlanta, Ga. 30309, Regional Flood Insurance Staff, 404-257-2391.

Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: 300 South Wacker Drive, Chicago, Ill. 60606, Regional Flood Insurance Staff, 312-353-0757.

Region VI—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Earle Cabell Building, 1100 Commerce Street, Dallas, Tex. 75242, Regional Flood Insurance Staff, 214-749-7412.

Region VII—Iowa, Kansas, Missouri, and Nebraska: Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106, Regional Flood Insurance Staff, 816-374-2161.

Region VIII—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming: Room 311, 909 17th Street, Denver, Colo. 80202, Regional Flood Insurance Staff, 303-837-5041.

Region IX—Arizona, California, Hawaii, and Nevada: 450 Golden Gate Avenue, P.O. Box 36006, San Francisco, Calif. 94102, Regional Flood Insurance Staff, 415-556-3543.

Region X—Alaska, Idaho, Oregon, and Washington Arcade Plaza Building, Room 3068, 1321 Second Avenue, Seattle, Wash. 98101, Regional Flood Insurance Staff, 206-442-1026.

Guidelines for the Mandatory Purchase of Flood Insurance are discussed in the Environmental Impact Statement issued by the Department on September 9, 1976, in connection with the Revised Flood Plain Management Regulations of the National Flood Insurance Program.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued at Washington, D.C., February 3, 1978.

PATRICIA ROBERTS HARRIS,
*Secretary, Housing and Urban Development.*

[FR Doc. 78-4265 Filed 2-16-78; 8:45 am]



FRIDAY, FEBRUARY 17, 1978
PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# ENVIRONMENTAL PROTECTION AGENCY

# POLYCHLORINATED BIPHENYLS (PCBs)

## Disposal and Marking

[6560-01]

Title 40—Protection of Environment

[FRL 838-5]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER R—TOXIC SUBSTANCES CONTROL ACT

PART 761—POLYCHLORINATED BIPHENYLS (PCB's)

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These regulations prescribe disposal and marking requirements for polychlorinated biphenyls (PCB's), and are promulgated pursuant to section 6(e)(1) of the Toxic Substances Control Act (Pub. L. 94-469). The intent of these regulations is to protect the environment from further contamination by PCB's resulting from improper handling and disposal of PCB's.

IMPLEMENTATION: Section 6(e)(1) of the Toxic Substances Control Act (Pub. L. 94-469) (hereinafter referred to as TSCA) required the promulgation of rules prescribing marking and disposal requirements for PCB's by July 1, 1977. Due to the delay in proposing these rules and the requirement to conduct adequate rulemaking proceedings, it was necessary to postpone the promulgation of the rules.

EFFECTIVE DATE: April 18, 1978.

FOR FURTHER INFORMATION CONTACT:

David Wagner, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-9000. Joni T. Repasch is the Record and Hearing Clerk for this rulemaking. The official record of rulemaking is located in Room 520 WSME, EPA Headquarters, 401 M Street SW., Washington, D.C. 20460, 202-755-1188. The record is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday excluding holidays.

SUPPLEMENTARY INFORMATION: On May 24, 1977, the Office of Toxic Substances of the Environmental Protection Agency published in the FEDERAL REGISTER (42 FR 26564-26577) a proposed rule which prescribed disposal and marking requirements for PCB's. The informal hearings required under section 6(c)(2) and 6(e)(4) of TSCA for this proposed rule were held on June 24, 27, 28, and 29, 1977. Over 100 comments and reply comments were received during the rulemaking.

The preamble to the proposed regulations included a description of the legal authority, background of the PCB problem, definitions, description of persons affected by the regulation, a discussion of the methods of disposal and marking, and a summary of the economic consequences of the proposed regulation. The description of the legal authority, background of the PCB problem, and summary of economic consequences are incorporated here by reference.

A support document titled, "PCB Marking and Disposal Regulations, Final Action—Support Document," is available from Ms. Joni T. Repasch at the address stated above. The support document contains an evaluation of the comments received in the rulemaking proceeding and explains in detail the reasons for the EPA's modifications to the proposed regulation. Reprints of this FEDERAL REGISTER Notice are available from the Industry Assistance Office, 800-424-9065.

## DISCUSSION OF THE RULE

### DEFINITIONS

"Disposal" is defined very broadly to include any action that may be related to the ultimate disposition of a PCB substance, article, or mixture. An accidental or intentional release of PCB chemical substances or mixtures to the environment, including spills, is considered to be an act of disposal. Under this regulation, proper disposal of material contaminated as a result of a spill must be performed. This regulation does not preempt the provisions of the Federal Water Pollution Control Act (FWPCA) (Pub. L. 92-500) governing spills.

The definitions of "Administrator", "Agency", "chemical substance", "distribute in commerce", "manufacture", and "process" are identical to the definitions of these terms in TSCA.

"PCB chemical substances" are defined as chemical substances containing only a biphenyl molecule that has been chlorinated to varying degrees. This definition is the basic building block for defining other forms of PCB's. Any modification other than chlorination to a biphenyl molecule is sufficient to remove it from classification as a PCB.

"PCB mixtures" are defined to mean mixtures, including sludges from municipal and other sewage treatment facilities, that contain 0.05 percent or greater of PCB chemical substances (on a dry weight basis). The definition for PCB mixtures covers mixtures found in both commercial applications and waste materials.

"PCB article" includes any manufactured item, other than PCB containers, whose surfaces have been in direct contact with PCB chemical substances or PCB mixtures. The definition includes commercial products, such as electrical capacitors and transformers, that have liquid PCB chemical substances and PCB mixtures contained within their internal mechanisms as a functioning part of the electrical device. Other examples of PCB articles are piping, pumps, radiators, and other components of heat transfer systems, as well as electric motors, that use PCB chemical substances and PCB mixtures as an internal coolant.

"PCB container" means any package, can, bottle, bag, barrel, drum, tank, box, or other device used to contain PCB chemical substances, PCB mixtures, or leaking PCB articles. The definition is meant to cover containers where PCB chemical substances or PCB mixtures are, or have been, in direct contact with their internal or external surfaces but where the PCB chemical substances or mixtures are, or were not performing any function.

"PCB article container" means any package, can, bottle, bag, barrel, drum, tank, box, or other device used to contain PCB articles. This includes containers used to package or protect PCB articles that are intact and not releasing PCB chemical substances or mixtures. Thus, PCB article containers do not have PCB substances or mixtures on their surfaces, and, when a PCB article is removed from a PCB article container, the container no longer requires special marking, handling, or disposal. Buildings are not considered to be article containers.

"PCB equipment" means manufactured items, other than a PCB container or a PCB article container, that contain PCB articles. PCB equipment would contain PCB articles only because the articles were performing a function in the equipment. Examples of PCB equipment are television sets, microwave ovens, high intensity light fixtures, and fluorescent light fixtures that use a PCB article such as a capacitor containing PCB's.

The phrases "PCB" and "PCBs" mean one or more of the following: "PCB chemical substance", "PCB mixture", "PCB article", "PCB container", and "PCB equipment." This definition is included to provide an abbreviated reference to all forms of PCBs.

"Transport vehicles" includes motor vehicles or railcars used to transport cargo. If this cargo contains PCB's as defined in these regulations, then special marking requirements apply. However, the marking or labeling requirements apply only when PCBs are being carried on a transport vehicle as cargo.

### DISPOSAL AND MARKING REQUIREMENTS

The regulation applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs, including local, State, and Federal governments.

High temperature incineration is required for all PCB liquids, PCBs drained from transformers, and large high and low voltage capacitors. Transformers drained of PCBs, dredge spoils, municipal sewage sludge, and materials contaminated by spills are required to be disposed of either in an incinerator or in a chemical waste landfill. Large high and low voltage capacitors may be placed in a chemical waste landfill until January 1, 1980.

Storage of PCB's and PCB articles prior to disposal is allowed under specified conditions in special facilities that provide a margin of safety against release of PCBs to the environment. Capacitors can be stored next to, but are not required to be inside of, a special storage facility until January 1, 1983. This latter type of storage is allowed in order to reduce storage facility costs and, at the same time, have contained storage facility immediately available should a leak develop.

Small capacitors in home appliances and fluorescent light ballasts may be disposed of as municipal solid waste. However, small capacitors owned by capacitor and equipment manufacturers and acquired in the course of such manufacturing, which are being disposed of, must be incinerated or landfilled just like large capacitors.

All containers of PCB liquids, not-in-service PCB transformers, and not-in-service large high voltage capacitors are required to be labeled by July 1, 1978. All transport vehicles carrying PCBs are required to be labeled beginning October 1, 1978. All in-service transformers, in-service large high voltage capacitors, and new equipment with small PCB capacitors are required to be labeled by January 1, 1979.

All newly manufactured non-PCB large low voltage capacitors, small alternating current capacitors, and fluorescent light ballasts are to be labeled, "No PCBs" beginning July 1, 1978.

PCB incineration, chemical waste landfill, and storage facility specifications are provided. The EPA Regional Administrators must approve all incinerator and chemical waste landfill sites before they can be used for PCB disposal and can waive any particular condition imposed on an incinerator or landfill if they find that waiving that condition will not result in the incinerator or landfill posing any additional risk of injury to health or the environment. They may also waive the incineration method totally in favor of another method that provides PCB destruction of equal efficiency.

In addition, EPA Regional Administrators may waive incineration requirements for PCB articles other than capacitors on the basis of technological infeasibility, and instead allow disposal of such articles in a chemical waste landfill.

EPA Regional Administrators are granted authority to approve types of disposal other than incineration or landfill for dredge spoils and municipal sewage treatment sludges upon a showing that incineration or landfilling is not feasible and that an alternate method will provide adequate protection to health and the environment.

Decontamination procedures, marking formats, and recordkeeping and monitoring procedures are provided in the form of Annexes attached to these regulations.

### RULE MODIFICATIONS

An explanation of EPA's modifications to the proposed regulation is set forth below. Only those modifications that resulted in substantive changes to the definitions or requirements are explained.

### CHANGES IN § 761.2 DEFINITIONS

Section 761.2(v) of both the proposed rule and the final rule define "PCB mixture" to mean any mixture with 500 parts per million (ppm) of PCB.

The Agency is aware that adverse health and environmental effects can result from exposure to PCB's at levels lower than 500 ppm; however, at this time the Agency is not establishing a level based on health effects or environmental contamination but rather a level at which regulated disposal of most PCB's can be implemented as soon as possible. The 500 ppm PCB concentration was selected in the proposed regulation because it appeared to include those commerical products which are generally called PCB's and those contaminated as the result of the deliberate introduction of PCB's and to exclude other widely used commercial products which may contain lower levels of PCB's as a result of the manufacturing process or exposure to the general environment containing PCB's. The Agency was concerned about inadvertently controlling disposal of mixtures where there was insufficient information about the regulatory impact on commercial products.

In the period between proposal and promulgation, the Agency has obtained more information bearing on the definition of PCB mixture. The impact on commerical products of defining lower levels of contamination as "PCB Mixtures" appears less than first believed. Futhermore, disposal criteria for lower level PCB's such as PCB contaminated dredge spoils, sludges, waste oils, and spill materials appear necessary in order to reduce additional environmental contamination. Since most of this information was not included in the record of the proposed marking and disposal regulations and did not become a significant issue in the informal hearing, the definition of PCB mixture cannot be changed to a lower concentration level until the Agency first proposes the lower concentration definition. As a consequence, the 500 ppm level definition for a PCB mixture, as proposed, is included in this final rulemaking. However, the Agency plans to propose a lower concentration of PCB's, possibly in the range of 50 ppm or below, to define PCB mixture in the forthcoming PCB manufacturing, processing, use and distribution regulations. At the same time, the Agency anticipates that some variations in the disposal requirements will be proposed for PCB's at these lower levels. These proposed regulations will appear shortly in the FEDERAL REGISTER, and informal hearings on all of these proposals will be held simultaneously.

It should be noted that the regulations promulgated today do not preempt more stringent requirements that may be placed in dredging permits and in other regulatory tools employed by EPA in controlling the release of PCB's. In particular, if there is a risk that materials such as dredge spoils or sewage sludge will be deposited in water or where they can be carried into water, stricter controls than specified in these regulations may be appropriate. Water has been the most significant pathway for PCB contamination, and serious environmental damage can be expected to result from the deposit in or near water of material containing PCB's even in low concentrations. This is particularly true for dredge spoils and sewage sludge, given the huge quantities of these materials that may be generated.

EPA Regional Offices making decisions on permits for dredge and fill disposal under section 404 of the Federal Water Pollution Control Act and issuing discharge permits under the FWPCA or dumping permits under the Marine Protection, Research and Sanctuaries Act of 1972 or exercising any other relevant authority, will be expected to take such factors into account and to regulate PCB's at levels below 500 parts per million under that order authority, wherever appropriate.

### CHANGES IN § 761.10 DISPOSAL OF PCB'S

A new section 761.10(b)(3) has been added to the final rule to allow the use of chemical waste landfills for disposal of soil and debris contaminated with PCB's as a result of a spill or from placement of PCB's in a disposal site prior to the effective date of these regulations. Under the proposed rules, incineration would have been required. This change was made to permit the use of a more practical disposal method for the large volumes of soil and debris, such as trash, trees, lumber, and other rubbish, that may be involved in a spill clean-up operation or in removal or excavation of materials from an old disposal site,

such as a pit, pond lagoon, dump, or landfill. This provision does not apply to PCB liquids, slurries, industrial sludges, damaged PCB articles, or any production wastes related to PCB processing or manufacturing; such items must be disposed of in accordance with section 761.10(b) (1) or (2).

Section 761.10(c)(1) of the proposed regulation required that all transformers be drained and flushed prior to disposal so that no more than two percent of the dielectric fluid remained, or in other words, that all transformers be drained of 98 percent of their total PCB's. In the final regulation, section 761.10(c)(1) has been modified to require that, prior to disposal, a transformer be drained of all free-flowing liquid, filled with solvent, and drained out after at least 18 hours. A number of hearing witnesses challenged the technical feasibility of the 98 percent draining requirement. In addition, whether anyone could realistically determine that 98 percent of the liquid had been removed was questioned. EPA believes these objections are correct and therefore has modified the requirement.

Section 761.10(c)(2)(iii) of the proposed regulation required that any PCB capacitor which is separated from PCB equipment should be disposed of in an incinerator complying with Annex I, or until July 1, 1979, in a chemical waste landfill complying with Annex II. Numerous comments from industry urged that disposal of all small capacitors without special precautions be allowed indefinitely in view of the practical difficulties involved in their disposal and the relatively small amounts of PCB's contained in each individual capacitor. The three major problems relating to the regulation of small capacitors are (1) the practical difficulties of enforcement, (2) the expense of collecting a large number of small capacitors and concentrating them for disposal and (3) deciding who will pay for the cost of disposal. In view of these problems, EPA has eliminated special disposal requirements for all classes of small capacitors (except those owned by capacitor manufacturers or PCB article manufacturers as a result of manufacturing activities). EPA believes, however, that the problems cited above do not apply to the disposal of capacitors owned by capacitor manufacturers and PCB article manufacturers and has, therefore, retained disposal requirements for such capacitors. This provision only requires incineration of capacitors which the manufacturer has already decided to dispose of in some way, such as capacitors rejected for failure to meet quality control standards.

An estimated 180 million pounds of PCB's are associated with small PCB capacitors currently in use. EPA intends to try, during the next year, to identify viable alternatives for adequate disposal of small capacitors. Initially, alternatives will be sought through public meetings with the disposal industry, the waste collection industry, consumer groups, the public utilities, and other interested parties.

Since provisions for disposal of most small capacitors have been eliminated, requirements relating to their storage prior to disposal are unnecessary. Therefore, section 761.42(c), stipulating storage conditions for small capacitors, has been deleted.

The proposed regulation required incineration of large high voltage and low voltage capacitors after July 1, 1979. This disposal requirement was disputed in the rulemaking. Many commentors favored continued use of chemical waste landfills indefinitely. A properly operated chemical waste landfill is an appropriate type of disposal facility for many hazardous waste materials. However, incineration is the only currently available means of destroying the PCBs and thus ensuring their permanent removal from the environment. Furthermore, based on tests carried out by TRW Systems and Rollins Environmental Services, Inc., and based on the opinions received from several power industry representatives, EPA has concluded that it is technically and economically feasible to incinerate large capacitors. Because there is a likelihood of delay in having sufficient incineration capacity available, storage of large capacitors is permitted until January 1, 1984.

A new § 761.10(b)(3) has been added to the final rule to authorize EPA Regional Administrators to permit disposal of municipal sewage treatment sludge, as well as dredge spoils, by a means other than incineration or chemical waste landfill, provided such disposal does not present an unreasonable risk of injury to health and the environment. Likewise, a new § 761.10(c)(3) has been added to allow Regional Administrators to grant exemptions from the incineration requirements for PCB articles on a case-by-case basis upon a showing that incineration is not technologically feasible. These changes respond to comments that the proposed disposal requirements lacked necessary flexibility and would be impossible to comply with where unusually shaped articles or very large quantities of material contaminated at a low level with PCBs were concerned.

Finally, special disposal requirements for PCB equipment have been eliminated, since they no longer serve any purpose. Because small PCB capacitors are no longer subject to special disposal requirements, there is no need to include special provisions for disposal of equipment containing them, while transformers, large PCB capacitors, and other PCB articles must be removed from the equipment and disposed of separately in any case.

### CHANGES IN § 761.20 MARKING

Section 761.20(a)(1) of the proposed regulation required that all PCB articles manufactured after January 1, 1978, be marked at the time of manufacture with the mark $M_L$ as described in Annex V. The final regulation has been modified regarding the specific articles to be marked at the time of manufacture. Section 761.20(a)(1) (ii) and (iii) of the final regulation requires that each PCB large high voltage capacitor and each transformer manufactured after July 1, 1978, be marked at the time of manufacture with the mark $M_L$ as described in Annex V. Other articles, such as small capacitors and large low voltage capacitors, will not have to be marked $M_L$ at the time of manufacture, although large low voltage capacitors will have to be marked at the time of removal from use.

Small capacitors, large low voltage capacitors, and fluorescent light ballasts which do not contain PCBs will be required, under § 761.20(a)(6), to be marked with a label indicating that fact. This provision requires that each large low voltage capacitor, small capacitor, or fluorescent light ballast manufactured during the twenty years between July 1, 1978 and July 1, 1998, which does not contain PCB's be marked "No PCB's". This marking requirement will assist disposers in distinguishing the large numbers of large low voltage capacitors, small alternating current type capacitors, and fluorescent light ballasts currently in use, practically all of which contain PCB's, from like items produced in the future, most of which will not contain PCB's.

In the proposed regulation, § 761.20(a)(2) required that PCB equipment manufactured after January 1, 1978, be marked at the time of manufacture with the mark $M_L$. The final regulation requires that after July 1, 1978, equipment containing a PCB transformer or a PCB large high voltage capacitor be marked at the time of manufacture with the mark $M_L$, (see § 761.20(a)(1)(iv)) and that after January 1, 1979, equipment containing PCB small capacitors be marked with the statement, "This equipment contains PCB capacitor(s)" (see § 761.20(a)(4)). This latter marking requirement has been retained despite the elimination of all disposal requirements for such equipment in order to discourage massive stockpiling of PCB articles and incorporation of the items in equipment indefinitely into the future.

The provision regarding marking of PCB equipment in inventory has been modified. Proposed § 761.20(a)(4) required each PCB article, except small PCB capacitors, contained in PCB equipment in inventory after January 1, 1978, to be marked with the mark $M_L$ before being distributed in commerce. The final regulation provides in § 761.20(a)(1)(iv) that equipment containing a PCB transformer or a PCB large high voltage capacitor must be marked after July 1, 1978, with the mark $M_L$ before distribution in commerce. Equipment in inventory containing large low voltage capacitors as well as other equipment containing PCB articles will not have to be marked with the mark $M_L$ as EPA had proposed.

Note that § 761.20(a)(1) (ii) and (iii) of the final regulation requires that transformers and large high voltage capacitors not included in equipment also be marked before distribution in commerce.

The requirement for marking PCB items removed from use has been modified. Section 761.20(a)(7) of the proposed regulation required that all PCB articles removed from use after January 1, 1978, be marked with the mark $M_L$ or placed in a PCB container marked with the mark $M_L$, except for small PCB capacitors disposed of as municipal solid waste.

Section 761.20(a)(1) (ii), (iii), (iv), and (v) of the final regulation requires that only transformers, PCB large high and low voltage capacitors, or equipment containing a PCB transformer or large high or large low voltage capacitor when removed from use after July 1, 1978, shall at the time of removal be marked with the mark $M_L$.

Section 761.20(b)(2) of the proposed regulation has been deleted. This provision required that each PCB large low voltage capacitor and each PCB HID capacitor in use after March 31, 1978, be marked with the mark $M_L$ as soon as the capacitor is available for marking as the result of direct access to the equipment for servicing. The deletion of this provision means that marking of HID capacitors and large low voltage capacitors during normal servicing operations will not be required. Many commenters argued that, where HID capacitors were concerned, this procedure would result in the marking of very few capacitors, would impose a substantial risk of electric shock, and would be much more expensive than the EPA had estimated.

A great many commenters objected to proposed § 761.20(b)(1) as requiring a utility truck to be labelled whenever it carried a few large high voltage capacitors. As explained at the hearing, this is not a correct reading. The intent was to require labelling whenever the truck carries PCB mixtures or chemical substances that are not part of any PCB article or when it carries a transformer. Labelling when capacitors are carried is not required.

With this understanding, the proposed language has been included in the final regulation (see section 761.20(a)(2)).

### CHANGES IN § 761.42 STORAGE FOR DISPOSAL

Section 761.42(c)(1) of the proposed regulation, requiring the storage of small capacitors in sound, non-leaking containers within a building, has been deleted. Since provisions for the disposal of small capacitors have been eliminated, requirements relating to storage prior to disposal are unnecessary.

A new § 761.42(c)(1) has been added to the final regulation, to permit non-leaking PCB articles and equipment to be stored in a temporary storage area up to 30 days. Thus, for a period up to thirty days, non-leaking PCB articles, PCB equipment, and PCB containers may be placed in a temporary storage area, instead of in the roofed and diked enclosure with an impermeable floor specified in § 761.42(b) of the final regulation.

A new § 761.42(c)(2) has been added to the final regulation. This subsection provides that until January 1, 1983, non-leaking and structurally undamaged PCB-containing large high voltage capacitors may be stored on pallets next to a storage facility meeting the requirements of Annex III. This section also requires that capacitors so stored be checked weekly. This provision therefore permits an alternative means of storing non-leaking, structurally undamaged PCB large high voltage capacitors to that specified in § 761.42(b).

Section 761.42(c)(2) will permit low-cost storage of any temporary excess of PCB large capacitors caused by delays in constructing incineration facilities. A number of utility industry spokesmen had argued that the proposed requirement was costly and overly burdensome for storing structurally undamaged large capacitors. The agency agrees.

### SECTION 761.44 CHANGES IN MARKING FORMATS

The marking format required under § 761.44 of the proposed regulation provided that the U.S. Coast Guard National Response Center be contacted in the case of an accident or spill. The label format, as provided in § 761.44 of the final regulation, has been revised to include a space for the identification of the owner of the transformers or capacitors and the owner's telephone number, in addition to the Coast Guard emergency number. Thus, in the event of a spill, the owner of the equipment as well as the U.S. Coast Guard could be contacted. Numerous utilities and other industries suggested that their own telephone numbers be placed on the marking label as the contact in case of a spill. EPA believes such an addition to the label would improve responses to spills, and hence that suggestion has been accepted. In addition, the color, yellow, has been included as an alternate background for the label formats because in certain industrial situations, that color is more visible than the white background provided for.

### SECTION 761.45 CHANGES IN RECORDS AND MONITORING

Section 761.45(a) was modified in order to make clear that records on the disposition of PCBs will have to be maintained by each owner or operator of a facility containing at least 45 kilograms of PCB chemical substance or PCB mixture, or one or more PCB transformers or 50 or more large capacitors. Proposed § 761.45(a) did not include the words "at least," nor did it cover facilities containing PCB transformers.

Some comments by PCB users suggested that the proposed regulation would have required them to determine the exact amount of PCBs in each of their capacitors and transformers, and to keep an exact record of where each capacitor and transformer was located. In fact, the regulation, both as proposed and promulgated, only requires such records for "facilities" which contain transformers or large number of PCB capacitors, and does not require any estimate of the amounts of PCBs in capacitors.

### STATE EXEMPTIONS

Officials of the State of Michigan appeared at the legislative hearing and urged that any Federal action leave intact their State program regarding the marking and disposal of PCB's. Oregon, Indiana, Minnesota and Wisconsin have also enacted similar State requirements affecting the marking and disposal of PCB's.

EPA has determined that under TSCA, State requirements regarding disposal of PCB's are completely exempt from Federal preemption insofar as they prescribed what may be done within the State boundaries, but that a State may not require PCB's generated within its boundaries to be disposed of in a method less restrictive than prescribed by these regulations. In other words, a State may forbid the burning of PCB articles within its boundaries, but it may not require disposal in a chemical waste landfill where EPA's rules require the articles to be incinerated, outside the State if necessary. (This determination is expanded upon in the Support Document.) However, because State marking requirements are specifically preempted under section 18(a) of TSCA, except when EPA grants an exemption under section 18(b) by rule, EPA has determined that such requirements

are preempted by implication for purposes of section 6(e) and these regulations.

ECONOMIC CONSEQUENCES OF RULE MODIFICATIONS

The major economic impact of EPA's modifications to the proposed rule will apply to utilities owning and using PCB-containing large high voltage capacitors, owners and users of high intensity discharge (HID) lighting capacitors, PCB small capacitors, PCB large low voltage capacitors, or equipment containing such capacitors, manufactures of equipment containing PCB articles (such as microwave oven manufacturers), and manufacturers of large low voltage capacitors, small capacitors and fluorescent light ballasts.

Utilities should incur approximately $1.4 million less storage costs per year than previously estimated by EPA as a result of the addition of § 761.42(c)(2) of Annex III "Storage for Disposal". That paragraph provides for the storage of non-leaking and structurally undamaged PCB-containing large high voltage capacitors on pallets next to an approved storage facility. This provision substantially reduces both capital costs (incurred primarily in 1978) and the loss in economic revenues associated with the use of storage space.

Under the final rule, owners and users of HID capacitors will no longer be required to label such articles when they are removed from equipment. The proposed rule was further modified to eliminate any disposal requirement for HID capacitors. These changes to the proposed rule should reduce the impact on the affected owners by at least $3.8 million in 1978, with the annual "savings" decreasing approximately seven percent each year thereafter.

The addition of § 761.20(a)(6) to the final rule, which provides that at the time of manufacture each large low voltage capacitor, fluorescent light ballast, and small capacitor that does not contain PCB's be marked with a label stating, "No PCB," should result in increased total manufacturing costs of approximately $25,000 per year for each of 20 years.

Manufactures of PCB equipment should save approximately $100,000 in 1978 because EPA has moved back the effective date for marking PCB equipment from January 1, 1978 to January 1, 1979. This estimate is based on the assumption that no PCB capacitors will be maufactured after the first half of 1978.

The modification to § 761.10(c)(1), which now permits the user of a transformer who intends to dispose of it in a chemical waste landfill simply to drain the PCB mixture, fill it with solvent, and then redrain (instead of being required to achieve 98 percent removal of PCB's), will result in some undetermined cost savings associated with testing transformers.

Finally, the modification to § 761.10(c)(3), which permits PCB articles other than transformers and capacitors to be disposed of in chemical waste landfills until adequate and technically feasible incineration is available (compared to the incineration-only requirement in the proposed rule), should reduce disposal costs for a number of users of such articles. EPA is not able to quantify this reduction in disposal costs.

In summary, as a result of the modifications to the proposed rule, annual operating costs associated with compliance with the final rule will be reduced by at least $5.2 million from the $58.3 million associated with the proposed rule to $53.1 million for the twelve months ending May 30, 1979, and to $55.8 million for the following twelve months. Annual operating costs should decrease by seven percent each year thereafter.

OFFICIAL RECORD OF RULEMAKING—PCB MARKING AND DISPOSAL REGULATIONS

Section 19(a)(3) of TSCA defines the term "rulemaking record" for purposes of judicial review as follows:

> For purposes of this section, the term "rulemaking record" means:
>
> (A) The rule being reviewed under this section.
>
> (B) in the case of a rule under section 4(a), the finding required by such section, in the case of a rule under section 5(b)(4), the finding required by such section, in the case of a rule under section 6(a) the finding required by section 5(f) or 6(a), as the case may be, in the case of a rule under section 6(a), the statement required by section 6(c)(1), and in the case of a rule under section 6(e), the findings required by paragraph (2)(B) or (3)(B) of such section, as the case may be;
>
> (C) any transcript required to be made of oral presentations made in proceedings for the promulgation of such rule;
>
> (D) any written submission of interested parties respecting the promulgation of such rule; and
>
> (E) any other information which the Administrator considers to be relevant to such rule and which the Administrator identified, on or before the date of the promulgation of such rule, in a notice published in the FEDERAL REGISTER.

In accordance with the requirements of section 19(a)(3)(E) quoted above, EPA is publishing the following list of documents constituting the record of this rulemaking. Public comments, the transcript of the rulemaking hearing, and submissions made at the rulemaking hearing and in connection with it are exempt from FEDERAL REGISTER listing under section 19(a)(3) and have not been listed. However, a full listing of these materials is available on request from the Record and Hearing Clerk.

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This Rule is issued under authority of section 6 of the Toxic Substances Control Act, 15 U.S.C. section 2605(e).

Dated: February 8, 1978.

DOUGLAS M. COSTLE,
*Administrator.*

A new 40 CFR Part 761 is established to read as follows:

**Subpart A—General**

Sec.
761.1 Applicability.
761.2 Definitions.

**Subpart B—Disposal of PCB's**

761.10 Disposal requirements.

**Subpart C—Marking of PCB's**

761.20 Marking requirements.

**Subpart D—[Reserved]**

**Subpart E—List of Annexes**

ANNEX No. I

761.40 Incineration.

ANNEX No. II

761.41 Chemical waste landfills.

ANNEX No. III

761.42 Storage for disposal.

ANNEX No. IV

761.43 Decontamination.

ANNEX No. V

761.44 Marking formats.

ANNEX No. VI

761.45 Records and monitoring.

AUTHORITY: Sec. 6, Toxic Substances Control Act, 15 U.S.C. 2605(e).

**Subpart A—General**

**§ 761.1 Applicability.**

(a) This subpart establishes procedures, methods, and other requirements for the disposal, storage, and marking of polychlorinated biphenyls (PCB's).

(b) This subpart applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCB's.

(c) The basic requirements of these regulations are set forth in Subpart B—Disposal of PCB's and Subpart C—Marking of PCB's. Subpart E elaborates on the requirements which are referred to in the disposal and marking sections. Definitions of terms used in all of these sections are found in Subpart A.

(d) Section 15 of the Toxic Substances Control Act (TSCA) states that failure to comply with these regulations is unlawful. Section 16 imposes liability for civil penalties upon any person who violates these regulations. Section 16 also subjects a person to criminal prosecution for a violation which is knowing or willful. In addition, section 17 authorizes Federal district courts to enjoin activities prohibited by these regulations, compel the taking of actions required by these regulations, and to issue orders to seize PCB's processed or distributed in violation of these regulations.

(e) These regulations do not preempt other more stringent Federal statutes and regulations.

**§ 761.2 Definitions.**

For the purpose of this part:

(a) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

(b) "Agency" means the United States Environmental Protection Agency.

(c) "Capacitor" means a device for accumulating and holding a charge of electricity, consisting of conducting surfaces separated by a dielectric. Types of capacitors are as follows:

(1) "Small Capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric fluid.

(2) "Large High Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2000 volts a.c. or above.

(3) "Large Low Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates below 2000 volts A.C.

(d) (1) Except as provided in subparagraph (2) of this paragraph, the term "Chemical Substance" means any organic or inorganic substance of a particular molecular identity, including:

(i) Any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and





(ii) Any element or uncombined radical.

(2) Such term does not include:

(i) Any mixture,

(ii) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,

(iii) Tobacco or any tobacco product,

(iv) Any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act),

(v) Any article the sale of which is subject to the tax imposed by section 418 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provisions of such Code), and

(vi) Any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

(e) "Chemical Waste Landfill" means a landfill at which protection is provided from PCB's deposited therein against risk of injury to health or the environment by locating, engineering, and operating such landfill as specified in § 761.41 so as to prevent migration of PCB's to land, water, or the atmosphere.

(f) "Commerce" means trade, traffic, transportation, or other commerce

(1) Between a place in a State and any place outside of such State, or

(2) Which affects trade, traffic, transportation, or commerce described in subparagraph (1) of this paragraph.

(g) "Disposal" means to intentionally or accidentally discard, throw away, or otherwise complete or terminate the useful life of an object or substance. Disposal includes actions related to containing, transporting, destroying, degrading, decontaminating, or confining those substances, mixtures, or articles that are being disposed.

(h) "Distribute in Commerce" and "Distribution in Commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture means to sell or to transfer the ownership of the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(i) "Fluorescent Light Ballast" means a device which electrically controls fluorescent light fixtures and which includes a capacitor containing 0.1 kg or less of dielectric.

(j) "Incinerator" means any facility operated for disposal of PCBs by incineration.

(k) "Leak" or "leaking" means any instance in which a PCB article, PCB container, or PCB equipment has any PCB chemical substance or PCB mixture on any portion of its external surface.

(l) "Manufacture" means to produce, manufacture, or import into the customs territory of the United States.

(m) "Mark" means the descriptive name, instructions, cautions, or other information applied to chemical substances, mixtures, articles, containers, equipment, or other objects or activities described in these regulations.

(n) "Marked" means the marking of PCB's, PCB's storage areas and transport vehicles by means of applying a legible mark by painting, fixation of an adhesive label, or other method that meets the requirements of this regulation.

(o) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(p) "Municipal Solid Wastes" means garbage, refuse, sludges, wastes, and other discarded materials resulting from residential and non-industrial operations and activities.

(q) "PCB" and "PCB's" mean one or more of the following: "PCB Chemical Substance", "PCB Mixture", "PCB Article", "PCB Equipment", and "PCB Container."

(r) "PCB Article" means any manufactured item, other than a PCB container, whose surface(s) has been in direct contact with a PCB chemical substance or a PCB mixture, and includes capacitors, transformers, electric motors, pumps, and pipes.

(s) "PCB Article Container" means any package, can, bottle, bag, barrel, drum, tank or other device used to contain PCB articles or PCB equipment, and whose surface(s) has not been in direct contact with a PCB chemical substance or PCB mixture.

(t) "PCB Chemical Substance" means any chemical substance which is limited to the biphenyl molecule which has been chlorinated to varying degrees.

(u) "PCB Container" means any package, can, bottle, bag, barrel, drum, tank, or other device used to contain a PCB chemical substance, PCB mixture, or PCB article, and whose surface(s) has been in direct contact with a PCB chemical substance or PCB mixture.

(v) "PCB Equipment" means any manufactured item, other than a PCB container or a PCB article container, which contains a PCB article or other PCB equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

(w) "PCB Mixture" means any mixture which contains 0.05 percent (on a dry weight basis) or greater of a PCB chemical substance, and any mixture which contains less than 0.05 percent PCB chemical substance because of any dilution of a mixture containing more than 0.05 percent PCB chemical substance. This definition includes, but is not limited to, dielectric fluid and contaminated solvents, oils, waste oils, other chemicals, rags, soil, paints, debris, sludge, slurries, dredge spoils, and materials contaminated as a result of spills.

(x) "Person" means any natural or juridical person including any individual, corporation, partnership, or association, any State or political subdivision thereof, any interstate body and any department, agency, or instrumentality of the Federal government.

(y) "Process" means the preparation or use of a chemical substance or mixture, after its manufacture, for distribution in commence:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(2) As part of an article containing the chemical substance or mixture.

(z) "Storage for Disposal" means temporary storage of PCB's that have been designated for disposal.

(aa) "Transport Vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (e.g., trailer, railroad freight car) is a separate transport vehicle.

**Subpart B—Disposal of PCBs**

**§ 761.10 Disposal requirements.**

NOTE.—These regulations do not require removal of PCB's from service and disposal earlier than would normally be the case. However, when PCB's are removed from service and disposed of, disposal must be undertaken in accordance with these regulations. Future regulations will be directed to the manufacture, processing, distribution in commerce, and use of PCB's and may result in some cases in disposal at an earlier date than would otherwise occur.

(a) *PCB chemical substances.* (1) Any PCB chemical substance shall be

disposed of in an incinerator which complies with Annex I.

(2) When storage is desired prior to disposal, a PCB chemical substance shall be stored in accordance with the requirements of Annex III.

(b) *PCB Mixtures.* (1) Except as provided in subparagraphs (2), (3) and (4) of this paragraph, any PCB mixture shall be disposed of in an incinerator which complies with Annex I.

(2) Any non-liquid PCB mixture in the form of contaminated soil, rags, or other debris shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) Until January 1, 1980, in a chemical waste landfill which complies with Annex II.

(3) Soil and debris which have been contaminated with PCB's as a result of a spill or as a result of placement of PCB's in a disposal site prior to the publication date of these regulations shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill

(4) All dredge spoils and municipal sewage treatment sludges that are PCB mixtures shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II, or

(iii) Upon application, a disposal method to be determined by the Agency's Regional Administrator in the EPA Region in which the PCB mixture is located. Applications for disposal in a manner other than prescribed in (i) or (ii) above must be made in writing to the Regional Administrator. The application must contain information that disposal in an incinerator or chemical waste landfill is not reasonable and appropriate, based on technical, environmental or economic considerations, and information that the alternate disposal method will provide adequate protection to health and the environment. The Regional Administrator may request other information he or she believes to be necessary for evaluation of the alternate disposal method(s). Any approvals by the Regional Administrator shall be in writing and may contain any appropriate limitations on the approved alternate method for disposal. In addition to these regulations, the Regional Administrator shall consider other applicable agency guidelines, criteria, and regulations to ensure that the discharges of dredged material and sludges which can be defined as PCB mixtures are adequately controlled to protect the environment from all contaminants contained therein. The person to whom such approval is issued must comply with all limitations contained in the approval.

(5) When storage is desired prior to disposal, a PCB mixture shall be stored in a facility which complies with Annex III.

(c) *PCB Articles*—(1) *PCB Transformers.* Any PCB transformers shall be disposed of in accordance with either of the following:

(i) in an incinerator which complies with Annex I, or

(ii) in a chemical waste landfill which complies with Annex II: *Provided,* the transformer is first drained of all free flowing liquid, filled with solvent, and allowed to stand for at least 18 hours, and then drained thoroughly. PCB chemical substances and PCB mixtures which are removed shall be disposed of in accordance with paragraphs (a) and (b) of this section.

NOTE.—Solvents may include kerosene, xylene, toluene and other solvents in which PCB's are readily soluble. Precautionary measures should be taken, however, that the solvent flushing procedure is conducted in accordance with applicable safety and health standards as required by Federal or State regulations.

(2) *PCB Capacitors.* (i) The disposal of any capacitor normally used in alternating current circuits shall comply with all requirements of this subpart unless it is known from label information, manufacturer's literature, or chemical analysis that the capacitor does not contain PCB chemical substances or PCB mixtures.

(ii) Any person may dispose of small PCB capacitors as municipal solid waste, unless that person is subject to the requirements of subparagraph (iv).

(iii) Any large high or low voltage PCB capacitor owned by any person shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator which complies with Annex I; or

(B) Until January 1, 1980, disposal in a chemical waste landfill which complies with Annex II.

(iv) Any small PCB capacitor owned by any person who manufactures or at any time manufactured PCB capacitors or PCB equipment and acquired the PCB capacitors in the course of such manufacturing shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator which complies with Annex I; or (B) Until January 1, 1980, disposal in a chemical waste landfill which complies with Annex II.

(3) Other PCB articles. Any other PCB articles shall be disposed of in an incinerator which complies with Annex I. If there is a question as to the technological feasibility of incinerating any such article, written application requesting disposal in a chemical waste landfill which complies with Annex II may be made to the Agency's Regional Administrator in the EPA Regional Office in which the PCB article is located. Such application must contain information that disposal of such PCB article in such an incinerator would be technologically infeasible. The Regional Administrator may request other information he or she believes to be necessary for evaluation of the application. The Regional Administrator shall determine whether or not chemical waste landfills may be used on the grounds of technological infeasibility of incineration. Such determination shall be made in writing and signed by the Regional Administrator.

Such determination may contain any limitations for disposal or storage of the PCB article which the Regional Administrator deems reasonable and the person to whom such waiver is issued must comply with all limitations contained in such determination.

(4) Storage of PCB articles—except for a PCB article described in subparagraph (2) (ii) of this paragraph, any PCB article shall be stored in accordance with Annex III prior to disposal.

(d) *PCB Containers.* (1) Unless decontaminated in accordance with Annex IV, a PCB container shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II. *Provided,* That if the PCB chemical substances or mixtures are in liquid state, the PCB container shall first be drained of liquid and the liquid shall be disposed of as a PCB chemical substance or a PCB mixture.

(2) Prior to disposal, a PCB container shall be stored in a facility which complies with Annex III.

(e) *Spills.* (1) Spills and other uncontrolled discharges of PCB chemical substances or PBC mixtures constitute the disposal of PCB chemical substances or PCB mixtures.

(2) PCB chemical substances and PCB mixtures resulting from spill incidents shall be stored and disposed of in accordance with paragraphs (a) and (b), respectively of this section.

In order to determine if a spill of PCBs has produced at any point in a suspected zone of soil, gravel, sludge, fill, rubble, or other land based substances a contamination level that exceeds 500 parts per million of PCBs, the person who spills PCBs should consult with the appropriate EPA Regional Administrator to obtain information on sampling methods and analytical procedures for determining the contamination levels associated with the spill.

(3) This subsection does not exempt owners or operators responsible for a spill from any actions or liability under other statutory authorities, including section 311 of the Federal Water Pollution Control Act (Pub. L. 92-500) and the Resource Conservation and Recovery Act (94-580).

(f) Any person who is required to incinerate any PBC under this subpart and who contends that there is available to him a means of destroying PCB's which is as efficient in destroying PCB's as the incineration procedure provided in Annex I, may submit information to the Regional Administrator to support that contention as well as information that such means will not present an unreasonable risk of injury to health or the environment as a result of its operation. On the basis of such information and any other available information, the Regional Administrator may, in his discretion, find that the alternate disposal method will not present an unreasonable risk of injury to health or the environment and approve the use of the alternate method. Any such approval must be stated in writing and may contain such conditions and provisions as the Regional Administrator deems appropriate and the person to whom such waiver is issued must comply with all limitations contained in such determination.

(g) (1) Each operator of a chemical waste landfill, incinerator, or alternative to incineration approved under paragraph (f) shall give the following written notices to the state and local governments within whose jurisdiction the disposal facility is located:

(i) Notice at least thirty days before a facility first is used for disposal of PCBs required by this regulation, and

(ii) At the request of any state or local government, annual notice during the time the facility is used for disposal of PCBs of the quantities and general description of PCBs disposed of during the year. This notice shall be given no more than thirty days after the end of the year covered.

(2) Any person who disposes of PCBs under an exemption from incineration or chemical waste landfilling authorized by paragraph (b)(4)(iii) shall give at least thirty days prior written notice of such disposal to the state and local governments within whose jurisdiction the disposal is to take place.





### Subpart C—Marking of PCB's

§ 761.20 **Marking requirements.**

(a) The following marking requirements shall apply:

(1) Each of the following items in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in Annex V—Section 761.44(a): The mark illustrated in Figure 1 is referred to as $M_L$ throughout this subpart.

(i) PCB containers:

(ii) PCB transformers at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal from use if not already labeled;

(iii) PCB large high voltage capacitors at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal from use if not already labeled;

(iv) Equipment containing a PCB transformer or a PCB large high voltage capacitor at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal of the equipment from use if not already labeled.

(v) PCB large low voltage capacitors at the time of removal from use.

(vi) Electric motors using PCB coolants.

(vii) Hydraulic machinery using PCB hydraulic fluid.

(viii) Heat transfer systems (other than transformers) using PCB's.

(ix) PCB article containers containing articles or equipment that must be marked under provisions (i) through (viii) above.

(x) Each storage area used to store PCB's for disposal.

(2) As of October 1, 1978, each transport vehicle loaded with PCB containers with more than 45 kg. (99.4 lbs.) of PCB chemical substances or PCB mixtures in the liquid phase or with one or more PCB transformers shall be marked with $M_L$ as described in Annex V—section 761.44(a).

(3) As of January 1, 1979, the following PCB's shall be marked with mark $M_L$ as described in Annex V—section 761.44(a):

(i) All transformers not marked under paragraph (1) of this section;

(ii) All large high voltage capacitors not marked under paragraph (1) of this section in accordance with one of the following methods:

(A) each individual capacitor is to be marked with mark $M_L$, or

(B) if one or more PCB large high voltage capacitors are installed in a protected location as on a power pole, or structure, or behind a fence; the pole, structure, or fence is to be marked with mark $M_L$ and a record or procedure identifying the PCB capacitors is to be maintained by the owner or operator at the protected location.

(4) As of January 1, 1979, all PCB equipment containing a small PCB capacitor at the time of manufacture shall be marked with the statement "This equipment contains PCB capacitor(s)". The mark shall be of the same size as the mark $M_L$.

(5) Where mark $M_L$ is specified but the PCB article or PCB equipment is too small to accommodate the smallest permissible size of mark $M_L$, mark $M_S$ as described in Annex V—Sec. 761.44(b), may be used instead of Mark $M_L$.

(6) Each large low voltage capacitor, each small capacitor normally used in alternating current circuits, and each fluorescent light ballast manufactured between July 1, 1978 and July 1, 1998 that does not contain PCB's shall be marked by the manufacturer at the time of manufacture with the statement, "No PCB's". The mark shall be of similar durability and readability as other markings that indicate electrical information, part numbers, or manufacturer's name.

### Subpart D—[Reserved]

### Subpart E—List of Annexes

ANNEX I

§ 761.40 **Incineration.**

(a) *Liquid PCB's.* An incinerator used for incinerating PCB chemical substances or liquid PCB mixtures shall be approved by the Agency Regional Administrator pursuant to paragraph (d) of this section. Such incinerator shall meet all of the requirements specified in subparagraph (1) through (9) of this paragraph, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d) (4) of this section.

(1) Combustion criteria shall be either of the following:

(i) Maintenance of the introduced liquids for a 2-second dwell time at 1200°C (±100°C) and 3 percent excess oxygen in the stack gas, or

(ii) Maintenance of the introduced liquids for a 1½-second dwell time at 1600°C (±100°C) and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99 percent computed as follows:

$$\text{Combustion efficiency} = \frac{C_{CO_2} - C_{CO}}{C_{CO_2}} \times 100.$$

where

$C_{CO_2}$ = Concentration of carbon dioxide.

$C_{CO}$ = Concentration of Carbon monoxide.

(3) The rate and quantity of PCB's which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCB's to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in subparagraph (1) of this paragraph.

(6) Monitoring of stack emission products shall be conducted:

(i) When an incinerator is first used for the disposal of PCB's under the provisions of this regulation, and

(ii) When an incinerator is first used for the disposal of PCB's after the in-

cinerator has been modified in a manner which may effect the characteristics of the stack emission products.

(iii) At a minimum such monitoring shall be conducted for the following parameters: (*a*) $O_2$; (*b*) CO; (*c*) $CO_2$; (*d*) Oxides of Nitrogen ($NO_x$); (*e*) Hydrochloric Acid (HCL); (*f*) Total Chlorinated Organic Content (RCL); (*g*) PCB Chemical Substances; (*h*) Total Particulate Matter.

(7) At a minimum, continuous monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCB's: (i) $O_2$; (ii) CO; (iii) $CO_2$.

(8) Incinerator operations shall be immediately suspended when any one or more of the following conditions occur:

(i) Failure of monitoring operations specified in subparagraph (7) of this paragraph.

(ii) Failure of the PCB rate and quantity measuring and recording equipment specified in subparagraph (3) of this paragraph, or

(iii) Combustion temperature, dwell time, or excess oxygen fall below those specified in subparagraph (1) of this paragraph.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator.

(b) *Non-liquid PCB's.* An incinerator used for incinerating non-liquid PCB mixtures, PCB articles, PCB equipment, or PCB containers shall be approved by the Agency Regional Administrator pursuant to paragraph (d) of this section. Such incinerator shall meet all of the requirements specified in subparagraphs (1) through (3) of this paragraph, unless a waiver from these requirements is obtained pursuant to paragraph (d) (5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d) (4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB chemical substances/Kg of PCB chemical substance introduced into the incinerator.

(2) Such incinerator shall comply with the provisions of §§ 761.40(a) (2), (3), (4), (6), (7), (8) (i) and (ii) and (9).

(3) The flow of PCB's to the incinerator shall stop automatically whenever the combustion temperature falls below the temperatures specified in any approvals issued by the Regional Administrator pursuant to paragraph (d) of this section. Incinerator operations shall stop immediately whenever the excess oxygen measurements fall below those specified in any approvals issued by the Regional Administrator pursuant to paragraph (d) of this section.

(c) *Maintenance of data and records.* All data and records required by this section shall be maintained in accordance with Annex VI—§ 761.45, Records and Monitoring.

(d) *Approval of incinerators.* Prior to the incineration of PCBs, the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator of the Region in which the incinerator is located. Such approval shall be obtained in the following manner:

(1) *Initial report.* The owner or operator shall submit to the Regional Administrator an initial report which contains:

(i) The location of the incinerator.

(ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator.

(iii) Engineering reports or other information on the anticipated performance of the incinerator.

(iv) Sampling and monitoring equipment and facilities available.

(v) Waste volumes expected to be incinerated.

(vi) Any local, State, or Federal permits or approvals.

(vii) Schedules and plans for complying with the approved requirements of this regulation.

(2) *Trial burn.* (i) Following receipt of the report described in subparagraph (1) of this paragraph, the Regional Administrator shall notify the person who submitted the report whether a trial burn of PCBs must be conducted. The Regional Administrator may require the person who submitted the report described in subparagraph (1) of this paragraph to submit such other information as the Regional Administrator finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in (1)(i) through (1)(vii) above.

(ii) If the Regional Administrator determines that a trial burn must be held, the person who submitted the report described in subparagraph (1) of this paragraph shall submit to the Regional Administrator a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

(*a*) Date trial burn is to be conducted.

(*b*) Quantity and type of PCBs to be incinerated.

(*c*) Parameters to be monitored and location of sampling points.

(*d*) Sampling frequency and methods and schedules for sample analyses.

(*e*) Name, address, and qualifications of persons who will review analytical results and other pertinent data and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in subdivision (ii) of this subparagraph, the Regional Administrator will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator will notify the person who submitted the plan of such disapproval, together with the reasons why it was disapproved. That person may thereafter submit a new plan in accordance with subdivision (ii) of this subparagraph. If the plan is approved (with any additions or modifications which the Regional Administrator may prescribe), the Regional Administrator will notify the person who submitted the plan of such approval. Thereafter the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in subparagraphs (1) and (2) of this paragraph, the Regional Administrator may require the owner or operator to submit such other information as the Regional Administrator finds to be reasonably necessary to determine whether an incinerator shall be approved.

NOTE.—The Regional Administrator will have available for review and inspection an Agency manual containing information or sampling methods and analytical procedures for the parameters required in § 761.40(a) (3), (4), (6), and (7) plus any other parameters he may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in this Annex.

(4) *Contents of Approval.* (i) Except as provided in subparagraph (5) of this paragraph, the Regional Administrator may not approve an incinerator for the disposal of PCB's unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section, whichever is applicable.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator may include in an approval such other requirements as the Regional Administrator finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCB's. Such requirements may include a fixed period of time for which the approval is valid.





(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCB's, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that any such requirements are not necessary to protect against such risk and may waive such requirements in any approval for that incinerator. Any such finding and waiver must be stated in writing and included as part of the approval.

(6) *Persons Approved.* An approval will designate the persons who own and who are authorized to operate the incinerator, and will apply only to such persons.

(7) *Final Approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator. The approval will state all requirements applicable to that incinerator.

ANNEX II

§ 761.41 Chemical waste landfills.

(a) *General.* A chemical waste landfill used for the disposal of PCB's shall be approved by the Agency Regional Administrator pursuant to paragraph (c) of this section. Such landfill shall meet all of the requirements specified in paragraph (b) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (c)(4) of this section. In addition, the landfill shall meet any other requirements which may be prescribed pursuant to paragraph (c)(3) of this section.

(b) *Technical requirements.* Requirements for chemical waste landfills used for the disposal of PCB's are as follows:

(1) *Soils.* The landfill site shall be located in thick, relatively impermeable formations such as large-area clay pans. Where this is not possible, the soil shall have a high clay and silt content with the following parameters:

(i) In-place soil thickness, 4', or compacted soil liner thickness, 3'.

(ii) Permeability (cm/sec), $01\times10^{-7}$.

(iii) Percent soil passing No. 200 Sieve, >30.

(iv) Liquid Limit, >30.

(v) Plasticity Index, >15.

(vi) Artificial Liner Thickness, >30 mil.

NOTE.—In the event that an artificial liner is used at a landfill site, special precautions shall be taken to insure that its integrity is maintained and that it is chemically compatible with PCB's. Soil underlining shall be provided as well as a soil cover.

(2) *Hydrology.* The bottom of the landfill shall be substantially above the historical high groundwater table. Floodplains, shorelands, and groundwater recharge areas shall be avoided. There shall be no hydraulic connection between the site and standing or flowing surface water. The site shall have monitoring wells and leachate collection and shall be at least fifty feet from the nearest groundwater.

(3) *Flood protection.* (i) If the landfill site is below the 100-year floodwater elevation, the operator shall provide surface water diversion dikes around the perimeter of the landfill site with a minimum height equal to two feet above the 100-year floodwater elevation.

(ii) If the landfill site is above the 100-year floodwater elevation, the operators shall provide diversion structures capable of diverting all of the surface water runoff from a 24-hour, 25-year storm.

(4) *Topography.* The landfill site shall be located in an area of low to moderate relief to minimize erosion and to help prevent landslides or slumping.

(5) *Monitoring Systems*—(i) *Water Sampling.* (*a*) The ground and surface water from the disposal site area shall be sampled for use as baseline operations.

(*b*) Defined water sources shall be sampled at least monthly when the landfill is being used for disposal operations.

(*c*) Defined water sources shall be sampled indefinitely on a frequency of no less than once every six months after final closure of the disposal area.

(ii) *Groundwater Monitor Wells.* (*a*) If underlying earth materials are homogeneous, impermeable, and uniformly sloping in one direction, only three sampling points shall be necessary. These three points shall be equally spaced on a line through the center of the disposal area and extending from the area of highest water table elevation to the area of the lowest water table elevation on the property.

(*b*) All monitor wells shall be cased and the annular space between the monitor zone (zone of saturation) and the surface shall be completely backfilled or plugged with portland cement to effectively prevent percolation of surface water into the well bore. The well opening at the surface shall have a removable cap to provide access and to prevent entrance of rainfall or stormwater runoff. The well shall be pumped to remove the volume of liquid initially contained in the well before obtaining a sample for analysis. The discharge shall be treated to meet applicable State or Federal discharge standards or recycled to the chemical waste landfill.

(iii) *Water analysis.* As a minimum, all samples shall be analyzed for the following parameters, and all data and records of the sampling and analysis shall be maintained as required in Annex VI. Sampling methods and analytical procedures for these parameters shall be as specified in 40 CFR Part 136 as amended in 41 FR 52779 of December 1, 1976.

(*a*) PCB's.

(*b*) pH.

(*c*) Specific Conductance.

(*d*) Chlorinated Organics.

(6) *Leachate Collection.* A leachate collection monitoring system shall be installed beneath the chemical waste landfill. Leachate collection systems shall be monitored monthly for quantity and quality of leachate produced. The leachate should be either treated to acceptable limits for discharge in accordance with a State or Federal permit or disposed of by another State or Federal approved method. Water analysis shall be as provided in subparagraph (5)(iii) of this paragraph. Acceptable leachate collection monitoring/collection systems shall be one of the following designs unless a waiver is obtained pursuant to paragraph (c)(4) of this section.

(i) *Simple Leachate Collection.* This system consists of a gravity flow drainfield installed under the waste disposal facility liner. This design is recommended for use when semi-solid or leachable solid wastes are placed in a lined pit excavated into a relatively thick, unsaturated, homogeneous layer of low permeability soil.

(ii) *Compound Leachate Collection.* This system consists of a gravity flow drainfield installed under the waste disposal facility liner and above a secondary installed liner. This design is recommended for use when semiliquid or leachable solid wastes are placed in a lined pit excavated into relatively permeable soil.

(iii) *Suction Manometers.* This system consists of a network of porous "stones" connected by hoses/tubing to a vacuum pump. The porous "stones" or suction manometers are installed along the sides and under the bottom of the waste disposal facility liner. This type of system works best when installed in relatively permeable unsaturated soil immediately adjacent to the disposal facility's bottom and/or sides.

(7) *Chemical Waste Landfill Operations.* (i) PCB's shall be placed in the landfill in a manner that will prevent damage to containers or articles. Other wastes placed in the landfill that are not chemically compatible with PCB's or PCB containers shall be segregated from the PCB's throughout the waste handling and disposal process.

(ii) An operations plan shall be developed and submitted to the Regional Administrator for approval as required in paragraph (c) of this section. This plan shall include detailed explanations of the procedures to be used for





recordkeeping, excavation and backfilling, waste segregation burial coordi-

article or PCB container stored for disposal after January 1, 1983, shall be



least once every 30 days. All such leaking containers and articles and their

ANNEX V

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§ 761.45 Records and monitoring.

recordkeeping, excavation and backfilling, waste segregation burial coordinates, vehicle and equipment movement, use of roadways, leachate collection systems, sampling and monitoring procedures, monitoring wells, and security measures to protect against vandalism and unauthorized waste placements. EPA guidelines entitled "Thermal Processing and Land Disposal of Solid Waste" (39 FR 29337 of August 14, 1974) are a useful reference in preparation of this plan.

(iii) Records shall be maintained for all PCB disposal operations and shall include the three dimensional burial coordinates for PCB's. Additional records shall be developed and maintained as provided in Annex VI.

(8) *Supporting Facilities.* (i) A six foot woven mesh fence, wall, or similar device shall be provided around the site to prevent unauthorized persons and animals from entering.

(ii) Roads shall be maintained to and on the site which are adequate to operate and maintain the site without causing safety or nuisance problems or hazardous conditions.

(iii) The site shall be operated and maintained in a manner to prevent safety problems or hazardous conditions resulting from spilled liquids and windblown materials.

(c) *Approval of chemical waste landfills.* Prior to the disposal of any PCB's in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator of the Region in which the landfill is located. Such approval shall be obtained in the following manner:

(1) *Initial Report.* The owner or operator shall submit to the Regional Administrator an initial report which contains:

(i) The location of the landfill.

(ii) A detailed description of the landfill including general site plans and design drawings.

(iii) An engineering report describing the manner in which the landfill complies with the requirements for chemical waste landfills in paragraph (b) of this section.

(iv) Sampling and monitoring equipment and facilities available.

(v) Expected waste volumes of PCB's.

(vi) General description of waste materials other than PCB's that are expected to be disposed of in the landfill.

(vii) Landfill operations plan as required in paragraph (b) of this section.

(viii) Any local, State, or Federal permits or approvals.

(ix) Any schedules or plans for complying with the approval requirements of these regulations.

(2) *Other Information.* In addition to the information contained in the report described in subparagraph (1) of this section, the Regional Administrator may require the owner or operator to submit such other information as the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved. Such other information shall be restricted to the types of information required in (1)(i) through (1)(ix) above.

(3) *Contents of Approval.* (i) Except as provided in subparagraph (4) of this paragraph the Regional Administrator may not approve a chemical waste landfill for the disposal of PCB's unless he finds that the landifll meets all of the requirements of subparagraph (6) of this paragraph.

(ii) In addition to the requirements of paragraph (b) of this section, the Regional Administrator may include in an approval such other requirements as the Regional Administrator finds are necessary to ensure that operation of the chemical waste landfill does not present an unreasonable risk of injury to health or the environment from PCB's. Such requirements may include a fixed period of time for which the approval is valid.

Such requirements may also include a stipulation that the operator of the chemical waste landfill report to the Regional Administrator any instance of detection of PCB's through any of the monitoring requirements of this section.

(4) *Waivers.* An owner or operator of a chemical waste landfill may submit evidence to the Regional Administrator that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCB's, when one or more of the requirements of paragraph (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that any such requirements are not necessary to protect against such risk and may waive such requirements in any approval for that landfill. Such finding and waiver will be stated in writing and included as part of the approval.

(5) *Persons Approved.* Any approval will designate the persons who own and who are authorized to operate the chemical waste landfill, and will apply only to such persons.

(6) *Final Approval.* Approval of a chemical waste landfill will be in writing and will be signed by the Regional Administrator. The approval will state all requirements applicable to that landfill.

ANNEX III

§ 761.42 Storage for disposal.

(a) Any PCB article or PCB container stored for disposal before January 1, 1983, shall be removed from storage and disposed of as required by this Part before January 1, 1984. Any PCB article or PCB container stored for disposal after January 1, 1983, shall be removed from storage and disposed of as required by this Part within one year from the date when it was first placed into storage.

(b) Except as provided in paragraph (c) of this section, after July 1, 1978, owners or operators of any facilities used for the storage of PCB's designated for disposal shall comply with the following requirements:

(1) Such facilities shall have:

(i) An adequate roof and walls to prevent rain water from reaching the stored PCBs.

(ii) An adequate floor which has continuous curbing with a minimum six inch high curb. Such floor and curbing must provide a containment volume equal to at least two times the internal volume of the largest PCB article or PCB container stored therein or 25 percent of the total internal volume of all PCB equipment or containers stored therein, whichever is greater.

(iii) No drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.

(iv) Floors and curbing constructed of continuous smooth and impervious materials such as Portland cement concrete or steel to prevent or minimize penetration of PCB chemical substances or mixtures.

(v) No storage facility shall be located at a site which is below the 100-year flood water elevation.

(c)(1) Non-leaking PCB articles and equipment may be stored temporarily in an area that does not comply with the requirements of paragraph (b) for up to thirty days from the date of removal from service.

(2) Storage of non-leaking and structurally undamaged PCB large high voltage capacitors on pallets next to a storage facility meeting the requirements of paragraph (b) shall be permitted until January 1, 1983. Such storage will be permitted only when the storage facility meeting the requirements of paragraph (b) has immediately available unfilled storage space equal to 10 percent of the volume of capacitors stored outside the facility. These capacitors shall be checked for leaks weekly.

(3) Any storage area subject to the requirements of paragraph (b) or subparagraph (1) of this section shall be marked as required in Subpart C—section 761.20(a)(6).

(4) No item of movable equipment used for handling PCBs in the storage facilities and which actually comes in contact with PCB chemical substances or PCB mixtures shall be removed from the storage facility area unless it has been decontaminated as specified in annex IV.

(5) All PCB containers and articles in storage shall be checked for leaks at least once every 30 days. All such leaking containers and articles and their contents shall be transferred immediately to properly marked non-leaking containers. Any spilled or leaked materials shall be immediately cleaned up using sorbents or other adequate means, and the cleaned materials and residues shall be disposed of in accordance with Subpart B—section 761.10(b).

(6) Any PCB container used for the storage of liquid PCB chemical substances or liquid PCB mixtures shall comply with the specifications of the Department of Transportation (DOT), 40 CFR 173.346, revised December 31, 1976. For 55 gallon drums, an 18 gauge steel or heavier and 2-bung head shall be used. For 5 gallon drums, 24 gauge steel or heavier shall be used. They must also meet DOT Specification 17E. Any PCB container used for the storage of non-liquid PCB mixtures, PCB articles, or PCB equipment shall meet the requirements of the DOT Specifications 5, 5B, or 17C with a removable head.

(7) PCB articles and PCB containers shall be dated when they are placed in storage under paragraph (b) or subparagraphs (c)(1) or (c)(2). The storage shall be managed so that the PCB articles and PCB containers can be located by the date they entered storage.

(8) Owners or operators of storage facilities shall establish and maintain records as provided in Annex VI.

ANNEX IV

§ 761.43 Decontamination.

(a) Any PCB container to be decontaminated shall be decontaminated by flushing of the internal surfaces of the container three times with a solvent containing less than 0.05 percent PCB chemical substance in which the solubility of PCB's is five percent or more by weight. Each rinse shall use a volume of the normal diluent equal to approximately ten percent of the PCB container's capacity. The solvent may be reused for decontamination until it contains 0.5 percent PCB chemical substance. The solvent shall then be disposed of as a PCB mixture, in accordance with § 761.10(b). Materials used in decontamination procedures will be disposed of in accordance with the provisions of § 761.10(b)(2).

(b) Movable equipment used in storage areas shall be decontaminated by swabbing surfaces that have contacted PCB chemical substances or PCB mixtures with a solvent meeting the criteria of paragraph (a) of this section.

NOTE.—Precautionary measures should be taken that the solvent meets safety and health standards as required by Federal regulations.





ANNEX V

§ 761.44 Marking formats

The following formats shall be used for marking:

(a) Large PCB Mark—$M_L$—Mark $M_L$ shall be as shown in Figure 1, letters and striping on a white or yellow background and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the equipment or container. The size of the mark shall be at least 15.25 cm (6 inches) on each side. If the PCB equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 5 cm (2 inches) on each side.

(b) Small PCB Mark—$M_S$—Mark $M_S$ shall be as shown in Figure 2, letters and striping on a white or yellow background, and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the equipment or container. The mark shall be a rectangle 2.5 by 5 cm (1 inch by 2 inches). If the PCB equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 1 by 2 cm (.4 by .8 inches).

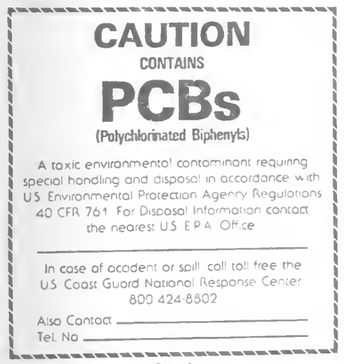
CAUTION
CONTAINS
PCBs
(Polychlorinated Biphenyls)
A toxic environmental contaminant requiring special handling and disposal in accordance with US Environmental Protection Agency Regulations 40 CFR 761. For Disposal Information contact the nearest U.S. E.P.A. Office
In case of accident or spill call toll free the U.S. Coast Guard National Response Center 800 424-8802
Also Contact
Tel. No

Figure 1

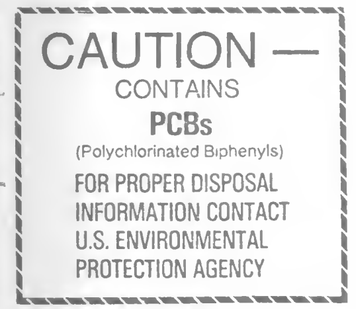


Figure 2

ANNEX VI

§ 761.45 Records and monitoring.

(a) PCB's in service or projected for disposal. Beginning July 2, 1978, each owner or operator of a facility containing at least 45 kilograms (99.4 pounds) of PCB chemical substances or PCB mixtures contained in a PCB container or PCB containers, or one or more PCB transformers, or 50 or more PCB large high or low voltage capacitors shall develop and maintain records on the disposition of PCB's. These records shall form the basis of an annual document prepared for each facility by July 1 covering the previous calendar year. Owners or operators with more than one facility which contains PCB's in the quantities described above may maintain the records and documents at a single location, provided the identity of this location is available at each facility containing PCB's that is normally manned for 8 hours a day. The records and documents shall be maintained for at least five years after the facility ceases containing PCBs in the prescribed quantities. The following information for each facility shall be included in the annual document:

(1) The dates when PCB's are removed from service, are placed into storage for disposal, and are placed into transport for disposal. The quantities of such PCB's shall be indicated using the following breakdown:

(i) Total weight in kilograms of any PCB chemical substances or PCB mixtures in PCB containers, including the identification of container contents, such as liquids, and capacitors.

(ii) Total number of PCB transformers and total weight in kilograms of any PCB chemical substances and PCB mixtures contained in the transformers.

(iii) Total number of PCB large high or low voltage capacitors.

(2) For PCB's removed from service, the location of the initial disposal or storage facility and the name of the owner or operator of the facility.

(3) Total quantities of PCB's remaining in service at the end of the calendar year using the following breakdown:

(i) Total weight in kilograms of any PCB chemical substances and PCB mixtures in PCB containers, including the identification of container contents such as liquids and capacitors.

(ii) Total number of PCB transformers and total weight in kilograms of any PCB chemical substances and PCB mixtures contained in the transformers;

(iii) Total number of PCB large high or low voltage capacitors.

(b) *Disposal and storage facilities.* Beginning July 1, 1979, each owner or operator of a facility used for the storage or disposal of PCB's shall by July

1 of each year prepare and maintain a document which specifies the manner in which PCB's were handled at the facility during the previous calendar year. Such document shall be retained at each facility for at least 5 years after the facility is no longer used for the storage or disposal of PCB's, except that in the case of chemical waste landfills such documents shall be maintained at least 20 years after the chemical waste landfill is no longer used for the disposal of PCB's. Such documents shall be available at the facility for inspection by authorized representatives of the Environmental Protection Agency. If the facility ceases to be used for PCB storage or disposal, the owner or operator of such facility shall promptly notify the Agency Regional Administrator of the region in which the facility is located that the facility has ceased storage or disposal operations and shall specify where the documents required to be maintained by this paragraph shall be located. The following information shall be included in each document:

(1) The date when any PCB's are received by the facility during the previous calendar year for storage or disposal, and the identification of the person and facility from whom such PCB's were received.

(2) The date when any PCB's are disposed of at the disposal facility or transferred to another disposal or storage facility, including the identification of the specific types of PCB chemical substances, PCB mixtures, or PCB articles in containers; PCB transformers; and PCB equipment or PCB articles not in containers which were stored or disposed of.

(3) Total weight in kilograms of any PCB containers and the total weight in kilograms of any PCB chemical substances or PCB mixtures contained in any PCB transformers, received during the calendar year, transferred to other storage or disposal facilities during the calendar year, and remaining on the disposal or storage facility site at the end of the calendar year, respectively, including, where applicable, the identification of PCB container contents such as liquids, capacitors, etc. When PCB containers or PCB chemical substances or PCB mixtures contained in a transformer are transferred to other storage or disposal facilities, the identification of the facility to which such PCB's were transferred shall be included.

(4) Total number of any PCB articles or PCB equipment, not in PCB containers, received during the calendar year, transferred to other storage or disposal facilities during the calendar year, and remaining on the facility site at the end of the calendar year, respectively, including the identification of the specific types of PCB articles and PCB equipment received, transferred, or remaining on the facility site. When PCB articles and PCB equipment are transferred to other storage or disposal facilities, the identification of the facility to which such PCB articles and PCB equipment were transferred must be included.

NOTE.—Any requirements for weights in kilograms of PCBs may be calculated values if the internal volume of containers and transformers is known and included in the reports, together with any assumptions on the density of the PCB chemical substances or PCB mixtures contained in the containers or transformers.

(c) *Incineration facilities.* For each owner or operator of a PCB incinerator facility, the following information is required in addition to the information required in paragraph (b) of this section:

(1) When PCB's are being incinerated, the following continuous and short-interval data shall be collected and maintained for a period of 5 years from the date of collection:

(A) Rate and quantity of PCB's fed to the combustion system, as provided in Annex I—§ 761.40(a)(3).

(B) Temperature of the combustion process, as provided in Annex I—§ 761.40 (a)(4).

(C) Stack emission products to include $O_2$, CO, and $CO_2$ as provided in Annex I—§ 761.40(a)(7).

(2) When PCBs are being incinerated, data and records resulting from the monitoring of stack emissions as required in Annex I—§ 761.40(d)(2), shall be collected and maintained for 5 years.

(3) Total weight in kilograms of any solid residues generated by the incineration of PCB's during the calendar year, the total weight in kilograms of any solid residues disposed of by such facility in chemical waste landfills, and the total weight in kilograms of any solid residues remaining on the facility site shall be retained for 5 years.

(4) When PCBs are being incinerated, additional periodic data shall be collected and maintained as specified by the Regional Administrator pursuant to Annex I—§ 761.40(d)(4).

(5) A document shall be prepared on any suspension of the operation of any incinerator by the owner or operator thereof, as required in Annex I—§ 761.40(a)(3). The document shall, at a minimum, include the date and time of the suspension and an explanation of the circumstances causing the suspension of operation. The document shall be sent to the appropriate Regional Administrator within 30 days of any such suspension.

(d) Retention of Special Records by Storage and Disposal Facilities. In addition to the information required to be maintained by paragraphs (b) and (c) of this section, each owner or operator of a PCB storage or disposal facility shall collect and maintain for the time period required in paragraph (c) of this section the following data:

(1) All documents, correspondence, and data provided to the owner or operator by any State or local government agency that pertain to the storage or disposal of PCBs at such facility.

(2) All documents, correspondence, and data provided by the owner or operator of such facility to any State or local government agency that pertain to the storage or disposal of PCBs at such facility.

(3) Any applications and related correspondence sent by the owner or operator of such facility to any local, State, or Federal authorities in regard to waste water discharge permits, solid waste permits, building permits, or other permits or authorizations, such as those required by Annex I—§ 761.40(d) and Annex II-§ 61.41(c).

[FR Doc. 78-4347 Filed 2-16-78; 8:45 am]



Federal Register

FRIDAY, FEBRUARY 17, 1978

PART VI

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## ULTRASONIC THERAPY PRODUCTS

### Radiation Safety Performance Standard



[4110-03]

1. One comment asked that the standard require inspection of equipment

tion of "effective radiating area" in § 1050.10(b)(10). The comment also as-



ed) ultrasound may be capable of producing biological effects other than thermal when compared to continu-

one or more cycles of a periodic waveform. "Spatial-maximum" and "temporal-maximum" are self-explanatory

The Commissioner notes that there is no commonly accepted lower fre-

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0034]

PART 1050—PERFORMANCE STANDARDS FOR SONIC, INFRASONIC, AND ULTRASONIC RADIATION-EMITTING PRODUCTS

Ultrasonic Therapy Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule prescribes a radiation safety performance standard for ultrasonic therapy products for use in physical therapy. The standard applies to any device intended to generate and emit ultrasonic radiation for therapeutic purposes at frequencies above 16 kilohertz and to generators or applicators designed or specifically designated for use in such devices. The standard will require ultrasonic therapy equipment to be capable of delivering a prescribed amount of ultrasonic energy to the patient and will assure that sufficient information on beam characteristics is supplied to allow medical personnel to make informed judgments regarding the application of ultrasound energy.

EFFECTIVE DATE: February 17, 1979.

FOR FURTHER INFORMATION CONTACT:

Melvyn R. Altman, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 14, 1976 (41 FR 23973), the Commissioner of Food and Drugs proposed to establish a radiation safety performance standard for ultrasonic therapy and surgery products because he recognized a need for a regulatory standard for such equipment to protect the public health and safety. Interested persons had until August 13, 1976, to file written comments on the proposal.

The agency received 13 comments on the proposal—six from government agencies (one foreign), three from health care organizations, two from manufacturers, one from a consumer, and one from a practitioner/user. Six comments generally supported the proposed standard; seven comments indicated neither approval nor disapproval, but suggested changes or additions to the regulation. A summary of the significant comments and the Commissioner's conclusions are as follows:

1. One comment asked that the standard require inspection of equipment currently in use.

Inspections of equipment would normally be part of the compliance program for an established performance standard. The Commissioner notes that the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602) does not authorize application of a performance standard to equipment manufactured before the effective date of the standard, and it would be inappropriate to include such a requirement. But he advises that manufacturers of currently marketed ultrasonic therapy products must have submitted detailed reports on their products to the Bureau of Radiological Health before the products were introduced into commerce. Also, some laboratory and field checks of equipment have been performed. Products manufactured after October 18, 1968, and found to have defects related to safety of use by reason of emission of electronic product radiation are subject to corrective action programs under the act, including the repurchase, repair, or replacement of such defective products.

2. A comment expressed concern that the standard would control the use of ultrasound therapy equipment and at the same time urged that the output power of such devices be correctly indicated to the user.

The Commissioner notes that the standard in no way places restrictions on the use of ultrasound therapy devices and that § 1050.10(c)(1) requires such devices to be equipped with a means to indicate the ultrasonic power within a specified precision. Therefore, no change in the standard is needed.

3. Two comments asked that information on coupling media and their effect on equipment performance be required under § 1050.10(f)(2).

The Commissioner believes that coupling media (fluid used between applicator and tissue to facilitate transmission of ultrasonic energy) have little effect on ultrasound attenuation or beam patterns; and, further, that there is little difference between different coupling media with regard to these parameters. Therefore, it is presently not justified to specifically require information on coupling media in the standard. However, the Commissioner emphasizes that if the radiation safety or dose delivery of a particular ultrasonic device were critically dependent on the choice of coupling medium, then the provisions of § 1050.10(f)(2)(i) would require such information to be supplied by the manufacturer.

4. One reviewer believed that the definition of "effective radiating surface" in § 1050.10(b)(11) is unnecessary because it is only used in the definition of "effective radiating area" in § 1050.10(b)(10). The comment also asserted that the reason for the 5 millimeter (mm) distance in § 1050.10(b)(11) is not clear. Because "effective radiating surface" is used in several definitions other than § 1050.10(b)(10), i.e., § 1050.10 (b)(1), (b)(7), and (b)(13), § 1050.10(b)(11) is considered appropriate. The choice of 5 mm distance from the applicator face as the distance at which to define "effective radiating surface" is consistent with the American Standard Specification for Ultrasonic Therapeutic Equipment of the American National Standards Institute (reference Z24.18-1956) and is considered reasonable. The Commissioner therefore rejects these comments.

5. A suggestion was made to change the definition of "focal length" in § 1050.10(b)(13) to avoid requiring measurements using a surface in space as a reference. The comment urged that the phrase "centroids of the effective radiating surface" be replaced with "center of the face of the transducer."

The Commissioner notes that the term "center of the face of the transducer" has no meaning for nonsymmetric surfaces and therefore is not accepting the revised definition. The current definition accounts for all possible transducer shapes.

6. One comment said that in § 1050.10(b)(19), in the definition of "pressure amplitude," the term $P_1(t)$ should be $p_1(t)$. The Commissioner agrees with the change and also is changing $P_2(t)$ to $p_2(t)$ in the definition.

7. One comment suggested that the international system of units (SI units) be used in the standard and that in particular, the SI unit for intensity, watts per square meter ($Wm^{-2}$), should be used rather than watts per square centimeter ($Wcm^{-2}$).

The Commissioner believes that while use of SI units would be desirable, it is necessary to deviate from that system in situations where a non-SI unit is commonly used in other related standards, common test instruments, and in manufacturing practice. Therefore, no changes are made. The Commissioner further notes that the unit $Wcm^{-2}$ is consistent with SI units because a unit for intensity is not included in the international system of units. Although the SI unit for length is meters (m), it is acceptable to use a submultiple such as centimeters (cm).

8. One comment asked that the demarcation between modulated and continuous waveforms in § 1050.10(b)(7) be at a peak-to-average ratio of 1.25 rather than 1.05 so that the U.S. standard is compatible with that of the International Electrotechnical Commission (IEC).

The Commissioner is aware of evidence indicating that pulsed (modulated) ultrasound may be capable of producing biological effects other than thermal when compared to continuous-wave ultrasound of the same average intensity. A waveform characterized as continuous under the standard need not have any further information supplied with regard to temporal properties. For a waveform to be characterized as continuous it should have minimal amplitude variation with time, and the Commissioner concludes that the peak-to-average ratio of 1.05 should be retained. The Commissioner also notes that the value of 1.05 has been recommended by user groups while justification for the peak-to-average ratio in the IEC standard is not known to FDA. The Commissioner invites further data and information that would show that adopting the IEC provision would not adversely affect the public health.

9. One comment said the measurements of the beam cross-section as defined in § 1050.10(b)(3) and effective radiating area in § 1050.10(b)(10) seem to be impractical and should use the baffle technique in accordance with IEC Publication 150.

The baffle technique is a method where the beam area is determined by measuring the acoustic power passing through successively larger circular apertures and noting that aperture size for which 90 percent of the acoustic power is transmitted. The Commissioner advises that the baffle technique is impractical for the variety of transducer sizes and shapes currently available. There is general agreement within the U.S. delegation to the IEC that the scanning technique in this regulation is preferable to the baffle technique. The suggestion to change the measurement basis is therefore not accepted.

10. One comment suggested use of the IEC definition of "maximum intensity." Others asked that the terms "temporal-average," "temporal-maximum," "spatial-average," and "spatial-maximum" be defined.

The Commissioner disagrees that additional definitions are needed. The IEC definition of maximum intensity specifies measurements over a 1 centimeter diameter area, which is inappropriate for smaller transducers. The Commissioner does not believe the term "spatial-average" needs a definition because size of the detector used for determining spatial distribution of the ultrasonic field is specified in § 1050.10(e)(3). There is a generally accepted formal definition for "temporal-average" (IEEE Standard 100-1972 (Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017), ANSI C42.100-1972 (American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018)), which essentially defines the term as an average over one or more cycles of a periodic waveform. "Spatial-maximum" and "temporal-maximum" are self-explanatory in that they refer respectively to the greatest value over all space and the greatest value over all time.

11. One comment said there does not appear to be any important difference between the definitions of "focal area" and "focal surface" in § 1050.10 (b)(12) and (b)(14).

In accordance with strict mathematical usage, there is a difference between a surface and the area of a surface. Furthermore, the term "focal surface" is needed for the definition of "focal length" in § 1050.10(b)(13). The Commissioner believes that both definitions are needed, and therefore no change is made.

12. A suggestion was made that "ultrasonic frequency" as defined in § 1050.10(b)(23) should be expressed in megahertz (MHz) rather than Hertz (Hz) so that typical numbers used are kept small.

The Commissioner agrees with the suggestion and is changing the definition to allow the units of Hz, MHz, or kilohertz (kHz).

13. One comment stated that because the time average power for modulated waveforms is more important for patient treatment and safety than instantaneous power, the time average power should be used for calculating "ultrasonic power." Thus, the comment urged that § 1050.10(b)(24) require averaging emitted power over one cycle of the modulating waveform rather than over each cycle of the carrier wave. Another comment suggested that devices subject to §1050.10(c)(1)(ii) be required to indicate the temporal-average power and intensity as well as the temporal maximum power and intensity generated by the device because the average quantities are of as much importance in tissue heating as the maximum quantities.

As stated in paragraph 8 above, there is evidence that nonthermal biological effects associated with exposure to modulated ultrasonic radiation may be related to the temporal-maximum acoustic power and intensity of the waveform. Therefore, it is important that these quantities be indicated to the user. Users wanting to determine the time average power can do so by using the ratio of temporal-maximum to temporal-average effective intensity required by § 1050.10(d)(3)(ii) to be stated on the generator label. The Commissioner therefore concludes that no change in the standard is needed.

14. Two comments argued that the definition of an ultrasonic therapy product in § 1050.10(b)(25) should exclude devices with frequencies below 18 or 20 kHz because such devices produce audible radiation and are thus not "ultrasonic."

The Commissioner notes that there is no commonly accepted lower frequency limit for ultrasonic radiation. The lower frequency limit of 16 kHz will be retained in the standard to be consistent with possible future standards for other ultrasonic devices such as cleaners, rodent repellers, alarm systems, and dental devices, some of which operate below 20 kHz.

15. One comment said the 20-percent allowable error in proposed § 1050.10(c)(1)(ii) should apply individually to the errors in the power and intensity ratio rather than to the sum of the errors. In support of this, the comment noted that proposed § 1050.10(c)(1)(i) would permit a maximum error of ± 20 percent for the ultrasonic power of continuous waveforms.

The Commissioner does not accept the suggested change. The maximum allowable error of ±20 percent must be applied to the sum of the errors so that the temporal-average power may be derived from the two quantities with an error not exceeding ±20 percent. This would then be consistent with the maximum allowable error of ±20 percent for the temporal-average power in the case of continuous waveforms.

16. One comment stated that to label ultrasonic generators with the information required in § 1050.10(d)(3)(ii) would require too much space and that the data should only be required in accompanying documents. Similarly, except for frequency and maximum intensity information, the applicator label information required by §1050.10(d)(4)(iii) should only be required in the accompanying documents.

The Commissioner does not agree with the suggestion because such labeling information is necessary for each user of ultrasonic therapy products and this can only be assured if such information appears on the product. Accompanying documents may be misplaced by the user.

The Commissioner also advises that because ultrasonic therapy products are devices under the Federal Food, Drug, and Cosmetic Act, as amended, these products must also comply with the device labeling requirements in 21 CFR Part 801. To clarify this, special reference to Part 801 is added to § 1050.10(d). In cases where the labeling requirements of this regulation cannot be met because of space limitations, the Director of the Bureau of Radiological Health may approve alternate means of labeling (§ 1050.10(d)(5)).

17. One comment said the requirement in proposed §1050.10(e)(2)(iii) of ±10 percent for line voltage variations is too stringent for testing compliance with the error limits of § 1050.10(c)(1). It was noted that IEC Publication 150









allows additional ultrasonic power variations of ±10 percent for line voltage variations of ±10 percent. The Commissioner agrees with the comment and is changing § 1050.10(e)(2)(iii) accordingly.

18. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

19. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

20. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

21. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

22. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

23. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

24. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

25. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

26. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

27. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

28. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

29. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

30. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

31. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

32. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

33. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

34. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

35. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

36. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

37. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

38. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

39. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

40. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

41. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

42. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

43. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

44. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

45. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

46. One comment said that the requirement in § 1050.10(e)(3)(iii) that the ultrasonic power be measured at the maximum power setting is unnecessary because the maximum power setting is not normally used in therapy.

The Commissioner disagrees with the comment because the maximum power setting is the most critical setting for safety purposes. Therefore, no change is made.

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allows additional ultrasonic power variations of ±10 percent for line voltage variations of ±5 percent.

The Commissioner believes that because line voltage variations of ±10 percent are not uncommon, the allowable error limits of ±20 percent in ultrasonic power indication should not be exceeded for such variations. Thus, a change in the regulation is not required, but the Commissioner welcomes further data and information that would show that less stringent provisions would not adversely affect the public health.

18. One comment suggested deletion of proposed § 1050.10(e)(3) because the specified detector size (i.e., with dimensions of less than one wave length in water) would often have dimensions of about 1 mm, an impractical size.

The Commissioner rejects the suggestion because detectors with dimensions as small as 0.25 mm are commercially available. This corresponds to an ultrasonic frequency of about 6 MHz. Furthermore, no marketed ultrasonic therapy products now operate above about 1 MHz, which would require a detector size no larger than about 1.5 mm. It is unlikely that products operating above 3 MHz (corresponding to a detector size of approximately 0.75 mm) will be marketed because the attenuation would be too great. It should also be noted that § 1050.10(e)(3) allows for an "equivalent measurement technique" in cases where compliance with the detector size requirement would be impractical.

19. One comment urged that instead of only requiring that the user be informed of the percentage errors in frequency and effective radiating area (§ 1050.10(f)(2)(iii)), maximum allowable errors for these parameters should be specified in § 1050.10(c). The comment noted that the IEC error limits for frequency and effective radiating area are ±5 percent and ±10 percent, respectively.

The Commissioner has insufficient information to justify specific error limits for ultrasonic frequency and effective radiating area. However, for an ultrasonic therapy product to be used properly, the errors in these parameters must be known by the practitioner. The Commissioner believes this will be effectively done via the user information required by § 1050.10(f)(2)(iii). He also advises that the quantities derived from the effective radiating area, such as the temporal-average effective intensity, are subject to error limits in § 1050.10(c)(1). The Commissioner welcomes data and information that would show the need for also specifying frequency and effective radiating area error limits.

20. One comment asked that the standard require manufacturers to supply maintenance manuals containing considerable explanatory information so hospital personnel can provide proper preventive maintenance on the devices. The comment also said FDA should monitor this required information to assure that the testing methods and maintenance scheduling are essential and necessary.

The Commissioner advises that § 1050.10(f)(1) already requires manufacturers to provide a maintenance schedule and instructions for operation, service, and calibration necessary to keep equipment in compliance with the standard. In addition, through its compliance programs, FDA will monitor the required informational material to assure that it is adequate.

21. One comment asked if the tests for compliance with the standard are intended for hospitals using the devices. If so, some of the required measurements, such as for the effective radiating area, would entail a sophisticated measuring capability and might have a significant cost impact.

The Commissioner points out that the compliance tests in § 1050.10(e) are not intended to be routine maintenance procedures. These are tests upon which manufacturers base their certification that a device is in compliance with the standard and which provide the basis for compliance measurements made by FDA. The device must remain in compliance with the standard for its useful life, provided the manufacturer's instructions for operation, service, and calibration are followed.

22. One comment said the large discrepancy between indicated and measured output from ultrasonic therapy products demonstrates the need for a performance standard. However, while admitting that such devices can induce damage to cells and tissues, the respondent alleged there is no evidence that the devices create a health hazard.

The need and rationale for this standard is discussed at length in the preamble to the June 14, 1976 proposal. The Commissioner notes that there have been documented instances of serious patient injury from exposure to ultrasound therapy (Medical World News, September 1964; Journal of the American Podiatry Association, Vol. 50, No. 8, p. 650; ibid, Vol. 51, No. 8, p. 574, copies of which are on file with the Hearing Clerk, FDA). As the comment notes, the need for a standard is justified on the basis of discrepancies between indicated and actual operating parameters. The potential for human injury and the known biological effects of ultrasound are sufficient reasons for development of a performance standard, even if documented cases of patient injury were not available.

23. One comment contained the suggestion that the standard should include a temperature limitation for the transducer face.

The Commissioner is not aware of any evidence that heating of the transducer face has produced actual problems in the use of ultrasonic therapy products. This lack of such evidence, along with the expected problems of technical feasibility of temperature measurements on the transducer face, has led to the rejection of such a requirement at the present time.

24. One comment recommended that a tolerance (e.g., ±5° C) be included with the specified temperature (30° C) of the measurement medium in § 1050.10(e)(2)(ii).

The Commissioner notes that water temperature is not a critical factor for the required measurements. A temperature is specified simply to standardize the procedures. It would be difficult to justify a temperature tolerance limit on the basis of protection of the public health and safety, and the Commissioner advises that he did not intend the stated temperature to represent an exact number. Furthermore, the regulation describes an idealized situation and only requires that an equivalent measurement medium be used. For example, oil at 20° C could be used instead of water at 30° C, provided the measurements were corrected to the idealized situation described in § 1050.10(e)(2)(ii). If it proves necessary, the Bureau of Radiological Health will provide a compliance guide for this standard, describing acceptable measurement techniques.

25. One comment on proposed § 1050.10(f)(2)(ii) said the user information should include at least one measurement of the ultrasonic radiation field along the applicator axis. The comment also said that a more rigorous specification of the number and accuracy of the required measurements should be included.

The Commissioner rejects the suggestions because the types of measurements necessary for an adequate description of the ultrasound field depend on the applicator configuration and thus vary.

26. One comment asked about the purpose of the visual indicator required in § 1050.10(c)(5). The comment said that a nonquantitative indication of electrical energy input to the transducer is not sufficient and that a quantitative indication of acoustic output from the applicator should be required.

The Commissioner advises that the visual indicator in § 1050.10(c)(5) is intended merely to alert the operator that the ultrasonic transducer(s) is energized. Quantitative indications of the power and intensity are required by § 1050.10(c)(1). It should be noted that the means necessary to comply with § 1050.10(c)(1) could be so designed as to also fulfill the requirements of § 1050.10(c)(5).





27. One comment recommended that the standard require that a booklet of condensed operating instructions be affixed to the device.

The Commissioner believes that such a requirement is inappropriate and unnecessary. Manufacturers are required by § 1050.10(f)(2) to supply adequate operating instructions. It would not be prudent to have incomplete instructions affixed to the devices. Furthermore, the likelihood of persons losing or not using the currently required instructions for this type of medical device should be much less than for consumer products such as microwave ovens.

28. One comment questioned the need for the labeling information in § 1050.10(d)(3) concerning the ratio of temporal-maximum effective intensity to the temporal-average effective intensity (peak-to-average ratio). The comment said that most clinical situations do not require determining the relation between peak and average outputs.

The Commissioner believes that the labeling information should not be changed because the peak-to-average ratio is necessary to be able to convert from peak intensity to average intensity when operating in the pulsed mode. The average intensity must be known to be able to determine the tissue-heating effect (see paragraph 13, above).

29. One comment recommended that the description of the ultrasonic radiation field required in § 1050.10(f)(2)(ii) be provided for each applicator rather than for a model line because there can be vast differences between individual applicators of the same model.

The Commissioner has determined that no change is needed in the regulation. As currently worded, the description of the ultrasonic radiation field spatial distribution must be for the specific device with which the applicator is supplied. If there were significant differences between devices of the same model, individualized information would be necessary to comply with § 1050.10(f)(2)(ii).

30. One comment said the proposed warning in § 1050.10(f)(2)(iv) against adjusting nonuser controls is inadequate and misleading. The comment argued that by this warning, the manufacturer is granted exclusive responsibility and authority for nonoperator device adjustment, even though the user, such as a hospital, has qualified resident service personnel.

The intent of the warning is to caution untrained individuals that service controls or adjustments should not be used during normal operation. The Commissioner realizes that not all expertise rests with the manufacturer and advises that he did not intend to grant exclusive authority to perform service to any group. In fact, § 1050.10(f)(1), which requires that servicing information be provided to any person, is intended to make appropriate instructions available to all service personnel, including qualified hospital service personnel.

31. One comment noted that the "periodic" functions mentioned in § 1050.10(b)(19) are actually "quasi-periodic" because they are periodic functions multiplied by two step functions. The comment acknowleged that the distinction is unimportant for ultrasonic products for use in physical therapy, but suggested it may in the future be important for ultrasonic surgery products.

The Commissioner believes that no changes are needed in the regulation because the distinction between periodic and quasi-periodic waveforms for the equipment covered by this standard does not affect safety and health considerations. The need to distinguish between the functions will be considered for any future regulation applicable to ultrasonic surgery products.

32. A comment said the requirement for servicing information in § 1050.10(f)(1) is too vague and suggested that the following technical information should be specifically required: circuit diagrams, parts list, repair and service check lists, recommended preventive maintenance program and schedule, operational tests, block diagram if applicable, and installation manual. The comment also urged that consumer service personnel be specifically identified as persons to whom servicing information is to be made available by manufacturers.

The Commissioner does not agree. The regulation currently requires that adequate instructions be provided specifically including several items similar to those mentioned by the comment, e.g., maintenance schedule and calibration information. If information described in the comment is considered necessary for radiation safety reasons, such information must be provided by the manufacturer to meet the intent of § 1050.10(f)(1). However, the necessary information may vary from product to product, and so it is not practical to exactly specify a complete list of required information. Finally, § 1050.10(f)(1) currently requires that servicing information be made available to all persons upon request.

33. One manufacturer of ultrasonic therapy devices believes that the allowable tolerances for the timer in § 1050.10(c)(2) are too restrictive. The information accompanying the comment describes a 15-minute and 30-minute timer, though only the former is employed in ultrasonic therapy devices known to FDA. The 15-minute timer would not comply with § 1050.10(c)(2) for times less than 7.5 minutes, where its accuracy would be ±45 seconds (the standard requires ±0.5 minute for times less than 5 minutes, ±10 percent for times from 5 to 10 minutes, and ±1 minute for emission times greater than 10 minutes).

The Commissioner believes that the timer accuracy specifications in the proposal are necessary to assure that neither significant overexposures or underexposures occur for short treatment times (less than 7.5 minutes). It should be noted that underexposure may result in unnecessary exposure because the therapeutic effect may not occur with less than the prescribed exposure. The agency understands that short exposure times are being used in fractionated treatment regimens. Furthermore, the accuracy requirements could economically be met by currently available and relatively inexpensive timers.

34. One comment said the ratio of smallest beam cross-section to effective radiating area in the definition of focusing applicator (§ 1050.10(b)(15)) should be 0.95 rather than 0.5, to be consistent with the value of 1.05 for the peak-to-average pressure amplitude ratio in § 1050.10(b)(7). It suggested alternatively that the peak-to-average ratio be taken as 1.25 and the cross section-to-radiating area ratio be taken as 0.75. Those values would be consistent with IEC terminology (see comment 8, above).

The Commissioner does not accept the suggestion because there is no apparent reason why the demarcation between continuous and modulated waveforms should be at the same level as the demarcation between focusing and nonfocusing applicators. The spatial distribution of the ultrasonic field must be provided for all (focusing and nonfocusing) applicators. However, indication of temporal characteristics is required only for modulated waveforms. Therefore, waveforms characterized as continuous must have minimal temporal variations, i.e., peak-to-average amplitude ratio less than or equal to 1.05. However, as also stated in response to comment 8 above, the Commissioner welcomes further data and information that would justify adopting IEC provisions.

35. One manufacturer said the requirement for unique identification of applicators in § 1050.10(d)(4) implies a variability between applicators. Provision should be made for permanently attached applicators and for field replacement where all available applicators are essentially identical. To provide for this, the comment suggested that the phrase "Unless the applicator is permanently attached, or unless all physically interchangeable applicators are identical insofar as the parameters defined in (iii) below are concerned,





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Subchapter J of Title 21 of the Code of Federal Regulations by adding new



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diation emitted by the applicator, or can alter the calibration or accuracy

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The Commissioner is not changing the requirement because it is important to have all applicators individually labeled for those situations where different applicators do vary significantly. From a practical standpoint, because applicators are subject to specific performance requirements of this regulation and to the certification requirements of § 1010.2 (21 CFR 1010.2), the labeling in § 1050.10(d)(4) would be important for recall purposes in cases of noncompliance. Further, the Commissioner believes it would be difficult to adequately define the term "permanently attached." Most currently available applicators would probably be considered detachable.

36. One comment said a maintenance schedule as required by § 1050.10 (f)(1) and (f)(2)(i) is not always necessary and should be included in instructions only where necessary.

The Commissioner believes that no change in the regulation is needed. As currently worded, § 1050.10 (f)(1) and (f)(2)(i) refer to "a schedule of maintenance necessary to keep equipment in compliance." Thus instructions for service and for users would not require a maintenance schedule provided the manufacturer could substantiate that no maintenance is necessary to keep the device in compliance with the standard.

37. A manufacturer said the warning in § 1050.10(f)(2)(iv) is undesirable because: (1) Air is a poor conductor of ultrasound so the only danger is through direct contact with the transducer; (2) periosteal pain is a far more sensitive warning than any document; (3) such a warning detracts from the more significant warnings of electric shock, fire, and burn hazards, which are required by FDA and Underwriters Laboratory; (4) the warning is easily misunderstood by laymen, requiring extensive explanation that the "hazardous radiation" does not refer to ionizing radiation (e.g., x-rays) or ultraviolet radiation.

The Commissioner agrees that the term "hazardous radiation" could be misleading and is changing the warning to clarify that the attendant hazards derive from ultrasonic energy. However, he remains convinced the warning is necessary to divert nonservice personnel from changing nonuser controls or adjustments that might result in incorrect patient dose application and/or unintended exposure to the patient or operator.

38. One comment suggested that the applicator label required in § 1050.10(d)(4) should include the serial number(s) of designated generators to clarify to which generators the applicator has been tuned.

The Commissioner believes that requiring a specific generator serial number on an applicator implies that it should only be used with that specific generator even though with proper tuning and recalibration most applicators are interchangeable. He therefore rejects the suggestion.

39. One reviewer recommended that the user information required in § 1050.10(f)(2)(i) include a description of any known procedures that could alter compliance of the product with the standard.

The Commissioner is not changing the regulation because § 1050.10(f)(2)(i) already requires instructions on safe use, safety procedures, and precautions that may be necessary regarding the use of ultrasonic radiation. Also, § 1050.10(f)(2)(iv) requires a warning against possibly hazardous adjustments or procedures.

On his own initiative the Commissioner is changing the wording of § 1050.10(a) on applicability and § 1050.10(b)(25) defining "ultrasonic therapy product," to better reflect the original intent of this standard. The standard is intended to apply to ultrasonic devices used in physical therapy primarily for deep tissue heating. All currently known ultrasonic surgery devices (including those for cataract removal) operate by a mechanical vibratory action and have significantly different characteristics from devices used in physical therapy and so are not included in this regulation. The proposed standard excluded "products designed for use in dentistry," although the intent was to exclude only dental scaling devices. A specific exclusion of ultrasonic dental scalers is not needed because such devices are not used in physical therapy. Ultrasonic devices not covered by this regulation may be the subject of future FDA regulatory action.

The Physical Medicine Device Classification Panel and the American Academy of Physical Medicine and Rehabilitation expressed concerns that requirements be developed to assure that ultrasonic therapy devices provide sufficient power output to achieve therapeutic effectiveness. The commissioner welcomes further comments, suggestions, and supporting information on the need for such requirements. Such requirements, including appropriate indications for use and any necessary restrictions on use, will be considered at a later date in accordance with the priorities and other recommendations made by the appropriate classification panel.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Chapter I, Subchapter J of Title 21 of the Code of Federal Regulations by adding new Part 1050, to read as follows:

**§ 1050.10 Ultrasonic therapy products.**

(a) *Applicability.* The provisions of this section are applicable as specified herein to any ultrasonic therapy product for use in physical therapy manufactured on or after February 17, 1979.

(b) *Definitions.* The following definitions apply to words and phrases used in this section:

(1) "Amplitude modulated waveform" means a waveform in which the ratio of the temporal-maximum pressure amplitude spatially averaged over the effective radiating surface to the root-mean-square pressure amplitude spatially averaged over the effective radiating surface is greater than 1.05.

(2) "Applicator" means that portion of a fully assembled ultrasonic therapy product that is designed to emit ultrasonic radiation and which includes one or more ultrasonic transducers and any associated housing.

(3) "Beam cross-section" means the surface in any plane consisting of the points at which the intensity is greater than 5 percent of the spatial-maximum intensity in that plane.

(4) "Beam nonuniformity ratio" means the ratio of the temporal-average spatial-maximum intensity to the temporal-average effective intensity.

(5) "Centroid of a surface" means the point whose coordinates are the mean values of the coordinates of the points of the surface.

(6) "Collimating applicator" means an applicator that does not meet the definition of a focusing applicator as specified in paragraph (b)(15) of this section and for which the ratio of the area of at least one beam cross-section, whose centroid is 12 centimeters from the centroid of the effective radiating surface, to the area of the effective radiating surface is less than two.

(7) "Continuous-wave waveform" means a waveform in which the ratio of the temporal-maximum pressure amplitude spatially averaged over the effective radiating surface to the root-mean-square pressure amplitude spatially averaged over the effective radiating surface is less than or equal to 1.05.

(8) "Diverging applicator" means an applicator that does not meet the definition of a collimating applicator or a focusing applicator as specified in paragraphs (b) (6) and (15) of this section.

(9) "Effective intensity" means the ratio of the ultrasonic power to the focal area for a focusing applicator. For all other applicators, the effective intensity is the ratio of the ultrasonic power to the effective radiating area. Effective intensity is expressed in watts per square centimeter ($Wcm^{-2}$).

(10) "Effective radiating area" means the area consisting of all points





of the effective radiating surface at which the intensity is 5 percent or more of the maximum intensity at the effective radiating surface, expressed in square centimeters ($cm^2$).

(11) "Effective radiating surface" means the surface consisting of all points 5 millimeters from the applicator face.

(12) "Focal area" means the area of the focal surface, expressed in square centimeters ($cm^2$).

(13) "Focal length" means the distance between the centroids of the effective radiating surface and the focal surface, for a focusing applicator, expressed in centimeters (cm).

(14) "Focal surface" means the beam cross-section with the smallest area of a focusing applicator.

(15) "Focusing applicator" means an applicator in which the ratio of the area of the beam cross-section with the smallest area to the effective radiating area is less than one-half.

(16) "Generator" means that portion of a fully assembled ultrasonic therapy product that supplies electrical energy to the applicator. The generator may include, but is not limited to, a power supply, ultrasonic frequency oscillator, service controls, operation controls, and a cabinet to house these components.

(17) "Maximum beam nonuniformity ratio" means the maximum value of the beam nonuniformity ratio characteristic of a model of an ultrasonic therapy product.

(18) "Operation control" means any control used during operation of an ultrasonic therapy product that affects the ultrasonic radiation emitted by the applicator.

(19) "Pressure amplitude" means the instantaneous value of the modulating waveform, and is $p_1(t)$ in the expression for a pressure wave, $p(t)=p_1(t)p_2(t)$, where $p(t)$ is the instantaneous pressure, $p_1(t)$ is the modulating envelope, and $p_2(t)$ is the relative amplitude of the carrier wave normalized to a peak height of one. All are periodic functions of time, t, at any point in space. The period of $p_1(t)$ is greater than the period of $p_2(t)$.

(20) "Pulse duration" means a time interval, expressed in seconds, beginning at the first time the pressure amplitude exceeds the minimum pressure amplitude plus 10 percent of the difference between the maximum and minimum pressure amplitudes, and ending at the last time the pressure amplitude returns to this value.

(21) "Pulse repetition rate" means the repetition frequency of the waveform modulating the ultrasonic carrier wave expressed in pulses per second (pps).

(22) "Service control" means any control provided for the purpose of adjustment that is not used during operation and can affect the ultrasonic radiation emitted by the applicator, or can alter the calibration or accuracy of an indicator or operation control.

(23) "Ultrasonic frequency" means the frequency of the ultrasonic radiation carrier wave, expressed in Hertz (Hz), kilohertz (kHz), or megahertz (MHz).

(24) "Ultrasonic power" means the total power emitted in the form of ultrasonic radiation by the applicator averaged over each cycle of the ultrasonic radiation carrier wave, expressed in watts.

(25) "Ultrasonic therapy product" means:

(i) Any device intended to generate and emit ultrasonic radiation for therapeutic purposes at ultrasonic frequencies above 16 kilohertz (kHz); or

(ii) Any generator or applicator designed or specifically designated for use in a device as specified in paragraph (b)(25)(i) of this section.

(26) "Ultrasonic transducer" means a device used to convert electrical energy of ultrasonic frequency into ultrasonic radiation or vice versa.

(c) *Performance requirements.* The requirements of this paragraph are applicable to each ultrasonic therapy product as defined in paragraph (b)(25) of this section when the generator and applicator are designated or intended for use together, or to each generator when the applicator(s) intended for use with the generator does not contain controls that affect the functioning of the generator.

(1) *Ultrasonic power and intensity—*(i) *Continuous-wave waveform operation.* A means shall be incorporated to indicate the magnitudes of the temporal-average ultrasonic power and the temporal-average effective intensity when emission is of continuous-wave waveform. The error in the indication of the temporal-average ultrasonic power shall not exceed ±20 percent for all emissions greater than 10 percent of the maximum emission.

(ii) *Amplitude-modulated waveform operation.* A means shall be incorporated to indicate the magnitudes of the temporal-maximum ultrasonic power and the temporal-maximum effective intensity when the emission is of amplitude-modulated waveform. The sum of the errors in the indications of the temporal-maximum ultrasonic power and the ratio of the temporal-maximum effective intensity to the temporal-average effective intensity specified in paragraph (d)(3)(ii) of this section shall not exceed ±20 percent for all emissions greater than 10 percent of the maximum emission.

(2) *Treatment time.* A means shall be incorporated to enable the duration of emission of ultrasonic radiation for treatment to be preset and such means shall terminate emission at the end of the preset time. Means shall also be incorporated to enable termination of emission at any time. Means shall be incorporated to indicate the magnitude of the duration of emission (expressed in minutes) to within 0.5 minute of the preset duration of emission for settings less than 5 minutes, to within 10 percent of the preset duration of emission for settings of from 5 minutes to 10 minutes, and to within 1 minute of the preset duration of emission for settings greater than 10 minutes.

(3) *Pulse duration and repetition rate.* A means shall be incorporated for indicating the magnitudes of pulse duration and pulse repetition rate of the emitted ultrasonic radiation, if there are operation controls for varying these quantities.

(4) *Ultrasonic frequency.* A means shall be incorporated for indicating the magnitude of the ultrasonic frequency of the emitted ultrasonic radiation, if there is an operation control for varying this quantity.

(5) *Visual indicator.* A means shall be incorporated to provide a clear, distinct, and readily understood visual indicator when and only when electrical energy of appropriate ultrasonic frequency is being applied to the ultrasonic transducer(s).

(d) *Labeling requirements.* In addition to the labeling requirements in Part 801 and the requirements of §§ 1010.2 and 1010.3 of this chapter, each ultrasonic therapy product shall be subject to the applicable labeling requirements of this paragraph.

(1) *Operation controls.* Each operation control shall be clearly labeled identifying the function controlled and, where appropriate, the units of measure of that function. If a separate control and indicator are associated with the same function, then labeling the appropriate units of measure of that function is required for the indicator but not for the control.

(2) *Service controls.* Each service control that is accessible without displacement or removal of any part of the ultrasonic therapy product shall be clearly labeled identifying the function controlled and shall include the phrase "for service adjustment only."

(3) *Generators.* (i) Each generator shall bear a label that states: The brand name, model designation, and unique serial number or other unique identification so that it is individually identifiable; ultrasonic frequency (unless there is an operation control for varying this quantity); and type of waveform (continuous wave or amplitude modulated).

(ii) Generators employing amplitude-modulated waveforms shall also bear a label that provides the following information: Pulse duration and pulse repetition rate (unless there are operation controls for varying these quantities), an illustration of the amplitude-modulated waveform, and the





ratio of the temporal-maximum effective intensity to the temporal-average

emitted into the equivalent of an infi-

(ii) Adequate description of the spa-

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ratio of the temporal-maximum effective intensity to the temporal-average effective intensity. (If this ratio is a function of any operation control setting, then the range of the ratio shall be specified, and the waveform illustration shall be provided for the maximum value of this ratio.)

(4) *Applicators.* Each applicator shall bear a label that provides the following information:

(i) The brand name, model designation, and unique serial number or other unique identification so the applicator is individually identifiable;

(ii) A designation of the generator(s) for which the applicator is intended; and

(iii) The ultrasonic frequency, effective radiating area, maximum beam nonuniformity ratio, type of applicator (focusing, collimating, diverging), and for a focusing applicator the focal length and focal area.

(5) *Label specifications.* Labels required by this paragraph shall be permanently affixed to or inscribed on the ultrasonic therapy product; they shall be legible and clearly visible. If the size, configuration, or design of the ultrasonic therapy product would preclude compliance with the requirements of this paragraph, the Director, Bureau of Radiological Health, may approve alternate means of providing such label(s).

(e) *Tests for determination of compliance*—(1) *Tests for certification.* Tests on which certification pursuant to § 1010.2 of this chapter is based shall account for all measurement errors and uncertainties. Such tests shall also account for increases in emission and degradation in radiation safety that occur with age.

(2) *Test conditions.* Except as provided in § 1010.13 of this chapter, tests for compliance with each of the applicable requirements of this section shall be made:

(i) For all possible combinations of adjustments of the controls listed in the operation instructions.

(ii) With the ultrasonic radiation emitted into the equivalent of an infinite medium of distilled, degassed water at 30° C for measurements concerning the ultrasonic radiation.

(iii) With line voltage variations in the range of ±10 percent of the rated value specified by the manufacturer.

(3) *Measurement parameters.* Measurements for determination of the spatial distribution of the ultrasonic radiation field shall be made with a detector having dimensions of less than one wavelength in water or an equivalent measurement technique.

(f) *Informational requirements*—(1) *Servicing information.* The manufacturer of an ultrasonic therapy product shall provide or cause to be provided to servicing dealers and distributors, and to others upon request, at a cost not to exceed the cost of preparation and distribution, adequate instructions for operation, service, and calibration, including a description of those controls and procedures that could be used to increase radiation emission levels, and a schedule of maintenance necessary to keep equipment in compliance with this section. The instructions shall include adequate safety precautions that may be necessary regarding ultrasonic radiation exposure.

(2) *User information.* The manufacturer of ultrasonic therapy product shall provide as an integral part of any user instruction or operation manual that is regularly supplied with the product, or, if not so supplied, shall cause to be provided with each ultrasonic therapy product, and to others upon request, at a cost not to exceed the cost of preparation and distribution:

(i) Adequate instructions concerning assembly, operation, safe use, any safety procedures and precautions that may be necessary regarding the use of ultrasonic radiation, and a schedule of maintenance necessary to keep the equipment in compliance with this section. The operation instructions shall include a discussion of all operation controls, and shall describe the effect of each control.

(ii) Adequate description of the spatial distribution of the ultrasonic radiation field and the orientation of the field with respect to the applicator. This will include a textual discussion with diagrams, plots, or photographs representative of the beam pattern. If there is more than one ultrasonic transducer in an applicator and their positions are not fixed relative to each other, then the description must specify the spatial distribution of the ultrasonic radiation field emitted by each ultrasonic transducer and present adequate examples of the combination field of the ultrasonic transducers with regard to safe use. The description of the ultrasonic radiation field shall state that such description applies under conditions specified in paragraph (e)(2)(ii) of this section.

(iii) Adequate description, as appropriate to the product, of the uncertainties in magnitude expressed in terms of percentage error, of the ultrasonic frequency, effective radiating area, and, where applicable, the ratio of the temporal-maximum effective intensity to the temporal-average effective intensity, pulse duration, pulse repetition rate, focal area, and focal length. The errors in indications specified in paragraphs (c)(1) and (c)(2) of this section shall be stated in the instruction manual.

(iv) A listing of controls, adjustments, and procedures for operation and maintenance, including the warning "Caution—use of controls or adjustments or performance of procedures other than those specified herein may result in hazardous exposure to ultrasonic energy."

Effective date: This regulation shall become effective February 17, 1979.

(Sec. 358, 82 Stat. 1177-1179 (21 U.S.C. 263f).)

Dated: February 9, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

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PART VII

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# CONSUMER PRODUCT SAFETY COMMISSION

## Environmental Protection Agency

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

# DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

■

# INTERAGENCY REGULATORY LIAISON GROUP

## Notice of IRLG Work Plans and Public Meetings

[6560-01]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
## ENVIRONMENTAL PROTECTION AGENCY
### Food and Drug Administration
## DEPARTMENT OF LABOR
### Occupational Safety and Health Administration
[FRL 852-2]

## INTERAGENCY REGULATORY LIAISON GROUP
### Notice of IRLG Work Plans and Public Meetings

The U.S. Consumer Product Safety Commission, the U.S. Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration have agreed to work together as the Interagency Regulatory Liaison Group (IRLG): to improve the public health through sharing of information avoiding duplication of effort and developing consistent regulatory policy. This agreement was announced at a joint press conference on August 2, 1977.

On October 11, 1977, the IRLG published in the FEDERAL REGISTER an Interagency Agreement relating to the Regulation of Toxic and Hazardous Substances (42 FR 54856). To implement this agreement, the IRLG established eight work groups to develop common, consistent, or compatible practices in areas of activity common to the four Agencies: (1) compliance and enforcement, (2) education and communications, (3) epidemiology, (4) information exchange, (5) regulatory development, (6) research planning, (7) risk assessment, and (8) testing standards and guidelines.

Following are the provisional work plans of the eight work groups and the schedule of public meetings to discuss these work plans. These plans outline the optimum course of action as it is perceived at this time; nevertheless, the timing and implementation of various tasks within a plan may require reconsideration as priorities and available resources change. They may be revised as new, significant information is obtained.

### COMPLIANCE AND ENFORCEMENT WORK PLAN

#### INTRODUCTION

The Compliance and Enforcement Work Group believes that there are a number of projects which can be undertaken by the cooperating agencies to increase the effectiveness and efficiency of each agency's compliance program. The group's work plan discusses these projects, defines action items which are component parts of the projects, and provides target dates for completing the action items.

The work plan contains projects which deal with the following subjects:

Enforcement Response to Health and Environmental Emergencies,
Personnel Exchange,
Sharing Expertise,
Coordination of Laboratory Facilities and Equipment,
Cooperative Application of Compliance Sanctions,
Compliance Training,
Coordination of Compliance Monitoring and Enforcement Priorities,
Coordination of Inspectional Resources,
Establishing Common or Compatible Investigational Forms.

The regional offices of the agencies are also submitting work plans. Many of these plans contain activities which closely parallel items in the Compliance and Enforcement Work Plan. For this reason, the work group will have to work closely with the regional offices to eliminate duplication of effort and insure successful implementation of each group's compliance related projects.

#### ENFORCEMENT RESPONSE TO HEALTH AND ENVIRONMENTAL EMERGENCIES

A. *Description of Coordination Activity*

The rapid growth in the chemical industry in recent years has resulted in a corresponding increase in the quantity of hazardous substances that are being processed, transported, used, and disposed of. This increase in activity involving such chemicals increases the threat of accidental release or deliberate use of such substances in the workplace or the environment and in foods, drugs, and other consumer products, in a manner which is or may become harmful to human health or the environment.

In general, such incidents warrant an emergency response when: (1) they cause actual harm to human health or the environment, (2) they pose a substantial risk of harm to human health or the environment, and (3) an immediate and thorough response to the incident may abate, mitigate, or minimize such harm or risk of harm.

B. *Extent of On-Going Activity*

A formal exchange of staff-level contacts has taken place in the past between officials of EPA, FDA, OSHA, CPSC, and USDA. Personnel and offices on the list were designated to be telephone contacts in emergency situations.

Furthermore, interagency coordination has occurred on an incident-by-incident basis where field-level personnel of cooperating agencies have performed specific functions within their areas of expertise to further a joint emergency response effort.

Finally, as part of the IRLG effort, a number of regional work groups are considering the development of coordinated emergency response systems.

C. *Constraints*

The ability of the participating agencies to adequately coordinate their response to emergency incidents is constrained by: (1) the limits of the agencies' statutory authority to respond to emergencies, or to assert appropriate regulatory control in response to the incident, (2) the nature of the technical support available within each agency, and (3) the absence of adequate plans or procedures to direct the activities of the agencies in incidents which overlap the jurisdiction of more than one agency.

D. *Resolution of Constraints*

The constraints which arise from the limits of each agency's statutory authority may be minimized by close cooperation among the participating agencies. Such coordination will assure that the most appropriate regulatory control will be applied in abating or mitigating an incident, regardless of the limits of the regulatory options of the lead agency, and will assure profitable utilization of technical support resources. By careful planning and by adopting detailed interagency procedures for incident response, the programmatic constraints can be effectively resolved.

E. *Action Items*

The Compliance and Enforcement Work Group will coordinate with the various regional groups to insure that field needs are met in the emergency response system. However, the compliance group believes that the basic structure, organization, and function of the system and policy considerations concerning the system should be addressed and resolved at the headquarters level since the system must be capable of meeting possible national or, at least, multi-regional emergencies.

The following action items will be undertaken on a priority basis by the group:

1. *Identify each agency's current emergency response programs and capabilities.* The group will describe current emergency response programs in view of the different statutory authorities of the agencies, will evaluate consistency between programs (e.g., funding, remedies, level of operation), and will identify coordination needs. *Target date for completion: April 1, 1978.*

2. *Designate interagency contact points for emergency response coordination.* The group will develop and exchange the names, addresses, and telephone numbers of general emergency response coordinators at headquarters and in each region, and will establish procedures for notification and coordination of intelligence and technical support. *Target date for completion: April 1, 1978.*

3. *Establish a plan for interagency notification of an emergency incident involving only one agency.* For this action item, the group will develop a protocol for notification of other agencies with respect to the timing of such notification, information to be supplied, and other criteria. In addition, the unit will establish a mechanism to provide technical support to the lead agency with respect to incident characterization, hazard/damage assessment, and technical evaluation of abatement, mitigation, clean-up, or disposal alternatives. *Target date for completion: June 1, 1978.*

4. *Implement a procedure for interagency response to emergency incidents which involve more than one agency.* The compliance group will establish common criteria for characterizing emergency incidents, will develop a protocol for notification of other agencies with respect to the timing of such notification, information to be supplied, and other factors, and will establish a mechanism to provide technical support to the lead agency with respect to incident characterization, hazard/damage assessment, and technical evaluation of abatement, mitigation, clean-up, or disposal alternatives. In addition, the group will establish interagency coordination procedures, including the coordination of on-scene visits and inspections, collection and analysis of samples, chain of custody, case preparation, and case prosecution. The group also will establish a procedure to review the total array of regulatory tools and statutory remedies to respond to emergency incidents, and will provide a protocol for follow-up analysis of the interagency emergency response performance, and for identifying actions needed to prevent a similar incident in the future. *Target date for completion: November 1, 1978.*

F. *Responsible for Implementation*

A. E. Conroy II, Environmental Protection Agency.





#### PERSONNEL EXCHANGE

A. *Description of Coordination Activity*

The work group considers a viable personnel exchange program to be an essential element of a successful interagency working agreement—particularly in the compliance and enforcement area. The exchange program should be functional at both the operational and management levels and in both headquarters and regional offices to insure maximum impact. The exchange of personnel, particularly at the management level, might well prove to be the basic foundation which maintains, continues and possibly extends the cooperative work of the agencies.

Establishing a personnel exchange system will create a mechanism for shifting resources from one agency to another to meet short-term work demands. The system will also generate increasing numbers of personnel who have a basic understanding of how other agencies operate, and will result in a cross-fertilization of new ideas. Developing an awareness of the programs of other agencies and exchanging knowledge cannot help but be useful in meeting the objective of increased operating efficiency in the compliance area.

B. *Extent of Existing Activity*

A number of the regional work groups are considering exchange programs.

C. *Constraints*

Possible constraints to an exchange program include: Reluctance of personnel to move between agencies, failure of unions to accept the exchange program, CSC regulations, and the need for training programs.

D. *Resolution of Constraints*

Early in the process, the agency personnel offices will have to determine if unions, CSC regulations or other legal barriers are real obstacles. Reluctance of personnel to shift from one agency to another can be overcome by making sure that the exchange program involves quality employees who are made to feel that the program is an honor and a reward for outstanding job performance.

The one constraint which may create difficulties is in the area of training needed to prepare for an assignment. It must be determined if the cost of the needed training is reasonable compared to the expected benefits. Naturally, the training needed will vary with the type of exchange position involved.

E. *Action Items*

The work group understands that a personnel exchange system may involve areas other than compliance, and that the basic tasks of establishing the system will be given to the personnel offices of the four agencies. However, the Compliance and Enforcement Work Group wishes to be actively involved in the development and implementation of the system to insure that the program will function smoothly in the compliance area—both in headquarters and the field.

The following action items must be accomplished to implement the personnel exchange system:

1. *Determine if valid obstacles exist, and, if so, whether steps can be taken to remedy the problems.* The agency personnel offices will have to undertake this task. *Target date for completion: April 1, 1978.*

2. *Plan the personnel exchange program.* The personnel offices with assistance from the work group will have to evaluate training which may be a necessary part of an exchange program, coordinate with the agency field offices to insure that both headquarters and field objectives are met, identify positions which are viable candidates for exchange, and formalize the system by developing a written program. *Target date for completion: July 1, 1978.*

3. *Implement the exchange system.* The final step for this project is to implement the system, probably on a pilot basis, for a relatively small number of positions in both headquarters and regional offices. *Target date for implementation: August 1, 1978.*

F. *Responsible for Implementation*

Edwin F. Tinsworth, Consumer Product Safety Commission.

#### SHARING EXPERTISE

A. *Description of Coordination Activity*

Within each agency those individuals who possess technical and scientific expertise will be identified to provide a basis for an interchange of these individuals between the four agencies. In addition, each agency utilizes staff and outside experts who serve as expert witnesses for litigation purposes. Many of these expert witnesses have the knowledge and background which would make them useful to more than one agency. A system will be developed which will identify individuals who can be of use to the various agencies, and which will provide for a sharing and exchange of available expertise among the agencies.

B. *Extent of Existing Activity*

A limited informal exchange of expertise exists on an *ad hoc* basis.

C. *Constraints*

The only major constraint will be finding available time for interagency use of individuals who possess unique expertise.

D. *Resolution of Constraints*

The spirit of interagency cooperation may help to minimize the problem. In addition, as the value of the exchange potential becomes more apparent, the desire to make the system work will increase.

E. *Action Items*

The IRLG has requested that the Education and Communications Work Group take the lead in identifying common scientific and technical areas in which the four agencies operate, and also in developing a list of agency experts in each of those areas. The Compliance and Enforcement Work Group will work closely with the education group and with the regional groups to insure that the needs of both headquarters and regional compliance programs are met.

In addition to the work of the education group, the following action items





must be accomplished in this project area:

in this plan is the fact that the headquarters units have not developed an

common set of procedures for use by all will suffice. Also, a mechanism for



*Coordination of the Use of Non-Laboratory Facilities and Equipment*

lation of the Occupational Safety and Health Act and the Federal Insecti-

of cooperation. *Target date for completion: April 1, 1978.*

must be accomplished in this project area:

1. *Develop a list of expert witnesses and a plan for keeping the list current.* The compliance group will identify expert witnesses currently in use, and also will develop a mechanism for updating the list. *Target date for completion: April 1, 1978.*

2. *Develop and implement a plan to share the expertise of agency personnel.* The Compliance and Enforcement Work Group will work with the education group and regional groups to develop a plan and implementing document which will provide guidelines and criteria for use in sharing and exchanging scientific and technical experts. *Target date for completion and implementation: June 1, 1978.*

F. *Responsible for Implementation*

Edwin F. Tinsworth, Consumer Product Safety Commission.

COORDINATION OF LABORATORY FACILITIES AND EQUIPMENT

A. *Description of Coordination Activity*

This project is primarily concerned with coordinating the use of headquarters controlled laboratory facilities and equipment. However, the group will also work with the regional groups to insure that optimal use is made of field laboratories. The principal areas of concern to the Compliance and Enforcement Work Group are considered to be the following:

1. *The development of common analytical methodologies as they relate to the compliance and enforcement functions.* Work in this area will have to be coordinated with possible similar efforts by the Testing Standards and Guidelines Work Group and the Research Planning Work Group.

2. *The analysis of compliance samples by headquarters laboratories.* Headquarters laboratories are often primarily concerned with methodological development and research. The majority of routine compliance testing is usually done in field laboratories. However, for those compliance tests which are performed by headquarters controlled laboratories, there is an opportunity for interagency cooperation.

3. *The sharing of laboratory facilities and equipment.* This activity has been given considerable emphasis by the regional work groups. In most instances, they have already developed and exchanged inventories of analytical resources and are actively developing plans for implementing a variety of sharing mechanisms on a formal basis. Some *ad hoc* sharing has already occurred. The benefits of such sharing are self-evident; however, several valid constraints have been identified by the regional groups which are equally applicable to the headquarters operations. Of significance to the progress in this plan is the fact that the headquarters units have not developed an inventory of analytical resources. Since this is a necessary first step, it is accorded a high priority in the action plan.

B. *Extent of Existing Activity*

Some formal and *ad hoc* cooperative laboratory operations are occurring in the regions. For example, agency laboratories are participating in a quality control exercise in Region VI. The Quality Control analyses being conducted are for the presence of lead, cadmium, and mercury.

C. *Constraints*

Several constraints are readily apparent which will require some further planning to resolve. Given the day-to-day priorities and programs of each agency, any additional workload will create serious resource management problems. For the most part with respect to the other agencies, analysts are largely unfamiliar with methodologies, laboratory procedures, and types of samples being analyzed. This could hamper cooperative efforts in either the analysis of samples, or in allowing outside analysts to utilize the laboratories of other agencies.

In addition, the regulatory procedures used by each agency are somewhat different with respect to the mechanisms employed for maintaining sample integrity, and finally, analysts performing tests for other agencies may be obliged to testify and/or become involved in lengthy trials if these samples become the subject of litigation.

D. *Resolution of Constraints*

The analytical activities of each cooperating agency need to be surveyed, and common items (e.g., similar products, analytical procedures, or equipment needs) should be identified. These areas could be targeted as good candidates for cooperative efforts. Initial efforts could be reserved for crisis or emergency situations which lend themselves to concessions or ready resolution of funding and resource situations. Cooperation in areas of lesser priority could be worked out later by the affected agencies.

In order to become better acquainted with the various methodologies, procedures, equipment, and types of samples being analyzed by each agency, a personnel exchange system should be instituted between the headquarters laboratories. The regional people are already making plans to accomplish similar exchanges. The Compliance and Enforcement Work Group will consider this point in its personnel exchange project.

The sample handling procedures used by each agency to ensure the integrity of its samples and evidence must be examined to ascertain if a common set of procedures for use by all will suffice. Also, a mechanism for involving analysts in the litigation of samples which they analyzed for another agency could be readily worked out. This is not without precedent in government.

E. *Action Items*

The work group believes that cooperative efforts in the area of methodological development and analytical capability can be of significant benefit.

The group plans to work on the following action items:

1. *Compile an inventory of the analytical capability of the headquarters controlled laboratories of each agency.* The inventory will identify facilities, equipment and technical staff. This action item will be given high priority by the group. *Target date for completion: May 1, 1978.*

2. *Conduct a survey of the analytical activities of each agency to identify common areas in terms of products analyzed, procedures, and equipment which are good candidates for cooperative action.* The regional groups are already performing this activity for field laboratories; the Compliance and Enforcement Work Group will coordinate its work with the regional groups. *Target date for completion: June 1, 1978.*

3. *Devise and implement a management plan to facilitate the referral of samples to other participating agencies.* The initial referrals will be under carefully defined circumstances (e.g., national crisis, severe overload due to a significant unanticipated problem). The plan will include steps needed to insure sample integrity and to allow analysts to testify in trials involving other agencies. *Target date for completion: July 1, 1978.*

4. *Devise and implement a plan to facilitate the interchange of technical personnel between the various headquarters laboratories.* The purpose of this step is to assist the personnel in becoming more familiar with each agency's products, equipment, test methodologies and procedures. The group will consider this matter as part of its personnel exchange project. *Target date for completion: August 1, 1978.*

5. *Devise and implement a plan for the sharing or joint use of laboratory facilities and equipment when such circumstances warrant, and for the development of compatible compliance test methodologies.* Extensive coordination and planning will be required, but the potential benefit makes the item worthwhile. *Target date for completion: September 1, 1978.*

F. *Responsible for Implementation*

John Gomilla, Consumer Product Safety Commission.





*Coordination of the Use of Non-Laboratory Facilities and Equipment*

NOTE.—The Compliance and Enforcement Work Group originally planned to include a project dealing with coordinating the use of non-laboratory facilities and equipment. However, it became apparent that this type of project primarily impacts on the regional offices and can best be planned at the regional level. For this reason, the group dropped this item as a project. The group will be available to work with the regional work groups in this project if requested to do so.

COOPERATIVE APPLICATION OF COMPLIANCE SANCTIONS

A. *Description of Coordination Activity*

In determining what compliance actions should be taken, an agency must consider whether voluntary correction on the part of a firm is adequate, whether a civil penalty action (where authorized) should be initiated to generate an economic incentive to correct violations, and whether other legal options such as criminal prosecution are warranted. It is important not only to coordinate the application of civil or criminal sanctions, but also, to coordinate the determination that voluntary action is sufficient to correct a situation. In general, it would not be appropriate for one regulatory agency to encourage a voluntary type action or to pursue a civil penalty action, while at the same time a second agency was seeking criminal sanctions against a firm for the same or similar type of violation.

The work group is concerned not only with a situation where one incident results in violations of two or more statutes enforced by two or more regulatory agencies, but also, with a single given firm that, because of its inattentiveness, or lack of control, may violate two or more separate acts enforced by two or more agencies on an ongoing basis. A firm or industry with a poor history of compliance may well be violating more than one statute.

On another level, a regulatory agency may in its programmed operations give attention to an industry or a large segment of an industry with the knowledge that certain violations may be found to exist, and that when identified and substantiated, these violations will result in prescribed regulatory action. This type of activity on an industrywide basis should also be coordinated for more effective application of the law and for better protection of the public.

As an example of the above discussion, the improper disposal of PCB-contaminated waste may involve a violation of the Federal Water Pollution Control Act, the Toxic Substances Control Act, and the Resource Conservation and Recovery Act. Certain pesticide use practices may involve a violation of the Occupational Safety and Health Act and the Federal Insecticide, Fungicide and Rodenticide Act. The work group believes that efficient means should be established whereby the cooperating agencies coordinate their investigation and prosecution of such incidents to achieve maximum impact.

B. *Extent of Existing Activity*

To date, considerable effort has been expended at negotiating memoranda of understanding between participating agencies relating to the cooperative application of compliance sanctions. This effort has culminated in the promulgation of a memorandum of understanding between FDA and EPA. The experience of both agencies under this memorandum of understanding has been highly satisfactory. Other memoranda of understanding exist between the agencies but are not directed to the purpose of this activity.

C. *Constraints*

The unique provisions of the statutes which are enforced by the cooperating agencies will limit the extent to which particular activities may constitute violations of more than one statute. Furthermore, differences in regulatory thrust, statutory intent, or program emphasis will limit the extent to which participating agencies will view an enforcement action prosecuted by another agency as satisfying the mandate of its own regulatory program.

D. *Resolution of Constraints*

The constraints noted above, being statutory in nature, are not subject to easy resolution. Despite these constraints, however, there remain many incidents of joint enforcement jurisdiction which are ripe for cooperative action. Precise provisions of joint agreements may provide for cooperative prosecution of violators by means of the most efficient enforcement remedies of the statutes providing regulatory jurisdiction.

E. *Action Items*

The Compliance and Enforcement Work Group will work with the regional groups and the General Counsels of the cooperating agencies to develop viable plans for obtaining maximum benefits from voluntary industry actions and enforcement proceedings.

The following action items will be undertaken:

1. *Catalog the general jurisdiction of each statute enforced by each agency.* A draft paper covering areas of jurisdiction has already been developed. *Target date for completion: April 1, 1978.*

2. *Identify activities which may constitute a violation of statutes enforced by different agencies.* This action item will further define the possible areas of cooperation. *Target date for completion: April 1, 1978.*

3. *Establish a Compliance Sanction Ad Hoc Committee which will catalog the relevant existing and planned memoranda of understanding, determine where new memoranda of understanding are needed, and meet routinely to implement the intent of this project and, in particular the next action item.* The committee may consist of both work group members and other agency personnel. *Target date to establish the committee and catalog the memoranda of understanding: June 1, 1978.*

4. *Establish and implement memoranda of understanding between participating agencies regarding the prosecution of cases involving violations of statutes enforced by separate agencies.* This will likely be a long-term activity with a variety of memoranda of understanding being generated over time. *Target date for the first memorandum of understanding: September 1, 1978.*

F. *Responsible for Implementation*

Thomas W. Brown, Food and Drug Administration.

COMPLIANCE TRAINING

A. *Description of Coordination Activities*

The Compliance and Enforcement Work Group views compliance training as a necessary element in the cooperative compliance efforts of the agencies. The necessary training falls into two categories: (1) training of agency personnel, including both orientation and crossover training, and (2) joint industry seminars. The work group plans to restrict itself to technical training. Non-technical educational programs (e.g., a general seminar presented to a college student body) will be handled by the Education and Communications Work Group.

Orientation training would provide basic compliance information concerning the authorities and practices of each agency to both headquarters and regional personnel. Such training would be particularly important for field investigators and their supervisors and for personnel who may be involved in an exchange program. The work group views compliance orientation training as something which can be done relatively quickly, and can provide the basic knowledge needed for investigators to be able to detect obvious violations of other agencies' laws so that the matters can be referred for proper follow-up. In addition, this type of training may be sufficient to support a personnel exchange program for some types of positions.

Crossover training would be much more detailed than orientation training. The concept of crossover training





is a program which would enable investigators of one agency to either

far as industry seminars are concerned, the priority problem can be

Compliance monitoring occurs in accordance with a routine surveillance



D. *Resolution of Constraints*

The constraints noted above, being

levels of interagency cooperation which can be undertaken to coordi-

imposed by repeated federal compliance inspections.

is a program which would enable investigators of one agency to either perform basic inspectional work of other agencies or, at a minimum, to conduct joint inspections with personnel from other agencies. Staff other than investigators might also receive crossover training to support the personnel exchange project. It is anticipated that crossover training is a longer term proposal both in the planning and implementation phases.

The work group also believes that joint industry seminars could have a very positive impact on both the industry and the agencies. Such seminars could be used to present a target audience with the basic information needed to comply with the legal requirements of all four agencies. Such an approach would present a uniform front to the industry, would prevent the industry from playing one agency off against another, and would probably be very helpful to small businesses which cannot afford to attend multiple seminars.

From an agency viewpoint, the use of joint seminars would generate a better understanding of issues, would foster new ideas on how to approach problems, and would maintain the cooperative spirit which is the foundation of the current agreement.

The work group realizes that many of the regional groups are considering training projects. The compliance group will work closely with the regional groups to insure that headquarters and field efforts are coordinated.

B. *Extent of Existing Activity*

Some informal joint industry seminars are held but little crossover or orientation training is performed between agencies. A number of regional groups are planning or have implemented some joint training efforts.

C. *Constraints*

There are no apparent constraints for orientation training. Crossover training is much more difficult and its usefulness depends on to what extent the agencies decide to use joint and crossover inspections, and to what extent the personnel exchange program is utilized. Resources may be a problem. Two apparent constraints for industry seminars are the necessity for the agencies to mesh priorities as to which industries need the seminars, and for the agencies to work out a clear presentation of their respective programs.

D. *Resolution of Constraints*

If joint and crossover inspections are determined to be feasible and are implemented on a nationwide basis and if the exchange program extends to positions which require detailed training, the agencies will have to allocate resources and time to develop a worthwhile compliance training program. As far as industry seminars are concerned, the priority problem can be handled by targeting industries for seminars which are on each agency's priority list.

E. *Action Items and Implementation Plans*

Working closely with the regional groups, the compliance group will address the following action items:

1. *Establish a Compliance Training Ad Hoc Committee and plan the orientation training.* A committee consisting of members of the Compliance and Enforcement Work Group and probably other agency personnel will be established; the committee will plan implementation training. *Target date to establish the committee and plan the training: May 1, 1978.*

2. *Implement orientation training.* The start of implementation training can be tied to the initiation of the personnel exchange program. *Target date for implementation: August 1, 1978.*

3 *Explore ways to implement crossover training, and utilize the training committee to finalize plans.* Crossover training will require more detailed analysis and planning. *Target date for finalizing plans: September 1, 1978.*

4. *Implement crossover training.* The extent of crossover training will depend on the type of position involved, but even the less detailed training will take a great deal of time to properly implement. *Target date for implementation: December 1, 1978.*

5. *Plan industry seminars.* The compliance group will work closely with the regional groups to develop both industry seminars, covering general compliance issues, and, assuming needs can be meshed, industry seminars covering more specific regulatory concerns. *Target date for completion of plans. July 1, 1978.*

6. *Implement the seminars.* The group believes that the seminars should be implemented on a regional basis, and therefore coordination with the regions will be essential to get the seminars started. *Target date for implementation: October 1, 1978.*

F. *Responsible for Implementation*

Taylor M. Quinn, Food and Drug Administration.

*Coordination of Compliance-Monitoring and Enforcement Priorities*

A. *Description of Coordination Activity*

The work group believes that a sound basis exists for the coordination of compliance monitoring and enforcement priorities. Compliance monitoring refers to document reviews, inspections, sample collections, sample analyses and other surveillance activities conducted to determine whether regulatory standards are being observed. Compliance monitoring occurs in accordance with a routine surveillance strategy or in response to particular suspected violations. Enforcement refers to case preparation, case prosecution and other prosecutorial activities undertaken in response to a detected violation.

Frequently, more than one of the four cooperating agencies conduct compliance monitoring at the same facility or establishment. Subject to the surveillance demands of the various regulatory programs, the agencies may coordinate compliance monitoring priorities by (1) fostering the establishment of common criteria for planning program activities, (2) exchanging and coordinating work plans to direct field activities, and (3) coordinating inspection, sampling, analytical and prosecutorial activities. The ability of the participating agencies to establish consistent compliance monitoring and enforcement priorities will greatly impact the extent to which efforts at cooperative inspections can result in efficient utilization of resources.

B. *Extent of Existing Activity*

At present, there is only minimal direct coordination of criteria for setting compliance monitoring and enforcement priorities. Some common elements may be found in the criteria which are applied by the cooperating agencies. These arise, however, more directly from the common requirements of the legislation enforced by the cooperating agencies than from deliberate program coordination. Little collaboration has occurred regarding the extent to which considerations of health risk, for example, will direct the compliance monitoring and enforcement priorities of the participating agencies; nor have the agencies explored in detail bounds which should be placed upon the health-effects outlined or the manner in which a joint concern for health-effects would impact the choice of surveillance targets or enforcement prosecutions. While each agency's work plans for current field activities are readily available to the participating agencies, they have rarely been exchanged.

C. *Constraints*

The unique provisions of the statutes which are enforced by the cooperating agencies may limit the extent to which joint program management criteria may be established. Program coordination is most feasible where different agencies perform compliance monitoring in the same categories of facilities or establishments. Furthermore, the diverse nature of the regulatory problems which have been established pursuant to various legislation will limit the extent to which more than one agency will perform compliance monitoring activities at the same facilities or establishments.





D. *Resolution of Constraints*

The constraints noted above, being statutory in nature, are not subject to easy resolutions. Despite these constraints, however, there remain many areas of joint regulatory coverage which are ripe for cooperative action. Cooperative action may arise in those areas of joint regulatory concern for which there is no statutory impediment and where the management of each participating agency agrees, as appropriate, to: (1) establish common criteria for setting priorities, (2) establish consistent bounds on such criteria, and (3) apply such criteria in a uniform manner to the surveillance and enforcement activities undertaken by their field staff.

E. *Action Items*

The Compliance and Enforcement Work Group views its role in this project as being the unit responsible for providing guidelines, criteria and policy statements which can be incorporated in each agency's work planning efforts for implementation by the regional offices.

The following action items will be pursued by the group:

1. *Establish, as appropriate, common criteria for setting priorities for compliance monitoring and enforcement activities.* The work group will identify existing criteria for establishing compliance monitoring and enforcement priorities utilized by the participating agencies, and will identify surveillance programs for which criteria are similar, or can be made sufficiently similar, to warrant implementation of cooperative compliance monitoring programs. *Target date for completion: September 1, 1978.*

2. *Exchange existing work plans and coordinate the preparation of future work plans to direct field activities of surveillance programs.* The group will exchange current operating plans for field-level surveillance activities, will participate in the identification and prioritization of surveillance targets, and will coordinate the preparation of work plans to accomplish the appropriate level of surveillance of various compliance monitoring targets. *Target date for completion: September 1, 1978.*

3. *Implement to the maximum extent practicable, the coordination of compliance monitoring and enforcement activities.* This action item is actually a project, in itself. As such, it is discussed in the following section of the work plan.

F. *Responsible for Implementation*

A. E. Conroy II, Environmental Protection Agency.

COORDINATION OF INSPECTIONAL RESOURCES

A. *Description of Coordination Activity*

The Compliance and Enforcement Work Group has identified three levels of interagency cooperation which can be undertaken to coordinate compliance monitoring and inspectional activities: (1) referral inspections, (2) joint inspections, and (3) crossover inspections.

Referral inspections are inspections conducted by one agency which result in the referral of a violation to another agency for follow-up inspection by the other agency. The development of checklists containing the substantive requirements of each agency's regulations, and the execution of orientation training of field personnel of each participating agency are prerequisites to the implementation of a referral inspection program.

Joint inspections are concurrent, multi-agency inspections of a single facility. Such inspections would enable the participating agencies to share background information in preparation for the inspection. Furthermore, such inspections would minimize the number of separate inspections to which the owner/manager of the facility must submit. Joint inspections are feasible only with respect to those facilities which are subject to the requirements of more than one agency and only when the inspection of such a facility is consistent with the compliance monitoring priorities of more than one agency.

Crossover inspections are inspections conducted by personnel of one agency who are qualified and empowered to carry out inspections and perhaps also to cite violations under the authority of statutes administered by another agency. The execution of extensive training regarding the substantive requirements of the regulations of each agency and unique inspectional procedures of each agency must be accomplished to implement crossover inspections. Furthermore, the formal delegation of each agency's inspectional authorities and the "commissioning" of appropriate field personnel of each agency to conduct inspections on behalf of other agencies are prerequisites to the implementation of a crossover inspection program. The expected benefit of this level of interagency cooperation is the development of an inspectional cadre which is trained and authorized to execute the compliance monitoring programs of all four agencies. Such a cadre, for example, would be useful for a remote geographic area, where an investigator of one agency could perform compliance work for several agencies.

The goals of these coordinated functions are to: (1) achieve better compliance information sharing at the field level between agencies; (2) achieve a more efficient coverage of the industries jointly regulated by the agencies, and a more effective use of limited field resources; and (3) lessen the burden upon the regulated industries imposed by repeated federal compliance inspections.

B. *Extent of Existing Activity*

At the present time there is little formal coordination established between the agencies. There are a number of limited and informal program agreements between the agencies. For example, EPA and FDA have executed a formal memorandum of understanding which establishes a referral inspection program in the enforcement of pesticide tolerances on foodstuffs and misuse of pesticides.

The regional work groups are actively beginning to plan and implement efforts in this project area.

C. *Constraints*

A number of factors constrain the extent to which any coordination of inspectional activities may be undertaken. These constraints include limited areas of joint regulatory attention, inconsistent compliance monitoring and enforcement priorities, and statutory limitations upon the ability to delegate authority or commission personnel of other agencies to conduct compliance inspections. In addition, the need to perform increasingly detailed and sophisticated training of field personnel of participating agencies and management problems involved in coordinating inspectors' schedules are constraints which will impact the ability to coordinate work in this area.

D. *Resolution of Constraints*

If referral, joint and crossover inspections are to be conducted on a nationwide basis, the agencies will have to allocate the resources and time to resolve the programmatic and logistical constraints noted in the above section.

Each agency must perceive that the efficiencies resulting from these coordinated inspections will justify the substantial front-end investment in training and supervisory coordination that will be required to resolve the management constraints. The constraints which arise from the scope of each agency's regulatory programs, and limitations in the ability to delegate authority or commission personnel of other agencies must be identified and minimized, if they cannot be resolved.

E. *Action Items*

A number of the regional work groups are planning or have implemented activities in this area. The Compliance and Enforcement Work Group will coordinate its efforts with the regional groups. Some local coordinated inspectional activity will occur before the compliance group finalizes national guidelines and procedures in this area.

The following action items will be undertaken by the compliance group:





1. *Identify areas of joint regulatory attention.* The group will assemble a

ESTABLISHING COMMON OR COMPATIBLE INVESTIGATIONAL FORMS

some forms are determined to be candidates for consolidation into a common format, the group will work



other participating agencies—July 1, 1978.

4. Devise and implement a plan to

3. Implement a joint inspection program—October 1, 1978.

4. Implement a crossover inspection

1. The working title and cover legend of the booklet is to be: "It's For You To Know . . . A listing of infor-

1. *Identify areas of joint regulatory attention.* The group will assemble a list of the types of facilities subject to regulation, will prepare a summary list of the categories of requirements imposed upon each type of facility, and will conduct an analysis of the level of cooperative inspection (referral, joint, crossover) which is appropriate for each type of facility. *Target date for completion: May 1, 1978.*

2. *Implement a referral inspection program.* The work group will develop and distribute checklists of requirements regulated by each agency, and a list of easily-detected violations, and will develop orientation training as needed to alert field personnel of each agency to violations that they may encounter. In addition, the unit will work with the regional groups to develop and exchange a list of field-level referral contacts. Finally, the groups will implement referrals to appropriate agencies by the field-level exchange of information. *Target date for starting referral inspections on a nationwide basis: September 1, 1978.*

3. *Implement a joint inspection program.* The work group will identify regulatory candidates for joint inspection (by one or more participating agencies) by reviewing targets of joint regulatory interest, common compliance monitoring priorities, and common management interest in inspecting the same facilities. The group will also prepare an interagency schedule for joint inspections, and the regions will then begin to execute joint inspections on a nationwide basis. *Target date for starting nationwide joint inspection programs: October 1, 1978.*

4. *Implement a crossover inspection program.* The compliance group will evaluate the feasibility of crossover inspections by requesting the agency General Counsels to assist the group in conducting a statute-by-statute analysis of any limitations on the ability to delegate authority or commission personnel of other agencies to conduct compliance inspections. The group will develop appropriate training regarding the substantive requirements of all regulations monitored by crossover inspection, and any procedural requirements of the statutes being enforced. In addition, the unit will coordinate compliance monitoring priorities and allocation of field-level personnel to achieve maximum coverage from the inspectional activities of participating agencies. Finally, the compliance and regional groups will launch a limited pilot program of cross over inspections. *Target date to start pilot program: January 1, 1979.*

F. *Responsible for Implementation*

A. E. Conroy II, Environmental Protection Agency.

ESTABLISHING COMMON OR COMPATIBLE INVESTIGATIONAL FORMS

A. *Description of Coordination Activity*

The work group plans to study the feasibility of developing common or compatible investigational forms to facilitate the exchange of information and data. Forms which will be studied include inspection forms, sample collection forms and consumer complaint forms. If the group finds that some forms can be made compatible or identical, and if the group determines that the potential benefit is worthwhile, the project will be expanded to include the development of the forms.

In addition, the group will develop a checklist which can be used by investigators of each agency to identify possible violations of laws enforced by other agencies. This checklist will be used for referral inspection purposes.

B. *Extent of Existing Activity*

A number of the regional groups are actively involved in this project area, and are considering the use of common forms on a pilot basis. In addition, EPA and OSHA have had preliminary discussions in this area.

C. *Constraints*

Problems may arise due to differences in operating procedures and work practices, differing legal and regulatory requirements, and differing requirements for data collection. In addition, OSHA reports that alteration of forms may be considered a change in work practices and may require, in some cases, discussion with the approval by the union bargaining agent for the field employees.

D. *Resolution of Constraints*

Assuming that the development of common forms is determined to be feasible, possible union obstacles will have to be addressed and resolved through negotiation.

E. *Action Items*

The Compliance and Enforcement Work Group will coordinate its efforts on this project with the regional groups. Early in the process, it must be determined if the use of common forms is feasible, and, if so, if the benefits are worthwhile, particularly for field activities.

The following action items will be pursued:

1. *Evaluate the feasibility of developing common or compatible forms and identify candidate forms.* The work group will study the issues of feasibility, will identify potential candidate forms, and will work with the regional groups to insure that any forms which are deemed to be good candidates will meet the needs of the field offices. *Target date for completion: April 1, 1978.*

2. *Develop and implement common or compatible forms.* Assuming that some forms are determined to be candidates for consolidation into a common format, the group will work with other agency personnel to develop and begin the use of the common or compatible forms (perhaps on a pilot basis). The group anticipates that the forms will be developed as part of an ongoing process. *Target date for developing and beginning use of the first form: August 1, 1978.*

3. *Develop a checklist for referral inspections.* The group will develop a checklist for use by inspectors in identifying violations of the laws administered by each agency. The checklist will be used as part of the referral inspection program. *Target date for developing checklist: August 1, 1978.*

F. *Responsible for Implementation*

Roger Clark, Occupational Safety and Health Administration.

PROJECT SUMMARY SHEET

*Action items and target dates*

*Project: Enforcement Response to Health and Environmental Emergencies*

1. Identify each agency's current emergency response programs and capabilities—April 1, 1978.
2. Designate interagency contact points for emergency response coordination—April 1, 1978.
3. Establish a plan for interagency notification of an emergency incident involving only one agency—June 1, 1978.
4. Implement a procedure for interagency response to emergency incidents which involve more than one agency—November 1, 1978.

*Project: Personnel Exchange*

1. Determine if valid obstacles exist, and, if so, whether steps can be taken to remedy the problems—April 1, 1978.
2. Plan the personnel exchange program—July 1, 1978.
3. Implement the exchange system—August 1, 1978.

*Project: Sharing Expertise*

1. Develop a list of expert witnesses and a plan for keeping the list current—April 1, 1978.
2. Develop and implement a plan to share the expertise of agency personnel—June 1, 1978.

*Project: Coordination of Laboratory Facilities and Equipment*

1. Compile an inventory of the analytical capability of the headquarters controlled laboratories of each agency—May 1, 1978.
2. Conduct a survey of the analytical activities of each agency to identify those common areas in terms of products analyzed, procedures and equipment which are good candidates for cooperative action—June 1, 1978.
3. Devise and implement a plan to facilitate the referral of samples to other participating agencies—July 1, 1978.
4. Devise and implement a plan to facilitate the interchange of technical personnel between the various headquarters laboratories—August 1, 1978.
5. Devise and implement a plan for the sharing or joint use of laboratory facilities, and for the development of compatible compliance test methodologies—September 1, 1978.

*Project: Cooperative Application of Compliance Sanctions*

1. Catalog the general jurisdiction of each statute enforced by each agency—April 1, 1978.
2. Identify activities which may constitute a violation of statutes enforced by different agencies—April 1, 1978.
3. Establish a Compliance Sanction Ad Hoc Committee which will catalog the relevant existing and planned memoranda of understanding, determine where new memoranda of understanding are needed and meet routinely to implement the intent of this project and, in particular, the next action item—June 1, 1978.
4. Establish and implement memoranda of understanding between participating agencies regarding the prosecution of cases involving violations of statutes enforced by separate agencies—September 1, 1978.

*Project: Compliance Training*

1. Establish a Compliance Training Ad Hoc Committee and plan the orientation training—May 1, 1978.
2. Implement orientation training—August 1, 1978.
3. Explore ways to implement crossover training, and utilize the training committee to finalize plans—September 1, 1978.
4. Implement crossover training—December 1, 1978.
5. Plan industry seminars—July 1, 1978.
6. Implement the seminars—October 1, 1978.

*Project: Coordination of Compliance Monitoring and Enforcement Priorities*

1. Establish, as appropriate, common criteria for setting priorities for compliance monitoring and enforcement activities—September 1, 1978.
2. Exchange existing work plans and coordinate the preparation of future work plans to direct field activities of surveillance programs—September 1, 1978.
3. Implement to the maximum extent possible, the coordination of compliance monitoring and enforcement activities—See next project.

*Project: Coordination of Inspectional Resources*

1. Identify areas of joint regulatory attention—May 1, 1978.
2. Implement a referral inspectional program—September 1, 1978.
3. Implement a joint inspection program—October 1, 1978.
4. Implement a crossover inspection program—January 1, 1979.

*Project: Establishing Common or Compatible Investigational Forms*

1. Evaluate the feasibility of developing common or compatible forms and identify candidate forms—April 1, 1978.
2. Develop and implement common or compatible forms—August 1, 1978.
3. Develop a checklist for referral inspections—August 1, 1978.





DECEMBER 9, 1977.

Mr. EDWIN F. TINSWORTH,
*Chairman, Compliance and Enforcement Work Group.*

EDUCATION AND COMMUNICATIONS WORK PLAN

EDUCATION

I. *Objectives*

A. To plan, develop, and evaluate a coordinated education program directed toward consumers;

B. To plan and develop a coordinated external training program for key consumer representatives who can produce a multiplier effect;

C. To recommend guidelines for promoting the implementation of an external coordinated education and training program;

D. To recommend a coordinated communication system for reaching the target populations to whom these education and training (external) programs are to be directed; and

E. To assess the effectiveness of labelling as an educational tool and a preventative strategy.

II. *Scope of work*

The above objectives will focus on:

A. Consumer and worker health and safety;

B. Toxic substances;

C. External training;

D. Labelling of toxic substances.

III. *Description of coordinated activities*

A. *Publications Booklet.* Each agency has printed materials geared toward common audiences that can be used to raise their awareness level and knowledge level about health and safety. We propose to develop a *Health and Safety Publications Booklet for Consumers.* Such a document would have some annotated listings of health and safety publications and audiovisual materials of interest to educators, consumers in the home environment and employees in the work place. It will address such concerns as consumer product safety, foods, drugs, toxic chemical substances, and other areas relating to health and safety protection.

The publications booklet will include the following:

1. The working title and cover legend of the booklet is to be: "It's For You To Know . . . A listing of information materials you can obtain about dangerous chemicals in your environment, home and workplace."

2. The objective of this publication is to help the public learn what information materials are available to them from CPSC, EPA, FDA and OSHA concerning the law, specific chemicals, protection/prevention, etc.; how to obtain that information, etc. Along with being a handy catalog, it is intended to let the citizen (esp. teachers, health personnel and others who frequently request such material) judge by comparison which are the "correct" materials for a particular purpose from among many available.

Key elements will be:

(a) Intro . . . table of contents . . . "how to use this booklet" etc.

(b) General publications available from four agencies and how to order.

(c) Selected technical publications and how to order; where to go for other specific technical information.

(d) Slide shows, filmstrips, A/V shows, etc.; how to order films; etc.

3. Production Schedule:

(a) Approve scope and plan for project, 2/1/78.

(b) Approve overall project; Agency Heads, 2/15/78.

(c) Draft and layout finished, 3/31/78.

(d) Approvals/suggested changes thru four agencies, 4/15/78.

(e) Out for typesetting, 4/30/78.

(f) Mechanicals finished, 5/15/78.

(g) To printing, 5/16/78.

(h) Finished, first printing, in-hand, 7/15/78.

4. Distribution will be via several routes: selected agency mailing lists, and upon individual request through the Consumer Information Center.

The booklet will be developed on a contract. Anticipated quantity is 225,000-750,000 copies.

Lead Agency: Joint—EPA (Mike Scott) and CPSC (Elizabeth Johnson).

B. *Education and Training (external) Curriculum Guide for Briefings and Workshops.* This is intended to be a two-sectional document to be used by regional and area offices of each of the four agencies:

1. *Section I*—A coordinated comprehensive guide to be used in the conduct of briefings with key national, regional, and state consumer-oriented organizations relative to the structure, functions, and process for implementation of the interagency agreement. This section would increase consistency of information presented and assist regional directors in being certain that major elements of the structure, the planning, and the projects being developed are accurately presented.

2. *Section II*—A general education and training curriculum guide for the

conduct of health and safety workshops. It would be developed to encourage consistency, but it would also encourage flexibility. A model would be pilot tested and then replicated for national implementation. The conduct of cooperative annual regional education workshops by regional and area offices of the four principal regulatory agencies charged with protecting the public and the environment from adverse effects of toxic and hazardous substances would be a meaningful and significant step. These cooperative annual workshops are intended to attract local representatives of consumer-oriented organizations who have a multiplier effect, an established constituency, and established network of communications, and who are willing to assist us in our educational goal of an "informed safety minded consumer".

Lead Agency: CPSC (Elizabeth Johnson).

C. *Development of a Generic Health and Safety Curriculum Activity Guide for Schools.* The development, promotion, and distribution of a generic health and safety curriculum activities guide for elementary, middle, and senior high schools would greatly enrich the present school curriculum while at the same time provide a natural blend into existing goals and curriculae. The implementation of this guide in schools would raise the level of health and safety awareness among the nation's most vulnerable population—our children. We therefore, propose the development of a *Generic Health and Safety Curriculum Activities Guide for Schools.*

Lead Agency: CPSC (Elizabeth Johnson).

D. *Effective Labelling as an Educational Tool and Preventive Strategy.*

*Hypothesis statement:* Effective labelling is an educational tool that communicates a basic message requiring the reader or user to make a decision about his behavior.

The following tasks are identified:

1. A review of the state of the art of labelling of toxic substances through or by CPSC, EPA, FDA, and OSHA.

2. Analyze the findings of the state of the art.

3. Establish a clear, specific coordinated strategy for labelling that can be jointly accepted and implemented by the above four agencies and the appropriate regulatory personnel.

The criteria for establishing labelling as a preventive strategy and an educational tool must include the following:

It is understandable to the user/reader;

It has panels that contain directions and treatment to the user that is attractive and attention drawing to the user so that the message will want to be read;

The print is legible (enlarged print size, type form, color contrast, etc.);

Directions that are short, concise, and in *simple* language;

The label has been pre-tested for readability, comprehension, clarity, and elimination of confusion.

Lead Agency: CPSC (Elizabeth Johnson).

ADDENDUM—EDUCATION/COMMUNICATIONS TASK FORCE

*Development of a Generic Health and Safety Curriculum Activity Guide for Schools.—Purpose and Description*—The purpose of this Curriculum Activities Guide is to provide a resource manual for teachers of elementary, middle, and senior high school grades in teaching basic health and safety content to their students. The content would focus on those categories of products over which the four agencies have jurisdiction.

The guide would have, as a minimum, the following:

Introduction: purpose and how the guide can be used; interdisciplinary approaches and opportunities; how the content fits into existing curricula; basic concepts to be taught; objectives (behavioral and learning); background information for the teacher; information about the four agencies; suggested activities; laws protecting the health and safety of consumers; pre and post tests; knowledge and behavior inventories; and resource material listings.

Some of the health and safety content categories would include:

Home safety; school safety; safety and health in the work place; environmental health and safety; and food, drug, and cosmetic safety.

*Distribution*—The Curriculum Activities Guide would be distributed (with an accompanying letter) to the 10,000 or more public school curriculum specialists across the country; to school supervisors of consumer education, home economics, industrial education, distributive education, social sciences, health-physical-and safety education. The Guide would, also, be distributed to parochial schools. If the quantities are sufficient, one guide should be placed in each school in the country.

Accompanying each Guide would be a "franked" self mailer—two fold which would have about 5-7 evaluative questions. This would serve as a preliminary evaluation feedback.

COMMUNICATIONS

I. BROCHURES/PRINT MATERIALS

*A. General Information Booklet on Toxic Substances and the IRLG.*

Scope and implementation of project are listed below:

1. "The Chemical Threat"—working title.

2. The objective of this publication is to help the public understand what the government is doing to protect the citizen from the dangers of certain chemicals and advise on self protection.

The key areas in the booklet will be:

(a) What these chemicals are that we're concerned with.

(b) Where they are and why—in products, the workplace, the environment.

(c) How people can protect themselves from the dangers of these chemicals; how they can be protected.

(d) The law: Food, Drug and Cosmetic Act, Occupational Safety and Health Act, Toxic Substances Control Act, PPA, HSA, etc.

(e) The agencies that carry out those laws—who they are, what they do—their activities—especially those related closely to the daily life of citizens, workers, consumers.

(f) What the Government does not do in the area of toxic substances; why.

(g) How the citizen can work with the Government to correct a problem—which agency is the right one for which problem.

(h) The IRLG—what it is all about and why—what it is not.

(i) Directory: Organizational tables; chief/key personnel, addresses, phones; how to get to the right office; what to do when you can't seem to get an answer to your question.

3. Production schedule: (a) Approve scope and plan of project, work group, October 14, 1977; (b) approve overall project, agency heads, October 31, 1977; (c) draft finished ready for approval, March 1, 1978; (d) approvals/suggested changes—through all 4 agencies, March 15, 1978; (e) final draft with changes approved, agency heads, March 29, 1978; (f) out for typesetting, April 12, 1978; (g) mechanicals finished, May 2, 1978; (h) to GPO (w/letter from IRLG heads asking special service), May 9, 1978; and (i) finished first printing (500,000 copies) in hand, June 5, 1978.

4. Distribution for the publication would be via several routes. Copies will be furnished to each agency for mailing to their own mailing lists. Copies will be printed and shipped to cover bulk requests by the agencies' constituencies (e.g.: labor unions, consumer groups, women's groups, agriculture associations, trade associations, press and media, environmental organizations, etc.) for redistribution to their memberships. Agencies will also be supplied with quantities for headquarters and field offices for the numerous kind of requests out of general inventory.

Finally, arrangements will be made to distribute in response to continuing general inquiries via the Consumer Information Center in Colorado. This is a service already used by 3 of the IRLG agencies to distribute much of their public information material, and so coordination and cooperation will be both simplified as well as desirable. Also, mention will be made of the brochure in our PSA.

5. Lead Agency—EPA (Mike Scott).

B. Guidelines for Emphasizing Interagency Cooperation in Agency Publications.

On November 7, 1977, a memorandum was sent to the Directors of Communications/Public Affairs/Education of CPSC, EPA, FDA, and OSHA requesting that they use and distribute, as appropriate, in headquarters and regional offices, the below listed Guidelines, as approved by the IRLG, in their publications.





*Guidelines for Emphasizing Interagency Cooperation*

The Heads of the FDA, EPA, CPSC, and OSHA have been emphasizing the need for their agencies to cooperate more closely and to avoid duplication of effort in regulatory and scientific activities.

On September 26, the agency heads signed an agreement setting forth eight areas of cooperation. A copy of this agreement is attached.

As part of the new spirit of cooperation among the agencies, the Work Group on Education and Communications urges all four agencies to emphasize in their publications and other public materials the cooperative effort.

Specifically, the Work Group urges:

That the interagency agreement be the subject of a story in internal newsletters produced by the four agencies.

That the agreement be the subject of a longer story in any other periodical publications issued by the four agencies, such as magazines.

That appropriate press emphasis be given to the effort by the press offices of the agencies.

There is also a need for publications and other public materials to give proper emphasis to the occasional overlapping authority and responsibilities of the four agencies. The public is often confused about which agency is responsible for particular areas, and about overlapping authority.

For example, if a brochure is being published about toxic substances by EPA, the brochure should mention that other agencies also are active in enforcing this new law, and give how the authority and responsibilities are distributed.

If an FDA brochure is being written about prescription drugs, mention should be made of the safety packaging required under a law enforced by CPSC.

If OSHA is regulating a chemical in the workplace, FDA in foods and drugs, EPA in pesticides and CPSC in consumer products, publications should make clear how the agencies interact and where their responsibilities lie.

Publications also should refer to other agencies for additional information about a subject. This might be done in the form of "For further information about this subject, write to—."

Lead Agency: FDA (Wayne Pines).

II. FILMS/AUDIO-VISUAL MATERIALS

*A. Production of a Fourteen (14) Minute Color Film (16 mm).*

1. *Scope.*—The film would stress two main points: (1) the need for people to take responsibility for their own self-protection from products, at home and at work, and (2) the need for reading labels as a means of self-protection. The film would also point out the general responsibilities of each of the four agencies, and stress the agencies' limitations in providing absolute protection from hazards or deception.

2. *Dissemination.*—Modern Talking Pictures, a commercial firm, would receive 300 copies for bookings. FDA consumer affairs officers would use the film as an integral part of their consumer education programs; OSHA, EPA, and CPSC would have the films available through their headquarters and regional offices. There would be a major effort to book the film for showing on local and national television, through letters to stations signed by the four agency heads. There also should be a major effort to encourage schools to use the film in their consumer education projects, and each of the four agencies would incorporate the film into its consumer education program.

3. *Project schedule.*—A contract could be signed within three months after a dollar commitment is made. It would then take three months for writing and production of the film.

4. *Lead agency.*—FDA (Wayne Pines).

III. HEARINGS AND PUBLIC MEETINGS CALENDAR

This project is intended to keep each agency informed of rulemaking hearings and public meetings regarding toxic substances that are of interest to the four agencies. Also, this will serve as a way to hold joint meetings for agency heads and personnel, and can also reduce duplication in efforts.

A calendar will be published during the third week of each month which will list relevant hearings and meetings for the following month. The calendar will consist of: the subject of the meeting, the time and location, the "lead" agency, and a contact. An initial calendar will include events up to six months in advance, and will be updated, as necessary.

EPA will be responsible for compiling this calendar based upon submission of upcoming events from the counterparts of the other agencies. The submissions will be due about the middle of each month. EPA will forward the completed calendar to the counterparts, who will be responsible for distribution within the agencies and the public. We also will suggest that the recipients of the calendar encourage joint coordination or sponsorship of hearings and meetings.

Lead Agency: EPA (Larry O'Neill). (Sample calendar format is attached.)

"MODEL CALENDAR"

DRAFT

JANUARY 1978 --- PUBLIC MEETINGS AND HEARINGS CALENDAR FOR OSHA, EPA, CPSC AND FDA

The calendar, issued monthly, lists public meetings and hearings regarding toxic substance issues involving the four agencies. Additions, corrections or comments should be addressed to EPA, Public Awareness Office (A-107), 401 M Street, SW., Washington, D.C. 20460, ATTN: Larry O'Neill, phone: 202/755-0344.

| SUBJECT | TIME, LOCATION | LEAD AGENCY | CONTACT |
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IV. INTERAGENCY DIRECTORY

Lead Agency: CPSC (Nancy Marcel-

(4) date referral is received,



VI. PRESS RELEASE/PRESS CONFERENCE

focus on a broad generic hazard that is

should provide assurance that there is

IV. INTERAGENCY DIRECTORY

*A. A Directory has been established which includes:*

1. The Interagency Regulatory Liaison Group, whose eight members act as surrogates for the four Principals or Agency Heads in coordinating and managing the execution of the Interagency Agreement;

2. The Eight Work Groups established under the Interagency Agreement. One IRLG member serves as liaison between one work group and the IRLG;

3. Other Key Contact Personnel within each agency headquarters offices, including:

(a) Regulatory Alert System contact persons who notify the other three agencies of planned or impending regulatory action.

(b) Correspondence/Referral (mail) Contacts who will answer referral inquiries within the agencies and will expedite replies to the consumer.

4. Field Offices: CPSC area offices, EPA, FDA, and OSHA regional offices.

This Interagency Directory is being issued to the Directors of Communications/Public Affairs/Education of CPSC, EPA, FDA and OSHA for distribution, as appropriate, in headquarters and regional offices. The Directory will be periodically revised.

Lead Agency: CPSC (Nancy Marcellino).

V. CORRESPONDENCE/REFERRAL (MAIL)

*Background:* Letters and complaints received by us represent the first contact the consumer has had with the various agencies. We are commited to providing the consumer with accurate and speedy responses. This initial contact between agency and consumer is a valuable one and must be considered as an opportunity to interact with the consumer in a positive and professional manner.

We are aware that each agency has its own system for recording and processing consumer inquiries and complaints. However, we feel that the use of uniform guidelines, within the four agencies for recording and answering misdirected mail and complaints, will expedite replies to the consumer and simplify collation of information among the agencies.

*A. Guidelines for Information Referral*

1. At point of opening, misdirected mail should be routed daily to the interagency "contact" person, as listed in the interagency directory. The "contact" person will:

(a) Keep a daily log to record the following information (See sample log sheet attached):

(1) name of consumer,
(2) date inquiry is received,
(3) agency to receive referral,
(4) date referral is received,
(5) date referral is answered,
(6) "Red flag" letters of a more serious nature, i.e., potential health hazards.

(b) Compile and mail monthly reports to other agencies (from daily log) for comparison with those received from the other agencies.

(c) Misdirected mail should receive preference because of the time lost in getting the letter to the appropriate agency.

(d) A prepared letter, explaining why the incoming correspondence was referred to another agency, should be sent to the consumer the same day as the inquiry is received. This letter could also describe, in brief terms, the responsibility of the agency referring the letter.

2. Telephone referrals:

(a) Where appropriate, telephone consumer directly and give the telephone number of the proper agency.

(b) Consumer telephone calls should be referred to the appropriate agency and the consumer urged to call back if he does not receive a satisfactory reply.

3. Publications:

(a) IRLG agencies should advise each other when putting items in their publications in order that the appropriate agency can gear up for a possible increase in inquiries.

Lead Agency: FDA (Alex Grant).

IRLG LETTER REFERRAL LOG

DRAFT

| Name of Consumer | Received From: Date of Letter | Agency | Date | Red Flag | Referred to: Agency | Date | Red Flag | Date of Reply |
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VI. PRESS RELEASE/PRESS CONFERENCE COORDINATION

A. This plan is intended to ensure that each agency is informed of news events of interest and that each agency has a fair and equal chance to participate in the announcement.

Each work group news contact will be responsible for identifying as far in advance as possible those rules, enforcement actions, or other events that involve other IRLG agencies and that warrant a news release, conference or other coverage.

The news contact at the agency that is the "lead" for the action will notify her or his counterparts and consult on how to best make the announcement. The "lead" news contact will be mainly responsible for drafting the news release or other material and, in the case of a news conference, for making physical arrangements. The "lead" should feel free to call upon his IRLG colleagues for help in this work.

The "lead" will also be responsible for obtaining clearance of the material from all the agencies involved and will strive to incorporate his views in the final work. The "lead" will attend to reproduction of the material for the event. His counterparts will assist in press notification.

Because of the short lead-times and unpredictable nature of many news happenings, this system has to be regarded as fluid and subject to change as circumstances dictate. It will work only if each of the agency's news contacts cooperate with each other.

B. The press officer from each agency, as listed in our interagency directory, assigned to the above coordination is listed below:

Consumer Product Safety Commission, Susan Smirnoff Charles, 202-634-7780.
Environmental Protection Agency, Marlin Fitzwater, 202-755-0344.
Food and Drug Administration, John T. Walden, 202-443-4177; Wayne Pines, 202-443-3285; Nancy Glick, 202-245-1144.
Occupational Safety and Health Administration, Jim Foster, 202-523-8151.

Lead Agency: EPA (Larry O'Neill).

VII. PUBLIC SERVICE ANNOUNCEMENTS (TV, RADIO, PRINT)

A. Production and distribution of a series of jointly sponsored radio, television and print messages.

1. Scope: The PSA campaign would focus on a broad generic hazard that is under the purview of all the agencies, such as pesticides. The materials would present basic warning information and explain that as a consumer or a worker he or she has a right to expect and require protection, but the joint responsibility belongs to industry as well as to the consumer. In general, the campaign would be designed to give simple basic information that would raise the level of awareness and concern. It should also provide a response mechanism so that a listener or viewer can write or call for more information, such as the joint booklet on toxic substances.

2. Implementation and Distribution: The Work Group should initiate contact with the Advertising Council as well as other production and distribution firms. The Work Group may be able to produce the material independently of the Advertising Council—(probably with some savings) and then offer it to them for approval and distribution. There are several other distribution agencies available. Basically, copies of the radio and television spots could be made available to every broadcast outlet in the country. The materials would be distributed to all major magazines and major newspapers as well as specialized publications such as union newspapers or local consumer newsletters. Copies of the materials would also be made available to the regional offices of the four agencies for local distribution and use.

3. Project Schedule: Six months from the time of commitment of funds, a campaign could be in distribution.

4. Lead Agency—OSHA (Frank Greer).

MR. KENNETH R. RASHID,
*Chairman, Education and Communications Work Group.*

DECEMBER 1, 1977.

EPIDEMIOLOGY WORK PLAN

GOAL A—IDENTIFICATION OF EPIDEMIOLOGY PROGRAMS AND EPIDEMIOLOGY RESOURCE PERSONNEL

The severe limitation in personnel in epidemiology within the four agencies as well as nationally requires that these scarce resources be utilized as effectively as possible. Sharing information on programs and personnel should provide assurance that there is no unnecessary duplication of effort, that high priority needs are receiving support, and that individuals engaged in these studies are aware of the talents that they can draw upon in other agencies for assistance in their own projects.

*Task 1.—Identification of Epidemiology Resource Personnel*—The Epidemiology Work Group has decided that a listing of personnel will be most useful if it identifies both those individuals who have received academic training in epidemiology and those whose work directly contributes to epidemiological projects. Therefore, the list will classify individuals in epidemiology under the following operational categories: (1) individuals with academic credentials in epidemiology, (2) individuals with experience and/or training in the application of epidemiological methods, (3) support individuals for epidemiological research and application (biostatisticians, statisticians, information specialists, etc.)

The report identifying personnel of this agenda item is expected on January 31, 1978.

*Task 2.—Identification of Epidemiology Programs*—This task will begin with output on epidemiology programs from the Research Planning Work Group. This material will be amended if necessary to meet criteria established by the Epidemiology Work Group. Epidemiologists and related scientists in the four agencies will be queried for additional programs.

The target date for completion of this task is February 28.

GOAL B—GUIDELINES FOR EPIDEMIOLOGICAL STUDIES

An increasing number of "epidemiological studies" have been submitted to various government agencies involved in the regulatory process over the past several years. Many of these studies have provided a factual basis for regulation. However, others have led to lengthy debate due to inadequate design, inadequate data, and inappropriate analyses, often delaying public health actions and sometimes resulting in inconsistent decisions by different agencies having overlapping or joint interests. Furthermore, such inadequacies have too often led to un-





necessary or inappropriate expenditure of scarce resources; i.e., time of highly suggestive data supporting a health hazard. Currently, regulations were formed to explore the following problem areas associated with the use



codes for specific chemicals, establishment sites, products, and uses. These identified, current systems surveyed, and new or modified systems devel- going activities presently performed

necessary or inappropriate expenditure of scarce resources; i.e., time of professional staff and money, to "redo" the research. To more readily facilitate the objective conduct and evaluation of epidemiologic studies which may be used for regulatory decisionmaking, the Epidemiology Work Group has determined that it is necessary to develop and promulgate guidelines for such epidemiologic studies. While it is not intended that a standard model be developed against which epidemiologists would mold their research, we believe it is necessary to develop minimal criteria by which submitted studies can be objectively evaluated.

*Task 1.—Guidelines Development, Announcement and Promulgation*—The Epidemiology Work Group will develop draft guidelines for announcement in the FEDERAL REGISTER for public comment and, after consideration of comments, for promulgation as formal guidelines.

The milestones for this task are as follows:

Develop draft guidelines—May 30, 1978.

Announcement in the FEDERAL REGISTER—September 30, 1978.

Promulgation of formal guidelines in the FEDERAL REGISTER—March 31, 1979.

*Task 2.—Epidemiologic Methods Research and Documentation*—Simultaneous to the development of draft guidelines, the Epidemiology Work Group will undertake:

A. An evaluation of selected published studies with regard to their design, analysis and conclusions, and

B. Research in epidemiologic methods concerning the critical effects of demographic, confounding and study variables.

Each of these subtasks will provide for background documentation and support the promulgation of draft guidelines.

The milestones for this task are as follows:

*Subtask A—Six months after allocation of resources.*

*Subtask B—Twelve months after allocation of resources.*

GOAL C—IDENTIFICATION OF LEGAL AUTHORITIES AND REQUIREMENTS FOR EPIDEMIOLOGIC STUDIES

Increasing evidence documents that medical, industrial hygiene, engineering control, and monitoring records are often not retained after a few years by corporations, hospitals, and others. This adversely impacts on our ability to identify heretofore unrecognized or unacknowledged health hazards associated with chemicals and processes. Evidence also documents corporate opposition to the access of existing records for health evaluation purposes, even in the presence of highly suggestive data supporting a health hazard. Currently, regulations prescribed under most existing legislation are addressing record retention only after the recognition of a health hazard. However, records must be retained and studied in order to identify health hazards *de novo*.

Several regulatory agencies routinely require safety testing of chemicals in animals. There is much less use of existing authorities to require industry to carry out epidemiological studies using its own records. Such epidemiological studies would identify adverse health effects which failed to be documented in animal tests. The extent of federal legal authorities to set standards for industry-conducted epidemiological studies, and to enter industry in order to carry out government studies, needs further exploration. Furthermore, once a chemical is found to be safe in animal studies, the extent to which human testing for effects that would not show up in animal tests needs to be explored from both a scientific and ethical perspective.

*Task 1.—Identification of Existing Authorities*—The Work Group has already requested General Counsels in each agency to survey the current legal authorities within each agency to require retention, collection, collation, and disclosure of data pertinent to human disease potential. This survey also has addressed the authorities each agency has to share and transfer right-of-entry for such data. We are also investigating existing authorities to require industry to carry out epidemiological studies, our authorities to set minimum quality standards for such industry studies, and our authorities pertaining to industry-conducted human testing.

Proposed timetable: March 15, 1978.

*Task 2.—Need for Additional Agreements for Authorities*—After analyzing the responses from all General Counsels, the Work Group will make recommendations for:

A. Immediate action in the form of prescribed regulation under existing legislative authorities. Proposed timetable: Continuing effort.

B. Future actions such as interagency agreements and proposed legislative changes. Proposed timetable: Continuing effort.

GOAL D—DEFINING DATA BASES OF INTEREST

The Epidemiology Work Group discussed a variety of data bases and problems associated with the use of such data sources. The data bases include those at NCI, various cancer registers, Professional Activity Studies, Bureau of Census data, Social Security Administration data, data from the National Center for Health Statistics, and others. Several subcommittees were formed to explore the following problem areas associated with the use of such data bases. These problems include:

1. The right to access and the method of access.

2. The methods to be used to challenge the denial of the use of a particular data base.

3. Resources needed to access particular data bases.

Subcommittees have been established to explore the data bases of the Social Security Administration, Professional Activity Studies, the National Center for Health Statistics and the Center for Disease Control. The first report from these subcommittees is expected on February 28, 1978. Additional target dates will be set as specific problems and opportunities are identified.

DR. ROBERT D. VERHALEN,
*Chairman,*
*Epidemiology Work Group.*

JANUARY 23, 1978.

INFORMATION EXCHANGE WORK PLAN

I. SUMMARY

The IRLG suggested that common requirements of the four regulatory agencies be identified, current systems surveyed, and new or modified systems developed in order to promote effective information exchange.

A recently completed study by MITRE sponsored by CEQ, EPA, and NLM has identified these requirements, surveyed existing systems, and proposed a loosely-coupled network of new systems and modified current systems. This proposed Chemical Substances Information Network may be viewed as an overall blueprint for developing effective information exchange among the four agencies.

The Information Exchange Group has identified six projects which are consistent with the MITRE study. These projects are appropriate for coordinated action by the four agencies, and would facilitate information exchange considerably.

Four of the six projects provide for coordination of on-going activities presently performed independently by the four agencies. The remaining two projects call for feasibility studies and eventual development of new automated information systems to serve the four agencies.

To successfully overcome the inherent inertia of these on-going activities, these coordination projects will require strong support and attention from the administrators to ensure full cooperation from all key agency personnel in affected organizations. These four projects may briefly be described as:

A. Use of common identification codes for related information among all four agencies. This would apply to codes for specific chemicals, establishment sites, products, and uses. These codes would be applied to both new and existing systems of interest to the four agencies, unless a written cost/benefit analysis, approved at an appropriate level, demonstrates that it is not reasonable to do so.

B. Development of common procedures for safeguarding confidential information. Policies should be consistent so that confidential information can be exchanged among any or all of the four agencies without loss of security.

C. Joint monograph (criteria document) planning and production. Monographs could be designed to include requirements of all four agencies, and procurement simplified through master task order type contracts.

D. Development of criteria for coordination of reporting requirements. To the extent permitted by differing agency laws and missions, certain types of data submission from regulated industries could be made uniform among the four agencies, leading to enhanced data sharing capability and to a reduction in the reporting burden placed upon industry.

The two recommended system projects would begin with feasibility studies and lead to development of the following interagency systems:

E. Regulated Chemicals System—contains information on standards and regulations which have been proposed or promulgated concerning individual chemical substances or classes of chemicals; and,

F. Chronic Testing Support System—contains results of long-term chronic toxicity monitoring studies, and provides a strong analytic capability.

In addition, a seventh project has been identified to support the work of the Information Exchange Work Group to provide continuing management of work plan activities and to continue to assess agencies' information needs and propose answers to these needs.

The remainder of this action plan contains a perspective section which provides some highlighting of the MITRE Study and demonstrates its appropriateness for consideration by the four agencies; a section on the four coordination projects; a section describing the two systems projects which should be entered into jointly by the four agencies; a recommendations section; and a table showing examples of possible future projects. The Information Exchange Work Group recommends that the four Agency Heads approve the seven projects and provide resources sufficient to implement them.

II. PERSPECTIVE

The IRLG suggested that common requirements of the four agencies be identified, current systems surveyed, and new or modified systems developed in order to promote effective information exchange.

A recently completed study by MITRE sponsored by CEQ, EPA, and NLM has identified these requirements. The study concerned itself with the following regulatory agency functions and data categories needed to support those functions:

FUNCTIONS OF REGULATORY AGENCIES

(1) Hazard Identification/Prioritization; (2) Hazard Analysis; (3) Research/Development; (4) Decision Package Development (Criteria Documents); (5) Monitoring/Analysis; (6) Preparation of Regulations and Guidelines; and (7) Enforcement/Compliance.

DATA CATEGORIES NEEDED TO SUPPORT THOSE FUNCTIONS

(1) Substance Indentification; (2) Production Aspects; (3) Marketing; (4) Exposure; (5) Epidemiology; (6) Biological; (7) Environmental; (8) Standards/Regulations; and (9) Managerial/Administrative.

This study, completed June 1977, also includes a survey and evaluation of current systems, and proposes a coordinated plan for developing new systems and modifying old ones so they will more effectively meet regulatory agency needs. This proposed Chemical Substances Information Network may be viewed as an overall blueprint for developing effective information exchanges among the four agencies.

It is not a monolithic super-system however, nor even a series of systems electronically tied together. Rather it is a set of individual components which, when viewed together, can be used to effectively meet information needs of agencies involved in regulatory chemicals.

The ten core system components of the proposed network are:

(1) Chemical Data Base Directory; (2) Chemical Structure/Nomenclature System; (3) TSCA Chemical Data System (Proprietary); (4) TSCA Chemical Data Systems (Public); (5) TSCA Reports Management System; (6) Toxicology Data System; (7) Chronic Testing Support System; (8) Bibliographic Literature Scanning System; (9) Laboratory Animal Data System; and (10) Regulated Chemical Standards System.

CEQ has funded a feasibility study to further evaluate the requirements, implementation alternatives, costs, and benefits of the first two of these components of the proposed network. All or parts of several such system components exist or are contemplated outside the IRLG. However, two system components appear appropriate for IRLG development, and are discussed below in some detail.

III. COORDINATION PROJECTS

The Information Exchange Work Group has identified four projects which provide for coordination of on-going activities presently performed independently by the four agencies.

These four projects are discussed separately below.

A. Common Identification Codes

The first coordination project provides for the use of common identification codes for related information among all four agencies.

This would apply to codes for specific chemicals, establishment sites, products, and uses. These codes would be applied to both new as well as existing information systems which would be commonly useful among the four agencies, unless a written cost/benefit analysis demonstrates it is not reasonable to do so.

There should be a common policy and implementation plan developed in all four agencies that requires that the Chemical Abstracts Service (CAS) registry number be associated with each chemical in all agency files. Once a chemical has been identified by one means or another, and its CAS number determined, access to all available information in all other files can be obtained by means of the common CAS number.

The CAS number could be placed within existing files or could be maintained in a separate table with an appropriate link into the existing file. Once this association has been established, the list of CAS numbers in the file should be provided to NLM for entry into CHEMLINE, and to EPA for entry into the EPA/NIH Chemical Information System.

There should be a common policy and implementation plan developed which requires the association of a common site-specific establishment identification code for all establishment information in all agency files. This would permit a user to identify all available information in all agency files for any given establishment. The Dun and Bradstreet number appears to be most readily adapted to this purpose, but further study is being made so that a final choice can be made by the four agencies in concert.

There should be a common policy and implementation plan developed which requires the association of a common product identification code for all product related information in all agency files. This would permit the location of specific product information in various files among the four agencies. FDA and CPSC have a strong interest in this area.

There should be a common policy and implementation plan developed which requires the association of a common hierarchical use-code for chemicals in all agency files. This would apply to uses of chemicals as determined by processors, formulators, distributors, and retailers. This would permit the location of information by





use-code in all agency files, and specific chemical to be identified.

The scope of this project is all voluntary or mandatory requirements for

bioassays conducted by NCI), by government agencies who need to review



common identification codes, that implementation plans for these policies

*Product codes.*—The third output of this project will be a policy, similar to

tial information. These may be formal regulations, published in the FEDERAL

use-code in all agency files, and specific chemical to be identified.

B. Confidential Information

The second coordination project would provide for the development of common procedures for handling and securing confidential information.

There should be a common policy and implementation plan developed for the safeguarding of confidential information. Whenever confidential information is shared between agencies (as permitted by law) common procedures would minimize the possibility of error due to unfamiliarity with the other agency's procedures. This should also give industry more confidence in our collective ability to share confidential information without undue risk.

C. Monograph Planning and Production

The third coordination project provides for planning and procurement of monographs (criteria documents) and similar documents.

Monographs are substantial literature analyses of a specific topic, most typically on the toxicity of a chemical or class of chemicals.

Three of the four agencies (EPA, CPSC, FDA) issue contracts to commercial firms for monograph production. OSHA's monographs are developed by NIOSH. The cost of these monographs ranges from about $20,000 in contract costs upwards. In addition to contract costs, agencies contribute considerable resources in expert review of drafts, negotiation with and guidance of contractors, etc.

Increased coordination among the four agencies would result in substantial savings and better monographs for all. As an example, the incremental costs of adding environmental data to an occupational health monograph are considerably less than the cost of preparing a monograph on the same topic in order to assess its environmental impact.

D. Reporting Requirements

The fourth project provides for the coordination of reporting requirements in the four agencies.

These agencies impose requirements upon industry to supply data on chemicals they manufacture, import, use, or sell. Each agency's requirements are developed and implemented independently of the others, except for limited coordination provided by the Office of Management and Budget under the provisions of the Federal Reports Act. The General Accounting Office has similar duties relative to the Consumer Product Safety Commission.

The goal of this project is greater uniformity in industry submissions of data, leading to enhanced data sharing capability and to a reduction in the reporting burden placed upon industry.

The scope of this project is all voluntary or mandatory requirements for reporting or recordkeeping under the cognizance of one or more of the four agencies, where the subject of the report is a chemical substance. All such requirements are in the scope, whether or not there is any concern with the toxic effects of the subject chemicals.

Work will initially focus on requirements of the four agencies, and may then be expanded to cover requirements of other agencies in the Federal government, with the cooperation of the Office of Management and Budget.

## IV. SYSTEM DEVELOPMENT PROJECTS

Two of the ten core system components of the Chemical Substances Information Network appear appropriate for development by the four agencies: a Regulated Chemicals System and a Chronic Testing Support System. This development process should begin with a feasibility study to sharpen the definition of requirements, identify implementation alternatives, perform cost/benefit analyses, and prepare recommendations for management review. Full cognizance will be taken of on going activities in the public and private sectors which may be used as a base for the proposed systems.

E. Regulated Chemicals System

The Regulated Chemicals System would provide the user with information on standards which have been proposed or promulgated concerning individual chemical substances or classes of chemicals. The system would incorporate occupational standards, transportation, packaging, and labeling requirements, threshold levels, and various procedural regulations which impose industrial reporting requirements with respect to individual chemical substances or classes of substances. State, Federal, and international standards are all included. The system would be implemented on a data base management system that is publically available, thereby providing information to manufacturers and processors as to their respective responsibilities under various legislative authorities. Government agencies and international organizations require this system to maintain awareness of proposed and promulgated standards in order to minimize the development of conflicting standards.

F. Chronic Testing Support System

The Chronic Testing Support System would provide a software capability and storage and retrieval module for the results of long term chronic toxicity monitoring studies. The system may be used by government agencies in the conduct of long term toxicological studies (e.g., cancer bioassays conducted by NCI), by government agencies who need to review the studies (e.g., by EPA in carrying out its responsibilities under TSCA and FEPCA to review test results), or by industry when required to conduct chronic tests in response to government regulation. The system design would incorporate the requirements of the Carcinogenesis Bioassay Program of the National Cancer Institute and the integrated laboratory support capability required by the National Center for Toxicological Research. It would support private, independent agency, or industry files with access and update privileges limited to approved users. The goal of the system would be to provide a computer utility for collection, monitoring, evaluating, and reporting of bioassay information. The system would permit collection of data on chemicals and chemical preparations, the experimental procedures and test environment, the observation data and complete pathology reports on individual animals. The system would use statistical application programs and a report generator. Use of such a system by government agencies and industry encourages standardization of testing protocols, forces standardization of reporting, and incorporates concepts of good laboratory practice.

Of the projects identified to date, Project A (common identification codes) has the highest priority, and Project C (monograph planning and production) the lowest. Priorities need not be invoked, however, unless funding is involved, as different resources are, in general, assigned to each project team.

## V. RECOMMENDATIONS

The Information Exchange Work Group recommends that the four agency heads approve these projects and provide resources sufficient to implement them.

The Information Exchange Work Group would provide for interagency liaison and project management of these activities. In order to carry out these responsibilities, the group will need an appropriate level of managerial and operational support. These needs are detailed as project G.

## VI. DETAILED INFORMATION EXCHANGE GROUP PROJECT PLANS

### *Project A: Common Identification Codes*

*Requirement.*—The four agencies presently have information systems that contain chemical-related data. It is difficult, if not impossible, to locate related information in these files due to the lack of common identification codes for specific chemicals, establishment sites, products, and uses.

It is proposed that the four agencies develop common policies for the use of common identification codes, that implementation plans for these policies be developed jointly, and that these codes be implemented in agency systems.

*Outputs.*—1. Four-agency policies for the use of common identification codes for chemicals, establishment sites, products, and uses (short range).

2. Coordinated implementation plans for the above policies (medium range).

3. Implementation of common identification codes in the four agencies' systems (long range).

*Evaluation.*—The success of this project can be measured by the number of eligible agency files for which there are common identification codes, and the degree of use of common codes for file access.

*Status and costs, November 1977.—Chemical codes.*—The first output of this subproject will be a 4-agency policy designating a chemical coding system of choice to be used in all future chemical data systems (unless a cost/benefit analysis concludes that to do so would be inappropriate), and establishing a review panel to determine, for each existing chemical data system, whether or not a file conversion, to incorporate the code and facilitate data exchange, is necessary. Few resources are required for this policy promulgation beyond staff time already allocated to IRLG activities.

Second, EPA will provide, at no cost to the other agencies, chemical coding services such as codes for newly synthesized chemicals, and for chemical mixtures and the like not now subject to a coding system. This will require no special IRLG funding.

Third, agencies will be required, in pursuance of the policy, to incorporate the chemical code in new chemical data systems. This will likewise require no IRLG funding, and will result in small incremental agency costs for each new data system.

Fourth, the retrofitting of chemical codes to existing data systems, when and if done, would require additional intra-agency staff time (computer programmers) and computer time. Costs per data system will vary greatly with the complexity of the system.

No special interagency funding is projected for any activity related to chemical codes.

*Establishment codes.*—The second output of this project will be a 4-agency policy designating a coding scheme for establishments (regulated firms, their offices and plants). Activities here will be similar to those performed for chemical codes, except that it is anticipated that coding services will be obtained commercially on a 4-agency basis, and will require interagency funding. The magnitude of this funding will be determined in the first quarter of CY78.

*Product codes.*—The third output of this project will be a policy, similar to the above, designating a coding scheme for specific regulated commercial products. As in the two previous cases, coding schemes and code maintenance are available commercially. Interagency funding will be required, magnitude to be determined in the first or second quarters of CY78.

*Product use codes.*—The fourth output of this project will be a hierarchical scheme for coding the uses and functions of products. Complications arise because many products fit into more than one hierarchy, e.g., aerosolized paints. No commercial source of an adequate scheme is known to exist. Development will be based on in-house efforts of EPA (TSCA use coding, now in development), and the CPSC NEISS coding scheme.

Interagency contract support for generation and maintenance of a suitable scheme is anticipated; a cost figure will be estimated in the first or second quarters of CY78.

### *Project B: Confidential Information*

*Requirement.*—Technical security procedures in the agencies are of varying merit. It is probable that each agency has procedures that are excellent in some ways, flawed in others. Sharing of information on security procedures should result in improved procedures for all four agencies, and uniform procedures should be devised to promote appropriate levels of security at minimum cost. In particular, cumbersome procedures are subject to short-cutting, and so should be avoided.

Each of the four agencies has differing procedures regarding proprietary information, that is, information obtained from industry which is not common knowledge, and which a firm has an interest in keeping from competitors, consumer groups, other Federal agencies, or the public. Much of this information consists of 'trade secrets' apparently prohibited from disclosure under 18 USC 1905. Some examples are:

Formulations of chemical consumer products obtained by CPSC under special order,

Technical proposals received by the agencies in response to RFPs (if claimed to be proprietary by the offeror),

Data on closed or open claims obtained from insurance companies, when these claims relate to regulated products.

The legal definition of 'trade secret' is unclear, and it appears that no Federal employee has ever been prosecuted for release of trade secret data. The definitional issue is now under study by the TSCA Data Policy Committee; a report is expected in October 1977.

Each agency has a set of technical procedures for safeguarding confidential information. These may be formal regulations, published in the FEDERAL REGISTER, or they may be entirely informal, undocumented practices. An agency may have one set of procedures for some types of proprietary data, and another set of procedures for other types.

*Outputs.*—A set of uniform technical procedures for safeguarding confidential information, to be implemented by each agency (short range).

*Evaluation.*—By its nature, the results of this project may not be amenable to quantitative evaluation. After a few months of routine operation, however, an *ad hoc* study team (in-house or contracted) could assess the benefits of the project.

### *Project C: Monograph Planning and Production*

*Requirement.*—Monographs (criteria documents) are substantial literature analyses of a specific topic, most typically on the toxicity of a chemical or class of chemicals, but also occasionally on other hazards such as noise or the physical consequences of fiber inhalation.

Three of the four agencies (EPA, CPSC, FDA) issue contracts to commercial firms for monograph production. OSHA's monographs are developed by NIOSH. The cost of these monographs ranges from about $20,000 in contract costs upwards. In addition to contract costs, agencies contribute considerable resources in expert review of drafts, negotiation with and guidance of contractors, etc.

To some extent, monograph coordination is provided by the Chemical Monograph Referral Center (CHEMRiC), an activity of the DHEW Committee to Coordinate Toxicology and Related Programs, operated by CPSC. CHEMRiC exists to share news of planned, in-preparation, in-draft, and completed monographs leading to reduction in duplication of effort. In the simplest case, agency A decides not to prepare a monograph on chemical C because agency B is already in the process of doing so. B's product can be used by A when completed.

While response to CHEMRiC has shown it to be worthwhile considering the minimal resources expended (0.3 professional man-years per year and $1,500 in computing costs), more substantial monograph coordination among the four agencies could result in substantial savings and better monographs for all. In particular, the incremental costs of adding (e.g.) environmental data to an occupational health monograph are considerably less than the cost of preparing a monograph on the same topic in order to assess its environmental impact. The short-range goal would therefore be to prepare common technical specifications and order of presentation for

monographs on chemical hazards, including environmental, occupational, food, drug, and consumer exposures. The costs of including coverage of each type of exposure would be paid by the cognizant agency, or would be paid out of a joint 4-agency resource pool. (If a chemical is not of interest to one agency, that agency would not be expected to contribute to its costs. This would be the case, e.g., where a chemical has no foreseeable use other than as a pesticide.)

The medium-range goal is to streamline the monograph-acquisition process. Instead of each agency's negotiating its own contracts, identical master contracts would be issued to 2-4 firms, and individual monographs commissioned by each agency by means of task orders and funds transfer to the lead agency (or to the IEWG or IRLG as contracting office). Firms would be selected to receive master contracts by competitive procurement, awards being decided by a panel consisting of one representative from each agency.

Implementation of this plan should not prohibit individual agencies from preparing their own monographs outside the master contract, provided they also participate in the master contract.

*Outputs.*—Monographs (criteria documents) in a uniform canonical format for all four agencies, but with format-modules designed by each agency, which are included in or excluded from each specific monograph at the option of each agency. Monographs would be placed under uniform bibliographic control and released to the public through appropriate channels (NTIS, GPO, commercial publisher, etc.)

*Evaluation.*—At the completion of each monograph during the first year of this activity, each agency will assess it on the bases of technical adequacy, suitability to agency needs, and increased or decreased cost over a one-agency activity, and report to IEWG. At the end of the first year the project will be subject to a full-scale four-agency evaluation and modified accordingly.

*Project D: Coordination of Reporting Requirements*

*Requirement.*—Agencies impose requirements upon industry to supply data on chemicals they manufacture, import, use, or sell. Each agency's requirements are developed and implemented independently of the others, except for limited coordination provided by the Office of Management and Budget under the provisions of the Federal Reports Act. The General Accounting Office has similar duties relative to the Consumer Product Safety Commission.

The goal of this project is greater uniformity in industry submissions for data, leading to enhanced data sharing capability and to a reduction in the reporting burden placed upon industry. To this end the project will:

Survey existing and proposed reporting requirements in the four agencies and compile an indexed list for the use of management.

Determine which requirements (if any) are duplicative.

Identify those data items required which are of interest to more than one of the four agencies.

Identify non-uniform data requirements that could be made uniform without adverse effect upon any of the agencies, and recommend modifications to ensure uniformity in all instances unless a cost-benefit analysis indicates that in a particular instance such uniformity could not be justified.

The scope of this project is all voluntary or mandatory requirements for reporting or recordkeeping under the cognizance of one or more of the four agencies. where the subject of the report is a chemical substance. All such requirements are in the scope, whether or not there is any concern with the toxic effects of the subject chemicals.

Work will initially focus on requirements of the four agencies, and may then be expanded to cover requirements of other agencies in the Federal Government, with the cooperation of the Office of Management and Budget.

*Outputs.*—1. Indexed list of current reporting requirements, 2. Recommendations for modifications to specific reporting requirements.

*Evaluation.*—After modifications have been in effect for one year, an *ad hoc* survey should be made (a) of the agencies to measure the benefits they perceive, and (b) of selected industrial respondants to determine if their reporting burden has been lessened. In addition, users of data in each agency will be surveyed to determine if the changes have made data sharing less costly and less technically difficult.

*Project E: Regulated Chemicals System*

*Requirement.*—There is no good centralized source for obtaining all relevant standards and regulations concerning a given chemical. All government agencies and the Interagency Testing Committee that were contacted by MITRE during the course of their study expressed a requirement for such a centralized file.

The Regulated Chemicals System would provide information on standards which have been proposed or promulgated concerning individual chemical substances or classes of chemicals. The system would incorporate occupational standards, transportation, packaging, and labeling requirements, threshold levels, and various procedural regulations which impose industrial reporting requirements with respect to individual chemical substances or classes of substances. State, Federal, and international standards would be included.

The system would be implemented on a data base management system that is publicly available, thereby providing information to manufacturers and processors as to their responsibilities under various legislative authorities. Government agencies, foreign governments, and international organizations would use this system to maintain awareness of proposed and promulgated standards in order to minimize the development of conflicting standards.

*Outputs.*—1. Feasibility study (short-range), 2. Development of System (medium range), 3. Continued Operation of System (long range).

*Evaluation.*—The success of this project can be measured by the number of users and the level of their usage.

*Project F: Chronic Testing Support System*

*Requirement.*—There is no one system currently available to the four agencies which provides for storing and analyzing chronic toxicity test data interactively. Testing regulations for submission of this data will, by necessity, have to include standard formats for reporting purposes. These formats should be consistent with data submissions required by other government agencies. Industry is apparently agreeable to working out standardized reporting systems for both acute and chronic toxicity testing. This is particularly true for larger firms considering the development of in-house information systems.

The Chronic Testing Support System would provide a software capability and storage and retrieval module for the results of long term chronic toxicity monitoring studies. The system may be used by government agencies in the conduct of long term toxicity testing (e.g., NCTR, NCI), by government agencies who need to review the studies (e.g., by EPA in carrying out its testing responsibilities under TSCA or its other Acts), or by industry when required to conduct chronic tests in response to government regulations. The system would incorporate the requirements of the Carcinogenesis Bioassay Program of the National Cancer Institute and the intergrated laboratory support capability required by the National Center for Toxicological Research. It would support private, independent agency, or industry files with access and update privileges limited to approved users.

The goal of the system is to provide a computer utility for collection, monitoring, evaluating, and reporting of bioassay information. The system would permit collection of data on chemicals and chemical preparations, experimental procedures and test environment, observation data, and complete pathology reports on individual animals. It would include links to statistical application programs and report generators. Use of such a system by government agencies and industry would encourage standardization of testing protocols, force standardization of reporting, and incorporate concepts of good laboratory practice.

*Outputs.*—1. Feasibility Study (short range), 2. Development of System (medium range), 3. Continued Operation of System (long range).

*Evaluation.*—The success of this project can be measured by the number of users and the level of their usage.

*Project G: Management and Operational Support*

*Requirement.*—The work of the Information Exchange Work Group requires resources over and above those associated with particular projects. While individual projects could be taxed at a percentage of their resource levels for general support, it is considered perferable to establish a separate project for management and operational support.

Support services are required to enable the IEWG to function optimally. These services include:

Technical and Administrative support.
Secretarial/Clerical support.
Facilities and materials.
As-required consultation on specific topics.

The first three categories of support will be provided by the cognizant agencies; consultation, as and when required, should be provided by when-actually-employed personal services contracts. (It is not anticipated that such contracts will be required before the second half of FY 78.)

*Outputs.*—The outputs of this project consists of project work plans, ongoing management of the Work Group, planning of the Work Group activities, evaluation of ongoing and completed projects, and reports to IRLG and outside groups.

If a large number (10-20) of projects are eventually underway, resource needs above may need to be doubled.

*Evaluation.*—Evaluation of the contracts will be made quarterly or more often by the Work Group; evaluation of the management of the Work Group will be made by the IRLG on a continuing basis.

VII. EXAMPLES OF POSSIBLE FUTURE PROJECTS

The table below lists projects identified by the Information Exchange Work Group as worthy of further investigation to determine if they may be suitable for development as project plans by the Work Group in the future. Each project, as appropriate, is divided into short-range, medium-range, and long-range activities.

The table is not intended to include all four-agency information projects which may be considered in the future, but only those suggested by the Work Group members in the brief period since the Work Group was established.

*Information Exchange Work Group Examples of Possible Future Projects*

| Short range | Medium range | Long range |
|---|---|---|
| Prepare brief analysis of 4-agency legislation which affects information exchange. | Study feasibility of new legislation to put 4 agencies on the same footing in regard to information collection and exchange. | Draft and propose suitable laws. |
| Share knowledge of product formulation resources used by each agency, e.g., their own surveys, CTCP, Poisindex. | Share formulations to the extent permitted by law; propose changes in laws. | Establish joint product formulation data base with uniform formats to the extent possible considering the missions of the agencies. |
| Establish early warning network to promote very rapid sharing of basic information on crisis chemicals. | Continue short-range activities | Continue medium-range activities. |
| Compile information on various systems for identification of commercial firms (establishments). | Build data base cross-referencing existing systems. | Do. |
| Prepare and maintain a 4-agency roster of technical information specialists and their areas of expertise. | Hold quarterly meetings/workshops of information specialists to share ideas and approaches. | Establish joint information science service group. |
| Prepare and maintain a roster of key people and organizations outside the 4 agencies who should be kept informed; meet with them individually as appropriate. | Prepare presentations of outside people and organizations. | Establish advisory committee. |
| Prepare and maintain a roster of experts in various aspect of toxicology: within the 4 agencies; in other Federal agencies; outside Federal Government. | Consult with toxicologists within the 4 agencies as needed; make individual outside toxicologists available to the agencies via personal services contracts, as needed. | Establish joint toxicology-consultation service. |
| Using MITRE report as a starting point, share information of data bases among the 4 agencies. | Consider intergrating some data bases as appropriate. | Coordinate data bases for maximum information sharing with minimum incompatabilities. |
| Share technical library catalogs among the 4 agencies. | Propose nonduplicative acquisition of infrequently used journals; and other types of coordination. | Establish joint technical library system with 4 branch libraries. |

DR. PATRICIA BRESLIN,
*Chairman, Information Exchange Work Group.*

DECEMBER 1, 1977.

REGULATORY DEVELOPMENT WORK PLAN

I. SUMMARY

The Regulatory Development Work Group has agreed on an overall work plan with two preliminary outputs. First, coordinated interagency regulatory action on 28 items/toxic chemicals which are being considered for regulatory action. Second, implementation of an interagency alert system designed to inform the other agencies of an upcoming regulatory action by one of the agencies.

Assuming the two immediate outputs can be accomplished in 1977 the plan calls for work on seven secondary outputs to be initiated in early 1978:

A. Develop a coordinated policy for the funding of public participation in regulation development.

B. Develop procedures for routinely determining which of the statutory authorities implemented by the agencies may be the most appropriate authority to use in response to a given situation.

C. Conduct an analysis of the criteria used by the agencies in evaluating petitions for action and improve procedures used to coordinate responses to petitions by the four agencies.

D. Develop common policies for employees when dealing with regulated industries.

E. Identify and analyze various supplementary approaches to direct regulation such as economic incentives and voluntary industry action.

F. Develop procedures for conducting joint hearings and meetings on common regulatory actions and issues pending before the agencies.

G. Develop a consolidated listing of advisory committees established by the four agencies and consider mechanisms to facilitate the sharing of advisory committees by the agencies.

If the aforementioned regulatory action coordination cannot be accomplished as scheduled, one or more of the 7 secondary activities listed above will be delayed accordingly.

It is recognized that many of the outputs will require the work group to coordinate its activities with the work group formed by the General Counsels of the four agencies.

II. OBJECTIVES

(a) To improve public protection from toxic and hazardous substances.

(b) To provide consistent regulatory policy, share information, and decrease duplication of effort.

(c) To lessen the administrative burden on regulated industries, the public, and the agencies themselves.

III. METHOD OF APPROACH

The function of the Work Group is to produce coordinated action. We will produce an action-tested system rather than general recommendations for change. Any studying of the problem will be by example, rather than in the abstract.

In keeping with this action orientation, the Work Group will immediately inventory pending potential rulemaking actions of the four agencies involving toxic or hazardous substances problems. Appropriate program management will be identified and encouraged to coordinate interagency regulatory development. A coordinated program work plan which reflects the joint and independent regulatory actions will be created for each toxic substance. This will result in early coordination of rulemaking actions among the four agencies in selected areas of concern. It is anticipated that the results of these initial endeavors will be utilized to develop a more general framework for coordinating, to the extent possible, future actions relating to the control of toxic and hazardous substances.

To achieve the goals of continued cooperation and routine coordination among the four agencies, program directors and policy-makers in each of the agencies must be aware of the plans and progress of the Regulatory Development Work Group. Therefore, each representative to the Work Group should take all necessary steps to ensure that his agency's key personnel are consulted about and involved in the activities of the Work Group.

IV. SCOPE OF WORK

A. Initiate Immediate Action by the Four Agencies.

Coordinate rulemaking on 25 items/toxic or hazardous substances which are being considered for regulatory action. This project will include the development of an inventory of current regulatory activities underway in each agency for a wide variety of toxic chemicals such as benzene, arsenic, etc.

Establish an Alert System to inform the other agencies of upcoming regulatory action by one of the agencies. A preliminary system will be in operation by October 1, 1977.

B. Initiate Four-Agency Action by February 1978.

Some outputs to be initiated in this time frame will draw on the experience gained on the "immediate action" items above. The following outputs will focus on actions within existing authorities.

Develop a coordinated policy for the funding of public participation in regulation development.

Develop procedures for determining the most appropriate legislative basis for a rulemaking action by the four agencies. This activity may overlap with the OGC work group activities and possibly might be led by them.

Conduct analysis of criteria for evaluating petitions received by the Agencies to regulate toxic and hazardous chemicals and coordinate action on petitions by the agencies.

Develop common policies for employees when dealing with the regulated industries including policy toward the use of contractors and consultants, if appropriate.

Identify and analyze various supplementary approaches to direct regulation such as the use of economic incentives and voluntary industry action to accomplish public health and environmental objectives.

Develop procedures for conducting joint hearings and meetings on common regulatory actions and issues pending before the agencies.

Develop a consolidated listing of advisory committees used by the four Agencies and consider mechanisms for sharing advisory committees.

C. Initiate Action by July 1978.

Outputs and specific objectives to be initiated in the July 1978 time frame will be identified during the development of the earlier outputs. If appropriate, some outputs may focus on legislative, organizational, or regulatory changes needed to remove constraints to further cooperation among the four agencies.

V. TASKS FOR IMMEDIATE ACTION OUTPUTS

*Output A. Coordinate Rulemaking on Selected Chemicals.*

Lead Agency—OSHA.
Support Agency—EPA.

1. Preliminary identification of substances on which regulatory action is pending or proposed. 9-26-77
2. Establish a final inventory of chemicals on which multi-agency regulatory actions are pending or proposed. 10-5-77
3. Obtain agencies' inputs on ongoing regulatory activities for designated items/chemicals. 11-1-77
4. Brief lead persons creating coordinated work plans. 11-1-77
5. Contact interagency program personnel for each designated item/toxic substance. 11-15-77
6. Drafts of the coordinated work plans. 12-1-77
7. Final work plans. 12-15-77

*Output B. Establish an Alert System.*

Lead Agency—CPSC.
Support Agency—FDA.

1. Create interim Alert System procedures for each agency. 9-14-77
2. Initiate test of Alert System. 9-14-77
3. Analyze Alert System test results. 11-23-77
4. Adopt or modify Alert System. 12-20-77





5. On an "as required" basis use Alert System as the initial coordinating and planning point for "crisis chemicals" events, (ongoing).

*Output C. Develop Consolidated List of Applicable Advisory Committees and Consider Mechanisms for Sharing Them.*

Lead Agency—CPSC.
Support Agency—OSHA.

1. Develop consolidated list of applicable advisory committees in all four agencies. 11-1-77
2. Review membership, scope of activities, etc., of the various committees and determine if any could be utilized by more than one agency. 11-21-77
3. If any sharing is possible, propose optional mechanisms for sharing, including an analysis of costs, policy issues, etc. Recommend whether any sharing is desirable or cost-effective. 12-21-77

VI. TASKS FOR OUTPUTS TO BE INITIATED BY FEBRUARY 1978

*D. Develop a Coordinated Policy for Funding Public Participation.*

Lead Agency—CPSC.
Support Agency—FDA.

1. Analyze the agencies' existing policies/regulations to determine where differences exist. 11-14-77
2. Identify and analyze basis for differences, i.e., statutory, agency policy. 12-2-77
3. Evaluate operational experience under agencies' programs, in accordance with selected criteria for evaluation. 6-15-78
4. Determine whether identified differences in programs lead, in practice, to inconsistent treatment of individuals in similar situations or in other ways interfere with coordinated Federal approach. 7-15-78
5. Consider ways of reconciling differences to achieve maximum consistency, e.g., establishing uniform policy, seeking legislative action to resolve statutory differences. 8-15-78
6. Implement efforts to achieve maximum consistency. 7-15-78

*Output E. Working with the General Counsels, Develop Procedures for Determining the Most Appropriate Legislative Basis for a Rulemaking Action.*

Lead Agency—EPA.
Support Agency—CPSC.

1. Analyze the legal bases for action. 1-25-78
2. Establish interim procedures. 2-25-78
3. Develop and analyze alternative procedures. 3-1-78
4. Select most feasible alternative and initiate. 5-24-78

*Output F. Conduct Analysis of Criteria for Ranking Petitions for Action and Consider Improved Mechanisms for Coordinating Action in Response to Petitions.*

Lead Agency—FDA.
Support Agency—OSHA.

1. Review each agency's current practices and criteria for action. 2-15-78
2. Develop pro/con matrix for criteria and, to the extent possible, establish common criteria.

*Output G. Establish Common Policies for Employees When Dealing With the Regulated Industries.*

Lead Agency—FDA.
Support Agency—EPA.

1. Review existing policies highlighting overlaps and discrepancies. 2-15-78
2. Identify problems which could be relieved by an improved common policy on conduct. 4-26-78
3. Identify statutory or regulatory constraints. 5-24-78
4. Draft, review, finalize, and implement common policies on conduct. 8-30-78

*H. Identify Alternatives and Conduct Analyses of Various Supplementary Approaches to Direct Regulation, Including Economic Incentives.*

Lead Agency—EPA.
Support Agency—CPSC.

1. Review and evaluate existing or proposed supplementary approaches. 3-15-78
2. Identify program areas most compatible with nondirect approaches. 4-8-78
3. Draft strategies for prototype non-direct regulatory programs. 5-10-78
4. Initiate prototype programs. 8-30-78
5. Evaluate non-direct supplemental regulatory program and draft appropriate recommendations (ongoing).

*I. Establish procedures for Conducting Joint Public Hearings and Meetings.*

Lead Agency—OSHA.
Support Agency—FDA.

1. Develop matrix of actions in which public hearings are mandated or policy based. 3-15-78
2. Review regulatory and legislative constraints to joint hearings. 5-10-78
3. Draft proposed procedures for joint hearings and meetings. 7-15-78
4. Finalize procedures and conduct joint hearings and meetings. 9-13-78

VII. RESOURCES AND RESPONSIBILITIES

Lead and primary support agencies are assigned to each of the nine output items as indicated in the Task Descriptions. All agencies will participate in the review of outputs at the regular work group meetings. The establishment of additional "Sub-Work Groups" for each task was considered but rejected because of added bureaucratic and management problems.

Work Group representatives are responsible for ensuring adequate resource commitments and timely completion of tasks assigned to their respective agencies. From time to time, other Work Group members may be called upon to support a particular task, and the work group members have agreed to respond positively to any such requests. Overall, the tasks will be carried out by the work group as a whole, under the leadership of the designated agency.

MR. HENRY E. BEAL,
*Chairman, Regulatory Development Work Group.*

NOVEMBER 30, 1977.

RESEARCH PLANNING WORK PLAN
OBJECTIVES AND GOALS

Regulatory decisions on toxic substances rest on a foundation of technical information. Since many such substances are of common interest to one or more of our four agencies, there are obvious advantages to the joint acquisition and usage of such data through the coordination of toxicity-related research of mutual interest.

In keeping with the ACTION NOW philosophy of the IRLG, the Research Planning Work Group has identified three major goals for immediate implementation:

A. Document and coordinate existing (planned for FY 78 and 79) projects in the four agencies to eliminate undesirable duplication, maximize effectiveness and identify gaps in needed research.

B. Jointly plan and coordinate budgets for selected mutual interest programs/initiatives for inclusion in the President's FY 80 Budget Submission to Congress.

C. Develop a comprehensive action plan for more effectively utilizing nonregulatory research programs in regulatory decisionmaking.

The subordinate tasks required to achieve these goals are discussed in the following text and implementation schedule.

GOAL A. INVENTORY AND COORDINATION OF EXISTING RESEARCH

Task 1.—*Exchange Complete Listings of Intra-Extramural Research Projects*—The four agencies will provide a complete, compatible listing of all current intra and extramural research (as well as that proposed for FY 79). The Work Group will initiate this task immediately using a standardized format. As a minimum, this would include the project title, a brief narrative giving the objectives and the anticipated results and the level of effort. A mechanism will be established for the continuous updating of the joint compendium.

Task 2.—*Preparation of Report on Major Areas of Overlap and/or Gaps in Research, with Recommendations for Action*—Upon completion of the research inventory, the Work Group





staff will begin the actual process of coordination by analyzing existing and expanding such coordination.

Task 1.—*Develop 4-Agency Coordina-*

GOAL C. REGULATORY V. NON-REGULATORY RESEARCH ACTION PLAN

RISK ASSESSMENT WORK PLAN

I. SCOPE AND JUSTIFICATION



3. *Role of the Policy-Maker*—Whether a particular type or level of risk

Out of each will come a document detailing a set of procedures and criteria

staff will begin the actual process of coordination by analyzing existing projects to determine:

(a) Areas of common interest;

(b) Current levels of effort;

(c) Obvious redundancies in research; and

(d) Apparent gaps or deficiencies.

Emphasis will be placed upon the 12 research needs which have been identified as high priority areas by the agency heads. For these priority areas a separate report will be developed to identify the type and level of existing effort both within and outside the agencies.

On the basis of this analysis, the Work Group will make recommendations for immediate actions in the form of Program and Budget redirection, including: suggestions for future joint funding, designation of a "lead" agency and the development of collaborative protocols for actual research investigations.

Task 3.—*Implementation of Approved Program/Budget Actions*—Upon approval by the agency heads, the Work Group will immediately take the necessary, coordinated steps to insure the appropriate reprogramming of agency efforts (Task 2).

This task will help demonstrate the feasibility of coordinated research efforts between the four agencies.

### GOAL B. JOINT INITIATIVES FOR PRESIDENT'S FY 80 BUDGET SUBMISSION

The initial research inventory and the ensuing recommendations affecting the FY 79 Budget (Goal A) are designed to initiate substantial interagency coordination at the earliest possible time. This second level of initiatives (Goal B) is designed to establish a permanent process for deepening and expanding such coordination.

Task 1.—*Develop 4-Agency Coordination Budget Action Plan*—A permanent Implementation Committee will be formed, consisting of the present Work Group, with the responsibility to provide direct input to agency representatives involved in the budget and planning processes.

Task 2.—*Analysis of Areas of Mutual Interest and Recommendations for Joint Planning/Budget Initiatives*—Areas of mutual interest having been previously identified (Goal A, Task 2), *ad hoc* technical analysis committees, consisting of designated bench scientists of the four agencies, will be formed for exchange of technical information, discussion and recommendations to the Implementation Committee.

This will insure that the technical insight of those who are most knowledgeable on the subject matter will be integrated into the planning and budget processes.

The permanent Implementation Committee will analyze these recommendations, establish the priorities for research funding and make recommendations for coordination and redirection to the four agency heads (as part of Task 3).

Task 3.—*Joint Testimony Before OMB and Congress Relating to Mutual Research Initiatives*—This planning and budget process should result in technically sound Mutual Research Initiatives, and will provide an unprecedented basis for the presentation of budget testimony. The process will insure an absence of redundancy, will provide programs that have mutual interest to several agencies rather than competitive efforts, and allow agency heads to testify in a collaborative manner.

### GOAL C. REGULATORY V. NON-REGULATORY RESEARCH ACTION PLAN

Regulatory research depends to a large degree on the findings of earlier basic, non-regulatory research. Ideally, coordinated basic R&D should provide the base from which an expedient transition can be made into the studies that may be required to implement regulations. The Action Plan is designed to achieve the necessary coordination. Subsequently updating of this plan in line with new priorities and program efforts will assure that future needs can be projected and completed as required in the regulatory decisionmaking process.

Task 1.—*Request Project Listing from Supporting Agencies/Institutes*—The Work Group will initially acquire from appropriate non-regulatory agencies inventories of all current or projected research in areas of common interest to the four agencies. Agencies to be included are:

(a) National Institute of Environmental Health Sciences.

(b) National Cancer Institute.

(c) Other National Institutes of Health.

(d) National Institute for Occupational Safety and Health.

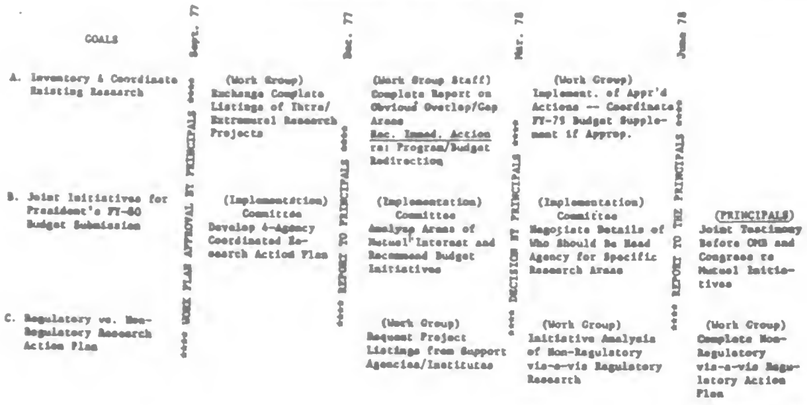
(e) Communicable Disease Center.

(f) National Oceanographic and Atmospheric Administration.

Task 2.—*Initiate Analysis of Non-Regulatory vis-a-vis Regulatory Research*—The Work Group will analyze the preceding inventory to determine subjects of priority interest to the four agencies.

Task 3.—*Complete Non-Regulatory vis-a-vis Regulatory Research Action Plan*—Based on the preceding analysis, the Work Group will recommend to the four agency heads a plan for coordination or new initiatives required for regulatory decisionmaking.

RESEARCH PLANNING TASKS/MILESTONES


Sept. 77
Dec. 77
Mar. 78
June 78
COALS
A. Inventory & Coordinate Existing Research
(Work Group) Exchange Complete Listings of Intra/Extramural Research Projects
(Work Group Staff) Complete Report on Obvious Overlap/Gap Areas
Rec. Immed. Action re: Program/Budget Redirection
(Work Group) Implement. of Appr'd Actions -- Coordinate FY-79 Budget Supplement if Approp.
B. Joint Initiatives for President's FY-80 Budget Submission
(Implementation) Committee Develop 4-Agency Coordinated Research Action Plan
(Implementation) Committee Analyze Areas of Mutual Interest and Recommend Budget Initiatives
(Implementation) Committee Negotiate Details of Who Should Be Lead Agency for Specific Research Areas
(PRINCIPALS) Joint Testimony Before OMB and Congress re Mutual Initiatives
C. Regulatory vs. Non-Regulatory Research Action Plan
(Work Group) Request Project Listings from Support Agencies/Institutes
(Work Group) Initiative Analysis of Non-Regulatory vis-a-vis Regulatory Research
(Work Group) Complete Non-Regulatory vis-a-vis Regulatory Action Plan
WORK PLAN APPROVAL BY PRINCIPALS
REPORT TO PRINCIPALS
DECISION BY PRINCIPALS
REPORT TO THE PRINCIPALS

DECEMBER 9, 1977.

DR. ROBERT L. ELDER,
*Chairman, Research Planning Work Group.*





### RISK ASSESSMENT WORK PLAN

#### I. SCOPE AND JUSTIFICATION

A. *Broad Objective.*—The Risk Assessment Work Group will develop procedures and criteria that can be uniformly applied by the four agencies for purposes of characterizing and quantifying human health risks associated with certain chemicals.

B. *General Background.*—

1. *Introduction*—A common objective of the four agencies is the assessment of human health risks associated with chemicals, devices, consumer goods, etc. to which the population of the United States is exposed in a variety of ways. In general the goals of risk assessment are to characterize the types of health hazards that may result from such exposures and to quantify the expected risks. For the present, the Work Group intends only to treat the problems associated with health risks due to chemicals. It is in this area that the greatest commonality of purpose exists among the agencies. Moreover, it is the area in which the greatest confusion now exists, not only among the public, but also within the regulated industry. It is also the subject presenting one of the greatest opportunity for successful achievement of the broad objectives of the IRLG.

2. *The Scientific Problem*—Characterizing and quantifying health risks are scientific tasks. The data necessary to accomplish such tasks derive from toxicity testing and/or epidemiological studies. Also needed is information on the known or expected level of human exposure to the chemicals of concern. Other IRLG Work Groups are developing approaches to the proper collection of such information. The Risk Assessment Work Group will develop procedures to treat the data for purposes of assessing human risk.

Because of serious gaps in scientific knowledge, there are often alternative and conflicting views of the risks associated with chemicals to which people can be exposed. The Risk Assessment Work Group will examine the available scientific tools used in such assessments and select for use by the four agencies those currently having the strongest experimental and theoretical support. Unless selections of these types can be made and agreed upon, conflicting views of risk will continue to cloud regulatory decisionmaking.

3. *Role of the Policy-Maker*—Whether a particular type or level of risk may have to be accepted in certain circumstances is a policy decision, but this issue should not become entangled with the scientific problem of risk measurement. The Working Group will restrict its task solely to the development of procedures for making risk assessments and will stop short of making statements regarding the balancing of risks and benefits or suggesting the appropriate regulatory responses for particular types and levels.

4. *Need for Uniform Procedures and Criteria*—The public and the regulated industry are ill-served when the agencies assess risk in different ways. Policy decisions made by the four agencies on the degree of acceptable risk in different circumstances create substantial confusion (in part brought about by differences in legal mandate and interpretation) and this confusion should not be compounded by differences in approach to the scientific assessment of risk.

5. *Task of the Work Group*—An objective of the Work Group might be the development of systems to insure that the agencies routinely work together to conduct risk assessments on specific substances of mutual interest. However, the Work Group holds that such an objective is far less important than the broader one of developing and selecting general procedures and criteria for risk assessment that can be uniformally applied to all chemicals regulated by the agencies, including those substances for which only one agency is responsible.

Until the rules for risk assessment are clearly laid out and agreed upon, efforts to reach a consensus on the type and degree of risk associated with specific substances of mutual concern will in many instances be thwarted. Furthermore, in the absence of uniform criteria and procedures, the risks associated with chemicals that are the responsibility of only one agency will continue to be estimated in a different manner than those associated with chemicals regulated only by a second agency. This undesirable situation will not be remedied if the task of the Work Group is limited to the joint conduct of risk assessments on substances of mutual interest.

6. *Output of the Work Group*—Several projects are envisioned (Section IV). Out of each will come a document detailing a set of procedures and criteria that can be adopted by each agency as acceptable for assessing risk. After appropriate internal review, these documents will be jointly published in some form and will become part of the scientific operations of the agencies.

#### II. CURRENT STATUS

There has never been a joint, in-depth examination of the various approaches to risk assessment now in use by the four agencies. The Work Group will need some time to catalogue current procedures and criteria, to identify differences and the reasons for them, and to decide on action necessary for the resolution of differences. Further complicating the task will be the almost certain discovery of a complete lack of rational criteria and procedures for assessing some types of risk.

#### III. GENERAL APPROACH OF WORK GROUP

Listed in Section IV are specific projects, each of which is an integral component of the task of risk assessment. Although the individual projects or subprojects may require somewhat different approaches, the following steps serve as a general guide to the activities of the Work Group:

Step 1: Develop a complete statement of the problem.

Step 2: Catalogue present approaches of the four agencies and differences in approach.

Step 3: Determine if any of the differences are necessitated by differences in law.

Step 4: Study approaches in use and others available.

Step 5: Select, where possible, a common approach, and prepare a document detailing the reasons for the choice. Where a common approach is not possible, explain why. This document will also provide instructions for the conduct of assessments and on the proper use of such assessments in regulatory decision-making.

Step 6: Develop a plan, where necessary, for continued study and evaluation of alternative approaches.

Step 7: Announce publicly and jointly the selected approach and reasons for the selection; where a

common approach cannot be used, explain why.

Step 8: Incorporate the selected approach into the review and evaluation operations of each agency.

Step 9: Provide for continuous, joint review of specific problems encountered as the selected approach is applied.

The first six steps are activities of the Work Group alone. The last three steps cannot be carried out without broader agency cooperation.

IV. PROPOSED PROJECTS OF THE RISK ASSESSMENT WORK GROUP

The Work Group intends to accomplish its objective by first undertaking the following project:

*Project RA1—Procedures and Criteria for Assessing Health Risks Associated With Carcinogens*

Of the several types of health risk projects that could be undertaken by the Work Group, a project on cancer risk assessment presents the highest probability for relatively short-term, successful accomplishment. A good portion of the necessary background documentation and study has been done, and the remaining tasks of bringing together the necessary information and making selections among the available approaches to carcinogenesis risk assessment should prove relatively straightforward.

Following upon successful completion of Project RA1, the Work Group, guided by the experience gained, similarly intends to treat other types of health risks that may be associated with chemicals.

V. ACCOMPLISHMENT OF OBJECTIVES

Outlined below are the factors to be considered and resolved to complete RA1 (Carcinogenesis Risk), and the resources necessary for each step.

*Project RA1—Procedures and Criteria for Assessing Health Risks Associated With Carcinogens*

A. *Final Objective and Outcome.*—Incorporation of the selected procedures and criteria into the review and evaluation activities of the agencies. Risks associated with all chemicals capable of inducing cancer will be assessed in the same way.

B. *General Approach.*—As shown under Section III.

C. *Factors Involved in Risk Assessment.*—1. Biological Information Relating to Carcinogenesis.

2. Information on Extent, Level, and Type of Human Exposure.

3. Procedures for Quantifying Carcinogenic Risk.

The Work Group will consider the various ways in which each of the above factors in the risk assessment equation are now being treated (if at all) by the agencies, examine other possible approaches, and finally settle on an approach to be adopted by the four agencies. If a common approach cannot be adopted, the reasons why will be detailed.

Work on the three factors can proceed concurrently rather than sequentially, since different scientific skills are required for each.

D. *Specific Issues to be Considered and Resolved.—RA1.1: Information Relating to Carcinogenesis.*—Output: Criteria for Classifying a Chemical as a Carcinogen.

*Tasks.*—Since the general criteria for assessing the evidence of carcinogenicity adopted by the NCI, EPA guidelines for assessing risks from suspected carcinogens, and the recently proposed OSHA criteria for assessing carcinogenic risks are in substantial agreement, the sub-committee has agreed to use these documents as a departure point in developing a consolidated approach to evaluating data as evidence that an agent is likely to propose a carcinogenic health risk.

As a first task, the subgroup will address the significance of various types of data including those from epidemiologic studies, animal bioassay studies, short term, *in vitro* tests, chemical structure, metabolic data, etc. Statistical procedures for treating animal data to establish significance will also be detailed.

The sub-committee will identify those problems attendant to the evaluation of data as evidence that an agent poses a carcinogenic risk and, where guidance is not available, will make recommendations for resolving difficult issues. A particularly troublesome issue to be treated is that of deciding the extent of testing required before a chemical can be classified as posing *no* carcinogenic threat. This matter is important for substances (e.g., food additives) requiring pre-market clearance.

Since each Agency will be reviewing the same data base with regard to the regulation of a particular agent as a suspected human carcinogen, the subcommittee will investigate options for sharing risk assessments or performing joint risk assessments where feasible.

*Resources.*—The sub-committee requires the participation of at least the following individuals:

R. Albert, M.D.—EPA.
E. Anderson, Ph. D.—EPA.
R. Bates, M.D.—FDA.
J. Rodricks, Ph. D.—FDA.
E. Bingham, Ph. D.—OSHA.
A. Keller, Esq.—OSHA.
J. Wagoner, Ph. D.—OSHA.
S. Bayard, Sc.D.—CPSC.

Specialized problem areas (e.g., hormonal carcinogenesis) may require that the Work Group consult individuals at NCI, NIEHS, NCTR, etc.

*Schedule.*—The first task will be developed in draft by mid-April, 1978. The sub-committee anticipates sharing various drafts of the general principles with internal committees for each of the four Agencies so that the draft available in mid-April will have the general approval of the four Agencies and can then be sent to each Agency's Advisory Committee and other Federal Agencies for review. By 30 April, a draft document should be available for a comment period. (See Overall Timetable, Section VI.)

The second task will be developed simultaneously with the first and will be completed by mid-June.

The third task will be developed simultaneously with tasks 1 and 2 and will be a part of the final package for consideration by the four Agencies by mid-June.

*Constraints.*—No serious constraints are envisioned.

*RA1.2—Human Exposure*

Output: Procedures for treating available data to estimate type, level, and extent of human exposure to suspect chemicals.

*Task.*—The subgroup will survey approaches used by the four agencies. Thereafter areas needing further elaboration will be defined and final procedures developed. Detailed listings of population subgroups of concern will be described; procedures will be developed so that the special subgroups of concern to the different agencies will be treated similarly, when possible.

Where monitoring data are available for use in exposure estimates the character and quality of the data will need to be defined. In the absence of monitoring data the types of information to be used for estimating exposure are primarily related to the manner of use of a chemical and associated consumption levels either estimated or known. A mass-balance approach, which includes details on pathways, release points, transport through media and fate may have to be developed. An inventory of the types of measurements taken to describe human exposure levels is needed.

*Resources.*—The subject of human exposure is not distinctly defined in its use by the regulatory agencies. It has been difficult to identify individuals at this point who can help. Thus, the subcommittee members will identify individuals who can contribute as the survey tasks progress. Initially, at least the following individuals will be involved:

Dr. F. Kover—EPA.
Ms. F. Ryer—OSHA.
Dr. R. Woltman—CPSC.
Dr. J. Modderman—FDA.

*Schedule.*—The surveys can be completed by the end of 1977 (the calendar year) so that in January an evaluation can be made of the collected information. A new work plan will be drawn up, as appropriate, as well as a brief report on survey findings and conclusions of the analysis. A draft report will be available by April, 1978.

*Constraints.*—No serious constraints anticipated.

*RA1.3—Procedures for Quantifying Carcinogenic Risk*

Output: Procedures for treating available dose-response relationships to estimate risk at expected or known levels of human exposure.

*Task.*—The subgroup will survey the risk estimation procedures currently in use by the agencies. Reasons for the use of specific procedures, including relevant legal matters, will be detailed.

An updated review and discussion of all current mathematical models will be undertaken, including consideration of time-to-tumor analyses, as a preface to the final selection of a model(s). The final document will include procedures for combining data from several experiments, use of human data, and modifications based on metabolic and kinetic data.

*Resources.*—The subgroup requires participation of at least the following individuals:

Dr. D. Gaylor—FDA.
Dr. S. Bayard—CPSC.
Ms. A. Barton—EPA.
Mr. E. Allera—FDA.
Dr. D. Hoel—NIEHS.
Dr. C. Brown—NCI.
Dr. J. Wagoner—OSHA.

*Schedule.*—The agency survey phase of the work will be completed by the end of 1977. The review and critique phase will be completed in January 1978. A draft final report will be ready by April 1978.

*Constraints.*—No serious constraints are envisioned.

VI. OVERALL TIMETABLE FOR RA.1

A first draft of the essential features of each of the three components will be prepared by March 1, 1978.

A second draft, to include new material considered and developed in March 1978, will be prepared by April 30, 1978.

Agency review will take place during May and June 1978.

A final set of criteria and procedures, integrating the three components (RA.1.1, RA1.2, RA1.3), will be prepared by October 1, 1978.

VII. OTHER ACTIVITIES

1. An FDA-sponsored symposium "Benefit-Risk Decisions and Public Health," to be held February 15–17, 1978, in Colorado Springs, will deal with issues directly relevant to the Work Group's activities. Work Group members plan to attend and to incorporate useful information or ideas into the group's final document.

The newly-formed Toxic Substances Strategy Committee of the Council on Environmental Quality (CEQ) plans to produce a set of general (and eventually, specific) principles regarding carcinogenesis risk assessment. The IRLG will closely align its activities with that of the CEQ.

DR. JOSEPH V. RODRICKS,
*Chairman,*
*Risk Assessment Work Group.*

NOVEMBER 15, 1977.

TESTING STANDARDS AND GUIDELINES WORK PLAN

I. WORK GROUP OPERATING PRINCIPLES

The Work Group has agreed that the following tenets will be applied as it proceeds with the task to develop testing guidelines, criteria for interpretations, quality assurance procedures, and other policies relating to the testing of toxic and hazardous substances.

A. Decisions will be made by consensus. Consensus here means collective agreement. Therefore, it is understood that any document recommended by this work group to the IRLG is acceptable to each and every work group member.

B. Guidelines will be developed for conducting studies that are mutually acceptable and useful, but each agency must determine how it will use the data generated by those studies.

C. Outside guidance will be solicited when appropriate, but formal advisory groups will not be established.

The group recognizes the value of balanced, widespread input and will seek to establish contacts with experts from industry, academia, and public interest groups.

It also recognizes that guidelines agreed upon by these four agencies may influence international standards for toxicology testing. Consequently, the group will attempt to coordinate the development of these guidelines with appropriate international organizations such as OECD and WHO.

D. The activities of the group should neither impair nor impede essential rulemaking by individual agencies. Attempts will be made to complement current agency activities and to incorporate the results of ongoing agency efforts into the final Work Group product.

E. The Work Group will be kept small, and it will form from its present membership a subgroup to develop standard guidlines for tests in the ecological and environmental areas. The Work Group and the subgroup will draw on the expertise of other staff members as needed to gain overall perspective and to insure completeness.

F. To keep the public informed, the Work Group will publish in the FEDERAL REGISTER the guidelines as they are developed as well as notices of public Work Group meetings and public forums.

II. GOALS

Definition of terms: Short Term Goals—Action could be taken within 6 months. Intermediate Goals—Action would require 6 months to a year to accomplish. Long Term Goals—Action would require over one year to accomplish.

The Work Group anticipates that some of the short term and intermediate goals may develop into longer term goals. In such cases, the limitations will be identified and dealt with as they become evident.

*A. Short Term Goals*

1. Review documents currently available and used by the agencies as guidelines for testing or Good Laboratory Practices.

2. Develop working definitions for tests the agencies now require in order to use a common vocabulary in the establishment of common guidelines.

3. Standardize guidelines for:

(a) Acute tests related to assessment of health effects:

(1) Dermal, (2) Inhalation, (3) Ocular, (4) Oral administration.

(b) Tests related to assessment of ecological and environmental fate and effects:

(1) Species for use in toxicity bioassays, (2) Fish toxicity—acute toxicity, (3) Bird toxicity—acute toxicity in seed-eating birds, (4) Phytotoxicity—foliar toxicity; algal assay, (5) Aquatic invertebrate toxicity—*Daphnia* acute and chronic toxicity; oyster/clam shell deposition growth assay; and oyster larvae acute toxicity, (6) Microbial effects testing—growth inhibition of bacteria, fungi and actinomycetes; laboratory scale activated sludge communities, (7) Fish bioconcentration test, (8) Vapor pressure, (9) Water solubility, (10) Hydrolysis rates (aqueous systems only), (11) Adsorption/Desorption, (12) Octanol/Water partition coefficient.

4. Consider for adoption the FDA Good Laboratory Practices for related toxicology studies.

5. Consider for adoption the PHS Safe Practices for the Handling of Carcinogens.

6. Consider for adoption the PHS Guidelines for the Protection of Human Subjects in Toxicity Tests.

*B. Intermediate Term goals*

Standardize guidelines for:

1. Tests related to assessment of health effects:

(a) Subchronic studies, (b) Chronic toxicity, (c) Carcinogenicity, (d) Teratogenicity, (e) Reproduction.

2. Tests related to assessment of environmental hazard:

(a) Fish and frog egg-larval subacute toxicity, (b) Waterfowl acute toxicity, (c) Semiaquatic invertebrate toxicity—midge subacute toxicity, (d) Terrestrial invertebrate toxicity—honeybee acute toxicity, (e) Microbial degradation of chemicals—non-enriched mixed cultures dervied from activated









sludge, soil, or stocks of cultured organisms,

PUBLIC MEETINGS

REGULATORY DEVELOPMENT WORK GROUP

sludge, soil, or stocks of cultured organisms, (f) Microbial metabolic functions—nitrogen fixation; nitrification, denitrification; cellulose, starch, and protein degradation, (g) Phytotoxicity—seed germination; growth assays; duckweed toxicity, (h) Hydrolysis rates (soil systems), (i) Photolysis rates, (j) Leaching rates, (k) Vapor loss from leaf, soil, and water surfaces.

C. *Long Term Goals*

1. Tests related to assessment of health effects:

(a) Mutagenicity tests, (b) Behavioral studies, (c) Neurological tests, (d) Short term *in vitro* tests.

2. Tests related to assessment of environmental hazard:

(a) Aquatic invertebrate toxicity—acute and chronic toxicity in *Gammarus*, mysid and penaeid shrimp, crayfish, bivalves, (b) Fish toxicity—egg to egg chronic toxicity, (c) Microcosm protocol for measuring ecosystem-level effects.

3. If necessary, propose legislative changes needed to permit development of additional uniform guidelines.

4. Data submission and review formats (in conjunction with the Data Integration Subgroup of the Information Exchange Work Group).

DR. JAMES R. BEALL,
*Chairman, Testing Standards and Guidelines Work Group.*

NOVEMBER 18, 1977.

## PUBLIC MEETINGS

Pursuant to the provisions of the Interagency Agreement (42 FR 54856, October 11, 1977), which established the Interagency Regulatory Liaison Group, notice is hereby given that the following Work Groups will hold public meetings at the dates, times and places listed. (The Testing Standards and Guidelines Work Group held a public meeting on December 14, 1977.)

COMPLIANCE AND ENFORCEMENT WORK GROUP

Monday, March 6, 1978, 10 a.m. until 12 noon, FDA, 200 C Street SW., room 1409, Washington, D.C. 20201.

EDUCATION AND COMMUNICATIONS WORK GROUP

Thursday, March 2, 1978, 2 p.m. until 4 p.m., EPA, 401 M Street SW., room 2117/2123, Washington, D.C. 20460.

EPIDEMIOLOGY WORK GROUP

Friday, March 3, 1978, 10 a.m. until 12 noon, EPA, 401 M Street SW., room 3906/3908, Washington, D.C. 20460.

INFORMATION EXCHANGE WORK GROUP

Friday, March 3, 1978, 10 a.m. until 12 noon, EPA, 401 M Street SW., room 2117/2123, Washington, D.C. 20460.

REGULATORY DEVELOPMENT WORK GROUP

Thursday, March 2, 1978, 2 p.m. until 4 p.m, EPA, 401 M Street SW., room 3906/3908, Washington, D.C. 20460.

RESEARCH PLANNING WORK GROUP

Monday, March 6, 1978, 10 a.m. until 12 noon, FDA, 200 C Street SW., room 1813, Washington, D.C. 20201.

RISK ASSESSMENT WORK GROUP

Friday, March 3, 1978, 2 p.m. until 4 p.m., EPA, 401 M Street SW., room 3906/3908, Washington, D.C. 20460.

Purpose: Each Work Group will present updated information about the activities, goals, and procedures, as outlined in their work plans. The Work Groups will invite questions and comments from the public.

For further information, contact Ms. Susan Guenette, IRLG Executive Assistant, at 301-492-6731 or address correspondence to Ms. Susan Guenette, IRLG Executive Assistant, Consumer Product Safety Commission, 5401 Westbard Avenue, Room 450, Bethesda, Md. 20207

COLIN B. CHURCH,
*Chairman, Interagency Regulatory Liaison Group.*

FEBRUARY 3, 1978.

[FR Doc. 78-4447 Filed 2-16-78; 8:45 am]

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| Monday | Tuesday | Wednesday | Thursday | Friday |
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| DOT/COAST GUARD | USDA/ASCS | | DOT/COAST GUARD | USDA/ASCS |
| DOT/NHTSA | USDA/APHIS | | DOT/NHTSA | USDA/APHIS |
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.


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# rules and regulations

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6325-01]

**Title 5—Administrative Personnel**

**CHAPTER I—CIVIL SERVICE COMMISSION**

**PART 213—EXCEPTED SERVICE**

**Department of Agriculture; Department of Health, Education, and Welfare; U.S. International Trade Commission; Department of Housing and Urban Development**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Subpart C of Part 213 is amended as follows:

Department of Agriculture—(1) one position of Confidential Assistant to the Administrator, Rural Development Service, is revoked because the need for the position no longer exists. (2) One position of Assistant to the Administrator (Assistant Administrator, Policy Coordination and Training), Rural Development is excepted under Schedule C because it is confidential in nature.

Department of Health, Education, and Welfare—one additional position of Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare) is excepted under Schedule C because it is confidential in nature.

U.S. International Trade Commission—one position of Secretary to a Commission is reestablished under Schedule C, because it is confidential in nature, under the new title of Staff Assistant to a Commissioner.

Department of Housing and Urban Development—one position of Executive Assistant to the Assistant Secretary for Policy Development and Research is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(t)(1), 213.3316(f)(9), 213.3339(a), and 213.3384(i)(5) are amended; and 213.3313(t)(3) is added as set out below:

§ 213.3313 Department of Agriculture.

• • • • •

(t) *Rural Development Service.* (1) Two Confidential Assistants to the Administrator.

• • • • •

(3) One Assistant to the Administrator (Assistant Administrator, Policy Coordination and Training).

• • • • •

§ 213.3316 Department of Health, Education, and Welfare.

• • • • •

(f) *Office of the Assistant Secretary for Legislation.* • • •

(9) Two Special Assistants to the Deputy Assistant Secretary for Legislation (Welfare).

• • • • •

§ 213.3339 U.S. International Trade Commission.

(a) One Staff Assistant, one Administrative Assistant, and one Staff Assistant (Legal) to a Commissioner.

• • • • •

§ 213.3384 Department of Housing and Urban Development.

• • • • •

(i) *Office of the Assistant Secretary for Policy Development and Research.* • • •

(5) Two Special Assistants, one Staff Assistant, and one Executive Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78-4549 Filed 2-17-78; 8:45 am]

[3410-07]

**Title 7—Agriculture**

**CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE**

[FmHA Instruction 424.1]

**PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK**

**Subpart A—Planning and Performing Development Work**

THERMAL PERFORMANCE STANDARDS; CORRECTION

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration corrects a document published on January 23, 1978, 43 FR 3075. This action is necessary because a page was inadvertently omitted from the original document, and this correction will therefore complete the document.

EFFECTIVE DATE: March 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Ball, 202-447-3394.

SUPPLEMENTARY INFORMATION: In FEDERAL REGISTER Document 78-1880 appearing on pages 3075-3078 of the issue for Monday, January 23, 1978, a page of the document submitted was inadvertently omitted. There is no change in the regulation omitted from that published in the FEDERAL REGISTER of Tuesday, October 25, 1977. The regulations omitted follow immediately after paragraph III D. 3. a. (2) in the third column, line 52, on page 3077. The omitted regulations read as follows:

b. Recommendation:

(1) Forced air heating/cooling systems should include humidification/dehumidification systems where conditions indicate.

IV. *General Design Recommendations:* A. Orient homes with greatest glass areas facing south with adequate overhangs to control solar gain during non-heating periods. Roof overhangs, or extensions of the roof, over south walls are usually easy to incorporate into house designs. To determine the *width of overhang* needed to shade a south wall or window, follow this method:

(1) Consider the *latitude* of the geographical area in which your house is located. (See map below.) Latitude, together with season of the year, determines the angle at which

the sun's rays strike the earth at different times a day.

(2) Measure on your plan or house the number of feet the south windows extend below the eave of the roof or horizontal overhang. This measurement is the *shadow height.*

(3) Then for that specific latitude and shadow height, you will find, from the table given here, the exact width of overhang needed.

For example, in a latitude of 35° and for a shadow height of 5 feet, the width of overhang needed is 3 feet.

| NORTH LATITUDE (DEGREES) | SHADOW HEIGHT (FEET) | | | | | |
|---|---|---|---|---|---|---|
| | 3 | 4 | 5 | 6 | 7 | 8 |
| | WIDTH OF OVERHANG (FEET) | | | | | |
| 25 | 1 1 | 1 5 | 1 9 | 2 2 | 2 6 | 3 0 |
| 30 | 1 4 | 1 9 | 2 4 | 2 9 | 3 4 | 3 8 |
| 35 | 1 8 | 2 4 | 3 0 | 3 5 | 4 1 | 4 7 |
| 40 | 2 1 | 2 8 | 3 6 | 4 3 | 5 0 | 5 7 |
| 45 | 2 6 | 3 4 | 4 3 | 5 1 | 6 0 | 6 8 |
| 50 | 3 0 | 4 1 | 5 1 | 6 1 | 7 1 | 8 2 |

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: February 6, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4431 Filed 2-17-78; 8:45 am]

[3410-07]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

**Development Grants for Community Domestic Water and Waste Disposal Systems**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations on development grants for community domestic water and waste disposal systems. The amendments concern grant determinations to applicants who furnish bulk service to rural residents that are served by another separate water and waste system. These amendments will allow the other systems to be considered as a part of the total by averaging the median incomes and debt service of all the systems being served, or by considering the median incomes and debt service of each system separately. This action provides more efficient and responsive service to rural communities.

EFFECTIVE DATE: February 21, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Gary L. Smith, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: Section 1823.472 of Subpart P of Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations (39 FR 20475, as amended at 40 FR 27475; 41 FR 53009; 41 FR 56626) is amended. Paragraph (b)(1), (b)(3)(i) and (e)(1) of this section are amended to provide more efficient and responsive service to rural communities that have need for grant assistance. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to provide lower income rural areas with grant determinations based on the revised information source; and because the change will permit currently needed water and waste projects in rural areas to be constructed, any delay would be contrary to the public interest. The Agency, however, is interested in receiving comments which should be submitted to the address given above.

Accordingly, as amended, § 1823.472 (b)(1), (b)(3)(i) and (e)(1) are set forth below:

§ 1823.472 Application processing.

• • • • • •

(b) *Determining the need for development grant.* • • •

(1) Ordinarily, a grant will be considered only when the debt service portion of the average user cost for either water or waste service for only those users in the applicant service area as specified in paragraph (b) of this section exceeds one percent (1%) of the median income (average income if median income is not available) as determined in accordance with paragraph (b) (3) of this section and it will be limited to an amount necessary to reduce the debt service portion of such user cost to such one percent (1%) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. When the applicant will be furnishing bulk service to rural residents served by another system, a grant to such applicant may also be considered for an amount to reduce the user costs on a similar basis as provided in this paragraph for users of such other system. An agreement between the applicant and the other system (entity) will be obtained that clearly shows that the benefits of the grant will accrue only to the users intended to be benefited by the grant. For purposes of grant determination, all other systems which will receive bulk service may either:

(i) Be considered as part of the total by averaging the median incomes of the systems involved and averaging the debt service portion for the particular service of the other system; or

(ii) Consider the median income and the debt service portion for the particular service for each entity separately.

• • • • • •

(3) • • •





(i) The median income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (i)-C series or from reliably extracted unpublished Bureau of Census data for individual enumeration districts; or

• • • • • •

(e) *Grant closing and delivery of funds.*

(1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds will be disbursed before the disbursal of any FmHA grant funds.

(i) FmHA loan funds will be disbursed before the disbursal of any FmHA grant funds except when:

(A) Interim financing of the total FmHA loan amount is arranged;

(B) All interim funds have been disbursed; and,

(C) FmHA grant funds are needed before the FmHA loan can be closed.

(ii) The FmHA loan should be closed as soon as possible after the disbursal of all interim funds; however, the loan should be closed no later than construction completion. If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed proportionately in accordance with the agreement governing such agencies' participation in the grant. Any grant funds remaining will be handled in accordance with § 1933.17 (a)(13)(viii) of this Chapter.

(7 USC 1989; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Excutive Order 11821 and OMB Circular A-107.

Dated: February 3, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4528 Filed 2-17-78; 8:45 am]

[3410-07]

SUBCHAPTER J—LOAN AND GRANT PROGRAMS (GROUP)

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

**Community Facility Loans**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its loan regulations with respect to the handling of funds remaining after the completion of construction of water and waste projects. These amendments also specify that contract documents may be obtained only from local FmHA offices. Editorial and other changes are made to provide items of consideration in assigning priorities. These changes are intended to clarify current regulations.

EFFECTIVE DATE: February 21, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Gary L. Smith, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: The Farmers Home Administration (FmHA) amends various sections of Subpart A of Part 1933, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 24233; 42 FR 54402), as follows:

1. The second sentence of § 1933.9(f) (ending with the words "to effectively monitor each project.") is amended to state that the purpose of FmHA development inspections is solely to benefit the FmHA.

2. Section 1933.17(a)(2)(vii)(A) is expanded to include the addition of items of highest priority; § 1933.17(a)(2)(viii)(C) is redesignated to new paragraph (a)(2)(vii)(D) without change; a new paragraph (a)(2)(vii)(C) is added to include an additional item for project priority consideration; § 1933.17(a)(13)(ii) is amended to clarify interim financing relating to loan closing; § 1933.17(a)(13)(vii) is amended to prescribe the manner in which loan and/or grant funds, remaining after construction is completed, will be handled.

3. Section 1933.18(a) is amended to include inspections among the services listed and to state that the borrower is not relieved from the contractual obligation arising from the procurement of the services; § 1933.18(a)(4)(i) is amended to provide for the situation in which FmHA determines that an alternative water supply cannot be arranged; § 1933.18(a)(7) is amended to provide that copies of standard contract documents may be obtained from local FmHA offices rather than from sources previously named; § 1933.18(a)(9)(ii)(G) is amended to clarify the situations in which a conflict of interest arises on behalf of the bidder.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the changes will permit the construction of currently needed water and waste projects in rural areas and any delay in publication would be contrary to the public interest. However, the Agency is interested in receiving further public comments which should be submitted to the address given above. Accordingly, the various sections of Subpart A of Part 1933 as amended, are set forth below.

§ 1933.9 Planning and performing development.

• • • • • •

(f) *Development inspections.* The State Director will designate an FmHA representative to assist the County Supervisor in monitoring the construction of all projects being financed, wholly or in part, with FmHA funds. This assistance will include construction inspections and a review of each project inspection report, each change order and each partial payment estimate and other invoices such as payment for engineering and legal fees and other materials determined necessary to effectively monitor each project. These activities will not be performed on behalf of the applicant/borrower, but are solely for the benefit of FmHA and in no way are intended to relieve the applicant/borrower of his corresponding obligations to conduct similar monitoring and inspection activities. Project monitoring will include periodic inspections to review partial payment estimates prior to their approval and review project development in accordance with plans and specifications. Each inspection will be recorded using Form FmHA 424-12, "Inspection Report." The original Form FmHA 424-12 will be filed in the project case folder and copies furnished the State Director, the District Director and the designated FmHA representative. The State Director will review each inspection report and will determine that each project is being effectively monitored.

• • • • • •

§ 1933.17 Appendix A—Community facilities.

(a) • • •

(2) *Applicant eligibility and priority.*

• • •

• • • • • •

(vii) • • •

(A) Water and Sewer System applications from any municipality or other public agency (including an Indian Tribe on a Federal or State reservation or other Federally, recognized Indian tribal group) in a rural community having a population not in excess of 5,500 having an inadequate water or sewer system. Highest priority shall be given to such applications in which:

(1) An existing community water supply system requires immediate action as the result of unanticipated dimunition or deterioration of its water supply; or

(2) An existing waste disposal system is not adequate to meet the needs of the community as the result of unexpected occurrences.

(B) • • •

(C) Those projects which will provide service to communities having a large portion of its population with low incomes, as determined by Department of Labor, Bureau of Labor Statistics, and, therefore, having a greater financial need because of the low income population.

(D) (Redesignated)

• • • • •

(ii) *Interim financing.* In all loans, exceeding $50,000, where it is possible for funds to be borrowered at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used, the application will be processed, including obtaining construction bids, to the stage where the FmHA loan would normally be closed, that is immediately prior to the start of construction. The FmHA loan should be closed as soon as possible after the disbursal of all interim funds. Interim financing may be for a fixed term provided the fixed term does not extend beyond time projected for completion of construction. For this purpose, a fixed term is when the interim lender cannot be repaid prior to the end of the stipulated term of the interim instruments. When an FmHA Water and Waste Disposal grant is included, any interim financing involving a fixed term must be for the total FmHA loan amount. Multiple advances may be used in conjunction with interim commercial financing when the applicant is unable to obtain sufficient funds through interim commercial financing in an amount equal to the loan. The FmHA loan proceeds (including advances) will be used to retire the interim commercial indebtedness. Before the FmHA loan is closed, the applicant will be required to provide FmHA with statements from the contractor, engineer, architect, and attorney that they have been paid to date in accordance with their contracts or other agreements and, in the case of the contractor, that he/she has paid his/her suppliers and subcontractors. If such statements cannot be obtained, the loan may be closed provided:

• • • • •

(viii) *Funds remaining after construction is completed.* Should loan and/or grant funds remain available, including obligated funds not advanced, after all costs incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements, and improvements of the project with the prior permission of the FmHA State Director. If the additional work is to be undertaken by the contractor(s) already engaged in the construction of the project, the additional work may be authorized by a change order. Remaining project funds not needed for authorized extensions, enlargements, or improvements shall be considered to include FmHA loan, FmHA grant, and funds from other sources. The amount of each will be in direct proportion to the amount of funds obtained or obligated from each funding source. The FmHA grant funds will be refunded to FmHA. The FmHA loan funds will be returned to FmHA as a repayment on the loan, unless other disposition is required by the bond ordinance or resolution, or by State statute. When the amount of remaining grant funds, as determined in this paragraph, constitutes a substantial portion of the total FmHA share of the project funding, eligibility for such funds to make extensions, enlargements, or improvements to the project must be in accordance with § 1823.472 (b) of this Chapter.

§ 1933.18 Appendix B—Community Facilities—Planning, bidding, contracting, constructing.

(a) This section includes information and procedures specifically designed for use by applicants including the professional or technical consultants and/or agents who provide such assistance and services, as architecture, engineering, inspection, financial, legal, or other services related to planning, bidding, contracting, and constructing community facilities. These procedures do not relieve the borrower of the contractural obligations that arise from the procurement of these services. This section is made available as needed for such use.

• • • • •

(4) • • •

(i) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water or other service and provide that in case of shortages, all of the supplier's users will share the shortages proportionately. If it is impossible to obtain a firm commitment for a minimum supply at all times, a contract may be executed and approved, provided that adequate evidence is furnished to enable FmHA to make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant for the foreseeable future, and:

(A) That a suitable alternative supply could be arranged within the repayment ability of the borrower if it should ever become necessary, or

(B) If a suitable alternative supply cannot be arranged within the repayment ability of the borrower, prior approval must be obtained from the National Office.

(7) *Construction contract forms.* Standard contract documents prescribed for use by borrowers and grantees in Federally assisted projects may be used for all community facility projects including water and waste disposal systems and buildings, such as hospitals and nursing homes. These standard documents are published by FmHA as § 1933.20(a)(19) and may be reviewed at the local FmHA office. Applicants may obtain copies of the documents from the local FmHA office. When these standard contract documents are used, it will normally not be necessary to obtain prior approval of OGC.

(9) • • •

(ii) • • •

• • • • •

(G) No engineer or architect (individual or firm, including persons they employ) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered acceptable as a bidder. Any individual, firm or corporation in which such architect or engineer (including persons in their employ) is an officer, employee, or holds or controls a substantial interest will not be considered an acceptable bidder. Contracts or purchases by the construction contractor may not be awarded or made to a supplier or manufacturer if the engineer or architect (firm or individual) who prepared the plans and specifications has a corporate or financial affiliation with the supplier or manufacturer. Bids will not be awarded to firms or corporations which are owned or controlled wholly, or in part by a member of the governing body of the applicant or to an individual who is such a member. Arrangements, which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job), should be avoided whenever it is practical to do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state, such as prefabricated buildings and lift stations. Contracts may also be awarded for materials delivered to the job site and installed by a patented process or method.

• • • • •

(7 U.S.C. 1989; Delegation of authority by the Secretary of Agriculture; 7 CFR 2.23; Delegation of Authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated; February 3, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4527 Filed 2-17-78; 8:45 am]





[6720-01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 78-93]

PART 545—OPERATIONS

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

Definition of "Principal Supervisory Agent"

AGENCIES: Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: Under present regulations the Board's "Principal Supervisory Agent" (PSA) is normally the President of each Federal Home Loan Bank, who may under certain conditions designate a substitute with written approval of two members of the Federal Home Loan Bank Board. This resolution deletes the Presidents' authority to designate substitute PSAs and provides that the Board may designate substitute or additional PSAs at any time. This change is needed to permit the Board to designate a substitute PSA where a Bank President is unable to do so, or where a presidency becomes vacant.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Telephone number: 202-377-6440.

SUPPLEMENTARY INFORMATION: Under the definition of PSA in § 545.14(a)(3)(i) of the Federal Regulations (12 CFR 545.14(a)(3)(i)), a FHLB President may designate a substitute PSA during his "absence or incapacity" for a period exceeding ten business days. That procedure requires approval of at least two Board members. This Resolution removes that authority and substitutes the following: (1) Permits the Board to designate substitute or additional PSAs and (2) does not condition that authority upon a FHLB President's absence or incapacity. The Board may specify the conditions and duration of the service of such substitute or additional PSAs.

This resolution also conforms the definition of PSA in § 561.35 of the Insurance Regulations (12 CFR 561.35).

The Board finds that: (1) Notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because the amendments are related to Board management and rules of Board organization, procedures, and practice, and (2) publication of said amendments for the 30-day period specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to effective date are unnecessary for the same reason.

Accordingly, 12 CFR 545.14(a)(3)(i) and 561.35 are hereby amended to read as follows, effective February 14, 1978.

§ 545.14 Branch office.

(a) *General provisions.* • • •

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to a Supervisory Agent of the Board. As used in this section: (i) The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant's home office is located or any other person designated in writing as Principal Supervisory Agent by the Board to serve as such for such term and under such conditions as may be specified; and (ii) • • •

• • • • •

§ 561.35 Principal supervisory agent.

The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located or any other person designated in writing as Principal Supervisory Agent by the Board to serve as such for such term and under such conditions as may be specified.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464), secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp. p. 1071.)

Dated: February 14, 1978.

By the Federal Home Loan Bank Board.

J. J. FINN,
*Secretary.*

[FR Doc. 78-4553 Filed 2-17-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-3-AD; Amdt. 39-3140]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737-100/200/200C/T43A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On January 13, a telegraphic emergency Airworthiness Directive (AD) was issued and made effective January 16, 1978, to all known U.S. operators of Boeing Model 737-100/200/200C, including T43A, series airplanes. This publication is to provide general public notice of the AD, which requires a one-time inspection of the horizontal stabilizer hinge outboard fitting attach bolts for looseness or absence from the installation.

DATES: Effective date: February 21, 1978.

The Airworthiness Directive was effective on January 16, 1978. Compliance was required within 75 flight hours time-in-service.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: An operator reported that fourteen (14) of the sixteen (16) bolts which attach the horizontal stabilizer hinge outboard fitting to the body structure

were found missing on one side of an airplane. One of the remaining bolts was backed out. There was evidence that the bolts were in fact present at one time. Backing out of the bolts is attributed to insufficient protrusion of the bolt through the nut plate and resultant inadequate self-locking. Insufficient protrusion can be the result of tolerance build-up in the assembly. Loss of the attachment of the fitting could result in adverse stabilizer movement and, if not corrected, could lead to loss of the stabilizer. Since this condition is likely to exist in other Boeing Model 737-100/200/200C series airplanes, including military type 737-T43A airplanes, an Airworthiness Directive was issued requiring a one-time inspection of the horizontal stabilizer hinge outboard fitting attach bolts for looseness. Approximately 440 Boeing 737-100/200/200C series airplanes including military type 737-T43A airplanes are to be inspected. Since, at the time the condition became known, it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators by individual telegrams dated January 13, 1978. Airplanes which have had Boeing Service Bulletin No. 737-53-1048 or equivalent accomplished are not affected by the AD. That service bulletin replaces the bolts with long thread bolts where possible and drilled head bolts which are safety-wired at four locations where long thread bolts are impractical.

A forthcoming amendment will require repetitive inspections until bolt replacement per the Boeing Service Bulletin No. 737-53-1048 is accomplished.

This rule was coordinated with the Boeing Commercial Airplane Company and the operators through the Air Transport Association (ATA) prior to issuance.

### Drafting Information

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive: BOEING: Applies to all Boeing Model 737-100/200/200C/T43A series airplanes, listed in Boeing Service Bulletin No. 737-53-1048 which have not had the bolt replacment accomplished per figure 1 of that service bulletin, certificated in all categories.

A. Within the next 75 flight hours time-in-service after January 16, 1978, unless accomplished within the last 3,000 flight hours time-in-service, accomplish paragraph B below.

B. Remove panels 9126 L.H. and 9226 R.H. and check all attach bolts (16 per side) of the two horizontal stabilizer hinge outboard fittings for looseness. If found loose, before further flight, tighten bolt(s) to 65-80 in-lbs or accomplish the bolt replacement of figure 1 of Boeing Service Bulletin No. 737-53-1048, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. In the event it is impracticable to perform the inspection within 75 flight hours time-in-service after January 16, 1978, permission to ferry an airplane to a location where the inspection can be accomplished, may be obtained by contacting the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspection requirements will be incorporated at a later date.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective February 21, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on February 7, 1978.

C. B. WALK, Jr.,
*Director,*
*Northwest Region.*

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-4394 Filed 2-17-78; 8:45 am]

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[4910-13]

[Airspace Docket No. 77-SO-54]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of VOR Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of January 26, 1978, Volume 43, page 3553, the Hinch Mountain, Tenn., 306° radial was incorrectly stated as 304° in the amendatory paragraph numbered 2. This correction reflects the correct radial of Hinch Mountain to be 306°.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone, 202-426-3715.

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 78-1960 was published on January 26, 1978, (43 FR 3553) and amended the description of a segment of V-16 north alternate to be designated via the Hinch Mountain 304° radial. This 304° radial was published incorrectly because of miscalculation in transposition from the magnetic radial required and the true radial representing that value. This radial should have been published as 306°. Action is taken herein to correct this error.

### Drafting Information

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FEDERAL REGISTER Document 78-1960 as published in the FEDERAL REGISTER on January 26, 1978 (43 FR 3553) is amended in the description of a segment of V-16 north alternate by deleting "Mountain 304° radials;" in the amendatory paragraph numbered 2 and substituting "Mountain 306° radials;" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)





NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 10, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and*
*Air Traffic Rules Division.*

[FR Doc. 78-4395 Filed 2-17-78; 8:45 am]

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[4910-13]

[Docket No. 77-SO-69]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Loris, S.C., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Loris, S.C. It will lower the base of controlled airspace from 1,200 to 700 feet above ground level. This action provides necessary controlled airspace for accommodation of Instrument Flight Rules (IFR) operations at the Twin City Airport.

EFFECTIVE DATE: 0901 Gmt, March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on December 8, 1977, (41 FR 62015) which proposed the designation of the Loris, S.C., 700-foot transition area. The transition area is required to provide controlled airspace for aircraft executing a new NDB approach procedure to runway at the Twin City Airport.

The Department of the Navy felt that the users of the Twin City Airport should be made aware that the centerline of a VFR Low Altitude Training Route (TR-104) lies less then 4 NM south of the airport. This route has existed for several years and its continued use is anticipated for the indefinite future. Establishment of the proposed Transition Area will not preclude use of TR-104.

Aircraft operating on TR-104 VFR Low Altitude Training Route must have at least a ceiling of 3,000 feet and visibility of five miles. With these weather minimums, both military and civil aircraft in the vicinity of the Twin City Airport will be operating on a "see and be seen" basis, in accordance with Federal Aviation Regulations.

### Drafting Information

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

### Adoption of Amendment

Accordingly, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 Gmt, March 23, 1978, by adding the following:

§ 71.181 [Amended]

LORIS, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Twin City Airport (Lat. 34°05'19" N, Long. 78°52'02" W); within 3 miles each side of the 079° bearing from the Benton NDB (Lat. 34°05'25" N, Long. 78°52'06" W); extending from the 6-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on February 6, 1978.

GEORGE R. LACAILLE,
*Acting Director,*
*Southern Region.*

[FR Doc. 78-4393 Filed 2-17-78; 8:45 am]

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[4910-13]

[Docket No. 17660; Amdt. 91-147]

## PART 91—GENERAL OPERATING AND FLIGHT RULES

### Removal of References to Obsolete Compliance Dates and Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendment revises an operating rule by deleting reference to obsolete compliance dates and equipment requirements. Those dates, which set up a timetable for the installation of a new class of ATC transponder equipment, have passed, and the prescribed equipment no longer satisfies revised requirements. The intended effect of this amendment is to clarify current equipment requirements.

EFFECTIVE DATE: March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice Taylor, Air Traffic Rules Branch, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3128.

SUPPLEMENTARY INFORMATION:

### History

Paragraph 91.97(a)(4)(i) describes transponder equipment that is not consistent with, and no longer satisfies the equipment requirements of § 91.24. Additionally, § 91.97(a)(4)(i) refers to obsolete compliance dates in § 91.24 for installing new transponder equipment. References to obsolete compliance dates and equipment are confusing and tend to derogate current safety requirements prescribed in § 91.24. Accordingly, this amendment merely references § 91.24 which prescribes the current equipment requirements.

This amendment is issued without a Notice of Proposed Rulemaking since the FAA has found, for good cause, that notice and public procedure are unnecessary since this amendment is an editorial change that merely removes reference to obsolete equipment and compliance dates without prescribing any additional requirements.

### Drafting Information

The principal authors of this document are Maurice Taylor, Air Traffic Service, and Phillip Kolczynski, Office of the Chief Counsel.

### Adoption of the Amendment

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective March 20, 1978, by revising § 91.97(a)(4)(i) to read as follows:

§ 91.97 Positive control areas and route segments.

(a) • • •

(4) • • •

(i) The applicable equipment specified in § 91.24; and

• • • • • •

(Secs. 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a)); and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document

does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 9, 1978.

QUENTIN S. TAYLOR,
*Acting Administrator.*

[FR Doc. 78-4392 Filed 2-17-78; 8:45 am]

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[4110-03]

**Title 21—Food and Drugs**

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION**

[Docket No. 76F-0477]

**PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS**

**PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS**

**2-Sulfoethyl Methacrylate, Sodium Salt**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to increase the maximum use level for 2-sulfoethyl methacrylate, sodium salt as a component in copolymer coatings intended for food-contact use. Dow Chemical U.S.A. filed a petition for such use.

DATES: Effective February 21, 1978; objections by March 23, 1978.

ADDRESSES: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER of February 22, 1977 (42 FR 10340) that a food additive petition (FAP 7B3261) had been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, Mich. 48640, proposing that §§ 175.320 and 176.170 (21 CFR 175.320 and 176.170) be amended under the item "2-Sulfoethyl methacrylate, sodium salt," to provide for an increase in the use level to 2.0 percent by weight of the dry copolymer coating.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that §§ 175.320 and 176.170 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 175 and 176 are amended as follows:

1. In Part 175, § 175.320(b)(3)(i) is amended by revising the limitation for the item "2-Sulfoethyl methacrylate, sodium salt," to read as follows:

§ 175.320 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *
(3) * * *

| List of substances | Limitations |
|---|---|
| (i) Resins and polymers: | |
| * * * | * * * |
| 2-Sulfoethyl methacrylate, sodium salt [Chemical Abstracts Service No. 10595-80-9] | For use only in copolymer coatings under conditions of use E, F, and G described in table 2 of § 176.170(c) of this chapter and limited to use at a level not to exceed 2.0 percent by weight of the dry copolymer coating. |
| * * * | * * * |

* * * * *

2. In Part 176, § 176.170(b)(2) is amended by revising the limitation for the item "2-Sulfoethyl methacrylate, sodium salt," to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *
(2) * * *

| List of substances | Limitations |
|---|---|
| * * * | * * * |
| 2-Sulfoethyl methacrylate, sodium salt [Chemical Abstracts Service No. 10595-80-9] | For use only in copolymer coatings under conditions of use E, F, and G described in paragraph (c) of this section, table 2, and limited to use at a level not to exceed 2.0 percent by weight of the dry copolymer coating. |
| * * * | * * * |

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 23, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the hearing of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective February 21, 1978.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: February 2, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4480 Filed 2-17-78; 8:45 am]

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[6820-34]

**Title 41—Public Contracts and Property Management**

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS**

**SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES**

[FPMR Amdt. G-44]

**PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS**

**Requesting Dispatch Motor Vehicle Service**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The present method of identifying agency accounts to be billed for motor vehicle dispatch service results in considerable administrative cost. Recently developed procedures enable GSA to readily identify agency accounts when processing bills for payment, thereby reducing the administrative cost. This amendment takes the necessary action to amend the FPMR.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.





The table of contents for Part 101-39 is amended to include the following revised entries:

101-39.503 Obtaining services and procedures for billing.
101-39.503-1 Seasonal or unusual requirements.
101-39.503-2 Obtaining dispatch motor vehicles for trip or daily assignment.
101-39.503-3 Obtaining vehicles for indefinite assignment.
101-39.503-5 GSA Form 2649, Motor Pool Charge Plate.
101-39.503-6 Availability of GSA Form 2649.
101-39.503-7 Lost or stolen GSA Form 2649.
101-39.4901 GSA Form 2649, Motor Pool Charge Plate.

**Subpart 101-39.5—Services**

1. Section 101-39.502 is revised as follows:

**§ 101-39.502 Services available.**

Motor pool system services shall be used in connection with official travel only. To the extent justified by the work requirements of using agencies, motor pool system services will be available as follows:

(a) Dispatch vehicles on trip or daily assignment;
(b) Vehicles for indefinite assignment;
(c) Shuttle run or similar services;
(d) Bus or transit service; and
(e) Other related services, including servicing and storage of motor vehicles.

2. Section 101-39.503 is revised as follows:

**§ 101-39.503 Obtaining services and procedures for billing.**

**§ 101-39.503-1 Seasonal or unusual requirements.**

Agencies or activities having seasonal or unusual requirements for motor vehicles or motor vehicle services shall inform the motor pool system thereof as far in advance as possible. Normally, such advice shall be given not less than 3 months in advance of the need.

**§ 101-39.503-2 Obtaining dispatch motor vehicles for trip or daily assignment.**

Dispatch vehicles are available as a source of short term transportation for personnel of any Federal agency, bureau, or activity that is located within the service area of a particular interagency motor pool system or those employees in a travel status needing a vehicle at their destination. These vehicles shall be made available only to personnel who present a valid travel order authorizing travel by a Government- owned or controlled motor vehicle or a GSA Form 2649, Motor Pool Charge Plate. (See § 101-39.503-5.) When a travel order is used to obtain a dispatch vehicle, it shall contain the complete billing address and the GSA assigned bill office address code (BOAC). Agencies requiring a BOAC may obtain one by writing to the General Services Administration (FZM), Washington, D.C. 20406. Dispatch vehicles shall be returned to the motor pool system where they were obtained.

**§ 101-39.503-3 Obtaining vehicles for indefinite assignment.**

An agency requiring a motor pool vehicle for indefinite assignment shall submit a written request to the motor pool system serving the area in which the vehicle is to be used. When the vehicle is required in an area not served by a motor pool system, the agency shall direct its request to the GSA regional office having jurisdiction over the area concerned. The request shall include the agency's billing address and BOAC. A justification shall accompany each request and shall include, but need not be limited to:

(a) The reason for need of the vehicle; e.g., a new or expanded program;
(b) Authority for the requirement;
(c) The number and types of vehicles required;
(d) A certification that the request for the vehicle(s) has not been denied by the Congress, the Office of Management and Budget, or departmental headquarters; and
(e) A statement that any required departmental approvals have been obtained.

**§ 101-39.503-4 Motor pool vehicles removed from defined areas.**

(a) Normally, vehicles shall not be permanently removed from the defined area of the local interagency motor pool system. However, when agency programs necessitate removal of interagency motor pool vehicles from the defined area of the motor pool system that issued the vehicles for a period exceeding 90 calendar days, the agency shall notify the issuing interagency motor pool system of the following:

(1) The location at which the vehicles are currently in use;
(2) The date the vehicles were moved to the present location; and
(3) The expected date the vehicles will be returned to the original location.

(b) When motor pool vehicles have been removed from the defined area for a period exceeding 90 calendar days, the issuing interagency motor pool system shall arrange for the transfer of accountability for the vehicles to the nearest interagency motor pool system.

**§ 101-39.503-5 GSA Form 2649, Motor Pool Charge Plate.**

GSA Form 2649, Motor Pool Charge Plate (illustrated at § 101-39.4901), is designed for use by all Federal agencies to identify the activity to be billed for dispatch service. This form is a plastic credit card-type plate which contains an embossed in-the-clear address and the billed office address code assigned by GSA. The charge plate will be honored at any GSA operated or controlled interagency motor pool system; *Provided*, That credentials identifying the holder as an employee of the agency requesting the dispatch vehicle are presented to the motor pool system. The agency receiving the GSA Form 2649 shall assume all liabilities for services obtained through its use.

**§ 101-39.503-6 Availability of GSA Form 2649.**

Agencies may request embossed GSA Form 2649 from the Motor Equipment Services Division of the appropriate GSA regional office serving that agency. Agencies shall provide the following information to GSA when requesting supplies of GSA Form 2649:

(a) The BOAC which has been assigned by GSA:
(b) The agency fund code, if applicable; and
(c) The appropriate agency billing address.

**§ 101 39.503-7 Lost or stolen GSA Form 264 .**

When a GSA Form 2649 is lost or stolen, the agency to which the charge plate was issued shall immediately notify the GSA motor pool system that furnished the charge plate. The reverse side of the form provides a request that lost charge plates be returned to the General Services Administration, Federal Supply Service, Washington, D.C. 20406.

**Subpart 101-39.49—Forms and Reports**

Section 101-39.4901 is revised as follows:

**§ 101-39.4901 GSA Form 2649, Motor Pool Charge Plate.**

NOTE.—The illustration in § 101-39.4901 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

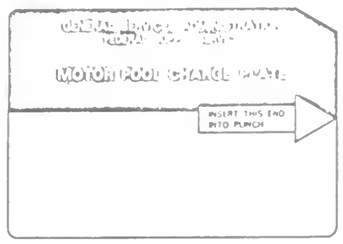
(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107

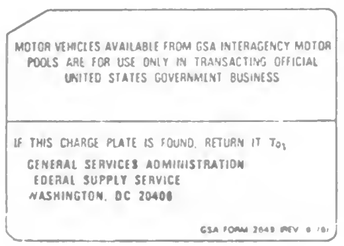
Dated: January 24, 1978.

JAY SOLOMON,
*Administrator of General Services.*

§ 101-39.4901 GSA Form 2649, Motor Pool Charge Plate.




FACE


MOTOR VEHICLES AVAILABLE FROM GSA INTERAGENCY MOTOR POOLS ARE FOR USE ONLY IN TRANSACTING OFFICIAL UNITED STATES GOVERNMENT BUSINESS
IF THIS CHARGE PLATE IS FOUND, RETURN IT TO:
GENERAL SERVICES ADMINISTRATION
FEDERAL SUPPLY SERVICE
WASHINGTON, DC 20406
GSA FORM 2649 (REV. 6-78)

REVERSE

[FR Doc. 78-4550 Filed 2-15-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21482; RM-2905]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station Jacksonville, Ill.; Changes Mode in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein reserves television Channel 14, already assigned to Jacksonville, Ill., for noncommercial educational use. West Central Illinois Educational Communications Corp. which holds a permit for this channel states that reserving the channel for noncommercial educational use protects the continuity of public television service to the west central portion of Illinois.

EFFECTIVE DATE: March 27, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: February 10, 1978.

Released: February 14, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Jacksonville, Ill.), Docket No. 21482, RM-2905.

1. The Commission herein considers the Notice of Proposed Rule Making, adopted November 14, 1977, 42 FR 59765, inviting comments on a petition filed by West Central Illinois Educational Telecommunications Corp. ("WCIETC"), proposing the reservation of television Channel 14, assigned to Jacksonville, Ill., for noncommercial educational use. The only comments received were from WCIETC in support of its proposal.

2. Jacksonville (pop. 20,554), seat of Morgan County (pop. 36,174),[1] is located in west central Illinois, approximately 50 kilometers (31 miles) west of Springfield, Ill. Jacksonville has one television assignment, Channel 14, on which WCIETC has been granted a construction permit (BPCT-4979) for Station WJPT. WCIETC states that Station WJPT, together with the station in Moline for which it holds a construction permit (BPET-554), will extend public television service to the west central portion of Illinois for the first time.

3. WCIETC asserts that the State of Illinois Board of Higher Education has approved the concept of regional not-for-profit consortia for the delivery of educational television, and these consortia were to include private and public elementary and secondary schools as well as public and private institutions of higher education. WCIETC states that its stations are essential elements in carrying out this legislative mandate and contends that reservation of Channel 14 in Jacksonville for noncommerical educational use would protect the continuity of this proposed public television service to the west central portion of the State.

[1] Population figures are taken from the 1970 U.S. Census.

4. We believe the public interest would be served by reserving television Channel 14 in Jacksonville, Ill., for noncommercial educational use. The proposed educational station would provide a public television service to the west central portion of Illinois for the first time. There are other television channels available for assignment to this area and the change in the classification of the only assigned channel to Jacksonville would not foreclose the future establishment of local commercial television if interest in it were to develop.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. *Accordingly, it is ordered,* That effective March 27, 1978, the Television Table of Assignments (§ 73.606(b) of the Commission's rules) is amended as follows for the community listed below:

City: Jacksonville, Ill., Channel No. *14.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc. 78-4474 Filed 2-17-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 652—SURF CLAM AND OCEAN QUAHOG FISHERIES

Notice of Reduction of Fishing Time

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency amendments to regulations.

SUMMARY: This amendment contains notice that 50 percent of the quota of surf clams for the first quarter of 1978 has been taken and, consequently, beginning February 20, 1978 all vessels engaging in the surf clam fishery in the Fishery Conservation Zone shall be restricted to fishing two days per week until April 1, 1978.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Regulations were published on February 17, 1978 (43 FR 6952) implementing the surf clam and ocean quahog fisheries management plan. Section 652.7(c) of these regulations provides that when the Regional Director determines that 50 percent of the allowable quarterly quota of surf clams has been taken, a notice to that effect shall be published in the FEDERAL REGISTER together with a determination of the appropriate action necessary under the circumstances. Accordingly, notice is hereby given that available information indicates that 50 percent (175,000 bushels) of the surf clam quarterly quota of 350,000 bushels established by § 652.6(a) of the regulations were taken by the end of the fishing day on February 14, 1978. It is anticipated that the quota of 350,000 bushels established for surf clams landed from the Fishery Conservation Zone (FCZ) during the first quarter of 1978 will be exceeded if the present level of effort continues for the remainder of the quarter. To reduce the likelihood that the quota will be exceeded during this period, vessels harvesting surf clams from the FCZ will be permitted to fish for surf clams only two days per week beginning 12:01 a.m. February 20, 1978. The permitted fishing days for surf clams for each vessel will be those two designated fishing days on which the vessels elected to fish for surf clams during December 1977, or which shows on the vessel permit if the vessel did not fish during December 1977..

Several comments received by the agency in response to the proposed final surf clam and ocean quahog fisheries regulations addressed the type of management measure being implemented by this regulation. The Regional Director considered the various means proposed to provide vessel owners greater flexibility in choosing the two days they could fish during the four day fishing week. Each of the means presented certain regulatory, enforcement and/or administrative problems which will require additional consideration. Until an acceptable alternative to the present system of choosing the two days on which a vessel can fish can be developed, the Regional Director has determined that the management measure in this regulatory amendment is the best available system and that conservation of the resource requires its implementation. In order to determine if there is an acceptable alternative, the Regional Director will hold at least three public hearings and consult with the appropriate Fishery Management Councils. The hearings are tentatively scheduled for March 6-10, 1978. The exact dates and locations will be established in the near future and public notice provided. Anyone wishing to make written comments should address them to the Regional Director.

The conservation needs of this resource and the fact that the Secretary determines that an emergency exists, dictate that notice and public procedure on this amendment is impractical, unnecessary, and contrary to the public interest.

Signed at Washington, D.C. on this 16th day of February 1978, on behalf of the Regional Director.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

Section 652.7(a) is hereby revised to read as follows:

§ 652.7 Effort restrictions.

* * * * *

(a) *Surf Clams.* Fishing for surf clams shall be permitted during four days per week, from 12:01 a.m. (0001 hours) Monday to 12 midnight (2400 hours) Thursday. However, no fishing vessel shall engage in fishing for surf clams on more than two days in any week. For the period from February 20, 1978 through March 31, 1978, inclusive, the authorized fishing days for surf clams for each vessel shall be the two days (among Monday, Tuesday, Wednesday, Thursday) on which the owner or operator of the vessel elected to fish pursuant to the earlier version of this section (§ 652.8(a) which appeared at 42 FR 59948 on Tuesday, November 22, 1977). Fishing for any part of a day will be counted as one day of fishing. In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds.

[FR Doc. 78-4669 Filed 2-17-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Distribution of Environmental Impact Statements

AGENCY: Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations relating to the distribution of environmental impact statements to reflect the transfer to the Environmental Protection Agency from the Council on Environmental Quality of certain responsibilities for the receipt and filing of such statements and to change certain statutory citations to make them conform to the citations provided for by present law.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Bennett L. Harless, Division of Site Safety and Environmental Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-492-8421.

SUPPLEMENTARY INFORMATION: Pursuant to the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977) the functions of the Council on Environmental Quality (CEQ) relating to the receipt and filing of environmental impact statements were transferred to the Environmental Protection Agency (EPA). Effective December 5, 1977, Federal agencies, including NRC, are required to deliver five (5) copies of all draft, final, or supplemental environmental impact statements filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 directly to the Environmental Protection Agency and to discontinue sending such statements to the Council on Environmental Quality (42 FR 62183). The following amendments to 10 CFR part 51 of the Commission's regulations entitled "Licensing and Regulatory Policy and Procedures for Environmental Protection," implement this change.

Paragraph 2.104(b)(3)(i) of 10 CFR Part 2, and §§ V(f)(3), VI(c)(1)(v), VI(c)(3)(i), and VIII(b)(7) of Appendix A of Part 2, and §§ 51.20(a)(5) and 51.52(c)(1) of 10 CFR Part 51 cite "section 102(2)(D)" of the National Environmental Policy Act (NEPA). Public Law 94-83, 89 Stat. 424 (42 U.S.C. 4332), amended NEPA so as to redesignate section 102(2)(D) as section 102(2)(E). The following amendments change the citations to conform them to the redesignation.

Since these amendments relate solely to minor procedural matters, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists to make the amendments effective on February 21, 1978.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2 and 51, are published as a document subject to codification.

§ 2.104 [Amended]

1. Paragraph (b)(3)(i) of § 2.104 of 10 CFR Part 2 is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

Appendix A—[Amended]

2. In Appendix A of 10 CFR Part 2, paragraph V(f)(3) is amended by deleting "section 102(2) (C) and (D)" and substituting therefor "section 102(2) (C) and (E)".

3. In Appendix A of 10 CFR Part 2, paragraph VI(c)(1)(v) is amended by deleting "section 102(2) (C) and (D)" and substituting therefor "section 102(2) (C) and (E)"; and paragraph VI(c)(3)(i) is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

4. In Appendix A of 10 CFR Part 2, paragraph VIII(b)(7) is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

§ 51.20 [Amended]

5. Section 51.20(a)(5) of 10 CFR Part 51 is amended by deleting "section 102(2)(D) of NEPA" and substituting therefor "section 102(2)(E) of NEPA".

6. Section 51.24(a) of 10 CFR Part 51 is amended to read as follows:

**§ 51.24 Distribution of draft environmental impact statement; news releases.**

Draft environmental impact statements will be distributed as follows:

(a) Five (5) copies of the draft environmental impact statement, the Applicant's Environmental Report, and any comments received on the statement or report will be provided to the Environmental Protection Agency.

* * * * *

7. Section 51.24(c)(2) is amended by deleting the words "The Environmental Protection Agency;" and is reserved.

§ 51.25 [Amended]

8. The first sentence in § 51.25 is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

§ 51.26 [Amended]

9. The final sentence in § 51.26(c) is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

10. The fourth sentence in § 51.50(b), the first and second sentences in § 51.50(c)(1) and the second sentence in § 51.50(c)(2) are revised to read as follows:

**§ 51.50 "Federal Register" notices; distribution of reports; public announcements; public comment.**

* * * * *

(b) * * * The publication requirement of this paragraph may be satisfied by forwarding the notice of intent to the Environmental Protection Agency for publication in the FEDERAL REGISTER. * * *

(c) Environmental impact statements; notice of availability.

(1) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards or their designee, as appropriate, will forward copies of draft and final environmental impact statements to the Environmental Protection Agency in accordance with §§ 51.24, 51.26 and 51.41. The Environmental Protection Agency will publish weekly in the FEDERAL REGISTER lists of environmental impact statements received during the preceding week that are available for public comment. * * *

(2) * * * The summary notice will request, within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Environmental Protection Agency announcing the availability of the draft statement, or within such longer period as the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards or their designee, as appropriate, may specify, comment from interested persons on the proposed action and on the draft statement. * * *

§ 51.51 [Amended]

11. Section 51.51 is amended by deleting the words "Council on Environmental Quality" in the first sentence and substituting therefor the words "Environmental Protection Agency"; and by deleting the words "Council" in the second and third sentences and substituting therefor the words "Environmental Protection Agency".

§ 51.52 [Amended]

12. Section 51.52(a) is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

13. 51.52(c)(1) is amended by deleting "section 102(2) (A), (C), and (D)" and substituting therefor "section 102(2) (A), (C), and (E)".

14. In § 51.54, the last sentence in paragraphs (a) and (b) is revised to read as follows:

**§ 51.54 Required lists.**

(a) * * * The list will be forwarded immediately after each revision to the Environmental Protection Agency for publication in the FEDERAL REGISTER.

(b) * * * The list will be forwarded immediately after each revision to the Environmental Protection Agency for publication in the FEDERAL REGISTER.

15. The first sentence of § 51.56 is revised to read as follows:

**§ 51.56 Application of part to proceedings.**

The provisions of this part are applicable to all draft and final environmental impact statements filed with the Council on Environmental Quality during the period August 19, 1974 through December 4, 1977 and to all draft and final environmental impact statements filed with the Environmental Protection Agency on or after December 5, 1977. * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 2d day of February 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
*Executive Director for Operations.*

[FR Doc. 78-4430 Filed 2-17-78; 8:45 am]

[7590-01]

## PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

### Revision of Fee Schedule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The rule which follows revises the Commission's schedule of fees for applications, permits, and licenses. It establishes fees for requests filed by vendors and architect-engineers for standardized reference design approvals; amendments; renewals; routine inspections; special projects or reviews; approval of spent fuel casks, and shipping containers; and approval of sealed sources, and devices containing or utilizing byproduct, source, or special nuclear material. The fees are based on the Commission's costs of providing services in accordance with guidelines published on May 2, 1977.

DATE: This amendment will be effective March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7225.





SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 2, 1977, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 22149-22168) for public comment proposed amendments to its regulations in 10 CFR Part 170 which would revise its schedule of fees for facilities and materials applications and licenses. It would establish fees for (1) requests filed by vendors and architect-engineers for standardized design approvals; (2) license amendments and renewals; (3) routine inspections; (4) special projects and reviews; (5) requests for approval of spent fuel casks and shipping containers; and (6) requests for approval of sealed sources and devices containing or utilizing byproduct, source, or special nuclear material. The notice invited interested persons to submit written comments for consideration in connection with the proposed amendments on or before June 1, 1977. Upon request, the Commission extended the comment period for an additional 30 days to July 1, 1977.

On May 12, 1977, the Commission held a public meeting in Bethesda, Md. Data used in developing the proposed schedule of fees were discussed at this meeting and copies of these data were provided to all interested persons.

The Commission has placed in its Public Document Room at 1717 "H" Street, Washington, D.C., all manpower, cost data, and more than 200 other documents used in developing the schedule of fees. In addition, computer printouts of manpower usage and workpapers have been made available for inspection at the Commission's office at 7920 Norfolk Avenue, Bethesda, Md 20014.

The May 2, 1977, notice set forth the Commission's guidelines for fees under the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a. These guidelines are based on the Supreme Court decisions in *National Cable Television Association, Inc.* v. *United States*, 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Company*, 415 U.S. 345 (1974), and further guidance provided by the United States Court of Appeals for the District of Columbia Circuit in *National Cable Television Association, Inc.* v. *Federal Communications Commission*, 554 F. 2d 1094 (1976); *National Association of Broadcasters* v. *Federal Communications Commission*, 554 F. 2d 1118 (1976); *Electronic Industries Association* v. *Federal Communications Commission*, 554 F. 2d 1109 (1976); and *Capital Cities Communication, Inc.* v. *Federal Communications Commission*, 554 F. 2d 1135 (1976).

In summary, the guidelines provide that:

1. Fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services necessary for the issuance of a required permit, license, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations;

2. All direct and indirect costs incurred by the NRC in providing special benefits may be recovered by fees;

3. It is not necessary to allocate costs in proportion to the degree of public or private benefit resulting from conferring a special benefit on a recipient;

4. Where the identification of the specific beneficiary of NRC activity is obscure, the cost of the activity may not be included in the cost basis for fees;

5. A fee shall not exceed the sum on the average of the direct and indirect costs which the NRC incurs in furnishing the services for a member of the class of recipients for which the fee is assessed; and

6. Calculation of agency costs shall be performed as accurately as is reasonable and practical, and shall be based on specific expenses identified to the smallest practical unit associated with the rendering of the type of agency service to the particular class of recipients.

These guidelines determine whether or not the Commission may charge a fee for a particular service and what the maximum fee may be. In keeping with the sense of Congress expressed in the Independent Offices Appropriation Act of 1952 that agency activities performed on behalf of persons the agency serves "shall be self-sustaining to the full extent possible," the Commission is generally obliged to impose the fees allowed by these guidelines where it is fair and equitable to do so. The Commission recognizes that in exceptional circumstances fairness may require that a fee be set at a level below the cost of rendering the service. However, the Commission's discretion to reduce fees for certain service categories is limited by the IOAA mandate and by the requirement that a consistent and fundamentally fair fee structure must accord equal treatment to similarly situated recipients of agency services.

The fees in this notice are based on these Commission guidelines. Several changes have been made, however, in the schedule of fees contained in the May 2, 1977 notice in response to comments received from the public. Copies of the comments received by the Commission have been placed in our Public Document Room.

The May 2, 1977, notice contained a description of the functional activities of the various Commission offices and identified the special services for which costs were included in fees and those activities for which costs were excluded from fee recovery. It also described the method of fee computation; discussed the costs of major NRC offices; and estimated the amount of fees the Commission would collect under the proposed fee schedule.

In accordance with Commission instructions, the staff analyzed the functions performed and services rendered by each NRC office to determine which activities, if any, provided special benefit to applicants, licensees, or permittees. After each NRC service was properly categorized, contractual services analyzed, and the professional manpower figures obtained for each fee category, the cost per man-year to maintain a professional employee (professional man-year rate) was developed for the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. These rates were developed by using (1) each office's costs of personnel compensation (salaries), personnel benefits, administrative support and travel, (2) the number of professional employees who were identified as working on licensing, inspection, and other special projects (excluding administrative, supervisory and management direction employees), and (3) the overhead support provided by the Program Direction and Administration and the Program Technical Support offices to the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel, and Atomic Safety and Licensing Appeal Panel (operating offices). To determine overhead support, the Program Direction and Administration and the Program Technical Support offices were analyzed to identify what service, if any, they provided to the operating offices.

After the analysis, the manpower and other costs of the Offices of the Secretary, Controller, Management Information and Program Control, Administration, Executive Legal Director, and the Executive Director for Operations, were allocated as overhead support to other NRC offices. Each of these offices, with the exception of the Offices of Controller and Administration, analyzed its operations in terms of the support it provides to the various operating offices. Based on this analysis, each office allocated its effort on a percentage basis. This overhead was applied to

the total cost of the office receiving the support. The costs for the Offices of Administration and Controller were distributed to all of the NRC offices on a pro-rata basis based on distribution of manpower. This procedure was followed for the Offices of the Controller and Administration because their support is directly correlated with the needs of the various NRC offices. Program Direction and Administration and the Program Technical Support offices excluded from fees are the Office of the Commissioners, General Counsel, Policy Evaluation, Inspector and Auditor, Congressional Affairs, Public Affairs, Planning and Analysis, Equal Employment Opportunity, and International and State Programs.

COMMENTS

Several comments contended that the proposed fee schedule was inconsistent with the guidelines established by the United States Supreme Court in *National Cable Television Association, Inc.* v. *United States*, 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Company*, 415 U.S. 345 (1974). In particular, they argued that the activities for which the Commission contemplated charging fees benefited not only the licensee, but also the public and that the Commission may not assess the licensee for those services which benefited the public.

The United States Court of Appeals for the District of Columbia Circuit rejected this argument in *Electronic Industries Association* v. *F.C.C.*, 554 F. 2d 1109 (1976). The court explicitly endorsed a Federal Communications Commission assertion that: "The fact that the general public may also benefit by Commission authorization of such activities, in that the activities may directly or indirectly provide a service to the public, does not limit the Commission's authority to charge a fee to the recipients of the services that will allow those services provided by the Commission to be operated on a self-sustaining basis as mandated by Title V (of the IOAA)," 554 F. 2d at 1114, fn. 12.

Several comments cited a Federal district court decision, *Public Service Company of Colorado, et al.* v. *Andrus, et al.*, No. 76-F-48 (D. Col. May 31, 1977) as authority for the contrary proposition that an agency may not recover through fees the cost of a service which benefits the public as well as the licensee. The case held that agency costs associated with the implementation of the National Environmental Policy Act (NEPA) cannot be collected from licensees under the Independent Offices Appropriation Act because NEPA primarily benefits the public. The Commission views this result as inconsistent with the recent decisions of the United States Court of Appeals for the District of Columbia Circuit, cited above. As the quotation in the previous paragraph makes clear, the reasoning of these decisions supports inclusion of the costs associated with the implementation of NEPA and the Commission finds these decisions to be the better view. Accordingly, the Commission has not changed the guidelines upon which the fee schedule is based.

Many comment letters focused on the Commission's proposal to charge fees for routine inspections, contending for the most part that fees should not be charged for the conduct of routine inspections since the benefits of those inspections accrue solely to the public and because inspections provide no "special benefit" to the licensees. Some argued that inspections are (1) not part of the process of obtaining a license, (2) not services requested by licensees, and (3) not justified, because inspections are conducted solely to enable the Commission to meet its statutory obligation of assuring that licensed activities are conducted in a manner so as to protect the public's health and safety. The Commission believes these arguments overlook the essential point that continuing assurance that the licensed activity is being properly conducted is a necessary condition under the Atomic Energy Act for a license to remain in effect. Routine inspections give the licensee the opportunity to provide this assurance. Thus, the conduct of routine inspections comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of services which are necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations.

Several persons commented that the Commission was attempting in the proposed fee schedule to recover the full cost of licensing and inspection services and other persons contended that the schedule was designed to recover the full costs of regulatory services. It was suggested that this perceived policy exceeded the IOAA mandate to charge only for specific services rendered to identifiable beneficiaries. The fact is that if the revised schedule had been in effect in fiscal year 1977, the Commission would have recovered approximately 12 percent of its fiscal year 1977 budget.

After analysis of benefits and beneficiaries, those NRC activities and services that have been determined to be excludable from cost recovery are:

1. *Research.*—This covers all NRC research activities including the regulatory confirmatory assessment program ($85 million in costs) which deals specifically with NRC decisions for the safe and environmentally compatible operation and protection of nuclear facilities and materials. The research program develops and analyzes technical information on reactor safety, safeguards, and environmental protection, as a basis for licensing and other decisions in the regulatory process. These activities relate directly to the licensing of reactors and other facilities; however, because these activities are generic in nature or because it would be difficult to allocate the costs of research between various recipients of the benefits, the total budgeted cost of research has been excluded ($127.5 million in fiscal year 1977).

2. *Generic licensing activities.*—The Commission reviews many safety issues on a generic basis, i.e., issues not readily identified with a specific application or group of in-house applications. This means that a significant portion of the NRC professional staff is reviewing licensing or inspection matters for which no costs were included in fees because there is no immediate identifiable recipient. In fiscal year 1977, the budgeted costs of these services were estimated to be $30.6 million.

3. *Standards development.*—These activities cover site safety and environmental impact standards for nuclear facilities; safety engineering standards for design, procurement, constuction, testing, operation and decommissioning of nuclear power plants; fuel cycle facility safety engineering standards; safeguards standards for physical protection and control of nuclear materials and facilities; standards for safe transport of radioactive materials in medical, industrial and consumer products; and radiation protection standards. These standards are supportive of the NRC licensing and inspection programs. None of the budgeted costs of these services ($16.2 million) are recovered by fees since they are not limited to specific applications or classes of applications.

4. *Safeguards.*—A significant part of the NRC safeguards effort is concerned with the development of contingency plans to deal with threats, thefts, and sabotage; assessment studies; and the monitoring, testing, and upgrading of safeguards systems. These activities, which were budgeted at $7.1 million for fiscal year 1977, have been excluded from recovery because they are generic in nature. The remaining safeguards effort is concerned with processing license applications and inspection casework and, therefore, provides benefit to the applicant and licensee. The $5.8 million in budgeted costs for these programs were included for fee consideration.

5. *Contested applications.*—Part 50 applications for facilities may be subjected to contested hearings and appeals under the Commission's regulations. As a matter of policy, the Commission has determined that to the





extent the costs of contested hearings exceed those of uncontested hearings, these costs would not be recovered through fees. The Commission's budget costs in fiscal year 1977 for contested hearings are estimated at $5.6 million.

6. *International and State Programs.*—These programs are responsible for the development and implementation of plans, policies and programs for the coordination and integration of Federal and State regulation of nuclear materials and facilities, and for the negotiation and implementation of regulatory and safety programs and information exchange with other countries. As a matter of Commission policy, their budgeted costs of $2.9 million are excluded from fees.

7. *Non-routine inspections.*—Non-routine inspections are concerned with incidents, investigations, or allegations involving licensed materials or facilities; reports that have been made alleging unusual occurrences pursuant to Part 19; management-audits; and enforcement activities. These activities, which are unscheduled, have not been included in fees based on Commission policy. Budgeted costs for this program are $1.6 million.

8. *Establishment of overall policy, administration and management of NRC by the Office of the Commissioners.*—Since it is not practical to isolate and allocate the services of this office to individual activities, the budgeted costs of this office ($1.3 million) have not been used in fee computation.

9. Services for policy evaluation and plans and analysis are not directly concerned with the review of applications or routine inspection activities and their budgeted costs totaling $1.9 million have been excluded from fees.

10. The activities of the Offices of Inspector and Auditor ($1 million), Congressional Affairs ($0.2 million), Public Affairs ($0.7 million), and Equal Employment Opportunity ($0.2 million), have been excluded from cost recovery because the activities are not concerned with the review of applications or routine inspections and appear to constitute an independent public benefit.

11. The legal service provided by the Office of the General Counsel and its services in contested hearings and litigation is excluded from fees because the services, except those involved in contested hearings, are not directly concerned with the licensing and inspection process. Commission policy provides that the services of the Office of the General Counsel in contested hearings are to be excluded from fees. Total exclusion is $0.6 million.

12. All activities related to government owned reactors were excluded. Budgeted costs of $0.1 million were excluded.

13. The costs of the facility indemnity program were excluded since these costs are recoverable under another program. Budgeted costs of $0.2 million were excluded.

14. The costs of providing services under the Freedom of Information Act, Privacy Act, and the Federal Reports Act, have been excluded from fees. Budgeted costs of $0.5 million were excluded.

15. The costs of special projects in the Office of the Executive Director for Operations were excluded since they are not directly concerned with licensing or inspection services. Budgeted costs of $0.4 million were excluded.

16. Capital equipment budgeted costs of $0.8 million, which cover inspection vans, radiation monitoring equipment, instrumentation, reproduction equipment, etc., were excluded from fees.

Based on the Commission's guidelines and a detailed analysis of the regulatory services provided by NRC, $199.4 million, or approximately 80 percent of the Commission's budgeted regulatory costs, were excluded from consideration for recovery because the services do not provide special benefit to applicants or licensees, because the recipient of the benefit is not readily identifiable, or because the program is conducted on behalf of the public. Those regulatory services which provide special benefit to applicants and licensees include:

1. The processing and reviewing of applications or requests for construction permits, operating licenses, manufacturing licenses, materials licenses, amendments, renewals, approval of standardized reference designs, special projects (such as early site review, topical report reviews, and amendments or renewal of standardized reference design approvals), approval of packages and containers for shipping radioactive materials, and evaluation of sealed sources and devices containing or utilizing radioactive material. The NRC's budgeted costs of providing these services are $30.9 million.

These services are provided by the reactor licensing staff ($22.9 million); materials and non-reactor facilities licensing staff ($6.4 million); the Advisory Committee on Reactor Safeguards ($1.3 million); and the Atomic Safety and Licensing Board Panel and Atomic Safety and Licensing Appeal Panel in their licensing effort ($0,3 million).

2. Routine health, safety, safeguards, and quality assurance inspections. The NRC's budgeted costs of providing these services are $22.3 million.

The costs of licensing and inspection include the costs of professional manpower and their overhead and support costs.

NRC services which provide special benefit to applicants and licensees and that meet the criteria of the Commission guidelines for fees were approximately $53.2 million in fiscal year 1977. Under this revised schedule, it is anticipated that the Commission would recover approximately $30 million of its Fiscal Year 1978 budget of $281.4 million and $20 million of the Fiscal Year 1979 budget. The reasons for the small percentage of recovery in relation to the NRC budget are threefold: (1) Approximately 80 percent of the regulatory services have been determined to fall outside the guidelines for fees, (2) specific activities such as the review of an application for a construction permit for a power reactor, extend over a period greater than one year, and (3) the revised schedule would not be in effect for the entire fiscal year 1978.

One person commented that overhead or support costs should be excluded from fees since such activities provide no benefit to applicants and licensees. It is common practice in business and industry to include in a fee or charge for consultation, service or product, a portion of management, space, communications, and administrative costs. It is reasonable to include in the fee base that portion of overhead costs incurred in support of professional staff work on applications, licenses, and inspections.

Several vendors and architect-engineers who have filed standardized reference designs for power reactors for review and approval contend that the schedule of fees fails to provide an incentive for the industry to standardize and, in fact, may serve as a disincentive. They note that the schedule of fees does not show a savings in the effort required to review and approve a standard design or plant when compared to the effort required for an application for a power plant that embodies a custom design nuclear steam supply system and balance of plant. The primary difference in review requirements for custom and standard designs arises from the treatment of interfaces between the standardized portions and the custom portion of the plant. In the custom plant there are no interface problems between the nuclear steam supply system and the balance of the plant because the unit is reviewed as a complete package. In the standard plant the nuclear steam supply system design must be evaluated and described so that it can be referenced by any one of several different balance-of-plant systems. This means that all portions of the nuclear steam supply system that must be met by the balance of the plant must be pulled out and identified for future reference and compatibility.

The standard reference design also differs in that more complete preliminary design information is required. Because of these situations the manpower is reflected in higher review





costs for standard designs at the con-



fective date of this notice. In those

the rule) for each of the first five

minor amendment fees may not be

costs for standard designs at the construction permit stage. Since standardization in the nuclear power industry is in the developing stages, it is reasonable to assume that the NRC staff may have been in the upper part of a learning curve with respect to the review and evaluation of such applications when the manpower averages were developed for these facilities. The Commission believes that as standardization increases, the review time and, hence, the accompanying fees will decrease. It is also expected that, as experience is gained by the industry, the NRC effort required to process applications for standard designs and standardized plants will decrease because interface problems will be resolved, and custom and standard plant designs will approach each other with regard to completeness of preliminary design. Because of the changing state in standardization, and reactor licensing, the charges for all construction permits and operating licenses; facility manufacturing licenses; and for review of Preliminary Design Approvals and Final Design Approvals (including amendments and renewals thereto) will be based on the expenditures for professional manpower and appropriate support services required to process the specific application. The respective fees will be determined when the review of the project is completed.

It is important to realize that, in the standardization of nuclear facilities, the significant benefits to industry would be predictability, repeated use of a design, and commonality in analysis, procedures, and purchase specifications. Additionally, as these benefits develop, licensing time and costs should decrease.

It should be noted that, with respect to the licensing of a standard nuclear power plant, much of the effort required to process the application is independent of the standardization option. The effort related to environmental, antitrust, and safeguards reviews and considerations as well as quality assurance inspections and evaluations, considerations of the Advisory Committee on Reactor Safeguards, and hearings, are independent of the type of plant or design.

It was observed by one person that the proposed schedule of facility fees did not contain a schedule of fees for renewal of licenses for test and research reactors. It is intended that renewals of such licenses will be handled by amendments under the appropriate class in the license amendment schedule of § 170.22, and that a separate fee schedule is unnecessary.

It was suggested that the six classes of amendment fees for facility permits, licenses, or approvals, be revised for clarification purposes. The licensing staff has reviewed the classes of amendments and made revisions to the class definitions so that they would be more specific. The schedule in § 170.22 has also been revised to provide that, at the time an application for amendment or other required approval is filed, the applicant shall determine the class of amendment or approval being filed, state the basis for the classification, and remit the corresponding fee with the application. The Commission will evaluate the application or request to determine accuracy of the fee classification and inform the applicant if reclassification is required. Where a reclassification results in overpayment by the applicant, a refund will be made. If the reclassification results in placing the application into a higher fee class, the applicant will be billed for the additional charge. The Commission's processing of an application or request by consolidation or by separation into parts will not result in increased charges. The processing of an application for an amendment or approval will not be delayed pending resolution of proper fee payment: *Provided*, The applicant has classified the application and remitted what it believes to be the correct fee.

Proposed § 170.22 provided that amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204 of this chapter, or amendments resulting in an initial increase in power to 100 percent of the initial design power, are exempt from fees. The section was amended to provide that, in addition, the Commission will consider exempting from fees those applications for amendments in Classes I, II, and III, when the application results from a written NRC request for an application to amend a license; provided, however, that the request is to simplify or clarify license or technical specifications, the amendment has no, or only minor safety significance, and the amendment is issued for the convenience of the NRC. Examples of such amendments would include, but are not limited to, conversion to standardized technical specifications, revision of reporting requirements, Commission initiated changes to simplify interpretation of specifications, and removal of unnecessary technical specifications after satisfactorily completing environmental studies.

Several persons commented that the Commission should specify a maximum level of inspection frequency rather than a minimum frequency so that licensees would know how many inspections would be performed in a given period of time, as well as the costs thereof. Some licensees argued that unless a maximum inspection frequency was provided for in the rule, the NRC could perform numerous inspections at will and charge the licensees for each inspection. We agree that the rule should provide for maximum charges, and thus, have revised the inspection fee schedules accordingly to show the maximum number of charges which will be assessed against a license during a specified period.

One person commented that the proposed schedule of facility fees did not recognize the case of a duplicate plant project utilizing a reference nuclear steam supply system and a balance of plant. This approach to standardization is covered by § 170.21, fee Category A.4.b.

It was suggested by one person that NRC costs incurred in the review of applications for approval of standardized reference designs filed by vendors and architect-engineers be incorporated in the charges assessed to a utility filing for a construction permit for a nuclear power plant. The writer argued that the utility is the ultimate recipient of any benefit of standardization. We have not done this because vendors and architect-engineers file the applications and request approval of their designs and are therefore the identifiable recipients of special benefits conferred by NRC approval of standardized reference designs.

One person commented that any fees paid for an early site review should be deducted from the charge assessed for a construction permit. We agree that, where an application for a construction permit is filed proposing to build a facility on a site which has been approved for a facility by the NRC, and a fee has been paid for the early site review, the fee will be subtracted from the charge imposed on the applicant for the construction permit. In no instance will an applicant be required to pay more than one fee for review of a single site, except where the time lapse since the review is such that an update of the review must be completed.

Two parties commented that it would be unfair to assess fees for Preliminary Design Approvals and Final Design Approvals for standardized reference designs where the application was on file prior to the effective date of this notice. As of December 16, 1977, the Commission has reviewed and issued 11 approvals without assessing fees. To be fair and equitable in those cases where no fees are presently being charged, the Commission will exempt from payment of fees (1) approvals of Preliminary Design Approvals and Final Design Approvals, (2) special projects, e.g., early site reviews, topical reports, and amendment or renewal of Preliminary Design Approvals and Final Design Approvals, (3) approvals issued for the evaluation of casks, packages, and containers, used in transportation of radioactive material, and (4) approvals for standardized spent fuel facility designs, provided such complete and acceptable applications were filed prior to the effective date of this notice. In those cases where no fees are presently being charged for license amendments and license renewals, and where a complete and acceptable application for amendment or renewal is filed prior to the effective date of this notice, the Commission will exempt the application from fees.





In the case of Part 50 construction permits, manufacturing licenses, and operating licenses, where the permit or license review is completed on or after the effective date of this amendment to Part 170, the revised schedule of fees shall apply. Under the present regulations in Part 170, the application fee for Parts 30, 40 and 70 licenses covers the review and licensing process. Accordingly, no additional license fees would be imposed on those applications filed prior to the effective date of this amendment.

One person questioned how charges would be determined for facility Reference System Preliminary Design Approvals and Final Design Approvals when more than one standard design is included in a single application. The point was made that it would be unfair to charge a full fee for each approval when there is likely to be an amount of commonality in designs. The charge for vendor and architect-engineer standard design approvals will be based on the expenditures for professional manpower and appropriate support services required to review the particular application with an upper ceiling specified in the rule. The charge for the approval of a single design will not exceed that shown in the fee schedule (application fee plus approval fee). When one application for a Preliminary Design Approval or a Final Design Approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee. Consequently, where a design has commonality with a previously approved design, the reduced effort will be reflected in the charge. Where a Preliminary Design Approval or Final Design Approval is amended or renewed the amendment fee or renewal fee will be based on expenditures for professional manpower and appropriate support services required and be considered as a special project.

Two parties suggested that the collection of fees for Preliminary Design Approvals and Final Design Approvals be deferred until the design is sold and a construction permit issued and the fee be spread over several units. The Commission has decided that collection of review costs for Preliminary Design Approvals and Final Design Approvals will be as follows: the applicant will be required to remit an application fee of $50,000 with the application and pay 20 percent of the remaining review costs (which are limited by the rule) for each of the first five units of the approved design as they are referenced in applications filed by a utility or utilities.

Several parties argued that collection of fees for regulatory services may lead to inefficiency and redundancy in NRC's review of applications. This argument appears to be without merit. The Commission is committed to the expeditious review of each application; however, the review must be conducted within the established guidelines and regulations of the NRC and applicable statutes. In addition, the Commission is committed to the effective use of its resources and accordingly, budget and staffing proposals are carefully reviewed by internal review committees, by the Commission, by the Office of Management and Budget in the Executive Office of the President, and by the Congress.

Several persons commented that the NRC's assessing of fees, while the Agreement States do not, puts the Commission licensees at a competitive disadvantage with licensees operating under Agreement State licenses. The extent and significance of this problem is not serious because at this time, several Agreement States have license fees and it is expected that other states will adopt a fee program. The Commission has furnished model license fee legislation to all 50 states and to the Council of State Governments. In addition, there are few instances where Commission licensees are in close and direct competition with Agreement State licensees. Finally, assessment of fees here is consistent with the judicial guidelines utilized in promulgating this fee schedule.

One person commented that the length of time is too short between renewals for materials licenses, and that renewal fees should be deleted since the renewal of a materials license can be addressed as an amendment.

The matter of the length of time between issuance and expiration of a license is not directly related to fees. It is noted, however, the staff is currently reviewing the five-year renewal requirement for materials licenses. With regard to whether or not a separate fee category is warranted for renewals, it should be noted that the nature and scope of license renewals and license amendments are sufficiently different to warrant categorizing them separately. License amendment reviews normally focus on one or more narrow aspects of a licensed operation, while a license renewal involves a broad review of nearly all aspects of licensed operations.

Two persons commented that the terms "major amendment" and "minor amendment" for materials licenses should be defined and that the cost difference between the major and minor amendment fees may not be fair. The proposed fee schedule did define the two classes of materials license amendments. Because of limited licensing experience in the fuel cycle area, commercial waste disposal by burial, and the evaluation of packages and containers used in transportation of licensed material, the fees shown in the schedules will be the maximum charges and the fee will be based on the actual expenditures for professional manpower and appropriate support services.

Several persons commented that Category 11, the fees for review and approval of shipping packages and containers, should be broadened to differentiate between small and large shipping containers. The proposed rule has been revised to take into account the various types of shipping containers on the basis of the decay heat for spent fuel casks. The number of categories has also been expanded to make a distinction with respect to the quantity and form of radioactive material that may be present in the shipping package and whether the contents of the package are fissile.

Numerous colleges and universities questioned whether nonprofit educational institutions would be required to pay license, amendment, and inspection fees for research reactor facilities under the proposed schedule of fees when the facility is used for purposes other than teaching, training, or medical activities. They argued that to impose such charges may in some instances jeopardize their research programs. On the other hand, there were also comments from industry that it was unfair for an educational institution to use a research reactor for commercial purposes in competition with private industry without being subject to the payment of license and inspection fees. Currently, there are 54 colleges and universities licensed by the Commission to operate research reactors. The Commission does not have data concerning how extensively these facilities may be used for purposes other than teaching, training, or medical. It is not practical to resolve this matter with this amendment to Part 170. The Commission will pursue this matter at a later date and issue a separate notice.

Several parties argued that the Commission should not impose fees on vendors and architect-engineers for review of facility topical reports. These reports deal with subjects such as design, analytical models, or techniques or performance testing of components, and systems of nuclear power plants, which can be reviewed independently of any specific license application for a construction permit or operating license. The basis for the argument is that these reports benefit the Commission's licensing process and

the utility by reducing the time required to process a permit or license. They argue that imposition of fees for topicals may discourage the submission of such reports since the vendor and architect-engineers are not particularly interested in this review system in any event.

The May 2, 1977 notice left the charge for topical report reviews open; to be based on actual expenditures for professional manpower and appropriate support services with no upper limit. The topical report review involves the evaluation of an application filed by a vendor or architect-engineer. It comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. The Commission has decided to assess fees for topical reports because the service provided in the review of the application or report falls within the guidelines which were based on the court's decisions. The Commission has, however, set an upper limit of $20,000 for a topical report review because it believes that the submission of topical report requests should not be discouraged by the possibility of an open-ended fee. In this exceptional circumstance the Commission has, therefore, set a maximum fee for the topical report review. It is to be noted that the upper limit applies equally to all persons who request topical report reviews and is consistent with the guidelines.

One licensee commented that the steady-state power, which characterizes a research reactor, is the level which the Commission should use in setting the frequency of routine inspections. The classification of each licensed research reactor is described in the Commission inspection manual which is in the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. This classification is based on various characteristics of the facility as they relate to safety and, in general, are related to licensed steady-state power levels. As suggested, steady-state power will be used to determine the frequency of inspections for research reactors.

One person commented that it is inequitable to propose a safeguards inspection fee for a reactor fuel reprocessing facility that is substantially higher than the fee for a power reactor. Most of the difference in fees result from costs attributable to the inspection of the material control and accountability aspects of the licensee's program. This is directly related to the fact that considerable special nuclear material is in an uncontained state while in various process streams and, therefore, is much more vulnerable to theft and/or diversion through sabotage in a fuel reprocessing plant. By contrast, inspection for a reactor is concerned with control and accountability involving only verification of sealed fuel element inventory and burn-up calculations and physical security.

Several parties commented that fees should be related to revenue earned by the licensee or to the volume of sales so that smaller businesses pay lower fees. The Court of Appeals found that the value conferred standard means that the fee assessed cannot exceed approximate costs to the agency rendering the service. Fees based on revenue or the volume of business would not conform to the Court's guidance because these variables are unrelated to the NRC's costs of performing the service.

It was suggested by one person that the new schedule should include a provision for situations where the licensee places a licensed plant in a standby situation for an indeterminate period. This situation would be handled by license amendment. When a plant is placed in standby, the license may be modified to authorize "possession only" and this would be considered a minor amendment. When the licensee plans to resume operations, the license would be amended to authorize "possession and use".

### Changes Incorporated in Final Rule

1. The schedule of facility fees has been revised to provide that charges for construction permits, operating licenses, facility manufacturing licenses, review of standardized reference designs filed by vendors and architect-engineers, and topical report reviews will be based on the expenditures for professional manpower and appropriate support services required to process the application or request. Such charges will not exceed the fees shown in § 170.21.

2. A new term "Advanced Reactors" has been added to § 170.21 and will replace the category identified as "Breeder Reactors". The new category is defined as any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors and will accommodate new reactor concepts which may be submitted to the Commission for review.

3. The category identified as Fuel Reprocessing Complex has been deleted in Proposed 170.21 E. Any processing of such applications in the future will be handled as special projects.

4. Footnote 4 of § 170.21 (previously designated footnote 10) has been revised to provide that, where a fee has been paid for a facility early site review, the charge will be deducted from the fee assessed for a construction permit issued for the approved site. Also, the revised footnote clarifies the intent that a separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit concurrently on file for the same site, except where the application for the construction permit is withdrawn by the applicant or denied by the Commission.

5. The classes of amendments for facility permits, licenses, or approvals, have been revised extensively. Although six classes remain, the descriptions have been amplified and clarified. The footnote in § 170.22, which would exempt from fees amendments issued pursuant to Commission orders, has been broadened to provide that Classes I, II, and III amendments, which result from written NRC requests, may be exempted from fees at the discretion of the Commission when the amendment is issued for the convenience of the Commission.

6. The definition of special projects has been broadened to cover applications or requests to amend or renew Preliminary Design Approvals or Final Design Approvals for standardized reference designs filed by vendors and architect-engineers. Accordingly, fees for such applications or requests will be based on actual expenditures for professional manpower and support services.

7. The schedule of inspection fees has been modified to show the maximum number of charges which will be assessed against a license during a specified period. The proposed schedule did not set an upper limit. Licensees may be inspected more frequently than shown in the schedule, however, the number of charges will be limited by the schedule.

8. Several new fee subcategories have been developed for Category 1H licenses which authorize the receipt and storage of spent fuel. The new categories take into consideration factors which affect the scope of the licensing review. This includes whether or not the facility will be based on an approved standardized design or a custom design, and whether the facility will be located on a site for which an environmental and site safety review have been performed and documented when the license application is filed with the Commission. A new fee Category 12, covering the review of a standardized spent fuel facility design, has been established. The new categories will accommodate the new standardization concept in licensing.

9. Several new fee categories have been developed for the review of packages and containers used in the transportation of licensed radioactive materials. The new categories are designed to cover the smallest practical units used in transportation.

10. Materials license fee Categories 1A through 1G, 2A through 2C, and 4A, of § 170.31 have been modified to





split the application fee shown in the proposed schedule into an application fee and license fee. The total charge will remain the same as shown in the May 2, 1977 notice. The modifications make the method of assessing fees for fuel cycle applications and licenses consistent with that used for Part 50 facility licenses.

11. The definition of materials license fee Categories 1A, 1C, 1D, 1E, 1F, and 1G, of § 170.31 and § 170.32 have been modified to make the language consistent with Part § 73.1 and equivalent sections of Part 70 with respect to safeguards application requirements.

12. Footnote 1 to § 170.31 has been revised to provide that an application for a license, license renewal, or license amendment, covering more than one fee category of special nuclear material, except Category 1H (spent fuel storage), will be subject to the category having the highest fee, provided, however, the use of the material is confined to one location. The purpose of this change is to clarify the intent of the Commission to limit fees to the direct and indirect costs of the licensing review or inspection.

13. § 170.31 has been revised to clarify the intent that applications for licenses to manufacture and distribute encapsulated byproduct material or special nuclear material for use in power generation are not subject to the charges in fee Categories 1J and 3A. Also, fee Category 10 covering power sources has been revised to clarify that reactor start-up sources are not considered sources used for power generation.

14. Fee Categories 1D through 1G, and 1J have been revised to clarify the intent that these categories cover licenses which authorize research and development and that the radioactive material is in an unsealed form.

15. A footnote has been added to § 170.31 which specifies that an applicant for a license or license amendment which would authorize both byproduct material and special nuclear material contained in sealed sources for use in gauging devices will pay a single fee under fee Category 1I. This change takes into account the Commission's intent to limit fees to the direct and indirect costs of the licensing review.

16. Fees have been established for renewal of Commission "Approvals" for packages and containers used in the transport of radioactive materials. The renewal fee was inadvertently omitted in the proposed schedule.

17. The terms "duplicate unit", "replicate unit", "reference systems concept", and "Advanced Reactors", have been added to § 170.3 for clarification purposes. The definition of "waste disposal license" has been deleted as unnecessary.

18. A footnote has been added to § 170.32 which provides that, where more than one permanent radiography installation is shown on a materials license as authorized locations of use, a separate fee will be assessed for the routine inspection of each location, provided, however, that if the multiple installations can be inspected during one visit a single inspection fee will be assessed.

19. The regulation in § 170.12 concerning the remittance of fees by applicants and licensees has been revised in its entirety to accommodate the amended rule.

20. The schedule of amendment fees for materials license Categories 1A through 1H, 2A through 2C, 4A and 4B, and 11A through 11D, have been modified to add fees for "Administrative" type amendments. Footnote 3 to § 170.31 has been amended to define administrative amendments. The modification will accommodate those requests from licensees which are routine or administrative in nature (e.g. name changes, minor word changes in licenses or approvals, etc.).

21. The proposed amendment fee for materials fee Category 2B has been redesignated as a major safety and environmental amendment fee. A new category designated as minor safety and environmental amendment has been established for fee purposes. These changes make the amendment fees for Category 2B consistent with those established for other major fuel cycle licenses.

22. Footnote 4 of § 170.21 (previously designated as footnote 10) has been broadened to provide for a maximum fee of $20,000 for the review of a topical report. The fee will be based on actual expenditures incurred for professional manpower and support services. The fee in the proposed schedule was open-ended.

23. Footnote 1.d. of § 170.31 has been revised to provide that the Commission may exempt from fees applications for amendments to materials licenses and approvals which result from a written NRC request and the amendment is issued for the convenience of the Commission.

24. Footnote 4, of § 170.31, which provides for the charging of fees based on actual manpower and support services required to process the application, has been added to Categories 1D through 1G of § 170.31. This approach is consistent with other fuel cycle licenses where the professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in § 170.31.

25. The method of payment for Preliminary Design Approvals or Final Design Approvals has been modified to require the application for approval to be accompanied by an application fee of $50,000, and to require the approval fee to be paid in five installments based on payment of 20 percent of the fee for each of the first five units of the approved design referenced in an application filed by a utility or utilities. Approval fees for additional designs, filed in a single application are subject to a maximum fee which is the sum of the application fee and the approval fee.

### Rulemaking Petitions

On May 2, 1974, Conner, Hadlock and Knotts, a Washington, D.C., law firm, filed a petition for rulemaking on behalf of 13 electric utilities with the Nuclear Regulatory Commission (at that time the Atomic Energy Commission) to amend the license fee schedules specified in 10 CFR Part 170 by reducing the fees for nuclear power reactor licenses. The petition cited the March 4, 1974 decisions of the Supreme Court, referred to previously. This petition was docketed as RPM-170-2 and a notice was published in the Federal Register on May 21, 1974.

In a letter dated February 7, 1975, the petitioners moved the Commission to limit fees to be charged in the future to the amounts specified in their petition of May 2, 1974, with respect to application fees, construction permit fees, and operating license fees, until the matter of appropriate fees is finally resolved by court or legislative action and to consolidate into Docket PRM-170-2 the Commission initiated rulemaking proceeding regarding the proposed amendments to 10 CFR Part 170. The Commission denied the petitioner's request for a temporary reduction of fees as made in the request to consolidate Docket PRM-170-2 with the Commission's ongoing rulemaking proceeding in connection with the proposed amendment of 10 CFR Part 170 (40 FR 33736).

The Nuclear Regulatory Commission has developed a revised schedule of license fees in 10 CFR Part 170 consistent with the holdings of the Supreme Court decisions and the United States Court of Appeals for the District of Columbia Circuit in its December 16, 1976 decisions in the Federal Communications Commission cases.

Under these Courts' decisions, we find no basis for granting the petitioner's request for a reduction of licensing fees to approximately five percent of the current level in 10 CFR Part 170. Under the guidance provided by the Court of Appeals, fees may be assessed to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. Special benefits include services rendered at the request of a recipient, all services necessary for the issuance of a required license, and all services necessary to assist a recipient in complying with statutory obliga-

tions or obligations under the Commission regulations. Under the revised schedule, the direct and indirect costs incurred in providing special benefits as described above were used in fee calculations.[1]

The Atomic Industrial Forum also filed a petition to amend the license fee schedule (PRM 170-1, 39 FR 15521). The Commission's independent rule making proceeding on license fees has rendered the petition moot. Accordingly, it is denied.

Following the Supreme Court decisions on March 4, 1974, in *National Cable Television Association, Inc.* v. *United States* 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Co.*, 415 U.S. 345 (1974), the Commission eliminated annual license fees and notified licensees that a request may be filed for refund of annual fees collected. We again advise licensees that a refund of annual fees is available. A request for refund should include the name and address of the licensee and the license number. Each specific annual fee refund claim should include the invoice number, the amount paid by year, the amount of the refund requested, and the amount of any previous refund.

Request for refunds should be mailed to the Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective March 23, 1978.

1. The title of the license fee schedule (Part 170) is hereby amended to read:

**PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

2. Section 170.2 is revised to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license issued pursuant to Parts 30 and 32-35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 1 of this chapter, a specific request for approval of sealed sources and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of a standardized spent fuel facility design, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

3. Section 170.3 is amended as follows: Paragraph (o) is deleted as not necessary and the paragraph is reserved, and paragraphs (q)–(x) are added as follows:

§ 170.3 Definitions.

(o) [Reserved] • • •

• • • • •

(q) "Nuclear Steam Supply System" consists of the reactor core, reactor coolant system, and related auxiliary systems including the emergency core cooling system; decay heat removal system; and chemical volume and control system.

(r) "Balance of plant" consists of the remaining systems, components, and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

(s) "Special projects" means those projects submitted to the Commission for review and for which specific fees are not prescribed in this chapter. Examples of special projects include, but are not limited to, topical reports, early site reviews, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals.

(t) "Routine inspection" means an inspection performed at frequencies or during a certain period of time prescribed by the Commission for purposes of reviewing a licensee's authorized activities to assure that they are being conducted in accordance with regulatory or statutory requirements and that associated facilities and equipment are being operated in a safe manner.

(u) "Duplicate unit" means one of a limited number of the same kind of units which are to be constructed within a limited time span and subject to review at the same time by the staff.

(v) "Replicate unit" means a unit based on the reuse of a plant design, previously reviewed and approved for construction by the same utility or by another utility as part of another construction permit application.

(w) "Reference systems concept" means a concept that involves the review of an entire facility design or major fraction of a facility design outside of the context of a license application. The standard design would be referenced in subsequent license applications.

(x) "Advanced reactor" means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

§ 170.11 [Amended]

4. The introductory language in paragraph (a) and paragraph (a)(9) of § 170.11 is revised to read as follows:

(a) No application fees, license fees, amendment fees, renewal fees, approval fees, or inspection fees shall be required for:

• • • • •

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material, or products containing byproduct material, source material, or special nuclear material, or licenses authorizing services to any person other than an agency or political subdivision of the State.

• • • • •

5. Paragraph (b)(3) of § 170.11 is deleted.

6. Section 170.12 is revised in its entirety to read as follows:

§ 170.12 Payment of fees.

(a) *Application Fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License Fees.* Fees for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed.

(c) *Amendment Fees.* The appropriate amendment fee shall accompany the application for amendment when filed with the Commission. Where applicable, the applicant shall provide a proposed determination of the amendment class and state the basis therefor as part of the amendment request and shall remit the fee corresponding to this determination with the application for amendment. The Commission will examine the amendment fee and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee.

(d) *Renewal Fees.* The appropriate renewal fee shall accompany the renewal application when filed with the Commission.

(e) *Approval Fees.* Fees for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities.

(f) *Special Project Fees.* Fees for special projects are payable upon notification by the Commission when the review of the project is completed.

(g) *Inspection Fees.* Inspection fees are payable upon notification by the Commission.

(h) *Method of Payment.* Fee payments shall be by check, draft, or money order made payable to the U.S. Nuclear Regulatory Commission.

7. Section 170.21 of Part 170 is revised to read as follows:

**§ 170.21 Schedule of fees for production and utilization facilities, review of reference standardized designs, and special projects.**

(a) Applicants for construction permits, manufacturing licenses, operating licenses, and approvals of reference standardized facilities designs, shall pay the fees set forth in the table below.

(b) Applicants for special project reviews shall pay fees as separately determined by the Commission.

SCHEDULE OF FACILITY FEES

| Facility categories | Types of fees | Fee[1] |
|---|---|---|
| A. Power reactors: | | |
| 1. Custom[2] | Application—Construction permit | $ 125,000 |
| | Construction permit—First unit | 944,000 |
| | Construction permit—Concurrent unit[3] | 174,000 |
| | Operating license—First unit | 1,024,500 |
| | Operating license—Concurrent unit[3] | 302,800 |
| 2. Standardized design—duplicate unit[2]. | Application—Construction permit | 125,000 |
| | Construction permit—First unit | 944,000 |
| | Construction permit—Concurrent unit[3] | 174,000 |
| | Construction permit—First identical unit additional site(s) | 757,100 |
| | Operating license—First unit | 1,024,500 |
| | Operating license—Concurrent unit[3] | 300,200 |
| | Operating license—First identical unit additional site(s) | 712,000 |
| 3. Standardized design—replicate unit[2]. | Application—Construction permit | 125,000 |
| | Construction permit—First unit | 811,600 |
| | Construction permit—Concurrent unit[3] | 164,200 |
| | Construction permit—First identical unit additional site(s) | 725,900 |
| | Operating license—First unit | 914,400 |
| | Operating license—Concurrent unit[3] | 293,900 |
| | Operating license—First identical unit additional site(s) | 691,500 |
| 4. Standardized design—Reference systems concept:[2] | | |
| a. Utility referencing a standarized nuclear steam supply system and custom balance of plant for both CP and OL stages. | Application—Construction permit | 125,000 |
| | Construction permit—First unit | 853,600 |
| | Construction permit—Concurrent unit[3] | 162,500 |
| | Construction permit—First identical unit additional site(s) | 725,900 |
| | Operating license—First unit | 934,100 |
| | Operating license—Concurrent unit[3] | 292,100 |
| | Operating license—First identical unit additional site(s) | 669,200 |
| b. Utility referencing a standardized nuclear steam supply system and standardized balance of plant for both the CP and OL stages. | Application—Construction permit | 125,000 |
| | Construction permit—First unit | 721,800 |
| | Construction permit—Concurrent unit[3] | 162,500 |
| | Construction permit—First identical unit additional site(s) | 725,900 |
| | Operating license—First unit | 829,100 |
| | Operating license—Concurrent unit[3] | 292,100 |
| | Operating license—First identical unit additional site(s) | 669,200 |
| 5. Manufacturing license concept:[2]. | | |
| a. Vendor—review of preliminary design. | Application | 125,000 |
| | Manufacturing license | 1,477,500 |
| b. Vendor—review of final design. | Final design amendment | 448,100 |
| c. Utility referencing a manufacturing license. | Application—Construction permit | 125,000 |
| | Construction permit—First unit | 730,000 |
| | Construction permit—Concurrent unit[3] | 61,500 |
| | Operating license—First unit | 1,091,200 |
| | Operating license—Concurrent unit[3] | 221,000 |
| 6. Advanced reactors[2] | Application—Construction permit | 125,000 |
| | Construction permit | 1,781,000 |
| | Operating license | 1,954,900 |
| B. Standard reference design review:[2] | | |
| 1. Vendor—Standardized nuclear steam supply system: | | |
| a. Review of preliminary reference design. | Application | 50,000 |
| | Approval | 412,100 |
| b. Review of final reference design. | Application | 50,000 |
| | Approval | 483,400 |
| 2. Architect-engineer—Standardized balance of plant: | | |
| a. Review of preliminary reference design. | Application | 50,000 |
| | Approval | 412,100 |
| b. Review of final reference design. | Application | 50,000 |
| | Approval | 501,200 |
| C. Test facility:[2] | Application—Construction permit | 5,000 |
| | Construction permit | 67,200 |
| | Operating license | 100,300 |
| D. Research reactor:[2] | Application—Construction permit | 5,000 |
| | Construction permit | 34,900 |
| | Operating license | 55,000 |
| E. Uranium enrichment plants:[2] | Application—Construction permit | 125,000 |
| | Construction permit | 388,400 |
| | Operating license | 457,200 |
| F. Special projects and reviews[4] | | |

[1] Where a partial fee for a power reactor operating license has been paid prior to the effective date of this amendment, the amount paid shall be deducted from the fee prescribed by this amendment and the difference will be due when the operating license for 100 pct power is issued.

[2] *Concurrent unit.* A concurrent unit is defined as a power reactor of the same design at a single power station that was subject to concurrent licensing review.

(Continued)

[1] Under its current regulations the Commission recovered approximately 3 7 percent of its regulatory budget in fiscal year 1977. If the revised schedule had been in effect during fiscal year 1977, the Commission would have recovered about 12 percent of its fiscal year 1977 budget of approximately $250 million.

(Continued)

[1] When review of the permit, license, approval, or amendment is complete the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. When one application for a preliminary design approval or final design approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee.

[2] Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man year, plus any appropriate support services costs incurred. Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, except where the application is withdrawn by the applicant or denied by the Commission. The maximum fee for review of a topical report shall not exceed $20,000.

8. A new § 170.22 is added to read as follows:

**§ 170.22 Schedule of fees for facility license amendments.**

SCHEDULE OF AMENDMENT FEES FOR REACTOR FACILITY PERMITS, LICENSES, AND OTHER APPROVALS REQUIRED BY THE LICENSE OR COMMISSION REGULATIONS

| Class of Amendment[1] | Fee[1] Power reactors | Test and research reactors |
|---|---|---|
| CLASS I: Amendments that are a duplicate of an amendment for a second essentially identical unit at the same site, where both proposed amendments are received, processed, and issued at the same time | $400 | |
| CLASS II: Amendments that are pro forma, administrative in nature, or have no safety or environmental significance | 1,200 | $600 |
| CLASS III: Amendments, exemptions, or required approvals that involve a single environmental, safety, or other issue, have acceptability for the issue clearly identified by an NRC position, or are deemed not to involve a significant hazards consideration | 4,000 | 2,000 |
| CLASS IV: Amendments, exemptions, or required approvals that involve a complex issue or more than one environmental, safety, or other issue, or several changes of the class III type incorporated into the proposed amendment, or involve a significant hazards consideration, or require an extensive environmental impact appraisal, or result from dismantling or license termination orders | 12,300 | 6,000 |
| CLASS V: Amendments, exemptions, or required approvals that require evaluation of several complex issues, or involve review by the ACRS, or require an environmental impact statement | 25,800 | 12,000 |
| CLASS VI: Amendments, exemptions, or required approvals that require evaluation of a new Safety Analysis Report and rewrite of the facility license (including technical specifications), such as may be required for a license renewal | 45,900 | 20,000 |

[1] At the time the application is filed, the licensee or applicant shall provide a proposed determination of amendment class and state the basis therefor as part of the amendment or modification request and shall remit the fee corresponding to this determination. The Commission will evaluate the proposed amendment class determination and inform the licensee or applicant if reclassification is required. Reclassification that changes the class of amendment will result in the refund of over-charges to the licensee or applicant or billing the licensee or applicant for additional fees.

[2] License amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204, and amendments resulting in an initial increase in power to 100 percent of the initial design power level are not subject to these fees, except as provided in footnote 1 to § 170.21. Class I, II, or III amendments which result from a written Commission request for the application may be exempt from fees when the amendment is to simplify or clarify license or technical specifications; the amendment has only minor safety significance, and is issued for the convenience of the Commission.

9. A new § 170.23 is added to read as follows:

**§ 170.23 Schedule of fees for routine health, safety and environmental inspections of facilities.**

SCHEDULE OF FACILITY ROUTINE HEALTH, SAFETY AND ENVIRONMENTAL INSPECTION FEES[1]

| Category | Fee[1] | Maximum frequency[2] |
|---|---|---|
| (1) Power reactor: | | |
| First unit | $75,700 per year | Continuous |
| Additional units at same site[3] | $60,400 per year | Do. |
| (2) Test reactor | $4,500 per inspection | 2 per year. |
| (3) Research reactor | $4,200 per inspection | 1 every 2 years. |
| (4) Other production or utilization facility[4] | $42,100 per year | Continuous. |
| (5) Production or utilization facility licensed for possession but not operation. | $650 per year | 1 per year. |

[1] Routine inspections are safety, environmental, and health physics inspections performed at specified frequencies for purposes of reviewing a licensed program to assure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, Commission regulations, and the terms and conditions of the license.

[2] The frequency shown in the schedule is the maximum number of routine inspections for which a fee will be assessed.

[3] A reduced fee will be charged when the inspection of an additional unit at the same site is conducted concurrently with the first unit.

[4] Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

10. A new § 170.24 is added to read as follows:

**§ 170.24 Schedule of fees for routine safeguards inspections of facilities.**

SCHEDULE OF FACILITY ROUTINE SAFEGUARDS INSPECTION FEES

| Category | Fee | Maximum frequency[1] |
|---|---|---|
| (1) Power reactor: | | |
| First unit | $11,800 per year | 2 per year |
| Additional unit at same site[2] | $9,500 per year | Do. |
| (2) Test reactor (fuel of high strategic importance) | $6,500 per inspection | 1 per year. |
| (3) Research reactor (fuel of moderate strategic importance). | $1,300 per inspection | 1 every 2 years |
| (4) Other production or utilization facility[3] | $38,700 per year | 3 per year. |

[1] The frequency shown in the schedule is the maximum number of safeguards inspections for which a fee will be assessed. Power reactors and other production and utilization facilities will be assessed the yearly inspection fee shown in the above table.

[2] A reduced fee will be charged when the inspection of additional unit(s) at the same site is conducted concurrently with the first unit.

[3] Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

11. Section 170.31 is amended to read as follows:

**§ 170.31 Schedule of fees for materials licenses and other regulatory services.**

Applicants for materials licenses and other regulatory services and holders of materials licenses shall pay the following fees.



SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

| Category of materials licenses | Type of fee[1] | Fee |
|---|---|---|
| 1. Special nuclear material:[2] | | |
| A. Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or 2 kg or more of uranium 233, for fuel processing and fabrication.[3] | Application | $14,000 |
| | New license | 122,600 |
| | Renewal | 76,800 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 34,600 |
| | Major—Safeguards | 8,300 |
| | Minor—Safety and environmental | 1,400 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| B. Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication.[3] | Application | 12,000 |
| | New license | 112,800 |
| | Renewal | 71,900 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 34,600 |
| | Major—Safeguards | 6,900 |
| | Minor—Safety and environmental | 1,400 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication.[3] | Application for construction approval | 50,000 |
| | Construction approval | 480,300 |
| | License fee | 241,600 |
| | Renewal | 170,800 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 75,000 |
| | Major—Safeguards | 13,800 |
| | Minor—Safety and environmental | 1,400 |
| | Minor—Safeguards | 6,200 |
| | Administrative | 150 |
| D. Licenses for possession and use of 5 kg or more of contained uranium 235 in unsealed form, or 2 kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.[4] | Application | 3,000 |
| | New license | 31,600 |
| | Renewal | 18,000 |
| | Amendment: | |
| | Safety and environmental | 1,400 |
| | Safeguards | 2,800 |
| | Administrative | 150 |
| E. Licenses for possession and use of quantities of plutonium of 2 kg or more in unsealed form for activities other than fuel processing and fabrication.[4] | Application | 6,000 |
| | New license | 56,300 |
| | Renewal | 38,100 |
| | Amendment: | |
| | Safety and environmental | 1,400 |
| | Safeguards | 6,900 |
| | Administrative | 150 |
| F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unsealed form.[4] | Application | 5,000 |
| | New license | 42,100 |
| | Renewal | 29,800 |
| | Amendment: | |
| | Safety and environmental | 1,400 |
| | Safeguards | 4,800 |
| | Administrative | 150 |
| G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unsealed form, or 200 g but less than 2 kg of uranium 233 in unsealed form.[4] | Application | 2,000 |
| | New license | 16,800 |
| | Renewal | 11,100 |
| | Amendment: | |
| | Safety and environmental | 1,400 |
| | Safeguards | 2,800 |
| | Administrative | 150 |
| H. Licenses for receipt and storage of spent fuel:[4] (1) License application for a storage facility of custom design requiring a full design review: | | |
| (a) Storage facility to be located at a new site. | Application | $35,000 |
| | New license | 290,000 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| (b) Storage facility to be located at the site of an existing nuclear facility.[4] | Application | 25,000 |
| | New license | 209,300 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| (2) License application for a storage facility which references an approved standardized design: | | |
| (a) Storage facility to be located at a new site. | Application | 25,000 |
| | New license | 236,600 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| (b) Storage facility to be located at the site of an existing nuclear facility.[4] | Application | 15,000 |
| | New license | 130,000 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| (3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design: | | |
| (a) Storage facility to be located at a new site. | Application | 15,000 |
| | New license | 159,200 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| (b) Storage facility to be located at the site of an existing nuclear facility.[4] | Application | 10,000 |
| | New License | 73,500 |
| | Renewal | 32,000 |
| | Amendment:[2] | |
| | Major—Safety and environmental | 88,500 |
| | Major—Safeguards | 6,200 |

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

| Category of materials licenses | Type of fee[1] | Fee |
|---|---|---|
| | Minor—Safety and environmental | 3,500 |
| | Minor—Safeguards | 3,500 |
| | Administrative | 150 |
| I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.[4] | Application—New license | 110 |
| | Renewal | 110 |
| | Amendment | 40 |
| J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of Part 150 which shall pay the same rate as Category 1G and special nuclear material for use in power generation which shall pay the fee in Category 10.[4] | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| 2. Source material: | | |
| A. Licenses for possession and use of source material in milling operations, except in in situ leaching and heap-leaching operations. | Application | 11,000 |
| | New license[4] | 96,700 |
| | Renewal[4] | 100,800 |
| | Amendment:[5] | |
| | Major—Safety and environmental[4] | 20,800 |
| | Minor—Safety and environmental[4] | 3,500 |
| | Administrative | 150 |
| B. Licenses for processing and recovery of source material in in situ leaching operations or heap-leaching operations. | Production scale activity: | |
| | Application | 7,000 |
| | New license[4] | 59,500 |
| | Research and development scale activity: | |
| | Application | 2,000 |
| | New license[4] | 21,800 |
| | Renewal[4] | *17,300 |
| | Amendment:[5] | |
| | Major—Safety and environmental[4] | *4,200 |
| | Minor—Safety and environmental | *760 |
| | Administrative | *150 |
| C. Licenses for refining uranium mill concentrates to uranium hexafluoride. | Application | 11,000 |
| | New license[4] | 96,700 |
| | Renewal[4] | 45,800 |
| | Amendment:[5] | |
| | Major—Safety and environmental[4] | 20,800 |
| | Minor—Safety and environmental[4] | 3,500 |
| | Administrative | 150 |
| D. All other source material licenses | Application—New license | 140 |
| | Renewal | 70 |
| | Amendment | 40 |
| 3. Byproduct material: | | |
| A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution, except byproduct material for use in power generation which shall pay the fee in category 10. | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals containing byproduct material. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) and at multiple temporary locations at the address(es) shown in the licenses or at temporary jobsites of the licensee in the field. | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units). | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes. | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter. | Application—New license | 950 |
| | Renewal | 570 |
| | Amendment | 230 |
| H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except: (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands, and dials. | Application—New license | 950 |
| | Renewal | 570 |
| | Amendment | 230 |
| I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |





SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

| Category of materials licenses | Type of fee[1] | Fee |
|---|---|---|
| K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| L. All other specific byproduct material licenses, except those in categories 4A through 10A.[3] | Application—New license | 110 |
| | Renewal | 110 |
| | Amendment | 40 |
| 4. Waste disposal: | | |
| A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of commercial disposal by land or sea burial by the licensee. | Application | 32,000 |
| | New license[4] | 291,100 |
| | Renewal[4] | 98,500 |
| | Amendment:[5] | |
| | Major-Safety and environmental[4] | 197,700 |
| | Minor—Safety and environmental | 690 |
| | Administrative | 150 |
| B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. | Application—New license | 1,100 |
| | Renewal | 570 |
| | Amendment: | |
| | Safety and environmental | 570 |
| | Administrative[5] | 150 |
| C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. | Application—New license | 190 |
| | Renewal | 4150 |
| | Amendment | 440 |
| 5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies. | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| 6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. | Application—New license | 460 |
| | Renewal | 460 |
| | Amendment | 110 |
| 7. Human use of byproduct material, source material, or special nuclear material: | | |
| A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. | Application—New license | 300 |
| | Renewal | 270 |
| | Amendment | 40 |
| B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| 8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. | Application—New license | 190 |
| | Renewal | 150 |
| | Amendment | 40 |
| 9. Device, product, or sealed source safety evaluation: | | |
| A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter. | Application—Evaluation | 570 |
| B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except: (1) Reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10. | do | 110 |
| 10. Power source: A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel. | Application—New license | 1,900 |
| | Renewal | 460 |
| | Amendment | 460 |
| 11. Transportation of radioactive material: | | |
| A. Evaluation of spent fuel cask for greater than 20 kW decay heat. | Application | 8,000 |
| | Approval[4] | 75,100 |
| | Amendments:[5] | |
| | Major[4] | 6,900 |
| | Minor[4] | 3,500 |
| | Administrative | 150 |
| | Renewal | 150 |
| B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material greater than 2,000 times the type A quantity.[7] | Application | 7,000 |
| | Approval[4] | 62,200 |
| | Amendments:[5] | |
| | Major[4] | 5,500 |
| | Minor[4] | 2,800 |
| | Administrative | 150 |
| | Renewal | 150 |
| C. Evaluation of fissile packages containing greater than type A quantities of radioactive material, packages containing radioactive material less than 2,000 times the type A quantity.[7] | Application | 1,000 |
| | Approval[4] | 12,800 |
| | Amendments:[5] | |
| | Major[4] | 3,500 |
| | Minor | 690 |
| | Administrative | 150 |
| | Renewal | 150 |

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

| Category of materials licenses | Type of fee [1] | Fee |
|---|---|---|
| D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity. [7] | Application | 700 |
| | Approval [8] | 6,200 |
| | Amendments: | |
| | Major [8] | 1,400 |
| | Minor | 350 |
| | Administrative | 150 |
| | Renewal | 150 |
| E. Evaluation of packages containing radioactive material less than 20 times the type A quantity. [7] | Application | 200 |
| | Approval [8] | 1,200 |
| | Amendments. [9] | |
| | Major | 350 |
| | Minor | 150 |
| | Renewal | 150 |
| 12. Review of standardized spent fuel facility design. [6] | Application | 12,000 |
| | Approval [8] | 107,200 |
| 13. Special projects [6] | | |

[1] *Types of fees.* Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, and amendments and renewals to existing licenses and approvals. The following guidelines apply to these charges:

(a) *Application fees.* Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for each category, except that applications for licenses covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed application fee for the highest fee category. Where a license or approval has expired, the full application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) for use at the same location, in which case the application fee for the highest category would apply.

(b) *License/approval fees.* New licenses and approvals issued in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A through 11E, and category 12, shall pay the license or approval fee for each category, as determined by the Commission when the review of the application or project is completed (see footnote 4), except that a license covering more than one fee category of special nuclear material in categories 1A through 1G shall pay a license fee for the highest fee category assigned to the license.

(c) *Renewal fees.* Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed fee for each category, except that applications for renewal covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed renewal fee for the highest fee category. When the review of an application for renewal is complete for licenses in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, the Commission will examine the renewal fee in accordance with footnote 4, and will refund any overcharges of the renewal fee, if applicable.

(d) *Amendment fees.* Applications for amendments shall be accompanied by the prescribed amendment fee(s). At the time an application for amendment is filed for licenses and approvals in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A, 11B, 11C, 11D, and 11E, the licensee or applicant shall provide an initial determination of the amendment class and state the basis therefor as part of the amendment or approval request, and shall remit the fee corresponding to that determination; however, when review of the amendment or approval is complete, the Commission will examine the amendment fee in accordance with footnote 4, if applicable, and will refund any overcharges to the licensee or applicant, or bill the licensee or applicant for the additional amendment fee. Amendments which result from written NRC requests may be exempted from these fees at the discretion of the Commission when the amendment is issued for the convenience of the NRC.

An application for amendment to a license or approval classified in more than one fee category shall be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply. An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new category shall be accompanied by the prescribed application fee for the new category, except for applications for amendments increasing the scope of a licensed program from fee categories 1F to 1E, 1G to 1D, 3C to 3D, and 7C to 7B, in which cases the amendment fee for the higher fee category would apply. An application for amendment reducing the scope of a licensee's program shall pay the amendment fee of the fee category assigned to the license at the time the application is filed. Applications to terminate licenses shall not be subject to fees.

[2] Licensees paying fees under categories 1A through 1H are not subject to fees under categories 1I and 1J for sealed sources authorized in the same license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee category 1I only.

[3] A major amendment is defined as one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public's health and safety. A minor amendment is defined as one where safety, environmental, or safeguards considerations may be easily resolved. An administrative amendment is defined as an amendment that is pro forma routine in nature, or has no safety, environmental, or safeguards significance.

[4] When the review of an application is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of fees for materials licenses and other regulatory services. All administrative amendments are based on fixed charges.

[5] Fees would be applicable only in those instances where a site safety and environmental review has been performed and documented by the Commission for the site at which the storage facility is to be located.

[6] Fee is applicable to a license authorizing either production scale activity or research and development scale activity.

[7] A type A quantity is defined in § 71.4(q) of 10 CFR Part 71.

[8] Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred.





SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

| Category of materials licenses | Type of fee [1] | Fee [2] | Maximum frequency [3] |
|---|---|---|---|
| (b) Storage facility to be located at the site of an existing nuclear facility. | Health and safety | 780 | 21 per year. |
| | Safeguards | 2,900 | 2 per year. |
| 1. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems. | Health and safety | 330 | 1 every 5 years. |
| J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of part 150 which shall pay the same rate as category 1G and special nuclear material for use in power generation which shall pay the fee in category 10. | do | 780 | 1 per year. |
| 2. Source material: | | | |
| A. Licenses for possession and use of source material in milling operations, except in-situ leaching and heap-leaching operations. | do | 1,800 | Do. |
| B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations. | do | 1,800 | Do. |
| C. Licenses for refining uranium mill concentrates to uranium hexafluoride. | do | 1,800 | Do. |
| D. All other source material licenses | do | 480 | 1 every 2 years. |
| 3. Byproduct material: | | | |
| A. Licenses for possession and use of byproduct material issued pursuant to parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution, except byproduct material for use in power generation which shall pay the fee in Category 10[4]. | Health & Safety [4]: Large program | 1,000 | 1 per year. |
| | Small program | 780 | Do. |
| B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of radio-pharmaceuticals containing byproduct material. | Health & Safety | 650 | 1 every 3 years. |
| C. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license. | do | 720 | 1 per year. |
| D. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiograph installation(s) and at multiple temporary locations at the address(es) shown in the license or in the field in temporary jobsites of the licensee | do | 980 | Do. |
| E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (Self-shielded units). | do | 390 | 1 every 5 years. |

12. Section 170.32 is added to read:

**§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.**

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

| Category of materials licenses | Type of fee [1] | Fee [2] | Maximum frequency [3] |
|---|---|---|---|
| 1. Special nuclear material: | | | |
| A. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication. | Health and safety | $5,300 | 3 per year. |
| | Safeguards | 10,300 | Do. |
| B. licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication. | Health and safety | 5,300 | Do. |
| | Safeguards | 10,300 | 1 per year. |
| C. Licenses for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication. | Health and safety | 4,600 | 4 per year |
| | Safeguards | 11,700 | 3 per year. |
| D. Licenses for possession and use of five (5) kg or more of contained uranium 235 in unsealed form, or two (2) kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication. | Health and safety | 4,900 | 1 per year. |
| | Safeguards | 7,600 | 2 per year. |
| E. Licenses for possession and use of quantities of plutonium of two (2) kg or more in unsealed form for activities other than fuel processing and fabrication. | Health and safety | 780 | 1 per year. |
| | Safeguards | 5,400 | 2 per year. |
| F. Licenses for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form. | Health and safety | 780 | 1 per year. |
| | Safeguards | 2,300 | Do. |
| G. Licenses for possession and use of 350 g but less than five (5) kg of contained uranium 235 in unsealed form, or 200 g but less than two (2) kg of uranium 233 in unsealed form. | Health and safety | 780 | 1 every 2 years. |
| | Safeguards | 4,000 | 1 per year. |
| H. Licenses for receipt and storage of spent fuel: | | | |
| (1) License application for a storage facility of custom design requiring a full design review: | | | |
| (a) Storage facility to be located at a new site. | Health and safety | 780 | Do. |
| | Safeguards | 2,900 | 2 per year. |
| (b) Storage facility to be located at the site of an existing nuclear facility. | Health and safety | 780 | 1 per year. |
| | Safeguards | 2,900 | 2 per year. |
| (2) License application for a storage facility which references an approved standardized design: | | | |
| (a) Storage facility to be located at a new site. | Health and safety | 780 | 1 per year. |
| | Safeguards | 2,900 | 2 per year. |
| (b) Storage facility to be located at the site of an existing nuclear facility. | Health and safety | 780 | 1 per year. |
| | Safeguards | 2,900 | 2 per year. |
| (3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design: | | | |
| (a) Storage facility to be located at a new site. | Health and safety | 780 | 1 per year. |
| | Safeguards | 2,900 | 2 per year. |

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

| Category of materials licenses | Type of fee[1] | Fee[2] | Maximum frequency[3] |
|---|---|---|---|
| B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. | Health & Safety | 650 | 1 every 3 years. |
| C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material, from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. | ....do | 650 | Do. |
| 5. Well logging and well surveys and tracer studies: | | | |
| A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies. | ....do | 520 | Do. |
| 6. Nuclear laundries: | | | |
| A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. | ....do | 590 | Do. |
| 7. Human use of byproduct material, source material, or special nuclear material: | | | |
| A. Licenses issued pursuant to parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. | ....do | 460 | 1 every 2 years. |
| B. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A. | ....do | 460 | 1 every 3 years. |
| C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A. | ....do | 330 | Do. |
| 8. Civil defense: | | | |
| A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. | ....do | 200 | 1 every 10 years. |
| 9. Device, product, or sealed source safety evaluation: | | | |
| A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter. | Not applicable | | No inspections conducted. |
| B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10. | Not applicable | | No inspections conducted |
| 10. Power source: | | | |
| A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel. | Health and safety | 780 | 1 per year. |
| 11. Transportation of radioactive material: | | | |
| A. Evaluation of spent fuel cask for greater than 20 kW decay heat. | Not applicable | | No inspections conducted. |
| B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material greater than 2,000 times the type A quantity. | ....do | | Do. |
| C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity. | ....do | | Do. |
| D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity. | ....do | | Do. |
| E. Evaluation of packages containing radioactive material less than 20 times the type A quantity. | ....do | | Do. |
| 12. Review of standardized spent fuel facility design. | ....do | | Do. |

[1] *Types of Fees*—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

[2] Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license, if the inspection of the entire license is done at the same time. Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed, if the inspections are conducted at the same time.

[3] The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

[4] Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit a single inspection fee will be assessed.

[5] For inspection purposes, large and small programs in Category 3A are defined as follows: A. *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.





SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

| Category of materials licenses | Type of fee[1] | Fee[2] | Maximum frequency[3] |
|---|---|---|---|
| B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10. | Not applicable | | No inspections conducted |
| 10. Power source: | | | |
| A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel. | Health and safety | 780 | 1 per year. |
| 11. Transportation of radioactive material: | | | |
| A. Evaluation of spent fuel cask for greater than 20 kW decay heat. | Not applicable | | No inspections conducted. |
| B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material greater than 2,000 times the type A quantity. | ....do | | Do. |
| C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity. | ....do | | Do. |
| D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity. | ....do | | Do. |
| E. Evaluation of packages containing radioactive material less than 20 times the type A quantity. | ....do | | Do. |
| 12. Review of standardized spent fuel facility design. | ....do | | Do. |

[1] *Types of Fees*—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

[2] Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license, if the inspection of the entire license is done at the same time. Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed, if the inspections are conducted at the same time.

[3] The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

[4] Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit a single inspection fee will be assessed.

[5] For inspection purposes, large and small programs in Category 3A are defined as follows: A. *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.

13. Section 170.41 of Part 170 is revised to read as follows:

**§ 170.41 Failure by applicant or licensee to pay prescribed fees.**

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, 70, and 71 of this chapter, and of the Act.

(Sec. 501, 65 Stat. 290; (31 U.S.C. 483a).)

Dated at Washington, D.C. this 9th day of February, 1978

For the U.S. Nuclear Regulatory Commission

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc. 78-4355 Filed 2-16-78; 8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A3]

## OLIVES GROWN IN CALIFORNIA

### Decision on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for olives grown in California. Olive producers will be given the opportunity to vote in a referendum to determine if they favor the proposed changes in the marketing order. The proposed amendment would provide authority to determine olive sizes by additional means other than a count-per-pound basis; change the name of the administrative committee; authorize addition of a public member to the committee; and provide that minimum standards for natural condition and packaged olives shall be those contained in the U.S. Standards for Grades of Canned Ripe Olives, or modifications thereof. Some additional administrative changes are included, such as authority to make producer nominations to the committee by mail voting and to charge interest on overdue assessments.

DATE: The representative period for purposes of the referendum herein ordered is September 1, 1976, through August 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 25, 1977, published March 2, 1977 (42 FR 12063), and Notice of Recommended Decision—Issued October 7, 1977, published October 13, 1977 (42 FR 55095).

### Preliminary Statement

A public hearing was held upon proposed further amendment of the marketing agreement, as amended,[1] and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), in Fresno, Calif., on April 5-6, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record therof, the Acting Administrator, on October 7, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing the notice of the opportunity to file written exceptions thereto. Exceptions were filed by Bell-Carter Olive Co., Berkeley, Calif.; Early California Foods, Inc., Visalia, Calif.; Oberti Olive Co., Madera, Calif.; the Olive Administrative Committee, Fresno, Calif.; and June M. Whelan, Porterville, Calif. In addition, a written comment was filed by Baker, Manock and Jensen, Attorneys, on behalf of Lindsay Olive Growers, Lindsay, Calif., indicating approval of the recommended decision and commenting that the text of the recommended amendment is responsive to the record of the public hearing.

The material issues, findings, and conclusions, rulings and general findings of the recommended decision published Thursday, October 13, 1977, in the FEDERAL REGISTER (42 FR 55095) are hereby incorporated herein and made a part hereof, subject to the minor addition in material issue (11), as hereinafter set forth.

The exceptions were as follows:

1. With respect to material issue (1) of the recommended decision, Early California Foods, Inc., objected to the proposed amendment of §932.12 to permit olive size to be determined by means other than the current count-per-pound method. The exception stated that the record failed to establish sufficient reasons for the change and any such change should require an amendatory proceeding. The recommended amendment provides only the authority whereby the administrative committee may (at some future time) recommend, subject to approval by the Secretary, other means of determining olive sizes. The recommended decision indicates, among other things, that any change from the current count-per-pound method would need to be based upon ample justification, and any such change would be accomplished under the Administrative Procedure Act by means of informal rulemaking in which all interested persons would be afforded ample opportunity to participate. These safeguards are sufficient to insure that any changes would be carefully considered and permit action without delay of amendatory action. Therefore, the exception is denied.

2. With respect to the recommended amendment of §932.23a contained in material issue (3), the Olive Administrative Committee filed and exception recommending that: (a) "minced" style be deleted from the styles of limited use olives included in §932.23a; and (b) references in the recommended decision to "segmented" style olives as those olives pitted and cut into four (or more) approximately equal parts be changed to refer to such style of olives as those cut into three (or more) approximately equal parts. This exception was supported by Early California Foods, Inc.

At the rime the hearing was conducted, April 5-6, 1977, the U.S. Standards for Grades of Canned Ripe Olives were being changed by means of informal rulemaking, and the rulemaking had not been completed. Thus, the conclusions in the recommended decision are correct and the recommended §932.23a is supported in the record. Section 932.23a contemplates that limited use would include the styles referred to in that section and defined in the current U.S. Standards for Grades of Canned Ripe Olives. Thus, a later change in such standards which deletes the minced style also deletes it under the order.

3. With respect to material issue (4), the Olive Administrative Committee (supported by Early California Foods, Inc.) objected to certain language in the recommended decision relative to nominating a public member because, in its view, the committee would be required to nominate a public member to fill the term of office ending May 31, 1979. The recommended decision merely suggests one course of action indicating that it would be desirable to implement the provision within a reasonable time, if and when the amendment authorizing such a member is made effective. Hence, no change in the recommended decision is necessary.

4. With respect to material issue (7), the Olive Administative Committee (supported by Early California Foods, Inc.) objected to certain language in the recommended decision regarding

[1] The marketing agreement was filed as a part of the original document.





mail balloting which stated that mail balloting should be confined to minor matters. The language was not intended as an impediment to the use of mail balloting, but rather to indicate that such procedure should not be used for major actions of the committee. In view of the fact that any qualification on the use of mail balloting cannot be defined with certainty, the recommended order provision contains no qualification and the appropriateness of the use of a mail ballot on any given subject is a matter for the committee to decide. Thus, no change in the recommended decision, or the proposed order provision, is necessary.

5. With respect to material issues (10) and (11), exceptions were filed by Bell-Carter Olive Co., (11); Early California Foods, Inc., (10); Oberti Olive Co., (10) and (11); the Olive Administrative Committee, (10) and (11); and June M. Whelan, (10) and (11). Generally, these exceptions, other than the exception from the Olive Administrative Committee, object to the adoption of the sizes contained in the current U.S. Standards for Grades of Canned Ripe Olives as the sizes applicable to natural condition and processed olives under the marketing order. One exception contends that more sizes (other than the five in the current U.S. Standards) may be appropriate; another that any proposed change should be tested for a 2-year period before becoming effective. Some of the exceptions indicate that some confusion may exist as to differentiation between U.S. Standards and marketing order standards. The United States Standards for Grades of Canned Ripe Olives are issued under the authority of the Agricultural Marketing Act of 1946, which provides for the development of U.S. grades to designate different levels of quality. Such grade standards are for use of producers, suppliers, buyers, and consumers and are designed to facilitate orderly marketing by providing a convenient basis for trading, for establishing quality control programs, and for determining loan values. Use of such standards is voluntary. Standards under the marketing agreement and order are issued under the Agricultural Marketing Agreement Act of 1937, as amended. This act authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for specified commodities as will effectuate orderly marketing and be in the public interest. Any such standards are mandatory. The recommended amendment of the olive marketing order adopts by reference grade and size designations contained in the U.S. Standards for Grades of Canned Ripe Olives and includes authority whereby the committee may recommend (and the Secretary may approve) appropriate or needed changes in these standards for marketing order purposes. Thus, if circumstances should arise under which the U.S. Standards or a particular part of those standards are inappropriate for marketing order purposes, the committee would have the means available to it to recommend changes. However, such an action would change marketing order standards, not the U.S. Standards.

The Olive Administrative Committee's exception contended that the recommended decision was vague regarding the committee's authority in recommending changes in standards relative to the number of sizes for natural condition and processed olives. The recommended §§ 932.51(a)(1)(ii) and 932.52(a)(2) indicate clearly that size designations for natural condition and processed olives shall be in accordance with the applicable requirements set forth in the then current U.S. Standards for Grades of Canned Ripe Olives, or such modifications thereof as may be recommended by the committee and approved by the Secretary. To more clearly indicate this intent, the recommended decision with respect to the discussion of material issue (11) is amended by revising the final sentence of the first full paragraph, first column, page 55100 (FR Doc. 77-29944; 42 FR 55095) to read as follows:

"It is therefore concluded that the order should be amended to provide that the size designations under the order should be those contained in the U.S. Standards, or appropriate modification thereof, or such other sizes as may be recommended by the committee and approved by the Secretary."

The evidence of record indicates the desirability forsize designations for olives under the marketing order to be as closely aligned as practicable with the size designations in the U.S. Standards. The similarity between the basis upon which U.S. Standards are issued and the basis upon which marketing order standards are established, as reviewed in the first paragraph of this discussion of exceptions to material issues (10) and (11), further suggests such a close alignment. Thus, any variance between marketing order standards and U.S. Standards, including different sizes, recommended by the committee would require ample justification and industry support to secure approval by the Secretary and issuance of such a change by rulemaking.

*Rulings on exceptions.* In arriving at the findings and conclusions and the regulatory provisions of this decision, each of the exceptions to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Olives Grown in California", and "Order Amending the Order, as Amended, Regulating the Handling of Olives Grown in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

*Referendum order.* It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referendum (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of olives grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area of the regulated commodity for market.

The representative period is hereby determined to be September 1, 1976, through August 31, 1977.

The agents of the Secretary to conduct such referendum are hereby designated to be O. C. Fuqua and Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, 1130 "O" Street, Fresno, Calif. 93721, and Malvin E. McGaha, U.S. Department of Agriculture, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2532, South Building, Washington, D.C. 20250.

Signed at Washington, D.C., on February 14, 1978.

JERRY C. HILL,
*Deputy Assistant Secretary.*

*Order[2] amending the order, as amended, regulating the handling of olives grown in California*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and

[2] This order shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of olives grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof the handling of olives grown in California shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator on October 7, 1977, and published in the FEDERAL REGISTER on October 13, 1977 (42 FR 55095), shall be and are the terms and provisions of this order amending the order, and are set forth in full herein.

1. Section 932.12 is revised to read:

**§ 932.12 Size.**

"Size" means the number of whole olives contained in a pound and may be referred to in terms of size ranges: *Provided,* That, upon recommendation of the committee and approval of the Secretary, size may be specified in terms of weight, diameter, volume, length, or combinations thereof, of individual olives.

2. Section 932.18 is revised to read:

**§ 932.18 Committee.**

"Committee" means the California Olive Committee established pursuant to § 932.25.

3. Section 932.23a is revised to read:

**§ 932.23a Limited use.**

"Limited use" means the use of processed olives in the production of packaged olives of the halved, segmented, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives, including modifications of the requirements for such styles under this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

4. The center heading appearing between §§ 932.24 and 932.25 is revised to read:

CALIFORNIA OLIVE COMMITTEE

5. Section 932.25 is revised to read:

**§ 932.25 Establishment and membership.**

A california Olive Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. In addition, there may be a "public member" and an alternate who shall not be a producer or handler nor an officer or employee or director of any producer or handler. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers", and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided,* That whenever during the crop year in which nominations are made and in the prededing crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The public member or alternate public member shall be selected from any place within the area. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

6. Section 932.28 is revised to read:

**§ 932.28 Eligibility.**

Each producer member of the committee shall, at the time of his selection and during his term of office, be a producer in the district for which selected and, except for producers who are members of cooperative handlers, shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee of a handler. Each handler member of the committee shall, at the time of his selection and during his term of office, be a handler in the group he represents or a director, officer, or employee of such handler. Each public member and alternate public member of the committee shall at the time of selection and during the term of office not be engaged in the commercial production, marketing, buying, grading, or processing of any agricultural product nor shall such member or alternate be an officer, director, member, or employee of any firm engaged in such activities.

7. Section 932.29 is amemded by revising paragraph (a), and adding a new paragraph (c), to read:

**§ 932.29 Nominations.**

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and voting on the candidates selected thereat as shall be fair to all persons concerned. In lieu of meetings for the purpose of nominating producer members of the committee, such nominations may be made by means of mail balloting. Prior to conducting producer nominations by mail balloting, the committee shall adopt, with approval of the Secretary, appropriate procedures to be observed.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members when nominations are made at meetings. Each producer in attendance shall be entitled to cast only one vote regardless of the number of business units he may represent, for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) * * *

(c) *Public member.* (1) Nominations for public member and alternate public member of the committee shall be made at a meeting called by the committee. The names of the nominees shall be sumitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the selection and voting for each candidate as shall be fair to all persons concerned.

8. Section 932.30 is revised to read:

**§ 932.30 Alternates.**

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members. The committee or the chairman of the committee may request one or more alternates to attend any or all meetings notwithstanding the expected or actual attendance of the respective member.

9. Section 932.36 is revised to read:

**§ 932.36 Procedure.**

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided,* That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affirmative votes from handler members. A quorum shall consist of at least ten members of whom at least five shall be producer member and at least five shall be handler members. Except in case of an emergency, a minimum of five days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When voted on by such method, at least 14 affirmative votes of which seven shall be producer member votes and seven shall be handler member votes, shall be required for adoption. The committee may recommend and the Secretary may approve changes in the number of affirmative votes required for adoption of any proposition voted upon by means of a mail ballot: *Provided,* That the number of affirmative votes required for adoption shall not be less than ten, of which five shall be producer member votes and five shall be handler member votes.

10. Section 932.37 is revised to read:

**§ 932.37 Compensation and expenses.**

The members of the committee, and alternates when acting as members, shall serve without compensation; but they shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. An alternate member shall be reimbursed for necessary expenses, as approved by the committee, incurred in attending committee meetings at the request of the committee or its chairman, notwithstanding that the committee member for whom he serves as alternate also attends such meeting, and for performing other committee business at the request of the committee or its chairman.

11. Section 932.39 is revised by adding a new paragraph (c) which reads as follows:

**§ 932.39 Assessments.**

* * * * * *

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the period of time prescribed shall be subject to the interest or late payment charge, or both.

12. Section 932.45(e) is revised to read as follows:

**§ 932.45 Production research, and marketing research and development projects.**

* * * * * *

(e) The committee shall, as soon as practicable, prepare and mail reports on current production research and marketing research and development projects to the Secretary and make a copy of such reports available at the committee office for examination by producers, handlers, or other interested persons.

13. Section 932.51(a)(1) is amended to read as follows:

**§ 932.51 Incoming regulations.**

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in the then current U.S. Standards for Grades of Canned Ripe Olives or such modifications thereof as may be recommended by the committee and approved by the Secretary: *Provided,* That for the purpose of this section, the size designations in said standards shall be deemed to include the following two additional size designations:

| Designation(s) | Approximate count (per pound) | Average count (per pound) |
|---|---|---|
| Subpetite | | 181 and up. |
| Petite | 100 | 141 to 180, inclusive. |

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided,* That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls", the aforesaid quantity of









Federal Energy Regulatory Commis-

relating to other functions transferred

an EA has been prepared and a deter-

culls shall be determined on the basis of such definition and in accordance with such classification.

* * * * *

14. Section 932.52 is revised to read:

§ 932.52 **Outgoing regulations.**

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives or as modified by the committee, with the approval of the Secretary for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations set forth in the then current U.S. Standards for Grades of Canned Ripe Olives, or such other sizes by variety or variety group as may be recommended by the committee and approved by the Secretary.

(3) Subject to the provisions set forth in subparagraph (4) of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as prescribed pursuant to subparagraph (2) of this paragraph. Olives smaller than those so prescribed, as recommended by the committee and approved by the Secretary, may be authorized, including authorization by variety or variety groups, for limited use. Each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendation of the committee or other available information.

(6) The size designations used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, specify the styles of olives, including the requirements with respect thereto, for limited use.

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[FR Doc. 78-4512 Filed 2-17-78; 8:45 am]

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[3410-37]

**Food Safety and Quality Service**

**[7 CFR Part 2858]**

**U.S. STANDARDS FOR GRADES OF ICE CREAM**

**Study Draft**

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Poultry and Dairy Quality Division of the Food Safety and Quality Service, U.S. Department of Agriculture, has study drafts available for review and comments in its consideration of proposed U.S. Standards for Grades of Ice Cream.

DATE: Comments must be received by April 15, 1978.

ADDRESS: Send requests for study drafts and comments to: Richard W. Webber, Assistant Chief, Dairy Section, Standardization Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Richard W. Webber, 202-447-7473.

SUPPLEMENTARY INFORMATION: The preliminary proposal for grades for ice cream was developed following USDA's request for public comments on the feasibility of setting up a grading system for ice cream (42 FR 56717, October 28, 1977). Of the 396 comments received, 240 expressed interest in having grade standards for ice cream, 23 were opposed, and the rest expressed no opinion.

Official voluntary U.S. grade standards for ice cream would provide a uniform and nationally recognized system for identifying the quality of the product to consumers. If quality grade standards are established, manufacturers that are interested may identify consumer packages of their ice cream with the appropriate U.S. grade to inform consumers of the quality of ice cream they are buying.

In the development of this draft standard, the Department conferred with various recognized experts in the manufacturing of ice cream to obtain technical advice. This information, together with technical data, knowledge, and experience within the Department, forms a basis for establishing this draft standard. The concepts and basis for the grading procedure have been used for many years by colleges, universities, and the ice cream industry to evaluate the quality of ice cream.

The standard would be implemented on a voluntary basis and a charge made for the Department's services. When ice cream is officially graded, the regulations governing the inspection and grading services of manufactured or processed dairy products would be in effect. These regulations require all dairy ingredients and the finished product to be produced in a USDA-approved plant. The regulations also provide for the use of official identification to indicate the U.S. grade on consumer packages. The U.S. grade would be determined on the finished ice cream in consumer packages.

This advance notice of proposed rulemaking is issued under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621).

Done at Washington, D.C., this 15th day of February 1978.

ROBERT ANGELOTTI,
*Administrator.*

[FR Doc. 78-4684 Filed 2-17-78; 8:45 am]

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[3128-01]

**DEPARTMENT OF ENERGY**

**[10 CFR Parts 208, 711, and 1021]**

**COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT**

**Proposed Rulemaking; Public Hearing**

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy (DOE) hereby gives notice of a proposal to establish Part 1021 of Chapter X of Title 10 of the Code of Federal Regulations, providing for compliance with the National Environmental Policy Act (NEPA). Written comments will be received and a public hearing will be held with respect to this proposal.

The proposed regulations are based primarily on policies and procedures which governed compliance with NEPA in the Federal Energy Administration (FEA), the Energy Research and Development Administration (ERDA), and the Federal Power Commission (FPC), the three major constituent agencies whose functions were transferred to DOE. In addition, certain initiatives, designed to meet the emerging NEPA responsibilities of DOE, have been incorporated. These regulations will be applicable to all oranizational units of DOE, except the





Federal Energy Regulatory Commission (FERC), which has indicated its intention to issue NEPA regulations generally consistent with those proposed herein.

DATES: Comments must be received on or before April 10, 1978; request to speak by March 10, 1978; hearing testimony by March 24, 1978; hearing date: March 30, 1978.

ADDRESSES: Comments and requests to speak to Box RY, Department of Energy, Public Hearing Management, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 3000A, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stern, Office of the Assistant Secretary for Environment, Room 7121, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

SUPPLEMENTARY INFORMATION:

I. Background.
II. The Proposed Regulations.
III. Comment Procedure.

## I. BACKGROUND

### A. NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., requires that Federal agencies give appropriate weight to factors affecting the human environment during all stages of their decisionmaking process. In this connection, NEPA requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment.

### B. DEPARTMENT OF ENERGY

The Department of Energy Organization Act (the Act), 42 U.S.C. 7101 et seq., transferred to DOE the functions of ERDA, FEA and FPC as well as energy-related functions of various other Federal agencies and departments. As provided in section 705 of the Act, the regulations in effect on October 1, 1977, for the various agencies whose functions were transferred to DOE continue in effect with respect to those functions until superseded, modified or revoked by regulations promulgated by the Secretary of DOE or by FERC for functions under their respective jurisdictions.

When promulgated, these regulations will be applicable to all functions transferred to DOE (except those functions transferred to FERC) and will supersede and effect a revocation of the NEPA regulations promulgated by ERDA (10 CFR Part 711) and FEA (10 CFR Part 208). NEPA regulations relating to other functions transferred to the Secretary of DOE will be superseded to the extent that they affect functions transferred to the Secretary of DOE. The NEPA regulations relating to functions transferred to FERC will remain applicable to FERC actions until superseded, modified, or revoked by FERC. FERC has indicated its intention to issue, in a timely manner, NEPA regulations generally consistent with those proposed herein.

The proposed regulations establish general policies and procedures for compliance with NEPA by all units of DOE other than FERC. Pending adoption of final regulations, DOE will, to the extent feasible, carry out its NEPA responsibilities pursuant to the regulations now in effect, and will interpret such regulations in a manner consistent with the policies and procedures proposed today.

## II. THE PROPOSED REGULATIONS

In establishing policies and procedures for DOE compliance with NEPA, the regulations attempt to assure that environmental factors are considered by DOE in its planning and decisionmaking. To the extent practicable, coordination of other Federal environmental review and consultation requirements shall also be carried out through the NEPA process.

### A. APPLICABILITY

The regulations will apply to all organizational units of DOE except FERC and will affect new and continuing DOE projects and programs. The regulations also will apply to the establishment or modification by DOE (excluding FERC) of other regulations and policies.

The proposed regulations specify certain classes of actions that have been determined not to be major Federal actions significantly affecting the quality of the human environment and that, therefore, are not subject to the requirements of the regulations. The regulations further specify other classes of actions that, except in unusual circumstances, will not require the preparation of an environmental assessment (EA) or an environmental impact statement (EIS).

### B. ENVIRONMENTAL ASSESSMENTS

Subpart B of Part 1021 establishes procedures governing preparation and review of EA's, which are required for proposed DOE actions when it is unclear whether an EIS is required. EA's shall include, as appropriate, a brief description of the proposed action and its reasonable alternatives, and an analysis of their probable environmental impacts. EA's shall be reviewed against the criteria set forth in Subpart C to determine whether an EIS is required for a proposed action. When an EA has been prepared and a determination made not to prepare an EIS on a proposed action, a negative determination (ND) that briefly describes the proposed action, and the reasons for not preparing an EIS, will be prepared.

### C. ENVIRONMENTAL IMPACT STATEMENTS

Requirements associated with preparation and circulation of EIS's are contained in Subpart C.

1. *Need for an EIS.* In determining whether an EIS is required, DOE shall consider: (a) The magnitude of the action in terms of the extent of DOE control and the size of the commitment of resources involved; and (b) the significance of the environmental impacts in terms of the cumulative impact of the proposed action and related Federal actions; the potential for environmental degradation and curtailment of the range of beneficial uses of the environment; the effects on important, scarce, or nonrenewable resources; the presence of responsible opposing views concerning the environmental impacts; and the unique characteristics of the environment to be affected.

2. *Content and Circulation of EIS's.* General guidance for the content of EIS's is contained in Subpart D. Procedures for prepearation and circulation of draft and final EIS's are set out in Subpart C.

3. *Public Participation.* In order to further public participation in the NEPA process, DOE will publish in the FEDERAL REGISTER a Notice of Intent to prepare an EIS, except as provided in § 1021.25. The Notice will describe the proposed action and invite comments from interested persons. To the extent practicable, DOE shall endeavor to provide for additional public notification through press releases and other forms of announcements, as appropriate. DOE will also maintain lists of persons and groups known to be interested in the environmental impacts of specific DOE actions, and will notify such persons and groups of proposed DOE actions judged to be of interest to them.

Except where there are emergency circumstances, statutory deadlines, or overriding considerations of expense or effectiveness, as provided in § 1021.31, DOE will allow a minimum 45-day comment period on draft EIS's, and may, upon request, extend that period.

A public hearing on an EIS may be held if DOE determines, in accordance with criteria set forth in § 1021.28, that it would be appropriate.

4. *Post-EIS Responsibilities.* Following completion of a final EIS and DOE decisionmaking with respect to a proposed action, DOE shall verify that the implementation of the selected alternative, particularly with regard to

any mitigating measures included in the action, is proceeding as described in the EIS.

D. COORDINATION OF OTHER FEDERAL ENVIRONMENTAL CONSULTATION REQUIREMENTS

Subpart E of the proposed regulations requires, to the extent practicable, coordination of various Federal environmental review and consultation requirements, through the NEPA process. This is intended to improve and expedite the DOE decisionmaking process.

E. APPLICANT PROCEDURES

Applicants for a DOE permit, certificate, license, financial assistance, contract award, or similar action may be required to submit an environmental report (ER) containing information to be specified by DOE in the context of specific programs. Such information will, to the extent feasible and appropriate, be independently verified by DOE prior to its use by DOE in the preparation of an EA or EIS.

To permit appropriate coordination of required Federal environmental review, DOE applicants shall identify all other Federal actions required for completion of the undertaking. Applicants should submit applications for Federal approvals early in their planning process, and should take no steps that may cause a significant environmental impact or foreclose DOE alternatives prior to completion of the EA/EIS process.

## III. COMMENT PROCEDURES

A. WRITTEN COMMENTS

Interested persons are invited to submit written comments with respect to the proposed regulations to Box RY, Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Compliance with the National Environmental Policy Act." Fifteen (15) copies should be submitted. All comments and related information should be received by DOE by April 10, 1978, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARING

1. *Participation procedures.* A public hearing on the proposed regulations will be held at 9:30 a.m., on March 30, 1978, in Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive oral presentations from interested persons.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in them may make a written request for an opportunity to make oral presentation. Such a request should be directed to the Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentation and a phone number where he or she may be reached. Each person who in DOE's judgment proposes to present relevant, and material information shall be selected to be heard, shall be notified by DOE of his participation before 4:30 p.m., March 17, 1978, and shall submit 15 copies of his or her proposed statement to the Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, on or before March 24, 1978.

2. *Conduct of Hearings.* DOE reserves the right to arrange the schedule of presentations to be heard, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

NOTE.—DOE has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

In consideration of the foregoing, it is proposed that Chapters II, III, and X of Title 10 of the Code of Federal Regulations be amended as provided below.

Issued in Washington, D.C., February 14, 1978.

WILLIAM S. HEFFELFINGER,
*Director of Administration.*

1. Part 208 of Chapter II and Part 711 of Chapter III, Title 10 of the Code of Federal Regulations are revoked.

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## PART 208—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT [Revoked]

## PART 711—GUIDELINES FOR ENVIRONMENTAL REVIEW [Revoked]

2. Part 1021 is added to Title 10, Chapter X, of the Code of Federal Regulations to read as follows:

## PART 1021—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

### Subpart A—General

Sec.
1021.1 Background.
1021.2 Purpose and scope.
1021.3 Policy.
1021.4 Definitions.
1021.5 Applicability.

### Subpart B—Environmental Assessments

1021.11 Need for environmental assessments.
1021.12 Content of environmental assessments.
1021.13 Review of environmental assessments.
1021.14 Negative determinations.

### Subpart C—Environmental Impact Statements

1021.21 Need for environmental impact statements.
1021.22 Selection of a lead agency and consultation among participating agencies.
1021.23 Scope of environmental impact statements.
1021.24 Timing of environmental impact statement preparation.
1021.25 Notice of intent.
1021.26 Interest lists.
1021.27 Publication of draft environmental impact statements.
1021.28 Public hearings.
1021.29 Preparation and publication of final environmental impact statements.
1021.30 Post-EIS responsibilities.
1021.31 Timing of DOE actions.
1021.32 Contractor services.
1021.33 Review of environmental impact statements prepared by other agencies.

### Subpart D—General Guidance for Content of Environmental Impact Statements

1021.41 Body of statement.





### Subpart E—Coordination of Other Federal Environmental Consultation Requirements

1021.51 Additional Federal environmental review requirements.

### Subpart F—Applicant Procedures

1021.61 Applicant responsibilities.
1021.62 DOE responsibilities.
1021.63 Content of environmental reports.
Appendix A—Summary sheet for draft and final environmental impact statements.
Appendix B—Contents of environmental reports prepared for applications under the Natural Gas Act.

AUTHORITY: Department of Energy Organization Act of 1977, Pub. L. 95-91; National Environmental Policy Act of 1969, Pub. L. 91-190, as amended, Pub. L. 94-83; E.O. 11514, 35 FR 4247, as amended.

### Subpart A—General

**§ 1021.1 Background.**

(a) Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), as implemented by Executive Order 11514 of March 5, 1970, as amended, and the Guidelines of the Council on Environmental Quality (CEQ) of August 1, 1973 (40 CFR Part 1500), requires all agencies of the Federal Government to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. NEPA further requires Federal agencies to give appropriate consideration to the environmental effects of proposed actions in their decisionmaking.

(b) Other environmental legislation pertaining to historic sites, wild and scenic rivers, endangered species, fish and wildlife, coastal zones and other resources requires consultation with designated agencies and review of impacts in environmentally sensitive areas in conjunction with Federal decisionmaking.

**§ 1021.2 Purpose and scope.**

(a) This part establishes policy and procedures for discharging the Department of Energy's (DOE's) responsibilities with respect to NEPA, including:

(1) DOE procedures for the implementation of Section 102(2)(C) of NEPA, with provisions for early identification of those DOE actions which require environmental assessments (EA's) and environmental impact statements (EIS's); preparation and processing of EA's and EIS's; participation by the public and other Federal agencies, States, and local governmental units in the environmental review process; and consideration of environmental factors in DOE planning and decisionmaking; and

(2) DOE policy with respect to the appropriate balancing of national environmental goals, energy requirements, and other essential considerations of national policy.

(b) This part also establishes DOE policy for the coordination of other Federal environmental review and consultation requirements in conjunction with the procedures of Section 102(2)(C) of NEPA.

**§ 1021.3 Policy.**

DOE shall:

(a) To the maximum extent practicable, conduct its activities in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations, consistent with DOE's nondiscretionary statutory responsibilities and other essential considerations of national policy;

(b) Assure incorporation of national environmental protection goals in the formulation and implementation of energy programs, and advance goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety, in accordance with Section 102(13) of the Department of Energy Organization Act (42 U.S.C. 7112); and

(c) Incorporate into its planning, regulatory, and decisionmaking processes a careful consideration of the potential environmental consequences of its proposed actions by:

(1) Evaluating the long- and short-range impacts, both direct and indirect, of such actions on man, including his physical and social surroundings, and on the natural environment;

(2) Exploring, developing, analyzing, and implementing, as appropriate, alternative actions which may mitigate adverse environmental impacts; and

(3) Providing for public disclosure of and comment on the impacts of all its major actions significantly affecting the quality of the human environment.

**§ 1021.4 Definitions.**

For purposes of this part—

(a) "Action" means a DOE activity which may be major and may significantly affect the quality of the human environment.

(b) "Administrative action" means a major DOE activity, other than a legislative action as defined herein, significantly affecting the quality of the human environment.

(c) "Legislative action" means a DOE recommendation or report on DOE proposals for legislation significantly affecting the quality of the human environment.

(d) "DOE" means all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission.

(e) "Environmental report" (ER) means a document submitted to DOE by an applicant in support of an undertaking which identifies the environmental impacts of the proposed undertaking and its alternatives.

(f) "Environmental assessment" (EA) means a document prepared by DOE which assesses whether a proposed DOE action would be "major" and would "significantly affect" the quality of the human environment, and which serves as the basis for a determination as to whether an environmental impact statement (EIS) is required.

(g) "Environmental impact statement" (EIS) means a document prepared in accordance with the requirements of Section 102(2)(C) of NEPA.

(h) "Negative determination" (ND) means a document prepared to certify a decision that an EIS will not be prepared for a proposed DOE action.

(i) "Project" means an individual, unitary DOE action.

(j) "Program" means an aggregate of projects which share a common objective or purpose and are so interrelated that planning or decisionmaking with respect to any one component is likely to significantly affect planning or decisionmaking with respect to any other component.

(k) "Undertaking" means a proposed initiative of a private person or non-Federal governmental entity which may result in an action.

**§ 1021.5 Applicability.**

(a) This Part shall apply to all organizational units of DOE, except that it shall not apply to the Federal Energy Regulatory Commission (FERC).

(b) This part covers proposed DOE actions, including those actions sponsored jointly with other agencies, and uncompleted and continuing actions when modifications of or alternatives to the DOE action are still available.

(c) DOE shall conduct a review of proposed actions, in accordance with § 1021.21, to ascertain the applicability of Section 102(2)(C) of NEPA. Proposed actions subject to such review include but are not limited to the following:

(1) A new or continuing project or program, or expansion or revision of a continuing project or program which is directly undertaken by DOE; supported in whole or in part through DOE contracts, grants, loans, guarantees, subsidies, or other forms of financial assistance; or involves a DOE lease, permit, license, certificate, or similar action.

(2) The establishment or modification by DOE of rules, regulations, or policies.

(d) There are classes of DOE activities which are exempt from the requirements of this part, since they have been determined not to be major Federal actions significantly affecting the quality of the human environment. Such classes of activities in-

clude, but are not necessarily limited to, the following:

(1) Administrative procurement (e.g., general supplies);

(2) Contracts for personal services;

(3) Personnel actions;

(4) Reports or recommendations on legislation which was not initiated by DOE;

(5) Compliance actions, including investigations, conferences, hearings, notices of probable violation, and remedial orders;

(6) Interpretations and rulings, or modifications or rescissions thereof;

(7) Promulgation of rules and regulations which are clarifying, corrective, or procedural in nature, or which do not substantially change the effect of the regulations being amended;

(8) Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program;

(9) Information gathering, analysis, and dissemination;

(10) Issuance of prohibition orders and construction orders pursuant to the Energy Supply and Environmental Coordination Act of 1974;

(11) Actions in the nature of conceptual design or feasibility studies.

(e) The following actions ordinarily are not considered to be major Federal actions significantly affecting the quality of the human environment and generally are exempt from the requirements of this part: (1) Adjustments, assignments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued pursuant to the Emergency Petroleum Allocation Act, as amended; and (2) the establishment or modification of prices charged by DOE for DOE goods and services. However, where unusual circumstances exist, DOE shall consider the need for an EA or EIS on these types of actions.

### Subpart B—Environmental Assessments

#### § 1021.11 Need for Environmental Assessments.

DOE shall prepare an EA when it is unclear whether an EIS is required. An EA is not required when it is clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment. Where it is clear that an EIS is required, preparation of the EIS shall begin as soon as practicable, without preparation of an EA. An EA shall not ordinarily be prepared with respect to a proposed DOE action for which an EA or EIS has been formerly prepared, by DOE or another Federal agency: *Provided*, That such EA or EIS affords a currently valid evaluation of the environmental impacts of the proposed action. The relevant EA or EIS shall accompany the proposal throught the DOE review and decisionmaking process.

#### § 1021.12 Content of Environmental Assessments.

The EA shall be a brief, factual document that analyzes and evaluates the environmental consequences of a proposed action in sufficient detail to permit DOE to determine whether an EIS is required. An EA should be structured in the manner that is most useful for planning and decisionmaking, and shall, as appropriate, contain the following information: A clear and concise description of the proposed action, including drawings, maps, and charts, if directly pertinent to analyzing the environmental consequences of the proposed action; a description of the existing environment affected by the proposed action only in sufficient detail to permit a meaningful evaluation of the potential environmental consequences of the proposed action; an assessment of the probable impacts of the proposed action, including direct and indirect effects and those adverse impacts which cannot be avoided should the proposal be implemented; an evaluation of the probable cumulative and long-term environmental effects, including any beneficial impacts; an assessment of the risk of credible accidents; a discussion of the relationship of the proposed action to any applicable Federal, State, regional, or local land use plans and policies likely to be affected; and a brief description of all reasonable alternatives to the proposed action and their environmental effects.

#### § 1021.13 Review of Environmental Assessments.

(a) Based upon its review of an EA, DOE shall determine whether, in accordance with § 1021.21, the proposed action requires the preparation of an EIS.

(b) If it is determined that an EIS is required, DOE shall, whenever practicable, publish a Notice of Intent in the FEDERAL REGISTER, in accordance with § 1021.25. If DOE determines that an EIS is not required, a Negative Determination shall be published in the FEDERAL REGISTER, in accordance with § 1021.14. DOE may consult with CEQ in determining whether a specific action requires an EIS.

#### § 1021.14 Negative Determinations.

DOE shall prepare a negative determination (ND) to certify a decision that an EIS is not required with respect to an action for which an EA has been prepared. The ND shall briefly describe the proposed action and the reasons for not preparing an EIS. For administrative actions and legislative actions not related to the President's budget, the ND shall be published in the FEDERAL REGISTER, with an announcement that the EA may be obtained from DOE on request. DOE shall take no action related to the subject of the ND sooner than 15 days following publication in the FEDERAL REGISTER, except as provided under § 1021.31, and shall consider any comments received during that period. A list of ND's for legislative actions related to the President's budget shall be furnished in the FEDERAL REGISTER as soon as practicable after the President's budget is transmitted to Congress, with an announcement that the EA's may be obtained from DOE on request.

### Subpart C—Environmental Impact Statements

#### § 1021.21 Need for Environmental Impact Statements

(a) An environmental impact statement (EIS) shall be prepared for a proposed action which DOE determines to be a major Federal action significantly affecting the quality of the human environment. In making that determination, DOE shall consider:

(1) The magnitude of the action in terms of the extent of control, by virtue of DOE funds or discretionary approval/disapproval authority, to influence the course of the action, and the size of the commitment of resources involved; and

(2) The significance of the environmental impacts in terms of the overall cumulative impact of the proposed action and related Federal actions; the potential for degradation of the quality of the human environment, including direct and indirect impacts on the natural, physical, and social environment, and the curtailment of the range of beneficial uses of the environment; effects on management, allocation or consumption of important, scarce, or nonrenewable resources; the presence of responsible opposing views concerning the environmental impacts; and the unique characteristics of the environment to be affected.

#### § 1021.22 Selection of a Lead Agency and Consultation Among Participating Agencies.

(a) When DOE and one or more other Federal agencies are directly involved in a project or program or in a group of projects directly related to each other, DOE shall consult with such other agencies to determine if an EIS is required; to identify the appropriate lead agency or joint-agency responsibilities for EIS preparation; and to establish procedures for interagency coordination during the environmental review process.

(b) If an EIS is required, DOE shall take no action with respect to the proposed project that would significantly affect the quality of the human environment or curtail the range of alternatives under consideration until completion of the EIS process, whether or not DOE is the designated lead agency.





(c) Where DOE is frequently associated with another agency or agencies in the preparation of EIS's for similar projects, DOE shall attempt to negotiate memoranda of understanding specifying generic lead agency responsibilities for EIS preparation.

(d) If an interagency dispute arises concerning the need for an EIS, designation of the lead agency, or appropriate divisions of responsibility for EIS preparation, and the affected agencies are unable to resolve the dispute, DOE shall refer the issue to CEQ for its recommendation.

#### § 1021.23 Scope of Environmental Impact Statements.

(a) A draft EIS shall contain, to the fullest extent possible, the information required by Subpart D of this part, and shall include a summary sheet, as described in Appendix A of this part.

(d) A final EIS shall consist of an appropriately revised draft EIS, the comments (or summaries thereof) received on the draft EIS and appropriate responses to those comments.

(c) (1) DOE shall identify the related actions most appropriately serving as the subject of a program EIS. Broad program EIS's may be required to assess the environmental effects of multiple actions within specific geographical areas, or environmental impacts that are generic to a series of DOE actions. Subsequent project EIS's applicable to components of the program may be necessary where such individual actions have significant environmental impacts not adequately evaluated in the program EIS.

(2) Program EIS's shall assess, as appropriate: The probable environmental consequences generic to component projects and actions; the cumulative effects of such related activities; and in the case of EIS's covering research, development, demonstration, or commercialization programs, the anticipated impacts of commercial deployment of such technology, including any major uncertainties with respect to the environmental effects of such deployment.

(d) Project EIS's shall assess the localized or regional environmental impacts of a specific proposed project.

(e) EIS's covering a site under DOE jurisdiction (such as major research laboratories or production facilities) shall assess the individual and cumulative environmental consequences of a number of continuing and/or proposed actions at the given site.

#### § 1021.24 Timing of Environmental Impact Statement Preparation.

(a) An EIS shall be prepared as early as practicable in the planning and decisionmaking process of a proposed action. EIS preparation shall begin early enough to provide a useful contribution to decisionmaking, but late enough in the formulation of the proposed project or program to permit analysis of the potential environmental impacts of the proposal and its alternatives. The EIS shall be prepared before major resources are irreversibly committed or alternatives foreclosed, and prior to taking any action with respect to the proposed project which may cause significant environmental impact, except as provided in § 1021.31.

(b) In determining the appropriate timing of an EIS for research, development, or demonstration programs, DOE shall consider the magnitude of the Federal investment in the program; the likelihood and proximity of widespread application of the technology; the pace at which the program is moving from basic research toward demonstration of a viable technology; the extent to which continued investment in the new technology is likely to foreclose or restrict future alternatives; and the degree of environmental impacts of the program, individually and cumulatively, which are likely to occur in the event the technology is widely applied.

(c) To the extent practicable, DOE shall prepare a final EIS on a legislative proposal prior to submission of the proposal to Congress. In cases where this is not practicable or where the scheduling of Congressional hearings on such actions does not allow adequate time for completion of a final EIS, a draft EIS shall be furnished to Congress, with any comments transmitted as received. DOE may, in consultation with CEQ, forego the preparation of a final EIS on legislative actions.

#### § 1021.25 Notice of Intent.

As soon as possible after a decision has been made to prepare an EIS, DOE shall publish a Notice of Intent regarding the forthcoming EIS in the FEDERAL REGISTER, with a brief description of the proposed action, and alternatives to be analyzed. The Notice of Intent shall announce the availability of the EA, if one has been prepared, and shall invite comments and suggestions for DOE consideration in the preparation of the EIS. To the extent practicable, DOE shall transmit copies of such Notices to appropriate Federal, State, and local agencies and to persons or groups known to be interested in the environmental implications of the proposed action. DOE shall also endeavor to provide for public notification through press releases and other forms of announcement, as appropriate. DOE may waive or delay the Notice of Intent in those instances where overriding considerations of policy or program effectiveness so warrant.

#### § 1021.26 Interest Lists.

(a) DOE shall prepare and maintain lists of persons or groups known to be interested in the environmental impacts of DOE actions. Such lists shall be compiled from those individuals or groups who have requested copies of draft EIS's; commented on a previous draft EIS; participated in a public hearing on an EIS; or been identified by the responsible supervisory official as having an interest in the environmental impacts of a proposed DOE action. Such interest lists shall be maintained in accordance with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

(b) Individuals or organizations desiring to be placed on specific interest lists or to request copies of EIS's and related notices should address their requests to:

Assistant Secretary for Environment, Department of Energy, Washington, D.C. 20461.

#### § 1021.27 Publication of Draft Environmental Impact Statements.

(a) Upon completion of a draft EIS, DOE shall provide copies to and invite comments from: (1) The Environmental Protection Agency (EPA) and other Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved; (2) State and local agencies and members of the public and private organizations which in DOE's judgment have special expertise of a particular interest with respect to any environmental impact involved, and (3) any other persons who have requested a copy of the draft EIS.

(b) DOE shall publish a Notice of Availability of the draft EIS in the FEDERAL REGISTER, which specifies the period for review, the instructions for obtaining a copy of the EIS, and the procedures for submitting comments. To the extent practicable, DOE shall endeavor to provide for public notification through press releases and other forms of announcement, as appropriate.

(c) Comments on the draft EIS shall be considered in conection with the preparation of the final EIS, if received by DOE within the specified comment period. Unless otherwise specified (§ 1021.31), DOE shall allow 45 calendar days from publication of the appropriate Notice of Availability for comments to be received.

(d) DOE will consider requests for extensions of time if such requests are received during the comment period. In determining the appropriate period for comment or in acting upon an extension request, DOE shall consider the complexity of the issues addressed in the EIS, the extent of public interest in the proposed action, and the need for expeditious decisionmaking on the proposed action.

(e) Where no comments are received within the designated comment period, DOE shall assume that no comment is to be made.

§ 1021.28 Public Hearings.

(a) In determining whether to provide a public hearing with respect to an EIS, DOE shall consider the magnitude of the proposed action in terms of economic costs, the geographic area involved, and the uniqueness or size of the commitment of the resources involved; the degree of interest in the proposed action, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held; the complexity of the issues and the likelihood that additional information generated by the hearing will assist DOE in fulfilling its responsibilities under NEPA; the extent to which public involvement already has been achieved through other means, such as earlier public herings, meetings with citizen representatives and/or written comments on the proposed action; and the need for expeditious decisionmaking on the proposed action.

(b) If a hearing is to be held, DOE shall publish a notice in the FEDERAL REGISTER and make the EIS available to the public at least 20 calendar days prior to the scheduled date of such hearing. To the extent practicable, DOE shall endeavor to provide for public notification through press releases and other forms of announcement, as appropriate.

(c) Public hearings under this section may be combined with other DOE hearings, or hearings of other agencies, as appropriate. Public hearings under this section that are not so combined shall be legislative rather than adjudicatory in nature, with no right to formal discovery, subpoena of witnesses, cross-examination of participants, testimony under oath, or other similar formalities more appropriate to an adjudicatory procedure. Where a hearing under this section is combined with another hearing, the applicable procedures shall be determined with reference to considerations relevant to all of the affected hearings.

§ 1021.29 Preparation and Publication of Final Environmental Impact Statements.

(a) DOE shall consider the comments received on the draft EIS and at the public hearing, if held, and prepare a final EIS, except as provided in § 1021.24. In addition to the information required by Subpart D of this part, the final EIS shall contain all substantive comments received on the draft EIS (or summaries thercof) together with DOE's response to those comments, and changes in the statement, as appropriate.

(b) Upon approval of the final EIS, DOE shall publish a notice in the FEDERAL REGISTER announcing the availability of the final EIS and distribute copies of the statement to EPA, and Federal, State, and local agencies, and others who submitted comments on the draft EIS, participated in the public hearing on the draft EIS, or requested a copy of the final EIS. Final EIS's on legislative actions shall be submitted to Congress and the Office of Management and Budget.

§ 1021.30 Post-EIS Responsibilities.

(a) Following completion of the final EIS and DOE decisionmaking with respect to a proposed action, DOE shall verify that the implementation of the selected alternative, particularly with regard to any mitigating measures included in the action, is proceeding as described in the EIS. Upon identification of any significant modifications of the plans as described in the EIS, DOE shall determine appropriate steps to be taken.

(b) DOE shall identify and consider, to the maximum possible extent, the full range of environmental impacts at the time of EIS preparation. However, additional review may be necessary as the action evolves. Whenever substantial new information pertinent to an existing EIS becomes available, or whenever a modification of an action covered by an EIS is proposed that may be environmentally significant, DOE shall consider the need for a supplement to the EIS. Based on the significance of the modification and environmental impacts involved, relative to the impacts originally discussed, DOE shall determine whether to prepared a supplement to the EIS and, if so, whether it shall be a draft (related to either a draft or final EIS) or a final (related to a final EIS only) supplement. Draft supplements will be subject to the review procedures for draft EIS's specified in this subpart. When a final supplement is prepared, DOE shall publish a notice of availability in the FEDERAL REGISTER and distribute copies to EPA, and Federal, State, and local agencies and others who have expressed interest in the proposed action. DOE shall take no action with respect to the subject of the final supplement until 15 days after publication of the notice of availability and shall consider any comments received during that period.

§ 1021.31 Timing of DOE Actions.

(a) To the maximum extent practicable:

(1) No proposed administrative action for which an EIS is prepared shall be taken sooner than 90 calendar days after a draft EIS has been issued; or sooner than 30 calendar days after the final EIS has been issued. The 90-day and 30-day periods may run concurrently.

(2) No proposed action for which an ND has been prepared shall be taken prior to 15 calendar days after the ND and notice of availability of the EA are published in the FEDERAL REGISTER.

(b) Where emergency circumstances, statutory deadlines, or overriding considerations of expense or effectiveness of the relevant action make it necessary to take an administrative or legislative action without observing the minimum time periods required by this part, or before the preparation of an EA or draft or final EIS, or supplement thereto, DOE shall, at the earliest possible time, consult with CEQ concerning appropriate alternative arrangements for full compliance with NEPA requirements. Where only overriding considerations of expense or effectiveness are involved, such consultation shall occur before taking the proposed action.

(c) In computing a period of time prescribed or allowed by this part, the earlier date of publication by DOE or EPA of any relevant notice published in the FEDERAL REGISTER shall be the date from which such period is calculated.

§ 1021.32 Contractor Services.

DOE may use contractor services to gather information, perform studies and provide for other assistance needed for DOE to prepare an EA, an EIS, or comments on an EIS prepared by another Federal Agency. DOE shall independently review all work performed by contractors and shall maintain full control over and responsibility for the content of such NEPA-related documents.

§ 1021.33 Review of Environmental Impact Statements Prepared by Other Agencies.

(a) DOE shall review and comment on EIS's prepared by other Federal agencies if requested, and if determined appropriate by DOE, whenever DOE has jurisdiction by law or special expertise. DOE comments shall be specific, substantive, and factual and may recommend modifications to the proposal and/or new alternatives. DOE shall give particular consideration to legislative or administrative proposals which might cause a change in the production, importation, transportation, use, availability, or storage of petroleum, other fuels, or sources of energy, or which deal with other matters related to DOE's statutory responsibilities. In reviewing EIS's prepared by other agencies, DOE shall: Identify proposals which are unsatisfactory from the standpoint of environmental quality or which conflict with known current or future policies and programs within the jurisdiction of DOE; indicate areas of research which are underway or planned by DOE which may suggest new alternatives, ways to mitigate effects, or fill gaps in the state of relevant knowledge; and offer other appropriate comments in areas in which DOE has jurisdiction by law or special expertise.





(b) To the extent that its resources permit, DOE may review environmental documents prepared by State or local agencies under authority of State or local laws similar to NEPA.

Subpart D—General Guidance for Content of Environmental Impact Statements

§ 1021.41 Body of Statement.

(a) The EIS shall be a concise, factual and objective evaluation of the environmental effects of a proposed action and its reasonable alternatives, and shall include or reference relevant data, information, and analyses only to the extent necessary to permit independent evaluation and comparative appraisal of the environmental effects of the proposed action and its reasonable alternatives. EIS's shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and shall focus on the major environmental issues relevant to the proposed action. Underlying studies, reports and other information used in preparing the EIS shall be identified. Highly technical and specialized analyses and data should be avoided in the text, but should be attached as appendices or referenced with footnotes. Where documents not easily accessible are referenced, such as internal studies or reports, the EIS shall summarize the relevant information and indicate how the document may be obtained.

(b) The EIS shall discuss or refer to responsible opinions regarding the environmental impacts of the proposed action. Substantive suggestions and comments made by other Federal, State, and local agencies and by private organizations and individuals prior to preparation of the environmental impact statement (draft or final) shall be identified and analyzed in appropriate sections of the statement.

(c) EIS's shall contain, to the extent appropriate, the following information in a format most useful to planning and decisionmaking:

(1) *Summary.* The salient information and factual conclusions of the EIS shall be summarized at the beginning of the document. The summary shall include any unresolved environmental issues and factual conclusions concerning the significance of the impacts associated with the proposed action, and the relative merits of alternatives.

(2) *Description of proposed action.* The proposed action and the objectives sought to be realized by its implementation shall be briefly described. Among factors to be considered are the location and duration of the proposed action; historical information necessary to place the proposed action in proper perspective; its relationship to other projects or programs of the Federal Government; and the overall physical description, if appropriate. The environmental controls and other mitigating measures, including plans for site restoration, that are designed into the proposed action shall also be described.

(3) *A characterization of the existing environment likely to be affected by the proposed action.* A brief overview of the environment likely to be affected by the proposed action, including natural, physical, and socioeconomic features, shall be provided as a baseline for analysis of environmental impacts. Detailed descriptions of the existing environment should either be included in an appendix to the statement or referenced in the text, when necessary for a thorough understanding of the environmental impacts of a proposed action.

(4) *Environmental impacts of the proposed action.* The probable environmental impacts of the proposed action, including the effects of proposed mitigating measures, shall be analyzed. The analysis shall describe those effects on the natural, physical, and socioeconomic environment, beneficial as well as adverse, which could be caused by the proposed action, evaluate the magnitude and importance of each such effect, and identify the time periods in which these effects are anticipated. Any unknown factors concerning the probable environmental impacts shall be identified. The probable primary (direct) as well as secondary (indirect) environmental consequences shall be assessed. For purposes of this subparagraph, "secondary" consequences refer to associated investments and changed patterns of social and economic activities likely to be induced by the proposed action. The extent to which the proposal will conform to or conflict with any Federal, State, or local statutes, regulations, standards, limitations, and policies respecting environmental quality (air and water quality, wastes, pesticides, land use, etc.) shall be discussed. The risks of environmental degradation attributable to accidental as well as normal operations associated with the proposed action shall be assessed, to the extent practicable, in terms of probability of occurrence and magnitude of consequences.

(5) *Unavoidable adverse environmental effects.* Adverse environmental effects that cannot be avoided should the proposed action be implemented, and the magnitude and importance of such effects, shall be discussed.

(6) *Irreversible and irretrievable commitment of resources.* The extent to which the proposed action would consume, destroy, or transform limited or nonrenewable resources, thus curtailing the diversity and range of potential uses of the environment, shall be discussed.

(7) *The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.* The extent to which the proposed action would constrain the diversity and range of potential uses of the environment shall be discussed. The cumulative and long-term environmental effects of the proposed action shall be assessed from the perspective that each generation is trustee of the environment for succeeding generations. This involves consideration of the present condition and use of the site of the proposed action, its use if the proposed action is implemented, and the long-term prospects for other uses. An assessment should be made of the extent to which the proposed action involves trade-offs between short-term gains and long-term losses, or the reverse, and the extent to which the proposed action and its alternatives foreclose future options.

(8) *Alternatives.* A rigorous exploration and factual evaluation of the environmental impacts of the full range of reasonable alternatives to the proposed action shall be presented. In particular, reasonable alternatives to the proposed action that might be formulated to enhance environmental quality or to avoid or mitigate adverse environmental effects shall be discussed. The specific alternative of taking no action shall always be evaluated. Examples of other potential alternatives include: postponing action pending further study; actions of a significantly different nature which would provide similar benefits with different environmental impacts; and different designs or details of the proposed action which would have different environmental impacts. A comparative evaluation of the environmental impacts of the proposed action and each reasonable alternative shall be included. Where an existing EIS already contains an analysis of an alternative(s), its treatment of the alternative(s) may be summarized and incorporated by reference: *Provided,* That such treatment is current and relevant to the precise objective of the proposed action. The range of alternatives discussed in an EIS shall not be limited to measures which DOE has authority to implement. However, the level of discussion for an alternative the implementation of which lies wholly within the private sphere, or State or local units of government, and which is expected to remain within the jurisdiction of those entities, shall be at DOE's discretion. A more detailed analysis may be made of the environmental impact of alternatives that can be implemented within the same time period as the proposed action than for those alternatives which require longer periods of time for completion.

### Subpart E—Coordination of Other Federal Environmental Consultation Requirements

**§ 1021.51 Additional Federal Environmental Review Requirements.**

In order to expedite and improve the Federal decisionmaking process, DOE shall, to the extent practicable coordinate other requisite Federal environmental reviews in conjunction with the NEPA procedures set forth in this part. DOE shall establish procedures, where appropriate, to accomplish these reviews pursuant to: Section 13 of the Federal Nonnuclear Research and Development Act of 1974, 42 U.S.C. 5901; the National Historic Preservation Act of 1966, 16 U.S.C. 470; the Endangered Species Act of 1973, 16 U.S.C. 1531; the Wild and Scenic Rivers Act or 1972, 16 U.S.C. 1271; the Coastal Zone Management Act of 1972, 16 U.S.C. 1451; the Fish and Wildlife Coordination Act, 16 U.S.C. 661; the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431, 33 U.S.C. 1401; the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901; and other Acts as deemed appropriate. Requests for consultation and results of such consultation shall be documented in writing and shall, where practicable, be incorporated in the draft or final EIS. In all cases where consultation has occurred, the agencies consulted shall receive copies of either the Notice of Intent and EIS or Negative Determination and EA prepared on the proposed action.

### Subpart F—Applicant Procedures

**§ 1021.61 Applicant Responsibilities.**

(a) With respect to major categories of actions involving applicants for a DOE permit, certificate, license, financial assistance, contract award, or similar action, DOE may require the applicant to submit an environmental report (ER) on the proposed undertaking. Prior to the preparation of an ER, the applicant should consult with DOE to determine the appropriate information to be included in the ER. In general, an ER shall contain the types of information required for an EA or EIS, as specified in § 1021.12 and § 1021.41, respectively. The level of detail of the ER shall be commensurate with the complexity and expected significance of the environmental impacts of the proposed undertaking. An ER shall be accurate and complete, although DOE may request additional data and analyses whenever these are necessary to comply with the requirements of this part.

(b) In carrying out their environmental responsibilities, DOE expects applicants to: (1) Conduct any studies which are deemed necessary and appropriate by DOE to determine the impact of the proposed action on the human environment; (2) consult with appropriate Federal, regional, State and local agencies during the preliminary planning stages of the proposed undertaking to assure that all environmental factors are identified; (3) submit applications for all Federal approvals as early as possible in their planning process; (4) notify DOE of all other Federal actions required for project completion in order that DOE may coordinate the Federal environmental review, if appropriate; and (5) take no steps in furtherance of an undertaking for which they are seeking DOE approval which may cause significant environmental impacts, or which may foreclose the alternative actions available to DOE, prior to completion of the EA/EIS process.

**§ 1021.62 DOE Responsibilities.**

(a) DOE shall provide either generic or case-by-case guidance to applicants regarding the need for and the appropriate scope and depth of analysis of an ER, commensurate with the anticipated EA and EIS requirements.

(b) Notwithstanding the applicant's responsibilities under § 1021.61, DOE shall independently verify, to the extent feasible and appropriate, any information or analysis in the ER which is used or relied upon in an EA or EIS prepared with respect to the proposed action. DOE shall review the methodologies employed in the ER and shall independently evaluate the environmental impacts of the proposed action and all reasonable alternatives. Utilizing the ER and other pertinent data and analyses, DOE shall independently determine, in accordance with § 1021.11 and § 1021.21, whether the proposed action requires the prepartation of an EA or an EIS. If required, DOE shall independently prepare the EA or EIS in accordance with this part, utilizing the ER and other information developed by DOE, as appropriate. DOE may incorporate all or part of an ER into its EA or EIS.

**§ 1021.63 Content of Environmental Reports.**

(a) For all functions transferred to DOE under the Natural Gas Act, an ER prepared in support of the preparation of an EIS shall contain the information specified in Appendix B of this part. An ER prepared in support of the preparation of an EA shall contain, in abbreviated form, the information specified in Paragraphs 1, 2, 3, 4, 8 and 9 of Appendix B.

(b) This subpart may be amended to provide further guidance for specific DOE programs.

APPENDIX A—SUMMARY SHEET FOR DRAFT AND FINAL STATEMENTS

(check one) ( ) Draft. ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Name, address and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Brief description of proposed action, its type (administrative or legislative) and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

2. Summary of environmental impacts and adverse environmental effects.

3. Summary of major alternatives considered.

4. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

5. Date draft statement (and final environmental statement, if one has been issued) made available to EPA and the public.

APPENDIX B—CONTENTS OF ENVIRONMENTAL REPORTS PREPARED FOR APPLICATIONS UNDER THE NATURAL GAS ACT

1. *Description of proposed undertaking.* Provide as an introductory paragraph, a brief discription of the undertaking under application. Then describe fully its:

1.1 *Purpose.* Describe the primary purpose of the proposed facilities (onshore/offshore pipelines, LNG, gas storage fields, SNG, and others) and how the proposed undertaking fits into Federal, regional, State, and local energy demand and supply requirements.

1.2 *Location.* Identify site(s) including all existing natural gas and other power and product pipelines in the general vicinity of the proposed undertaking; locate with respect to State boundaries, counties and major cities; and illustrate with a suitable general location map(s).

1.3 *Land requirements.* Indicate the length and width and location of all existing, joint, or new right-of-way required by the proposed undertaking; identify the size of each proposed plant and/or operational site; designate what portion of the land at the operation site which will remain unaffected by construction and operation; and identify auxiliary construction activities on adjacent land.

1.4 *Proposed facilities.*

1.4.1 *Plant/operational facilities.* Identify all plant and/or operation units to be constructed, such as compressors, unloading and storage facilities, liquefaction/gasification facilities. Provide plan, elevation, and perspective views of all plant facilities.

1.4.2 *Pipeline facilities.* Describe the length and size of all transmission, lateral, looping, and gathering pipelines to be constructed.

1.5 *Construction procedures.* Describe procedures to be taken prior to or during construction of the proposed undertaking such as the relocation of homes and commercial or industrial facilities, clearing, surveying, land acquisition, and environmental planning. Discuss the methods of pipeline construction which would be used (such as the push method, flotation method, lay method, and barge laying method). Provide a schedule of construction of major facilities and how this will meet future energy needs and avoid such limiting factors as floods, ground slides, or severe climatic conditions. Include schedules for needed relocations or development of transportation and other public use facilities and methods of maintaining service during these activities. Indicate the source of the work forces, numbers involved, and their housing needs in the area.

1.6 *Operational and maintenance procedures.* Describe fully the technical and operational considerations of the proposed undertaking, including details of the process, catalyst involved, design, mass, heat and energy balances, flow diagrams, water purification treatment and facilities, waste product disposal facilities, and days and hours of operation. Describe maintenance under normal conditions; include types of expected maintenance, anticipated maintenance problems, and how system or area needs will be met during shutdown for maintenance. Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.).

1.7 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed undertaking.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed undertaking; include a discussion of such pertinent topics as:

2.1 *Land features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and aviation traffic patterns; locate transmission facilities on or near the lands affected by the proposed undertaking and their placement (underground, surface, or overhead).

2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed undertaking. Include U.S. Geological Survey Topographic Maps, aerial photographs, and other such graphic material.

2.1.3 *Soils.* Describe the physical and chemical characteristics of the soils. Sufficient detail should be given to allow interpretation of the nature of and fertility of the soil and stability of slopes.

2.1.4 *Geological hazards.* Indicate the probability of occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed undertaking.

2.2.1 *Species.* List in general categories by common and scientific names, the plant and wildlife species found in the area of the proposed undertaking and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed undertaking. Provide an estimate of the population densities of major species. If data are not available for the immediate area of the proposed undertaking, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed undertaking. Describe any areas of critical environmental concern, e.g., wetlands and estuaries. Summarize findings of any studies conducted thereon.

2.3 *Socioeconomic considerations.* If the undertaking could have a significant socioeconomic effect on the local area, discuss the socioeconomic future, including population and industrial growth, of the area without the implementation of the proposed undertaking; describe the economic development in the vicinity of the proposed undertaking, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed undertaking to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, farms, businesses, and industries that will be directly affected and those requiring relocation if the proposed undertaking occurs.

2.4 *Air and water environments.* Describe the prevailing climate and the quality of the air (including noise) and water environments of the area. Estimate the quality and availability of surface water resources in the proposed undertaking area.

2.4.1 *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed undertaking; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, icing, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed undertaking and discuss drainage basins, physical and chemical characteristics, water-use, water supplies, and circulation. Describe the groundwater situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 *Air, noise, and water quality monitoring.* Provide data on the existing quality of the air and water, indicate the distance(s) from the proposed undertaking site to monitoring stations and the mean and maximum audible noise and radio interference levels at the site boundaries.

2.5 *Unique features.* Describe unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. *Environmental impact of the proposed undertaking.* Describe all known or expected environmental effects and changes, both beneficial and adverse, which will take place should the undertaking be carried out. Include the impacts caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct, and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed undertaking.[1]

[1] *Changes in the environment throughout the sphere of influence of proposed undertaking.* Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed undertaking would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) The impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent departure must be considered.

3.1 *Construction.*

3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restriction on land use due to construction activities. State the effect of construction-related activities upon local traffic patterns, including roads, highways, ship channels, and aviation patterns.

3.1.2 *Species and ecosystems.* Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and any potential loss of an endangered species.

3.1.3 *Socioeconomic considerations.* Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the undertaking on the human environment, such as benefits resulting from the services and products, and other results of the undertaking (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies and recreational facilities).

3.1.4 *Air, noise and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

3.2 *Operation and maintenance.*

3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed undertaking, including mineral and water resources. State the effect of operation-related activities upon local traffic patterns including roads, highways, ship channels, and aviation patterns, and the possible need for new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animal species having economic or esthetic value to man that would be affected by the undertaking; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and describe any ecosystem imbalances that would be caused by the undertaking and the possibility of major alteration to an ecosystem or the loss of an endangered species. Assess any effects of this undertaking which would be cumulative to those of other similar undertakings or actions.





3.2.3 *Socioeconomic considerations.* Discuss the impact of operation upon local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the undertaking on the human environment, such as benefits resulting from the services and products, and other results of the undertaking (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies and recreational facilities).

3.2.4 *Air, noise and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.2.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

4. *Alternatives.* Describe alternatives to the proposed undertaking, including:

4.1 *Alternative sites.* Describe alternative sites considered and the reasons for their rejection.

4.2 *Alternative facilities.* Describe alternative facilities considered and the reasons for their rejection.

4.3 *Alternative methods.* Describe alternative methods considered and the reasons for their rejection.

4.4 *Alternative routes.* Describe alternative routes considered and the reasons for their rejection.

4.5 *Alternative timing.* Describe alternative timing considered and the reasons for their rejection.

4.6 *No action.* Describe the consequences of not undertaking the proposed action.

5. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Describe the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.

6. *Irreversible and irretrievable commitments of resources.* Describe any irreversible and irretrievable commitments of resources which would be involved in the proposed undertaking should it be implemented.

7. *Mitigation measures proposed to be implemented.* Describe measures proposed to be implemented to minimize adverse impacts during construction and operational phases. Describe proposed measures to be implemented to minimize adverse impacts during abandonment of facilities.

8. *Consultation and coordination with others.* Describe consultation and coordination with others, including:

8.1 *Permits.* Identify all necessary Federal, State, and local permits and approvals required for the proposed undertaking. Indicate the issuing agency, the status of each permit or approval, and the schedule for obtaining it.

8.2 *Consultation.* Describe consultation with Federal, State, and local agencies concerning environmental issues associated with the proposed undertaking. Indicate the status of any unresolved issues.

9. *Applicable Federal, State, and local environmental requirements.* Describe Federal, State, and local environmental requirements applicable to the proposed undertaking, including:

9.1 *Permits.* Identify all necessary Federal, State, and local permits and approvals required for the proposed undertaking. Indicate the issuing agency, the status of each permit or approval, and the schedule for obtaining it.





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3.2.3 *Socioeconomic considerations.* Discuss the effect on the local socioeconomic development in relation to labor, housing, and population growth trends, relocation, local industry and industrial growth, and public service. Describe the beneficial effects, both direct and indirect, of the undertaking on the human environment such as economic benefits resulting from the services and products, energy, and other results of the undertaking (include tax benefits to local and State governments, growth in local tax base from new business and housing development, and payrolls). Describe impacts on human elements, including any need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air, noise, and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise levels due to noises related to the undertaking. Assess the impact on present water quality, including sedimentation, due to cooling or heating system discharges, process effluents, sanitary and waste effluents, water use for hydrostatic testing, and water use for other operational units.

3.2.5 *Solid wastes.* Describe any impacts from accumulation of solid wastes and by-products that will be produced.

3.2.6 *Use of resources.* Quantify the resources necessary for operational processes; that is, water (human needs and processes); energy requirements, raw products, and specialized needs. Assess the impact of obtaining and using these resources.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of way and hydrostatic testing and shutdowns. Discuss the potential impact of major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Describe any impacts resulting from accidents, natural catastrophes, and acts of sabotage which might occur, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Discuss the impact on land use and aesthetics of the termination and/or abandonment of facilities resulting from the proposed undertaking.

4. *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which can reasonably be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed undertaking, as described under Section 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, environmental tradeoffs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-operation monitoring of environmental impacts of the proposed undertaking. Include programs for monitoring changes in operational phases. Describe proposed measures for detecting and modifying noise levels, monitoring air and water quality, inventorying key species in food chains, and detecting induced changes in the weather. Describe measures, including equipment, training procedures, and vector[1] control measures, that can reasonably be taken for protecting the health and welfare of workers and the public at the undertaking site during construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid and liquid waste disposal facilities for workers and the public during construction and operation. Discuss measures that can reasonably be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent environmental impacts and plans for implementation of changes whenever necessary to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures that can reasonably be taken to restore and enhance the environment including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values; describe measures to facilitiate animal migrations and movements and to protect their life processes; describe programs for landscaping and horticultural practices; discuss programs to assist displaced families and businesses in their relocations; and describe provisions for public access to, and use of, lands and waters in the area of the proposed action.

5. *Unavoidable adverse environmental effects.* Discuss all adverse environmental effects which cannot be avoided by measures outlined in section 4 above.

5.1 *Human resources impacted.* Indicate those human resources and values which will sustain unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on the displacement of people by the proposed undertaking and its local, economic, and aesthetic implications; on human health and safety; and on aesthetic and cultural values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

5.2 *Uses preempted and unavoidable changes.* Discuss all unavoidable environmental impacts on the land and its present use caused by inundation, clearing, excavation and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and manmade facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.3 *Loss of environmental quality.* Discuss any unavoidable adverse changes in the air, including dust and emissions to the air, and noise levels; impacts resulting from solid wastes and their disposal; effects on the water resources of the area.

6. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-term use of the environment, with and without the proposed undertaking, and the long-term consequences of the proposed undertaking.[2] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed undertaking benefit to man, land use, alterations to the ecosystems, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long term effects which may be caused by the proposed undertaking in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7. *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed undertaking.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibility of eliminating any endangered species or the loss or alteration of an ecosystem.

7.3 *Socioeconomic considerations.* Discuss probable indirect actions or undertakings (e.g., new highway systems or wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed undertaking that would likely be triggered and would irrevocably commit other resources. Identify the destruction of any historical, archeological, or scenic areas.

7.4 *Resources lost or uses preempted.* Analyze the extent to which the proposed undertaking would curtail the range of beneficial uses of the environment. Determine whether, considering presently known technology, the proposed use of resources or any resource extraction method would contaminate other associated resources or foreclose their usage.

7.5 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed undertaking, such as fossil fuels and construction materials.

8. *Alternatives to the proposed undertaking.* Discuss the range of alternataive sites, facility designs, processes and/or operations that were considered in arriving at the proposed undertaking and the environmental impacts of each such alternative.

9. *Permits and compliance with other regulations and codes.*

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[1] Carriers (e.g., ticks, mosquitoes, and rodents) of diseases.

[2] Duration of impacts: Short-term impacts and benefits generally are those which occur during the development and operation of an undertaking. Long-term productivity relates to an effect that remains many years (sometimes permanently), after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.





9.1 *Permits.* Identify all necessary Federal, regional, State and local permits, licenses and certificates needed before the proposed undertaking can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, inluding zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and of any approvals received.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed undertaking. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Describe any specific procedures to steps that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed undertaking.

9.3.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2 *Procedures to be followed.* Explain the specific procedures or steps that will be taken to assure compliance with each such regulation and code.

9.4 *Special cases.*

9.4.1 *Liquefied natural gas facilities.* Provide detailed design specifications for all facilities to be used for the liquefaction, transport, storage, and regasification of liquefied natural gas. Provide information on the flammability and flame resistance of all tank lining and insulation materials. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and any revisions thereto including the Department of Transportation regulations issued by the Office of Pipeline Safety as amendment 192-10 (liquified natural gas systems) to Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards" and by the U.S. Coast Guard as 33 CFR 6.14-1 (safety measures for waterfront facilities and vessels in port), 33 CFR 124.14 (notice in advance of arrival of a vessel laden with a dangerous cargo), 33 CFR Part 126 (permits for handling of dangerous cargoes within or contiguous to waterfront facilities), and 46 CFR Subchapter D (regulations governing tank vessels). Describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

9.4.2 *Ancillary facilities.* Provide detailed design specifications for all ancillary facilities, owned and operated either by the applicant or other parties, which will be constructed or operated in relation to the proposed undertaking, such as processing plants and docking facilities. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

10. *Source of information.*

10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings. Include a description of the manner in which the public was informed of the time and place of the hearings. Fully discuss efforts made for seeking constructive inputs from affected people and how their concerns were accommodated.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meetings.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *Bibliography.* Provide a bibliography of the books, other publications, reports, documents, maps, and aerial photographs consulted for background information, including county land use and other planning reports. Indicate by some method, as by asterisks or numbers, those bibliographic references specifically cited in the environmental report.

10.3 *Provide copies of supportive reports.* Supply at least a single copy of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

[FR Doc. 78-4524 Filed 2-17-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE SYSTEM

[12 CFR Chapter II]

## COMPTROLLER OF THE CURRENCY

[12 CFR Chapter I]

## FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Chapter III]

## FEDERAL HOME LOAN BANK BOARD

[12 CFR Chapter V]

[FRB Docket No. R-0139]

### COMMUNITY REINVESTMENT ACT OF 1977

#### Regional Hearings

AGENCY: Federal Reserve Board, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board.

ACTION: Notice of regional hearings.

SUMMARY: The Community Reinvestment Act of 1977 (the "CRA") requires each appropriate Federal financial supervisory agency to use its authority when examining financial institutions, to encourage such institutions to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of such institutions. The financial supervisory agencies announced, in a notice published in the FEDERAL REGISTER on January 25, 1978, a joint hearing to be held in Washington on March 15 and 16, 1978, to aid the agencies in the preparation of regulations prescribed by the CRA. This document announces the dates and addresses of additional regional hearings for the same purpose.

DATES AND ADDRESSES:

Hearing: March 20, 1978, 10 a.m.: Auditorium, Federal Reserve Bank of Boston, Boston, Mass.: Federal Deposit Insurance Corporation presiding.

Hearing: March 23, 1978, 10 a.m.: American Room, Peachtree Plaza Hotel, Atlanta, Ga.: Federal Reserve System presiding.

Hearing: March 27, 1978, 10 a.m.: Conference Room C, Fifth Floor, Federal Reserve Bank of Dallas, Dallas, Tex.: Federal Deposit Insurance Corporation presiding.

Hearing: April 5 and 6, 1978, 10 a.m.: Conference Room, Fifth Floor, Federal Reserve Bank of Chicago, Chicago, Ill. Comptroller of the Currency presiding.

Hearing: April 12 and 13, 1978, 10 a.m.: Ceremonial Courtroom, Federal Building, 450 Golden Gate Avenue, San Franciso, Calif.: Federal Home Loan Bank Board presiding.

Comments: Due on or before March 8, 1978: Send to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.





Traffic Division, Docket No. 77-PC-3,



095°M/106°T and Maui 186°M/197°T

The official docket may be examined

§ 71.181 [Amended]

FOR FURTHER INFORMATION CONTACT:

Robert J. Lawrence, Deputy Staff Director for Management, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3766.

SUPPLEMENTARY INFORMATION: On October 12, 1977, the President signed into law the Housing and Community Development Act of 1977 (Pub. L. 95-128). Title VIII of that Act is the Community Reinvestment Act of 1977 ("the CRA"). The CRA requires that, in connection with its examination of a financial institution within its jurisdiction, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") shall assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution, and that the appropriate agency take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger, or acquisition of bank or savings institution shares. Pursuant to the authority contained in section 806 of the CRA, the Agencies will prescribe regulations to carry out the purposes of the CRA to take effect no later than November 6, 1978.

The four Agencies announced, in a notice published in the FEDERAL REGISTER on January 25, 1978, a hearing to be held in Washington, D.C. on March 15 and 16, 1978. The Agencies also announced their intention to hold regional hearings with dates and times to be announced.

On behalf of the four Agencies notice is hereby given that regional hearings will be held as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

March 20, 1978, at 10 a.m. in the Auditorium of the Federal Reserve Bank of Boston, Boston, Mass.

FEDERAL RESERVE BOARD

March 23, 1978, at 10 a.m. in the American Room at the Peachtree Plaza Hotel, Atlanta, Ga.

FEDERAL DEPOSIT INSURANCE CORPORATION

March 27, 1978, at 10 a.m. in Conference Room C, Fifth Floor, Federal Reserve Bank of Dallas, Dallas, Tex.

COMPTROLLER OF THE CURRENCY

April 5 and 6, 1978, at 10 a.m. in the Conference Room, Fifth Floor, Federal Reserve Bank of Chicago, Chicago, Ill.

FEDERAL HOME LOAN BANK BOARD

April 12 and 13, 1978, 10 a.m. in the Ceremonial Courtroom, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif.

Interested persons are invited to submit written comments regardless of whether they intend to participate in the hearing. Any person desiring to submit written comments, give testimony, present evidence, or otherwise participate in the proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 8, 1978, four copies of their written comments or a written request containing a statement of the nature of the petitioner's interest in the proceedings, the city in which petition wishes to testify, the length of time requested for oral presentation, a summary of the matters concerning which the petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Copies of all written submissions will be distributed by the Board of Governors to each of the other Agencies and will be made available for public inspection and copying upon request in accordance with the Agencies' respective rules regarding availability of information. All material submitted should refer to Docket No. R-0139.

To aid persons in preparing written comments and testimony, the announcement in the FEDERAL REGISTER on January 25, 1978, included the text of the CRA followed by questions that the agencies are expecially interested in having addressed in written and oral submissions. Persons wishing to testify, or submit comments are requested to refer to the earlier announcement.

THEODORE E. ALLISON,
*Secretary of the Board.*

FEBRUARY 14, 1978.

[FR Doc. 78-4519 Filed 2-17-78; 8:45 am]

[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-PC-3]

### Proposed Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter a VOR federal airway identified as V-17 in the State of Hawaii. This proposed action would reduce the amount of chart clutter south of the Island of Maui.

DATES: Comments must be received on or before April 17, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 77-PC-3, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

#### COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before April 17, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

#### AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

#### THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Hawaiian VOR federal airway V-17 in the State of Hawaii. The proposed action would amend V-17 by realigning V-17 by four degrees from over Maui, Hawaii, to Harpo Intersection via the Maui 186°M/197°T radial to the Intersection to Lanai 095°M/106°T and Maui 186°M/197°T radials. Consequently, the Intersections of Merlo and Makoi would be cancelled if this proposed action is adopted. The purpose of the proposed action is to facilitate the reading and publication of charts by reducing the amount of chart clutter.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

#### THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 343) as follows:

In § 71.127 V-17 "118° and Maui, Hawaii, 201°" would be deleted and "106° and Maui, Hawaii, 197°" would be substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 10, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 78-4390 Filed 2-17-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ANW-2]

### Proposed Alteration of Transition Area[1]

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Twin Falls, Idaho 1,200 foot transition area. The proposal is necessary to provide controlled airspace for a standard instrument approach procedure.

DATES: Comments must be received on or before March 30, 1978

ADDRESSES: Send comments on the proposal, in triplicate, to: Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108.

[1] Map filed is part of original.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist, Operations, Procedures and Airspace Branch (ANW-533), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108; telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

#### COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 30, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the official docket for examination by interested persons.

#### AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108, or by calling 206-767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

#### THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1,200 foot transition area at Twin Falls, Idaho. The present 1,200 foot transition area was found to be inadequate to contain the planned VOR/DME RWY 7 standard instrument approach to Twin Falls City-County Airport. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

TWIN FALLS, IDAHO

By amending the fourth and fifth line of the description as follows:

"• • • of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 16.5 mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 121° radial to the VORTAC 311° radial; within • • •"

#### DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Air Traffic Division, and Richard Salwen, Acting Regional Counsel, Northwest Region, Federal Aviation Administration.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on February 8, 1978.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

C. B. WALK, JR.
*Director, Northwest Region.*

[FR Doc. 78-4391 Filed 2-17-78; 8:45 am]

[4830-01]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[26 CFR Part 1]

[LR-2-78]

### INCOME TAX

### Requirements Relating to Certain Exchanges Involving a Foreign Corporation.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of Time for Comments and Requests for a Public Hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking with respect to Requirements Relating to Certain Exchanges Involving a Foreign Corporation. The extended deadline for submission of comments and requests for a public hearing is May 1, 1978.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 1, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Atten-





tion: CC:LR:T (LR-2-78), Washington, D.C. 20224

CC:LR:T, 202-566-3740, not a toll-free call

sioner of Internal Revenue, Attention: CC:LR:T (LR-2-78), Washington, D.C.



notices

tion: CC:LR:T (LR-2-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Katherine A. Newell of the Legislation and Regulations Division, Office of Chief Counsel, Internal revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. CC:LR:T, 202-566-3740, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the FEDERAL REGISTER for Friday, December 30, 1977 (42 FR 65152 and 65204), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-2-78), Washington, D.C. 20224, by February 28, 1978. The date by which such comments or requests must be delivered or mailed is hereby extended to May 1, 1978.

ROBERT A. BLEY,
*Director, Legislation and Regulations division.*

[FR Doc. 78-4557 Filed 2-15-78; 8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[4310-10]

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Public Information Meeting

Notice is hereby given in accordance with § 800.5(c) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 16, 1978, at 7:30 p.m. a public information meeting will be held at the Newport Junior High School, Fourth and Monmuth Streets, Newport, Ky. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views on the proposed Fifth Street Bridge and Approaches over the Licking River [U-320(9)], an undertaking assisted by the Federal Highway Administration, that will adversely affect the Johnathan David Hearne House, 500 Garrard Street, Covington, Ky., and the Licking Riverside and Ohio Riverside Historic Districts, also in Covington, properties included in the National Register of Historic Places.

The following is a summary of the agenda of the public information meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the Federal Highway Administration and the Kentucky Department of Transportation.

III. A statement by the Kentucky State Historic Preservation Officer.

IV. Statements from local officials, private organizations and the public on the effects of the undertaking on the property/properties.

V. A general question period.

Speakers should limit their statement to 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Suite No. 430, 1522 K Street NW., Washington, D.C. 20005, 254-3967.

ROBERT M. UTLEY,
*Deputy Executive Director.*

[FR Doc. 78-4469 Filed 2-17-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 30332, 30777; Agreement CAB 27141-27143; R-1 and R-2; Order 78-2-63]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Cargo Rates, Passenger Fares, and Currency Matters

Issued under delegated authority February 13, 1978.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote.

Agreements CAB 27141 and CAB 27142 would amend the IATA resolutions governing currency conversion rates of exchange and the rounding-off of fares and rates involving transportation to/from Reunion Island, in view of the fact that the French franc has replaced the African franc as that area's currency. Agreement CAB 27143 would increase add-on fare levels used to construct South Atlantic through fares to/from interior points in France, to reflect recent increases in French domestic fares.

We will approve the agreements, which involve fares and rates to/from U.S. points and fares which are combinable with fares to/from U.S. points, and thus have application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27141: | | | |
| R-1 | 021b | Rates of Exchange (Amending) | 1;2;3. |
| R-2 | 023a | Rounding-Off Passenger Fares (Amending) | 1;2;3;1/2;2/3;3/1;1/2/3. |
| 27142 | 023b | Rounding-Off Cargo Rates (Amending) | 1,2;3;1/2;2/3;3/1,1/2/3. |

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 27143: | | | |
| R-1 | 054c | South Atlantic Normal First-Class Fares 1/2. (Amending). | |
| R-2 | 064c | South Atlantic Economy-Class Fares 1/2. (Amending). | |

Accordingly, *It is ordered*, That:

Agreements CAB 27141, R-1 and R-2, CAB 27142, and CAB 27143, R-1 and R-2, be approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4551 Filed 2-17-78; 8:45 am]





[6320-01]



periencing continuing problems with tionally answers in support of the other forms of favoritism by not er the provisions set forth in appendix [3810-70]

[6320-01]

[Docket No. 32118; Order 78-2-70]

## PAN AMERICAN WORLD AIRWAYS, INC.

### Order of Suspension and Investigation Regarding Increased Excess Baggage Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of February 1978.

By tariff revisions[1] filed on December 23, 1977, and marked to become effective on March 3, 1978, Pan American World Airways, Inc. (Pan American) proposes to modify excess baggage charges in domestic and overseas markets. Over and above the two bags carried free, Pan American proposes to limit the number of pieces of excess baggage acceptable at currently effective charges to two pieces and to increase the charges for more than four pieces. For example, the following table shows a comparision of charges for the New York-Washington and Los Angeles-Guam markets.

| Market | Excess baggage charges (per piece) | |
|---|---|---|
| | Present | Proposed |
| New York-Washington: | | |
| 2 bags | Free | Free |
| 2 bags at | $6 | $6 |
| Additional bags at | 6 | 20 |
| Oversized pieces at | 6 | 20 |
| Los Angeles-Guam: | | |
| 2 bags | Free | Free |
| 2 bags at | 10 | 10 |
| Additional bags at | 10 | 170 |
| Oversized pieces at | 10 | 170 |

In effect travellers will be permitted the current free baggage allowance plus two pieces of excess baggage at currently applicable charges as at present.[2] Additional pieces of baggage will be assessed charges ranging between 300 and over 1,500 percent above the current excess baggage charges.

In support of the proposal, Pan American asserts that it has been experiencing continuing problems with the volume of excess baggage that passengers have presented at check-in time and, because of aircraft volume and weight restraints, it has been unable to board all the baggage tendered; the proposal is a relatively unrestrictive response made essential by some passengers abusing excess baggage privileges by tendering 20, 30, or more pieces, which preclude other passengers or freight shippers from using Pan American's service; the movement of large numbers of pieces at rates considerably below regular freight charges gives the tenderer an unfair preference over other shippers and dilutes the economic support for the operation; for the months of September and October and for the first three weeks of November, 1977, 493 bags were not loaded on the same flight as the related passengers departing from New York; limiting the applicability of current excess baggage charges to only two excess pieces will only affect a small percentage of passengers; the increased charges are set to approximate the level of freight charges if the baggage were sent as cargo, assuming 35 kilograms per piece; the proposal is designed to discourage the tender of inordinate amounts of excess baggage, while not imposing a requirement that a passenger ship baggage as freight, a requirement that could create a need for both the passenger and the carrier to conform to specialized customs and other regulations related to international cargo shipments; the solution of tendering all excess baggage (beyond a specified number) as freight is too restrictive for international travel because customs clearance and other procedures are cumbersome and may involve delays; Pan American has not designed the rates to put couriers out of business; the costs of extraordinary amounts of excess baggage are best measured by the revenues lost by the displacement of freight traffic; to maintain simplicity and efficiency in passenger handling procedures, Pan American is proposing that essentially the same rules and regulations govern baggage allowances and assessment of excess charges throughout its system;[3] and the proposal would establish excess baggage rates at levels that will discourage the use of the baggage system to carry freight under the guise of personal baggage.

A complaint requesting suspension pending investigation of this proposal has been filed by the DHL Corp. (DHL), an air courier service. Additionally, answers in support of the complaint have been filed by the Government of Guam, the Air Courier Conference of America (ACCA), and another courier service, Purolator Sky Courier, Inc. (Purolator). These complaints allege, among other things, that: The proposal is designed to put courier companies out of business by raising excess baggage charges to exorbitant levels; the scheduled carriers are attempting to seize upon the experience of air couriers and eliminate competition through economic sanctions as evidenced by the magnitude of the increases; the direct carriers are trying to force courier companies out of business because many of these carriers will soon have unlimited cargo rights and want courier business for themselves; the fact that Western Air Lines, Inc., and United Air Lines, Inc., have instituted similar excess baggage restrictions indicates this proposal is in concert with the actions of others and constitutes an antitrust violation; the residents of Pago Pago and Guam have no alternative air service, so this proposal will inflict particular harm upon their residents and businesses; the carrier cites no cost data in support of its proposal; the 3-month study data is not relevant to passenger traffic and related baggage between the United States and Guam, and offers no support for the proposal in connection with Guam traffic; because passenger fares between Guam and United States are so high, tourists travelling between the two points remain for a substantial period, and the longer a person expects to be away from home, the more baggage must be taken along; the carrier should not be permitted to abuse its monopoly position in the United States-Guam market by forcing passengers to bear the proposed massive charges; contrary to expectations, the effect of such charges could be to dampen both tourism and business travel between United States and Guam; the proposed levels are too high because excess baggage is far less costly to process than freight—no storage, no waybill paperwork, no advertising, no sales commissions, no additional handling costs, and a passenger is paying a fare; the sole justification for these significant increases is a survey conducted at one terminal over an 11-week period and the results do not support a claim of significant inconvenience to the carrier or passengers; the justification submitted is inadequate in that it lacks data on costs and revenues as required by section 221.165 of the Board's economic regulations; and the carriers will be able to engage in rebating and other forms of favoritism by not charging for all excess baggage.[4]

The Board finds that Pan American's proposal may be unlawful and should be investigated. The Board further concludes that if should be suspended pending investigation.

It appears that the proposed increases, typically 300-400 percent but ranging to over 1,500 percent above currently applicable charges in certain overseas markets, could have a severe impact on passengers. The carrier makes no attempt to support the increases on the basis of costs of service. Pan American supports its proposal by a survey undertaken at one terminal for a consecutive period of 11 weeks. In our opinion, this survey alone does not support or justify such substantial increases at New York or throughout the carrier's system. It shows that about 493 bags did not accompany passengers during the period—an average of only 6.4 bags per day. Admittedly any baggage not loaded due to capacity constraints poses a problem; and we are aware that in certain markets very large amounts of goods are carried as excess baggage. Certainly, the Board can understand that something must be done in situations where 20, 30, or more pieces of excess baggage are tendered to the detriment of service for other baggage or freight. However, Pan American has not sufficiently justified this proposal. It submitted no evidence that the charges should be applied systemwide and that the problem cannot be localized; that the average excess bag weighs 35 kilograms (77 pounds);[5] or that the proposed charges are in any way cost-related. Therefore, we conclude that the proposal may be unlawful and should not be permitted to become effective.

The Board believes that a satisfactory resolution may be reached without a formal hearing. Consequently, Pan American may submit additional justification in this docket by February 24, and a conference will be held on March 3, 1978, between Board staff and the interested persons for the purpose of seeking a mutually satisfactory resolution of this problem.

Accordingly, pursuant to sections 204(a), 403, 404, and 1002 of the Federal Aviation Act of 1958:

*It is ordered*, That: 1. An investigation be instituted to determine whether the provisions set forth in appendix A and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions specified in appendix A are suspended and their use deferred to and including May 31, 1978, unless otherwise ordered by the Board, and that no changes be made in them during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted here, the complaint of DHL Corp. in Docket 31948 is dismissed;

4. A conference will convene in Room 1002N, 1875 Connecticut Avenue NW., Washington, D.C. 20428, on March 3, 1978, to explore the issues raised in this order. Pan American may submit additional justification in support of its proposal by February 24, 1978, to be filed in this docket and served upon all parties to Docket 32118. The conference will be presided over by a Board staff member who will report the results to the Board.

5. Copies of this order shall be filed in the applicable tariffs and served upon Pan American World Airways, Inc., DHL Corp., the Air Courier Conference of America, the Government of Guam, and Purolator Sky Courier, Inc., which are made parties to Docket 32118.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
*Secretary.*

APPENDIX A

TARIFF CAB NO. 142, ISSUED BY AIRLINE TARIFF PUBLISHING CO., AGENT

On 53rd Revised Page 148-D, the cancellation of PA provisions from Rule 340(B)(1).

On 54th, 55th, and 56th Revised Pages 148-D, the omission of PA provisions from Rule 340(B)(1).

On 28th Revised Page 164-C, the EXCEPTION to Rule 365(B)(2)(b) and the EXCEPTION to Rule 365(B)(5).

TARIFF CAB NO. 55, ISSUED BY AIR TARIFFS CORP., AGENT

On 14th Revised Page 44-B, the EXCEPTION to Rule No. 16(I)(1).

[FR Doc. 78-4552 Filed 2-17-78; 8:45 am]

[1] Revisions to Air Tariffs Corporation, Agent, C.A.B. No. 55, and Airline Tariff Publishing Company, Agent, C.A.B. No. 142. These tariffs were originally scheduled to become effective on February 6, 1978. Pan American requested and was granted until January 25 to file an answer to the complaint and postponed the effectiveness of its filing until March 3, 1978.

[2] A third bag is permitted free if it can be carried and stowed in the passenger compartment. Oversized pieces are charged at the same rate as excess baggage.

[3] Pan American proposes the same changes in international air transportation.

[4] The Board has also received letters of protest from businesses and other courier services complaining about the magnitude of Pan American's proposed increase and its severe impact upon their requirements or business services.

[5] Data in the *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*, Docket 26487, indicate an average weight per bag ranging from 26.9 to 30.3 pounds.

[6] All Members concurred.





[3810-70]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

### Notification of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held March 10, 1978, at the Pentagon, Washington, D.C. from 9 a.m. to 4 p.m., and, if necessary, on March 11, 1978, at the Hotel Washington, 15th and Pennsylvania Avenue, Washington, D.C. from 9 a.m. to 12 p.m. The sessions will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee on April 16-19, 1978. Composed of 25 civilians, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen and to encourage the acceptance of military service as a career opportunity.

Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members during the meeting; however, they will be permitted to reply to questions directed to them by members of the Committee. Questions from the public will not be accepted during the Executive Committee session.

Interested persons desiring to make oral presentations, submit written statements for consideration, attend the meeting or receive additional information must contact Lt. Col. Vivienne C. Sinclair, USAF, Executive Secretary to DACOWITS Secretariat, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, telephone 202-697-5656 no later than March 1, 1978.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 14, 1978.

[FR Doc. 78-4513 Filed 2-17-78; 8:45 am]

[3810-70]

### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

### Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a





closed meeting of a Panel of the DIA

[6740-02]



$1.1458 per Mw.-day to Con Edison

tric Service designated Federal Energy

service of top sheets in the captioned

Any person desiring to be heard or

closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows: Thursday, April 6, 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on ICBM Refire potential.

MAURICE W. ROCHE,
*Director Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 15, 1978.

[FR Doc. 78-4514 Filed 2-17-78; 8:45 am]

[1505-01]

## DEPARTMENT OF ENERGY

### OIL AND GAS PRODUCERS

### Inquiry on Financial Accounting Standards

*Correction*

In FR Doc. 78-1999 appearing at page 3302 in the issue for Tuesday, January 24, 1978, the headings incorrectly identified the document as having been issued by the Economic Regulatory Administration. The headings therefore should have read as set forth above.

[3128-01]

[Docket No. 77-001-LNG; CP74-160, CP74-207, CP75-83-3]

### PAC INDONESIA LNG CO. AND WESTERN LNG TERMINAL ASSOCIATES

### Order for Conference to Consider Applications for Rehearing

A conference will be held on February 22, 1978, at 9:30 a.m., in room 2105, 2000 M St. NW., Washington, D.C., to consider applications for rehearing filed in this case. Decisions on whether to grant rehearing on specific issues raised in the applications may be rendered at that time.

Dated: February 10, 1978.

DAVID J. BARDIN,
*Administrator, Economic Regulatory Administration.*

[FR Doc. 78-4749 Filed 2-17-78; 10:15 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RI76-129]

### BYRON OIL INDUSTRIES, INC.

### Certification of Settlement Agreement

FEBRUARY 8, 1978.

Take notice that on February 1, 1978, Presiding Administrative Law Judge Ellis certified to the Commission for its consideration a "Stipulation and Agreement in Settlement of Special Relief Proceeding," comprising a settlement of the special relief proceeding set for hearing by order issued December 27, 1976, in the above-referenced docket.

The settlement agreement provides that Byron Oil Industries, Inc. shall receive a total rate of $2.10 for all residue gas sold to Northern Natural Gas Co. (Northern) from all existing wells, and from any and all future wells, which may be drilled on Byron's acreage in Adams and Weld Counties, Colo., which is dedicated to the residue gas sales contract between Byron and Northern dated June 25, 1975. The agreement states that the $2.10 rate is based solely on Byron's out-of-pocket costs.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 23, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4501 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-201]

### CENTRAL HUDSON GAS & ELECTRIC CORP.

### Rate Filing

FEBRUARY 8, 1978.

Take notice that on February 1, 1978, Central Hudson Gas & Electric Corp. (Central Hudson) tendered for filing its development of actual costs for 1976 related to transmission service provided from the Roseton Generating Plant to Consolidated Edison Co. of New York, Inc. (Con Edison) and Niagara Mohawk Power Corp. (Niagara Mohawk) in accordance with the provisions of its Rate Schedule F.E.R.C. No. 42.

Central Hudson indicates that the actual cost for 1976 amounted to $1.1458 per Mw.-day to Con Edison and $3.6640 per Mw.-day to Niagara Mohawk and is the basis on which estimated changes for 1977 have been billed.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the regulations to permit charges to become effective January 1, 1977 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison, Niagara Mohawk and the State of New York Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 18 CFR 1.8, 1.10. All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4502 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER76-709]

### CINCINNATI GAS & ELECTRIC CO.

### Acceptance of Late-Filed Comments

FEBRUARY 3, 1978.

On February 1, 1978, Staff Counsel filed a motion for leave to file one day late comments on the revised tariff sheet filed by The Cincinnati Gas & Electric Co., on December 27, 1977, and noticed on January 11, 1978, in the captioned proceeding.

Upon consideration, notice is hereby given that the comments filed by Staff Counsel on February 1, 1978, are accepted.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4484 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-202]

### CONSUMERS POWER CO.

### Filing Schedule of Rates Governing Wholesale for Resale Electric Service

FEBRUARY 8, 1978.

Take notice that Consumers Power Co. (Consumers) on February 1, 1978, tendered for filing a Schedule of Rates Governing Wholesale for Resale Electric Service designated Federal Energy Regulatory Commission Electric Service Tariff Original Volume No. 1. Consumers states that the following wholesale customers in the State of Michigan are presently taking service on the Schedule of Rates: city of Eaton Rapids, city of Charlevoix, village of Union City, Edison Sault Electric Co., city of Harbor Springs, city of Marshall, city of Petoskey, village of Chelsea, city of Portland, city of St. Louis, city of Coldwater, Wolverine Electric Cooperative, Inc., city of Bay City, Southeastern Michigan Rural Electric Cooperative, Inc., Alpena Power Co., and Northern Michigan Electric Cooperative, Inc.

Consumers further states that the purpose of this filing is to revise each sheet in the Schedule of Rates to reflect the redesignation of the Federal Power Commission as to the Federal Energy Regulatory Commission, and to publish in the Company's standard tariff sheet format. Consumers indicates that an Original Sheet No. 210 has been added to provide a checklist of presently effective sheets in the Schedule of Rates. Consumers further indicates that First Revised Sheet No. 5.00 has been updated to reflect the sixteen customers presently taking service from the Company. According to Consumers, other than these changes, the content of this Schedule of Rates is textually identical to the Schedule of Rates presently on file with the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4503 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. RP78-12]

### EAST TENNESSEE NATURAL GAS CO.

### Extension of Time

FEBRUARY 13, 1978.

On January 31, 1978, Staff Counsel filed a motion to extend the date for service of top sheets in the captioned proceeding, as set by Commission Order issued November 30, 1977. The motion states that all parties to the proceeding have been contacted and none opposes the requested extension.

Upon consideration, notice is hereby given that the date for service of top sheets is extended to and including March 28, 1978. Pursuant to the November 30 Order, a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall convene a settlement conference in this proceeding within 10 days after the service of top sheets by the Staff.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4485 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. E-7740, E-9239, and ER76-716]

### INDIANA AND MICHIGAN ELECTRIC CO.

### Extension of Time

FEBRUARY 13, 1978.

On February 7, 1978, Staff Counsel filed a motion to extend the time for filing comments on the Agreement of Settlement and Compromise filed by Indiana and Michigan Electric Co. and Richmond Power and Light of the city of Richmond, Ind., on December 30, 1977, and noticed on January 19, 1978, in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 10, 1978, for filing comments on the proposed settlement.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4486 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-203]

### MONTAUP ELECTRIC CO.

### Proposed Tariff

FEBRUARY 8, 1978.

Take notice that Montaup Electric Co. (Montaup), on February 1, 1978, tendered for filing a service agreement providing for Montaup's transmission of a power purchase of the Middleborough (Massachusetts) Municipal Gas and Electric Department pursuant to Montaup's generally applicable transmission tariff.

Montaup requests an effective date of January 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Montaup copies of this filing were served upon the Middleborough Municipal Gas and Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4504 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-175]

### NATURAL GAS PIPELINE CO. OF AMERICA

### Application

FEBRUARY 8, 1978.

Take notice that on January 30, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-175 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of storage facilities to enable Applicant to increase its customer storage service by an additional 18,968 Mcf per day under new Rate Schedule LS-3, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that its storage reservoirs in Iowa and Illinois are sufficiently developed to permit expansion of operations thereof to provide the additional storage service. Consequently, Applicant proposes herein to expand its Cairo-Mount Simon Reservoir in Louisa County, Iowa, only.

Applicant states that it first offered the proposed new LS-3 storage service to all of its existing customers, allocating the daily volume among them prorata to their existing daily contract quantities under Applicant's Rate Schedule DMQ-1 and G-1, and that the volumes not accepted by the customers were then reoffered to those customers which did elect to participate in the LS-3 storage service. Applicant seeks authorization to provide LS-3 storage service to the following said customers who have elected to participate:

| Customer | Mcf share per day |
|---|---|
| Iowa Electric Light and Power Co | 1,637 |
| Iowa Illinois Gas and Electric Co | 14,000 |
| Iowa Power and Light Co | 561 |
| Iowa Southern Utilities Co | 394 |
| Nebraska City, Nebr., city of | 343 |
| Sullivan, Ill., city of | 138 |
| Wisconsin Southern Gas Co | 1,000 |
| Corning Municipal Utilities | 51 |
| Lenox, Iowa, town of | 67 |
| Marietta, Tex., city of | 17 |
| North Central Public Service Co | 19 |
| Peoples Natural Gas Division | 486 |
| Perryville, Mo., city of | 150 |
| Pinckneyville, Ill., city of | 84 |
| Wellman, Iowa, town of | 23 |
| Total | 18,968 |

It is stated that in order to provide flexibility to said customers in their utilization of the proposed storage service, a total of 100 days top storage withdrawal would be available over a period beginning November 1 of a year, through March 31 of the next year, and that said customers can withdraw all, part or none of their seasonal quantity available for the November through march period, with no penalty. It is further stated that the top storage volumes not withdrawn by said customers would be carried over into the following withdrawal period as part of the seasonal quantity for that period with no fuel charge for the carried over volume. The maximum available quantity during the November through March winter period to each customer would be 100 times his contracted daily withdrawal quantity, it is said.

Applicant indicates that in order to provide this leased storage service, it would require said customers to deliver their pro-rata share of the following:

(i) 1,896,800 Mcf of top storage gas; and
(ii) An additional 2½ percent of top gas injected for fuel gas, and
(iii) 3,793,600 Mcf of cushion gas.

It is stated that in the event all cushion and top gas cannot be nominated for injection in the first year, said customer would have a maximum period of two years for said cushion and top gas injection. Applicant states that the top gas withdrawal quantities available for the first year would be one-third of the total gas injected for the account of each customer prior to November 1.

Applicant indicates that it would enter into service agreements with said customers to provide LS-3 service for the period April 1, 1978 through April 1, 1990.

Applicant proposes that the subject service be billed under a monthly demand charge applied uniformly throughout the year, and that the demand charge would be based on Applicant's average cost of providing 100-day storage (excluding fuel gas and cushion gas costs recognizing that customers would furnish the fuel gas and cushion gas for the service), plus a component attributable to the allocated portion of the cost of Applicant's North End pipeline loopings between its market storage fields and the terminus of its system. The LS-3 rate level would be derived by the same technique used to calculate the presently effectivce LS-2 rate, it is stated.

Applicant proposes:

(1) To increase the daily withdrawal capacity of its Cairo-Mount Simon Reservoir in Louisa County, Iowa by 18,968 Mcf; and

(2) To provide 18,968 Mcf per day of 100-day winter leased storage commencing with the 1978-79 winter period.

Applicant indicates that in order to effectuate the proposal while at the same time continuing to provide the storage services previously certificated and to make the withdrawals for storage services for Applicant's own account previously certificated by the Commission, it proposes to construct and operate approximately ½ mile of 6-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Cairo-Mount Simon Storage Field.

Applicant states that the estimated cost of constructing the jurisdictional facilities proposed herein, excluding cushion gas which would be provided by the customers participating in the LS-3 storage service, is $1,646,000. Applicant also proposes to construct and operate pursuant to section 2.55 of the Commission's General Policy and Interpretations (18 CFR 2.55) dehydration and other miscellaneous facilities at a cost of $332,000. It is indicated that the total cost of $1,978,000 to construct the facilities proposed herein would be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4491 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-178]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Application**

FEBRUARY 8, 1978

Take notice that on January 31, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-178 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 200,000 Mcf of natural gas per day for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) for 20 years, and the operation of facilities required to effectuate such transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport the subject gas for Michigan Wisconsin pursuant to a transportation service agreement dated October 5, 1977 between the two parties. Applicant states that Michigan Wisconsin has acquired preferential rights to future gas production from approximately 152,000 net gas call acres within the Wind River Basin of Wyo., and has acquired over 55,000 net gas call acres within the Green River Basin. Gas produced from such interest is to flow through a proposed pipeline to be constructed and operated by Wyoming Interstate Natural Gas System (Wings), a partnership formed by subsidiaries of Michigan Wisconsin and Northwest Pipeline Corp. (Northwest), connecting the Wind River Basin to Northwest's existing system located in Lincoln County, Wyo., it is stated. It is indicated that Northwest would receive





and transport said gas for the account of Michigan Wisconsin to an existing interconnection with El Paso Natural Gas Co. (El Paso) at Northwest's Ignacio Compressor Station in LaPlata County, Colo. It is further indicated that El Paso would transport and deliver the subject gas to Applicant, for Michigan Wisconsin's account, at an interconnection of the pipeline facilities of Applicant and El Paso in Lea County, N. Mex. Applicant proposes to redeliver to Michigan Wisconsin thermally equivalent volumes of gas, less compressor fuel Applicant uses to perform the transportation service, at an existing point of interconnection between the pipeline systems of Applicant and Michigan Wisconsin located in Wheeler County, Tex., and/or an existing point located in T&NO Railroad Survey, Hansford County, Tex.

Applicant states that in order to implement the long-term transportation, it proposes to utilize its existing transmission system in the Permian Basin area of New Mexico and Texas, as well as the interconnection between El Paso and applicant in Lea County, N. Mex., the construction and operation of which was proposed in filings by Applicant in Docket No. CP78-138 and El Paso in Docket No. CP78-159, which are pending before the Commission.

Applicant indicates that it would charge Michigan Wisconsin for the proposed transportation service performed hereunder 12.0 cents per Mcf of gas transported and redelivered to Michigan Wisconsin at the points of delivery. Applicant further states that it would reduce the volume of gas redeliverd by the compressor fuel Applicant used to perform the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4492 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-164]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Rate Schedule Filing**

FEBRUARY 8, 1978.

Take notice that on January 27, 1978, Natural Gas Pipeline Co. of America (Natural) submitted for filing six copies each of initial Rate Schedule X-95, consisting of Original Sheet Nos. 1126 through 1144, to be a part of Natural's FERC Gas Tariff, Second Revised Volume No. 2.

Rate Schedule X-95, a transportation agreement dated September 26, 1977 between Natural, Trunkline Gas Co., and Chevron Chemical Co., is the subject of a joint application filed by Natural and Trunkline on January 18, 1978, in Docket No. CP78-164. The bases, reasons, and other supporting data relative to Rate Schedule X-95 are included in the joint application.

Any person desiring to be heard or to make any protest with reference to said application on or before February 24, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4505 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-78, ER78-79]

**NEW ENGLAND POWER CO.**

**Intent to Act**

FEBRUARY 10, 1978.

On January 12, 1978, New England Power Co. (NEP) filed an application for rehearing of our December 30, 1977 order accepting for filing and suspending a proposed rate increase to 30 of NEP's wholesale customers and an amendment to the Service Agreement between NEP and its affiliate, Narragansett Electric Co. (Narragansett). NEP requests rehearing of the five month suspension period required by that order and urges the Commission to reduce the suspension to one month.

Pursuant to our rules of practice and procedure, NEP's application would be deemed denied on February 13, 1978, unless the Commission acts before that time. In order to allow sufficient time for due consideration of the merits of the application, the Commission has determined that the rules should be tolled and notice be given of the Commission's intention to act on the application. Notice is hereby given that the Commission will act on NEP's January 12, 1978, application for rehearing and that the Commission by the issuance of this notice is tolling the operation of its rules.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4487 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-613]

**PANHANDLE EASTERN PIPE LINE CO.**

**Change in Tariff**

FEBRUARY 8, 1978.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) on January 20, 1978 tendered for filing Original Sheet No. 1-C and Original Sheet Nos. 924 through 957 to its FERC Gas Tariff, Original Volume No. 2.

Panhandle states that such changes are made to provide a Rate Schedule T-22 for the transportation of natural gas in conjunction with Trunkline Gas Co. (Trunkline) on behalf of Northern Natural Gas Co. (Northern). Panhandle proposes that these sheets become effective November 29, 1977.

A copy of this filing has been served on Trunkline and Northern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accor-

dance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4506 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-107, ER78-108 and ER78-109]

**PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION**

**Order Conditionally Accepting for Filing, Suspending Rate Increase, and Waiving Regulations**

FEBRUARY 13, 1978.

On December 13, 1977, the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed Schedule 8.02 (conservation energy) as part of its Interconnection Agreement with Allegheny Power System (APS) to replace Schedule 8.01 (conservation energy) which became effective January 7, 1974, and which expired December 31, 1975. Also, on December 13, 1977, PJM filed a revised Schedule 8.02—Interconnection Agreement between New York Power Pool (NYPP) and PJM. That agreement contains provisions similar to those contained in the APS Agreement. In addition, PJM filed a proposed modification to the original Pennsylvania-New Jersey-Maryland Interconnection Agreement, to provide for internal accounting procedures to PJM for conservation energy transactions with others. By letter of January 13, 1978, the Commission's Secretary advised PJM that its filing was deficient. The finding of deficiency was based on PJM's failure to provide adequate cost support for the rate level.

BACKGROUND OF THE AGREEMENT

Following shortages of fuel oil in 1974, electric utilities located east of the Mississippi River and north of the Carolinas negotiated agreements by which they would transfer coal generated energy to Atlantic Coast and northeast areas of the country. Pursuant to these agreements, fuel conservation rate schedules were filed with the Federal Power Commission by many groups and companies in this area. In 1974, PJM signed a fuel conservation agreement with APS. This agreement, Schedule 8.01 of the presently filed rate schedule, provides in summary for the transfer of power during off-peak hours, when based load generating units would be partially available for export purposes. The mutual rate provided for an energy charge of 110 percent of out-of-pocket costs, plus 3.0 mills per kWh for energy supplied by a party. For energy purchased from a third party for transfer, the rate provided for out-of-pocket purchased cost plus 1.75 mills per kWh. The original agreement was to have terminated one year from its proposed effective date. However, it was extended for one year and was not cancelled as an FPC Rate Schedule.

The new proposed agreements would allow the parties to provide energy to alleviate fuel shortages resulting from the unavailability of fuel. Under the new agreements, delivery would be for weekly periods not limited to off-peak hours. The schedule will remain in effect until December 31, 1978, unless extended by mutual agreement.

In light of the present shortage of coal due to the strike, it is in the public interest to have rates accepted that encourage voluntarily arranged conservation measures. Acceptance of these filings would help accomplish that goal. As noted previously, the Commission, on January 13, 1978, advised PJM that its filing was deficient. However, it has been established that, when it is in the public interest, the Commission may waive filing requirements not yet complied with and accept an agreement for filing.[1] To insure, however, that PJM does achieve full compliance with our Regulations, we shall condition our acceptance of the filing on PJM's submitting, within thirty (30) days of the issuance of this order, the cost support required by our Regulations.

Notice of the filing was issued on December 22, 1977, with comments due on or before January 3, 1978. None have been received.

The agreements tendered for filing on December 13, 1977, have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or other wise unlawful.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission conditionally accept for filing the Schedules filed on December 13, 1977, by Pennsylvania-New Jersey-Maryland, that they be suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to waive the commission's notice and filing requirements set out in the Commission's rules and regulations.

The Commission orders. (A) The proposed Schedule filed by the Pennsylvania-New Jersey-Maryland Interconnection on December 13, 1977, and identified above, is hereby conditionally accepted for filing as of December 31, 1977, suspended, and the use thereof deferred until January 1, 1978, when it shall become effective subject to refund; provided that PJM shall file, within thirty (30) days of the issuance of this order, the cost support required under the Commission's regulations.

(B) Upon the filing of the cost support data described above, the Commission shall further evaluate the filing and shall set a date for a public hearing, should such procedure be appropriate.

(C) The requirement for notice contained in § 35.3 of the Commission's rules and regulations is waived. The filing requirements not yet complied with are conditionally waived, as described in Paragraph (A) above.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4488 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. E-8586, E-8587]

**PUBLIC SERVICE CO. OF INDIANA**

**Order Granting Motion and Requiring Revised Compliance Filing and Revised Refunds**

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that

[1] "Florida Power & Light Co.," Docket No. ER77-175, issued April 12, 1977, *Aff'd.*, Order Accepting for Filing and Suspending Rate Increase, Providing for Hearing, Establishing Procedures, Granting Motion in Part, and Denying Same in Part, issued November 30, 1977, in ER77-465, "Oklahoma Gas & Electric Co." Maryland, that they be suspended, and the use thereof deferred, all as herinafter ordered.

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC: when used otherwise, the reference is to the FERC.





proceedings pending before the FPC on the date of the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations prumulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR , provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

In Opinion No. 783, 56 FPC—November 10, 1976), modified on rehearing, Opinion No. 783-A, 57 FPC—(February 25, 1977), the Commission fixed the just and reasonable rates to be charged by the Public Service Co. of Indiana (PSCI) for jurisdictional service. By letter dated June 22, 1977 PSCI filed revised tariff sheets and a revised cost of service study in compliance with the mandate of the above Opinions. On July 13, 1977, Commission staff filed a motion which requested that the Commission reject PSCI's compliance filing for its failure to reflect a method for allocating income tax deductions which PSCI assertedly agreed to employ for purposed of this case. On July 25, 1977, several intervenors in this proceeding filed pleadings in support of staff's motion. On July 26, 1977, PSCI filed a response in opposition to staff's motion. PSCI argues that it has in fact used the recommended staff allocation method but, additionally, functionalized the tax deductions so that the jurisdictional assignment of current income tax liabilities, investment tax credit and deferred income taxes follows the same functional allocation method used by staff for jurisdictional assignment of operation and maintenance expenses and book depreciation expenses. On September 6, 1977, the Commission issued a notice of intent to investigate the staff's allegations.

In its initial case-in-chief, PSCI had allocated tax deductions on the basis of preliminary net taxable income. Staff, on the other hand, recommended an allocation of individual deductions on the basis of net electric plant ratios or rate base ratios. In rebuttal testimony, PSCI indicated that staff's recommended method was acceptable. The Presiding Administrative Law Judge noted the stipulation in this regard on the record and in the initial decision. ID, pg. 72. There were no exceptions filed with respect to the Presiding Judge's reliance upon, and approval of, this stipulated methodology.

An examination of PSCI's compliance filing indicates that the company has departed from the agreed upon methodology approved and adopted in the initial decision.

Accordingly, PSCI's compliance filing must be rejected in this respect. Within thirty days of the issuance of this order, PSCI shall again file revised tariff sheets and cost of service data which properly employs the stipulated and approved method of allocating income tax deductions. Staff's recommended method results in tax deductions allocated on the basis of net plant ratios and rate base ratios, developed by a three step process. First, the company's plant is subfunctionalized based upon staff's determination of the use of the plant. Second, each subfunction is allocated to customer class. Third, the allocated amounts are added to arrive at the numerator for the allocator. The allocator is then applied to each tax deduction. Of course, to the extent that Opinion Nos. 783 or 783-A, supra, disapproved staff's recommended functionalization of plant, the staff's recommended allocation of income tax deductions may be modified by the company to reflect only such differences in functional assignments.

The Commission finds: (1) The compliance tariffs and cost of service data filed by Public Service Co. of Indiana in this docket do not conform with the mandate of the Commission, expressed in Opinion Nos. 783 and 783-A, in that the company's income tax deductions are allocated in a manner inconsistent with the method stipulated to be appropriate by the parties, approved by the Presiding Judge and adopted by the Commission.

(2) The public interest and the proper enforcement of Opinion Nos. 783 and 783-A, supra, requires a further submittal of revised tariff sheets and cost of service data by PSCI which correctly reflect the proper allocation of the company's income tax deductions for the pertinent test period.

The Commission orders: (A) The motion filed by Commission staff on July 13, 1977, is granted.

(B) Public Service Co. of Indiana shall file with the Commission within thirty days of the issuance of the instant order, revised tariff sheets and cost of service data which reflect the allocation method recommended by staff for income tax deductions, as approved by the Presiding Administrative Law Judge and adopted by the Commission.

(C) Upon approval of this revised compliance filing by the Commission, PSCI shall within thirty days thereafter make appropriate refunds, with interest, to each of its jurisdictional customers.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4489 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-618]

**SEA ROBIN PIPELINE CO.**

**Filing of Original Tariff Sheets**

FEBRUARY 8, 1978.

Take notice that on January 9, 1978, Sea Robin Pipeline Co. (Sea Robin) tendered for filing Original Sheet Nos. 385 through 410 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between Sea Robin and Natural Gas Pipeline Co. of America. It is proposed that these tariff sheets become effective on February 10, 1978.

Sea Robin states that copies of these tariff sheets have been mailed to Natural Gas Pipeline Co. of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4507 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP71-264]

**SOUTHERN ENERGY CO.**

**Order Amending Prior Order**

FEBUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission

within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC", 10 CFR ; *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

In Opinion No. 622, issued June 28, 1972, FPC the Federal Power Commission issued certificates of public convenience and necessity authorizing construction and operation of an LNG terminal at Elba Island, Ga. (Docket No. CP71-264) and construction and operation of certain pipeline and related facilities (Docket No. CP 71-276) to be utilized in conjunction with a program to import natural gas from Algeria.

In Opinion No. 622, as modified by Opinion Nos. 622-A and 786, the Commission approved a cost of service tariff for Southern Energy Co., which included an 11 percent return on equity capital. On July 23, 1976, Southern Energy Co. filed a petition to amend its certificate to include a 15 percent return on equity in its cost of service tariff.

Numerous conferences have been conducted at the Commission concerning this petition to amend. On October 5, 1977, Southern Energy Co. files a settlement incorporated in a Stipulation and Agreement which it alleges is an outgrowth of these conferences, and it further alleges that all interested parties were invited to attend these conferences. The company indicates that it believes that the proposed stipulation resolves all outstanding issues in Docket No. CP71-264.

The Stipulation and Agreement provides that Southern Energy Company's certificate be amended to include in its tariff the following provision:

(3.7) A return on the equity portion of the total rate base shall be computed at a monthly rate equal to 1/12 the annual return on equity of Southern Natural Gas Co. most recently approved by an agency or court of competent jurisdiction commencing as of the date of Seller's initial operation and thereafter as of the first day of each billing month. If the equity component of Seller's total capitalization, expressed as a percentage of total capitalization, becomes 2.5 percentage points greater than the equity component, as most recently determined by an agency or court of competent jurisdiction, of Southern Natural Gas Co.'s total capitalization, then Seller shall within 30 days of such an occurrence file a tariff or rate change modifying this section pursuant to section 4 of the Natural Gas Act or other applicable law. The return on equity provided for herein shall change either upon the effective date of a final, non-appealable order by an agency or court of competent jurisdiction changing the return on equity of Southern Natural Gas Co. or upon Seller making effective a tariff change pursuant to Section 4 of the Natural Gas Act or other applicable law modifying the charges provided for herein. The total rate base shall be computed by adding together the items listed below.

The term of the Stipulation and Agreement is from the date of initial service by Southern Energy to Southern until the date Southern Energy places into effect a tariff change modifying the charges made to Southern.

On October 25, 1977, Atlanta Gas Light Co. (Atlanta) filed a comment alleging that it supports the proposed Stipulation and Agreement. However, Atlanta believes that it is too broad to assert, as Southern Energy Company does in its motion for approval, that all issues in Docket No. CP71-264 are resolved. Atlanta calls attention to an earlier settlement entered into in late 1974 concerning an LNG peaking service, which Southern has not yet implemented. The Commission believes that approval of the present Stipulation and Agreement should not be delayed until the LNG peaking service is implemented by Southern. Nothing in this order shall, however, be construed as preventing Atlanta from arguing at a later time and in the appropriate forum that the terms of an earlier settlement have not been complied with by Southern.

After publication in the FEDERAL REGISTER of the notice of filing of the Stipulation and Agreement, 42 FR 59104 (November 12, 1977) no comments except Atlanta's have been received, and no protests or petitions to intervene have been filed. Accordingly after consideration of the pleadings, the amendment will be permitted.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the previous orders in the above captioned dockets be amended as hereafter ordered.

The Commission orders: Opinion Nos. 622 and 622-A are amended to allow Southern Energy Co. to include in its initial FERC Gas Tariff, Original Volume No. 1, Rate Schedule LNG-1, the section (3.7), proposed by Southern Energy and set forth in the body of this order, upon the terms and conditions set forth in the Stipulation and Agreement entered into October 4, 1977, herein incorporated by reference. In all other respects these opinions shall remain in full force and effect.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4490 Filed 2-17-78; 8:45 am]

[6740-02]

[Project No. 2161]

**ST. REGIS PAPER CO.**

**Application for New License**

FEBRUARY 8, 1978.

Public notice is hereby given that an application for a new license was filed on March 12, 1969, under the Federal Power Act, 16 U.S.C. 791a-825r, by the St. Regis Paper Co. (Correspondence to: Mr. Homer Crawford, Secretary, St. Regis Paper Co., 150 East 42nd Street, New York, N.Y. 10017) for the constructed Rhinelander Project, FERC Project No. 2161, located on the Wisconsin River in Oneida County, Wis., adjacent to the City of Rhinelander and near the Towns of Pine Lake and Newbold.

The run-of-the-river Rhinelander Project consists of (1) a 180-foot long earth dam with a concrete section containing two waste gates; (2) a 3,576 acre reservoir with normal water surface elevation at 1,555.33 feet (U.S.C. & G.S. Datum); (3) an 82-foot long concrete intake structure containing 14 gates at the head of a diversion canal approximately 965 feet long and 60 feet wide; (4) a brick powerhouse containing two 560 kW and one 1,000 kW generating units; and (5) appurtenant facilities.

According to the license application, the project reservoir, Boom Lake, is heavily used for such recreational activities as swimming, boating, and fishing. Applicant reports that while most of the shoreline is privately owned, public access to the reservoir is permitted over those littoral lands owned by the Applicant. Applicant is not proposing to develop any recreational facilities at the project.

Project power is used for industrial purposes in Applicant's paper mill.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4493 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-141, etc.]

**TENNESSEE GAS PIPELINE CO.**

**Rescheduling Settlement Conference**

FEBRUARY 8, 1978.

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Pike Natural Gas Co. and Delta Natural Gas Co.), Docket No. RP77-141; Tennessee Gas Pipeline Co., Docket No. RP77-132; Tennessee Gas Pipeline Co., Docket No. RP77-133-1; Tennessee Gas Pipeline Co., Docket No. RP77-134.

Take notice that the informal conference previously scheduled for February 7, 1978, at 10 a.m., will be convened at 10 a.m. on February 16, 1978. At that time an informal conference will be convened of all interested persons with a view towards setting the issues in the captioned proceedings. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4494 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-568]

**TEXAS EASTERN TRANSMISSION CORP.**

**Proposed Changes in FERC Gas Toriff**

FEBRUARY 8, 1978.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on January 9, 1978, tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Original Sheet No. 614
Original Sheet No. 615
Original Sheet No. 616
Original Sheet No. 617
Original Sheet No. 618
Original Sheet No. 619
Original Sheet No. 620
Original Sheet No. 621
Original Sheet No. 622
Original Sheet No. 623
Original Sheet No. 624
Original Sheet No. 625
Original Sheet No. 626
Original Sheet No. 627
Original Sheet No. 628
Original Sheet No. 629
Original Sheet No. 630
Original Sheet No. 631
Original Sheet No. 632

These tariff sheets constitute Rate Schedule X-85, a transportation and exchange agreement between Texas Eastern and Natural Gas Pipeline Co. of America (Natural) dated July 22, 1977. Texas Eastern is filing this transportation and exchange agreement with Natural pursuant to the FERC order, in Docket No. CP77-568, et al. issued November 29, 1977 and in particular to Ordering Paragraph (F) of said order.

The proposed effective date of these tariff sheets is November 29, 1977.

A copy of this filing was served on each party to the agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4495 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-167]

**TEXAS GAS TRANSMISSION CORP.**

**Petition to Amend**

FEBRUARY 8, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on January 31, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP77-167 a petition to amend the order of June 13, 1977 (57 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize Petitioner to transport gas for Wheeling-Pittsburgh Steel Corp. (Wheeling-Pittsburgh) for an extended period, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.





It is indicated that pursuant to the



commenced pending completion of the

service to Community Public Service

It is indicated that pursuant to the FPC order of June 13, 1977, Petitioner was authorized to transport up to 5,000 Mcf of natural gas per day on an interruptible basis for Wheeling-Pittsburgh, and that such service was authorized at an initial rate of 20.01 cents per Mcf, which rate was computed in the same manner, exclusive of the cost of compressor fuel, as the rate charged for comparable long-haul interruptible transportation service.

The petition states that while authorizing Petitioner to perform such service, the Commission, concerned with the renegotiation provision in Wheeling-Pittsburgh's contract with its producer-supplier, limited such authorization to a period of 365 days commencing February 4, 1977, without prejudice to Petitioners for filing for authorization to extend the subject service upon determination of a firm price for the second 365 days of the gas purchase contract.

Petitioner states that its existing authorization to transport volumes of gas for Wheeling-Pittsburgh terminates February 3, 1978, and that on January 23, 1978, Wheeling-Pittsburgh and its producer supplier negotiated a firm price for the second 365 days of the contract term. Petitioner indicates that Wheeling-Pittsburgh has requested it to seek an extension of the present transportation authorization

Accordingly, Petitioner requests authorization to continue the subject transportation service for Wheeling-Pittsburgh until February 4, 1979. Petitioner states that the proposed service would be performed pursuant to the same gas purchase contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) and pursuant to the same transportation agreement with Petitioner as contained in Petitioner's original application filed herein on March 29, 1977.

Petitioner indicates that the sole changes in the information provided in the original application are as follows:

(1) A firm price of $1.85 per Mcf has been negotiated by Wheeling-Pittsburgh and McGoldrick for the second year of the gas purchase contract; and

(2) The initial rate of 20.01 cents per Mcf under the transportation agreement would be increased, subject to refund, to 28.63 cents per Mcf commencing April 1, 1978.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4496 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-613]

**TRUNKLINE GAS CO.**

**Change in Tariff**

FEBRUARY 8, 1978.

Take notice that Trunkline Gas Co. (Trunkline) on January 20, 1978, tendered for filing Fifth Revised Sheet No. 1-D and Original Sheet Nos. 1434 through 1459 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such changes are made to provide a Rate Schedule T-36 for the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle). Trunkline proposes that these sheets become effective on November 29, 1977.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4508 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-24]

**UNITED GAS PIPE LINE CO. AND ARKANSAS LOUISIANA GAS CO.**

**Petition To Amend**

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 F.R. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on January 27, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and Arkansas Louisiana Gas Co. (Arkla), P.O. Box 1734, Shreveport, La. 71151, (Petitioners) filed in Docket No. CP77-24 a petition to amend the order of January 13, 1977 (57 FPC — ) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the construction and operation of three additional redelivery points for the exchange of natural gas on United's 18-inch Rodessa line in Caddo Parish, La., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of January 13, 1977, Petitioners were authorized to exchange up to 250 Mcf of gas per day. It is stated that United would receive gas from Arkla at three points on Arkla's Eldorado-Muncie 16-inch pipeline in Union Parish, La., and United would redeliver equivalent volumes to Arkla at United's Bistineau Storage Field (Bistineau) located in Bienville Parish, La. The application states that to date the exchange authorized by the FPC order of January 13, 1977, has not commenced pending completion of the facilities previously authorized.

Petitioners have entered into an amendatory agreement dated June 28, 1977, which agreement provides for three additional delivery points in addition to the authorized Bistineau redelivery point. Consequently, Petitioners request authorization to construct and operate three additional delivery points in order to allow Arkla to improve operating and service dependability to Arkla's existing distribution customers on existing distributing facilities and rural distribution extensions operated by Arkla in the Caddo Parish, La. area. Petitioners propose to designate three points on United's 18-inch Rodessa Field Line in Caddo Parish, La., to Arkla at Bistineau in order to achieve the previously authorized exchange quantity of 250 Mcf of gas per day.

Petitioners propose to construct three rural taps and three meters for deliveries to Arkla's existing distribution facilities, at an estimated cost of $20,358. It is stated that these facilites would be constructed at Arkla's expense, but would be owned and operated by United.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (10 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB
*Secretary.*

[FR Doc. 78-4509 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER77-339]

**WEST TEXAS UTILITIES CO.**

**Proposed Settlement**

FEBRUARY 8, 1978.

Take notice by filing of January 19, 1978, West Texas Utilities Co. (WTU) tendered for filing in the above-entitled docket a Motion for Approval of Stipulation and Agreement of Settlement and a Stipulation and Agreement which incorporates certain changes to its original rate filing for service to Community Public Service Co. (CPS) accepted for filing on June 1, 1977, suspended to become effective on November 2, 1977.

The Motion and the Stipulation and Agreement indicate that the major effects of the proposed changes are as follows:

(1) The demand charge per kW of billing demand during any current month is reduced from $3.38 as previously filed, to $3.306.

(2) The billing demand ratchet is reduced from 100 percent of the maximum billing demand established during the twelve-month period ending with the current billing month to 85 percent of that maximum billing demand.

Any party desiring to file comments with respect to the offer of settlement may do so; and all such comments, if any, should be filed on or before February 17, 1978. Comments so filed, if any, will be considered by the Commission in determining what action it should take on the offer of settlement, but will not serve to make party filing such comments intervenors herein. Persons wishing to become parties shall, unless they have already done so, file a petition to intervene. Copies of the offer of settlement are available for inspection in the offices of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4510 Filed 2-17-78; 8:45 am]

[3128-01]

**Office of Environment**

**STUDY GROUP ON THE GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE**

**Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Study Group on the Global Effects of Carbon Dioxide will meet Thursday, March 9, 1978, at 9 a.m., at Oak Ridge Associated Universities, Suite 805, 11 Dupont Circle, NW., Washington, D.C.

The purpose of the Study Group is to give advice to DOE in the development of its role in environmental research dealing with the global environmental effects of increasing levels of carbon dioxide from fossil fuel combustion and related matters. The Group's guidance will be based on a thorough review of ongoing and planned national and international research activities in this area.

The agenda for the meeting is as follows:

9:00 Call to Order
9:15 Approval of Minutes of Previous Meeting
9:20 Summary of Recent Activities
1. Study Group—Dr. Alvin Weinberg
2. $CO_2$ Office—David H. Slade
10:30 Review of Research Recommendations
12:00 Lunch
1:00 Review of Organization Plan
3:00 Other Business and Public comment (10-minute Rule)

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management Office, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on February 14, 1978.

WILLIAM P. DAVIS,
*Deputy Director of Administration.*

[FR Doc. 78-4459 Filed 2-17-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION AGENCY**

(FRL 858-2)

**ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE**

**Open Meeting**

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that the third meeting of the Administrator's Toxic Substances Advisory Committee will be held at 9 a.m. on Wednesday, March 8, 1978, in Conference room 3906, Mall area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of this meeting is to advise EPA on implementation of the





Toxic Substances Control Act (Pub. L.



ellite receive-only earth station at this lo-

ly filed application is designated for

tenna system and replace transmitter on

Toxic Substances Control Act (Pub. L. 94-469). The agenda includes continuation of the review of reports of the Testing, Assessing Risks and Benefits, and Strategy Working Groups, Confidentiality and Proposed Freedom of Information Act Amendments, Public Awareness and Participation Plans, and Premanufacturing Notification and Review Plans.

The meeting will be open to the public. The Committee encourages the hearing of outside statements and may allocate a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Committee in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Committee meeting. Accepted written statements may be recognized at Committee meetings.

Any member of the public wishing to present an oral statement or submit a written statement should contact Dr. Devra Lee Davis, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460. The telephone number is: 202-755-0310.

Dated: February 14, 1978.

STEVEN D. JELLINEK,
*Assistant Administrator for Toxic Substances.*

[FR Doc. 78-4568 Filed 2-17-78; 8:45 am]

[6560-01]

[FRL 858-1; OPP-250006]

## PESTICIDE ENFORCEMENT AND APPLICATOR CERTIFICATION AND TRAINING GRANTS

### Notification of the Secretary of Agriculture of a Proposed Regulation

Notice is hereby given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753, 7 U.S.C. 136 et. seq., hereinafter referred to as FIFRA) that the Administrator of the Environmental Protecion Agency (EPA) has forwarded to the Secretary of the U.S. Department of Agriculture, a copy of EPA's proposed regulation designed to implement section 23 of FIFRA, which provides for grants in aid to support cooperative agreements with the States for the enforcement of FIFRA and the development of programs for the training and certification of pesticide applicators.

Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary, and the response of the Administrator with regard to the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 30 days after receiving it, the Administrator may sign such regulation for publication in the FEDERAL REGISTER any time after such 30-day period notwithstanding the foregoing 60-day time requirement.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The section 23 regulation has also been submitted to the FIFRA Scientific Advisory Panel as required by section 25(d).

RICHARD D. WILSON,
*Deputy Assistant Administrator for General Enforcement.*
EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc. 78-4567 Filed 2-17-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-436]

### COMMON CARRIER SERVICES INFORMATION

### International and Satellite Radio Applications Accepted for Filing

FEBRUARY 13, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

SATELLITE COMMUNICATIONS SERVICES

Amendment: TX-28-DSE-P-78 Pasadena CATV, Inc., Pasadena, Tex. Amended to change company ownership to: Pasadena CATV, Inc.

FL-294-DSE-P/L-78 Storer Cable TV of Florida, Inc., Bartow, Fla. Authority to construct own & operate a domestic communications satellite receive-only earth station at this location. Lat. 27°53'30" N., long. 81°49'00" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

NM-295-DSE-P/L-78 Albuquerque Cable Television, Inc., Albuquerque, N. Mex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 35°06'39" N., long. 106°33'28" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX-296-DSE-P/L-78 Communications Services, Inc., New Braunfels, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 29°41'37" N., long. 98°06'49" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

MI-297-DSE-P/L-78 Monroe Cablevision, Inc., (near) Monroe, Mich. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 41°54'14" N., long. 83°25'33" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX-298-DSE-P/L-78 Communications Services, Inc., Seguin, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 29°34'27" N., long. 97°56'47" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

CA-299-DSE-P/L-78 Cablecom-General of Modesto, Inc., Modesto, Calif. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 37°36'24" N., long. 121°02'37" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

IA-300-DSE-P/L-78 Chief Cablevision, Inc., Cherokee, Iowa. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 42°45'07" N., long. 95°34'44" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

301-DSE-P/L-78 American Television & Communications, Inc. Transportable Authority to construct & operate a communications satellite transportable receive-only earth station (Developmental). Operating at temporary fixed locations throughout the contiguous 48 States, for the purpose of tests and demonstrations. With a 5 meter dual reflector antenna, because of the nature of this station no formal frequency coordination can be accomplished.

OK-302-DSE-P/L-78 Transwestern Video, Inc., Poteau, Okla. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 35°03'43" N., long. 94°38'45" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

TX-303-DSE-P/L-78 Intercity Television Corp., d.b.a. Breckenridge, TV Cable Co., Breckenridge, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 32°45'33" N., long. 98°55'43" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

IL-304-DSE-P/L-78 Cable TV Service Co., d.b.a. Effingham Cable TV, Effingham, Ill. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 39°07'26.6" N., long. 88°30'59" W. Rec. freq: 3700-4200 MHz. Emission 34000F9. With a 4.5 meter antenna.

DC-294-CSG-P/L-78 Comsat General Corp., Washington, D.C. Authority to establish a communications satellite developmental earth station at Comsat's Headquarters in Washington, D.C. The station would be operated at L-band frequencies with the Marisat satellite positioned over the Atlantic Ocean for the purpose of conducting tests and experiments directed toward improvements in maritime satellite communications services. This proposed station will be communicating via the Marisat Atlantic Satellite with the Marisat earth station located at Southbury, Conn.

[FR Doc. 78-4475 Filed 2-17-78; 8:45 am]





[6712-01]

[Report No. 897]

## COMMON CARRIER SERVICES INFORMATION

### Applications Accepted for Filing

FEBRUARY 13, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 20 day notice period (See section 309(c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20743-CD-P-(2)-78 Industrial Communications of Pecos, Inc. (new), C.P. for a new 2-way station to operate on 454.100 454.225 MHz to be located 1 mile south of Highway No. 290; 1.7 miles west of Fort Stockton, Tex.

20654-CD-P-(6)-78 Chalfont Communications (new), C.P. for a new 2-way station to operate on 454.250 454.300 MHz (base) 75.74 75.86 MHz (repeater) at Loc. No. 1: 5 miles NE. of Palm Springs; 72.12 and 72.62 MHz (control) at Loc. No. 2: 73-680 Highway 111, Palm Desert, Calif.

20770-CD-MP-(2)-78 California Aircraft Telephone Co., a joint venture, (KWU510) Mod permit to change frequency from 2114.00 MHz to 2120.40 MHz (repeater) at Loc. No. 1: Oat Mountain, NNE. of Chatsworth; 2164.0 MHz to 2170.4 MHz (control) at Loc. No. 2: 2301 West Olive, Burbank, Calif.

20771-CD-AL-78 Feek's Telephone Answering Service d.b.a. Mobile Dispatch Service, consent to assignment of license from Feek's Telephone Answering Service d.b.a. Mobile Dispatch Service, assignor to Pacific Northwest Communications, assignee. Station: KQZ705, Seattle, Wash.

20774-CD-P-(2)-78 Central Radio Telephone, Inc. (KMM599) C.P. for additional facilities to operate on 454.075 MHz at Loc. No. 1: 500 University Avenue, Palo Alto; 454.075 MHz at Loc.. No. 3: 3031 Tisch Way, San Jose, Calif.

20775-CD-P-(2)-78 RCC of Virginia, Inc. (KUS321) C.P. to change antenna system and relocate facilities operating on 454.225 454.350 MHz, to be located at 700 East Indian River Road, Norfolk, Va.

20776-CD-P-78 Radiocall, Inc. (KSV932) C.P. to change antenna system and replace transmitter operating on 152 24 MHz: 347 College Street, Macon, Ga.

20777-CD-P-78 Metrotec, Inc. (KTS283) C.P. to change antenna system operating on 72.02 MHz at Loc. No. 4: 55 Shiawassee Ave., Akron, Ohio.

20778-CD-P-78 Mobilefone Northwest (KLF622) C.P. for additional facilities to operate on 152.24 MHz at a new site described as Loc. No. 2 to be located Wahatis Peak 18 miles west of Othello, Wash.

20779-CD-P-(3)-78 James G. Prestwood, Jr. (KIE960) C.P. for additional facilities to operate on 152.09 152.18 152.21 MHz at a new site described as Loc. No. 2 to be located at Kellos Tower, Barton Chapel Road, 1 mile south of Route 78, Augusta, Ga.

20780-CD-P-78 Industrial Electronic & Automation, Inc. d.b.a. Dial A Page (new) C.P. for a new 1-way station to operate on 152.24 MHz: 1710 Grand Avenue, Butte, Mont.

20781-CD-P-78 Direct Page Communications, Inc. (KWU374) C.P. to change antenna system and replace transmitter operating on 454.350 MHz at Loc. No. 1: 0.6 mile NW. of Mount Pleasant and Mineah Road, Dryden, N.Y.

20786-CD-P-78 Comex, Inc. (KCC797) C.P. for additional facilities to operate on 454.100 MHz at Loc. No. 7: 720 Union Street, Manchester, N.H.

20786-CD-P-(18)-78 Digital Paging System, Inc. (new) C.P. to establish a new developmental 1-way signaling station on frequency 152.0185 MHz to test the feasibility of the concept of a nationwide 1-way signaling system employing toll free dial access, computer control and narrow band modulation on a band edge frequency in bands allocated for Domestic Public Land Mobile Radio Services located at the following locations:

Peachtree Center Plaza, Atlanta, Ga. (Loc. No. 1)
John Hancock Center, 875 North Michigan Avenue, Chicago, Ill. (Loc. No. 2)
Preston Tower Bldg., 6211 West NW. Highway, Dallas, Tex. (Loc. No. 3)
Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. (Loc. No. 4)
Book Bldg., 1249 Wash Road, Detroit, Mich. (Loc. No. 5)
Continental National Bank Bldg., 714 Houston Street, Fort Worth, Tex. (Loc. No. 6)
1100 Milan, Houston, Tex. (Loc. No. 7)
2555 Briarcrest Road, Los Angeles, Calif. (Loc. No. 8)
Congress Bldg., 111 NE. 2nd Avenue, Miami, Fla. (Loc. No. 9)
Empire State Bldg., 34th and 5th Avenue, New York, N.Y. (Loc. No. 10)
Domino Lane and Ridge Avenue, Philadelphia, Pa. (Loc. No. 11)
1715 Grandview Avenue, Pittsburgh, Pa. (Loc. No. 12)
Prudential Bldg., 800 Boylston Street, Boston, Mass. (Loc. No. 13)
Clay Jones Bldg., 1250 Jones, San Francisco, Calif. (Loc. No. 14)
900 Fourth Avenue, Seattle, Wash. (Loc. No. 15)
7777 Bonhomme Avenue, Clayton, Mo. (Loc. No. 16)
5202 River Road, Bethesda, Md. (Loc. No. 17)
417 Gardenia Street, West Palm Beach, Fla. (Loc. No. 18)

CORRECTION

20146-CD-P-(6)-78 Commercial Communications, Inc. (new) correct to indicate that the construction permit is for a new station. All other particulars remain as reported on PN No. 883, dated November 7, 1977.

20747-CD-AL-78 James H. Cerqui d.b.a. Central Answering & Paging, correct to add call sign, KDS816, Monroe, Mich. All other particulars remain as reported on PN No. 896, dated February 6, 1978.

21906-CD-P-(2)-77 Grant's Radiotelephone Service, (KUD202) correct entry to read C.P. for additional facilities to operate on 2173.6 MHz to be located at Washington Pass, 37.5 miles north of Gallup, N. Mex. Loc. No. 3; and a new repeater facility to operate on 2123.6 MHz to be located at Powell, 0.4 miles NNW. of Thoreau, N. Mex.

220078-CD-P-78 Williams Metro Communications Corp. (new) Correct entry to read: C.P. for new station to operate on 454.175 454.225 and 454.300 MHz to be located at 1213 west Tharpe Street, Tallahassee, Fla. All other particulars are to remain as reported on PN No. 881, dated October 25, 1977.







(San B'dino) Calif., Lat. 34°11'26 N.,

POINT TO POINT MICROWAVE RADIO SERVICE

Spring Mtn., 6197.2V, 6256.5V, 6345.5H

INFORMATIVE

It appears that the following Applications may be mutually exclusive and subject to the Commission's rules regarding ex-parte presentation by reason of potential electrical interference.

Frequency: 152.24 MHz.

Arnold Anderson d/b.a. Concho Communications San Angelo, Tex. 20497-CD-P-78.

Mobile Phone of Texas, Inc. Wichita Falls, Tex. 20456-CD-P-78.

RURAL RADIO

60104-CR-P-78 Cameron Telephone Co. (KLR59) C.P. for additional facilities to operate on 158.07 MHz to be located at Block 45, West Cameron area, Gulf of Mexico.

60103-CR-P-78 RCA Alaska Communications, Inc. (new) C.P. for a new central office station to operate 152.60 MHz to be located 179 miles SW. of Barrow, Point Lay Dew, Alaska.

POINT TO POINT MICROWAVE RADIO SERVICE

IA—1202-CF-P-78 Northwestern Bell Telephone Co. (new), 3101 West 1st., Sioux City, (Woodbury) Iowa. Lat. 42°29'51" N., Long. 96°26'55" W. C.P. for a new station on frequency 6108.3h MHz on azimuth 46.7° toward Le Mars, Iowa.

IA—1203-CF-P-78 Same (new) 6.5 miles east, 8. miles South of Le Mars, (Plymouth) Iowa. Lat. 42°46'59" N., Long. 96°02'10" W. C.P. for a new station on frequencies 6390H MHz on azimuth 227.0 degrees toward Sioux City, Iowa. 6360.3V MHz on azimuth 13.7 degrees toward Sheldon, Iowa.

IA—1204-CF-P-78 Same (new) 3 miles West, 1.7 miles South of Sheldon, (Sioux) Iowa. Lat. 43°09'21" N., Long. 95°54'42" W. C.P. for a new station on frequencies 6137.9V MHz on azimuth 193.8 degrees toward Le Mars, Iowa, 6108.3V MHz on azimuth 78.8 degrees toward Hartley, Iowa.

IA—1205-CF-P-78 Same (new) 0.5 miles west, 2.8 miles north of Hartley, (O'Brien) Iowa. Lat. 43°13'00" N., Long. 95°29'15" W. C.P. for a new station on frequencies 6390V MHz on azimuth 259.1° toward Sheldon, Iowa, 6360.3H MHz on azimuth 106.5° toward Spencer, Iowa.

IA—1206-CF-P-78 Same (new) 100 West Fifth St. Spencer, (Clay) Iowa. Lat. 43°08'32" N., Long. 95°08'46" W. C.P. for a new station on frequency 6137.9H MHz on azimuth 286.7° toward Hartley, Iowa.

LA—1209-CF-P-78 South Central Bell Telephone Co. (KLU69), 3951 Erato St., New Orleans, (Orleans) La. Lat. 29°57'14" N., Long. 90°05'54" W. C.P. to add frequency 6256.5V Mhz and remove antennas on 6226.9H MHz toward Paradis, La.

LA—1210-CF-P-78 Same (KGF92) 5 miles south of Paradis, (St. Charles) La. Lat. 29°48'36" N., Long. 90°25'17" W. C.P. to add frequencies on 6004.5H, MHz toward N O Broadmoor, La., 6004.5V MHz toward Thibodaux, La., replace antennas on 5974.8V MHz toward N O Broadmoor, La. and 5974.8H MHz toward Thibodaux.

LA—1211-CF-P-78 Same (KGG21) 204 Back St., Thibodaux, (Lafourche) La. Lat. 29°47'10" N., Long. 90°49'16" W. C.P. to add frequencies on 6286.2H MHz toward Morgan City, La., 6256.5H MHz toward Paradis, La., replace antennas on 6197.2V MHz toward Morgan City, La. and 6226.9V MHz toward Paradis, La.

LA—1212-CF-P-78 Same (WAN71) Corner of 9th and Willard, Morgan City, (St. Mary) La. Lat. 29°42'14" N., Long. 91°12'03" W. C.P. to add frequencies 6034.2V MHz toward Thibodaux, La., 6004.5V, 6123.1V MHz toward Franklin, La., replace antennas on frequenceis 5945.2H MHz toward Thibodaux, La. and 5945.V MHz toward Franklin, La.

LA—1213-CF-P-78 South Central Bell Telephone Co. (WQR40), 0.3 miles SW. of Franklin (St. Mary) La., Lat. 29°47'02" N. Long. 91°31'06" W. C.P. to add frequencies on 6256.5H, 6375.2H MHz toward Morgan City, La., 6286.2H, 6345.5H, MHz toward New Iberia, La., move and replace antennas on 6197.2H MHz toward Morgan City, La.

LA—1214-CF-P-78 Same (WHB42), 201 Center St. New Iberia (Iberia) La., Lat. 30°00'07" N. Long. 91°49'00" W., C.P. to add frequencies on 6034.2V, 6093.5V MHz toward Franklin, La. and 6004.5V MHz toward Lafayette, La.

LA—1215-CF-P-78 Same (KLK84), 530 South Buchanan St. Lafayette (Lafayette) La., Lat. 30°13'32" N., Long. 92°01'10" W., C.P. to add frequency 6256.5H, MHz toward New Iberia, La.

CA—1219-CF-P-78 Pacific Telephone and Telegraph Co. (PP95), 5.6 miles N. of Julian (San Diego) Calif., Lat. 33°09'33" N., Long. 116°36'53" W., C.P. to add a new point of communication on frequency 11485H, MHz on azimuth 341.4° toward Warner Springs, Calif.

CA—1220-CF-P-78 Same (New), 8.1 miles NNW. of Warner Spgs. (San Diego) Calif., Lat. 33°23'01" N., Long. 116°42'18" W., C.P. for a new station on frequencies 11035H, MHz on azimuth 161.3° toward Julian, Calif. and 3730H, MHz on azimuth 299.6° toward Wildomar, Calif.

CA—1221-CF-P-78 Same (New), 2.9 miles NNE. of Wildomar (Riverside) Calif., Lat. 33°38'20" N., Long. 117°14'42" W., C.P. for a new station on frequencies 3770V MHz on azimuth 119.3° toward Warner Spgs., Calif., 11485H, MHz on azimuth 304.7° toward Corona, Calif.

CA—1222-CF-P-78 Same (New), 3950 S. Main St. Corona (Riverside) Calif., Lat. 33°49'43" N., Long. 117°34'27" W., C.P. for a new station on frequency 11035H, MHz on azimuth 124.5° toward Wildomar, Calif.

CA—1223-CF-P-78 Same (KMA31), Panaoche Mountain, 10 miles NNE. of Panoche (Fresno) Calif., Lat. 36°43'32" N., Long. 120°45'49" W., C.P. to change V to H on frequency 4190 MHz toward Joaquin Ridge, Calif.

CA—1224-CF-P-78 Same (KMA32), Joaquin Ridge, 11 miles N. of Coalinga (Fresno) Calif., Lat. 36°18'20" N., Long. 120°24'08" W., C.P. to change V to H on frequency 4198 MHz toward Panoche Mountain, Calif.

IL—1227-CF-P-78 Illinois Bell Telephone Co. (KXR78), Chicago 6 10 S. Canal St. Chicago (Cook) Ill., Lat. 41°52'54" N., Long. 87°38'24" W., C.P. to add frequency 6301V MHz toward Eola, Ill.

IL—1228-CF-P-78 Same (KXR54), 1.53 miles North of Eola (DuPage) Ill., Lat. 41°47'57" N., Long. 88°14'12" W., C.P. to add frequency 6078.6V MHz toward Chicago Ill.

AR—1245-CF-P-78 Southwestern Bell Telephone Co. (KKB55), 725 South Church St. Jonesboro (Craighead) Ark., Lat. 35°50'11" N., Long. 90°42'17" W., C.P. to add frequency on 11685V MHz on azimuth 286.9° toward Bono, Ark.

AR—1246-CF-P-78 Same, (WCU294), 3.2 miles SW. of Bono (Craighead) Ark., Lat. 35°51'48" N., Long. 90°48'53" W., C.P. to add a new point of communication on frequencies 11155V MHz on azimuth 106.8° toward Jonesboro, Ark. and 6286.2H, MHz on azimuth 200.9° toward Weiner, Ark.

AR—1247-CF-P-78 Same (New), 2.2 miles SW. of Weiner (Poinsett) Ark., Lat. 35°36'30" N., Long. 90°56'03" W., C.P. for a new station on frequencies 6034.2V MHz on azimuth 20.9° toward Bono, Ark. and 6034.2H, MHz on azimuth 269.5° toward Newport, Ark.

AR—1248-CF-P-78 Same (WCU291), 121 S. Poplar Newport (Jackson) Ark., Lat. 35°36'20" N., Long 91°15'57" W., C.P. to add a new point of communication on frequency 6286.2V MHz on azimuth 89.3° toward Weiner, Ark.

KS—1259-CF-P-78 American Telephone and Telegraph Co., (KAM47), Dodge City Jct., 0.5 miles NW. of Dodge City (Ford) Kans., Lat. 37°45'57" N., Long. 100°02'03" W., C.P. to add frequency 4198V MHz toward Mullinville, Kans.

KS—1260-CF-P-78 Same (KAM48), 3 miles S. of Mullinville (Kiowa) Kans., Lat. 37°32'10" N., Long. 99°27'59" W., C.P. to add frequencies 4190V MHz toward Dodge CT Jct. and Cullison, Kans.

KS—1261-CF-P-78 Same (KAM62), 4 miles SSW. of Cullison (Pratt) Kans., Lat. 37°34'17" N., Long. 98°55'42" W., C.P. to add frequency 4198V MHz toward Mullinville and Nashville, Kans.

KS—1262-CF-P-78 Same (KAM63), 5.5 miles S. of Nashville (Barber) Kans., Lat. 37°21'20" N., Long. 98°25'39" W., C.P. to add frequency 4190V MHz toward Cullison and Bluff City, Kans.

KS—1263-CF-P-78 American Telephone and Telegraph Co. (KAM64), 2 miles SSW. of Bluff City (Harper) Kans., Lat. 37°02'35" N., Long. 97°53'50" W., C.P. to add frequencies 4198V MHz toward Nashville, Kans. and 2129V MHz toward South Haven, Kans.

KS—1264-CF-P-78 Same (KAM65), 5.5 miles SE. of South Haven (Sumner) Kans., Lat. 36°59'58" N., Long. 97°18'59" W., C.P. to add frequencies 2179V MHz toward Bluff Cy., Kans. and 4198V MHz toward Hardy, Kans.

OK—1265-CF-P-78 Same (KKC97), 3.5 miles WNW. of Hardy (Kay) Okla., Lat. 36°58'27" N., Long. 96°52'00" W., C.P. to add frequency 4190V MHz toward South Haven, Okla.

CA—1274-CF-P-78 Continental Telephone Co. of California (KNL83), 16461 Mojave Drive, Victorville (San B'dno) Calif., Lat. 34°31'42" N., Long. 117°18'14" W., C.P. to replace transmitters and antennas on 10995V and 10755V MHz toward Quartzite, Calif.

CA—1275-CF-P-78 Same (KNL84), Quartzite, 5.7 miles N. of Victorville (San B'dno) Calif., Lat. 34°36'37" N., Long. 117°17'15" W., C.P. to change frequencies 6226.9V and 6345.5V MHz to 6301H and 6360.3H MHz toward Barstown, Calif., change 6019.3V and 6137.9V to 5945.2H and 5974.8V MHz toward R Springs R. and replace transmitters. Replace antennas on frequencies 11285V and 11525V MHz toward Victorville, Calif.

CA—1276-CF-P-78 Same (KMW61), State Highway 66 extended Barstow (San B'dino) Calif., Lat. 34°54'05" N., Long. 117°01'59" W., C.P. to change 5974.8V and 6093.5V MHz to 6078.6V and 6108.3H MHz, replace antennas and transmitters toward Quartzite, Calif.

CA—1277-CF-P-78 Same (KNL86), R Springs R, 1.1 miles S. of Running Springs (San B'dino) Calif., Lat. 34°11'26" N., Long. 117°05'59" W., C.P. to change frequencies 6271.4V, 6390V to 6197.2V, 6226.9H MHz toward Quartzite, Calif., change 6212.1H, 6330.6H to 6197.2V, 6226.9H MHz toward San B'dino, Calif., change 6182.4H, 6301H to 11645V, 11245H MHz toward R Springs Co., Calif., change 6241.7V, 6360.4V to 11365V, 11605V MHz toward Lakeview Pt., Calif. Replace transmitters and antennas.

CA—1278-CF-P-78 Same (KMQ79), San B'dino, 1320 King Street, San Bernardino (San B'dino) Calif., Lat. 34°06'08" N., Long. 117°18'50" W., C.P. to change frequencies 5960H and 6078.6H MHz to 5974.8H and 6034.2H MHz toward R Springs R, Calif., replace transmitters and antennas.

AZ—1300-CF P-78 Mountain States Telephone Co. (WIV25), Mormon Mountain, 17.8 miles SE. of Flagstaff (Coconino) Ariz., Lat. 34°58'08" N., Long. 111°30'25" W., C P. to add a new point of communication on 2162H MHz on azimuth 41.7° toward Shongopovi, Ariz.

CA—1279—CF-P-78 Continental Telephone Co. of California (KNL87), R Springs Co., 2636 Secret Dr., Running Springs (San B'dino) Calif., Lat. 34°12'21" N., Long. 117°06'22" W., C.P. to change frequencies 5932.5H and 6049H MHz to 10715V and 11115H MHz toward R Springs R, replace transmitters and antennas.

CA—1280-CF-P-78 Same (KNL85), Lakeview Pt., 5 miles ENE of Running Springs (San B'dino) Calif., Lat. 34°14'10" N., Long. 117°01'40" W., C.P. to charge frequencies 5960V, 6078.6V MHz to 10715H, 10875H MHz toward Big Bear Lake, Calif., change 5989.7V, 6108.3V MHz to 11075V, 10915V MHz toward R Springs R, Calif., replace transmitters and antennas.

CA—1281-CF-P-78 SAME (KNL88), 560 Bartlett Road, Big Bear Lake (San B'dino) Calif., Lat. 34°14'33" N., Long. 116°54'41" W., C.P. to change frequencies 6212.1V, 6330.6V MHz to 11645H, 11325H MHz toward Lakeview Pt., Calif., replace transmitters and antennas.

CA—1282-CF-P-78 SAME (KSV97), Ford Mountain. 27 miles NNE of Barstow (San B'dino) Calif., Lat. 35°14'19" N., Long. 116°44'39" W., C.P. to replace antennas on frequencies 5960H and 6078.6H MHz toward Goldston Echo, Calif.

CA—1158-CF-AL-(3)-78 Microwave Communications Corp., consent to assignment of licenses from Microwave Communications Corp., assignor to Western Tele-Communications, Inc., assignee for stations KMN54—Mt. Vaca; KNM53—Saint John Mtn. and KNM66—Oroville Airport all in the State of California.

CORRECTIONS

OK—1036-CF—P-78 Oklahoma Allied Telephone Co. (KPP33), 310 Clayton Street, Poteau (Le Flore) Okla. Lat. 35°03'08" N., Long 94°37'13" W. Correct state to read Oklahoma. All other particulars remain the same as reported on Public Notice, report No. 894 January 23, 1978.

VA—1182-CF-TC—(12)-78 Norfolk Carolina Telephone Co. The file number for this application is corrected to read 1182-CF-TC-(13)-78 and station KJJ67, Chesapeake, Va. should be included. All other particulars remain the same as reported on Public Notice No. 896, dated February 6, 1978.





POINT TO POINT MICROWAVE RADIO SERVICE

MAJOR AMENDMENTS

IL—3686-CF-P-77 MC1 Telecommunications Corp. (WLI71), Chicago South, IL., Lat. 41°44'08" N. Long. 87°37'52" W. Amend application to change frequency 6315.9V to 5945.2II MHz towards Downers Grove, IL.

IL—3687-CF-P-77 Microwave Communications, Inc. (WAS65), Downers Grove, IL., Lat. 41°46'22" N., Long. 87°59'50" W. Amend application to change frequency 6063.8V to 6197.2H MHz towards Chicago South, IL.

CA—7857-CF-P 72 Western Tele-Communications Inc. (WOI61), 1390 Market Street, San Francisco, CA, at Lat. 37°46'38" N., Long. 122°24'58" W. Delete proposed facility 5974.8H MHz toward Mt. Vaca, CA (WOI62). All other terms same as reported on Public Notices dated 5-8-72 and 6-3-74.

CA—7858-CF-P-72 Same as above (WOI62), Mt. Vaca, CA., at Lat. 38°24'55" N., Long. 122°06'52" W. Change entry from Public Notice dated 5-8-72 to read: C.P. add 6197.2V MHz toward San Francisco on azimuth 200° 52 min.; add 6197.2H 6256.5H, 6286.2V, 6404.8V MHz toward Bird Valley on azimuth 13° 08 min.; and add new point of communication KXTV to operate on 6286.2H 6404.8H MHz on azimuth 72° 11 min.

CA—7859-CF-P-72 Same (New), Hamilton City, CA, at Lat. 39°39'09" N., Long. 122°00'23" W. Delete entry as reported Public Notice dated 5-8-72 listing site as St. John Mtn., CA and add: new station at Hamilton City to operate on frequencies 5945.2H, 5974.8V, 6004.5H, 6152.8V MHz toward Henleyville on azimuth 322° 22 min.; 5974.8V, 6152.8V MHz via power split toward KHSL-TV on azimuth 59° 33 min.

CA—7861-CF-P-72 Same (WQN46), Henleyville, 7.8 Miles NW. of Corning, CA, at Lat. 39°58'12" N., Long. 112°19'36" W. Change entry to read: C.P. to add frequencies 6256.5H, 6286.2V, 6375.2H, 6404.8V MHz toward Inskip Hill, CA on azimuth 37° 53 min. as listed on Public Notice dated 5-3-72.

CA—7862-CF-P-72 Same (WQN47), Inskip Hill, 1.5 Miles WNW. of Paynes Creek, CA, at Lat. 40°20'46" N., Long 121°56'37" W. Delete Public Notice entry of 5-8-72 and Add: C.P. to add frequencies 6004.5V, 6034.2H, 6123.1V, 6152.8H MHz toward Hatchet Mtn., CA on azimuth 8° 32 min.

CA—7864-CF-P-72 Same (WOI67), Hatchet Mtn., 5 miles NE. of Hillcrest, CA at Lat. 40°54'21" N., Long. 121°49'58" W. Entry should read: Add frequencies 6197.2H, 6286.2V, 6315.9H, 6404.8V MHz toward Weed, CA on azimuth 318° 26 min.; add 6197.2H, 6286.2V, 6404.8V MHz toward KRCR-TV on azimuth 234° 17 min. This replaces entry of May 8, 1972.

CA—7865-CF-P-72 Same (WOI68), 3 Miles South of Weed, CA, at Lat 41°22'41" N., Long. 122°23'25" W. Entry should read: C.P. add 5945.2V, 5974.3H, 6034.2H, 6152.8H MHz toward Mt. Ashland, OR on azimuth 340° 56 min. This replaces entry of May 8, 1972.

OR—7866-CF-P-72 Western Tele-Communications, Inc. (NLW), Mt. Ashland, 7.5 miles South of Ashland, OR, at Lat. 42°04'52" N., Long. 122°43'00" W. Delete all particulars from Public Notice dated 5-8-72 re Little Chinquapin Mtn., OR and add: C.P. for new station to operate on 6197.2V, 6256.5V, 6286.2H, 6345.5H MHz toward Spring Mtn., 6197.2V, 6256.5V, 6345.5H MHz via power split toward KOBI-TV and KMED-TV (via passive reflector) on azimuths 330° 47 min.; 336° 03 min.; 333° 02 min. and 243° 25 min., resp.

OR—7867-CF-P-72 Same as above (New), Spring Mountain, 12.5 Miles North of Wimer, OR, at Lat. 42°42'56" N., Long. 123°11'55" W. Delete all particulars from entry on Public Notice dated 5-8-72 re Wolf Ridge, OR and add: C.P. for new station to operate on 5945.2H, 5974.8V, 6034.2V, 6152.8V MHz toward Sutherlin, OR on azimuth 343° 49 min.

OR—7869-CF-P-72 Same (WOI71), 6.5 Miles West of Sutherlin, OR, at Lat. 43°23'48" N., Long. 123°28'11" W. Change entry from Public Notice 5-8-72 to read: C.P. add frequencies 6226.9V, 6256.5H, 6404.8V, 6286.2V MHz toward Coburg Ridge on azimuth 25° 14 min.

OR—7870-CF-P-72 Same (WOI72) Coburg Ridge, 3.5 Miles North of Springfield, OR, at Lat. 44°06'58" N., Long. 122°59'55" W. Correct entry from Public Notice dated 5-8-72 to read: C.P. to add frequencies 6004.5V, 6034.2H, 6063.8V, 6123.1V MHz toward Vineyard Hill; add 6063.8V, 6123.1V MHz via power split toward KEZI-TV and 6034.2H, 6063.8V MHz via power split toward KVAL-TV on azimuths 332° 57 min.; 239° 38 min. and 216° 18 min., resp.

OR—7872—CF—P-72 Same (WOI73), Vineyard Hill, 4 miles North of Corvallis, OR, at Lat. 44°38'47" N., Long. 123°16'11" W. Correct entry to read: C.P. add 6212.0V, 6241.7H, 6271.4V, 6360.3H MHz toward Dallas, OR on azimuth 346° 56 min. from Public Notice dated 5-8-72.

OR—7873-CF-P-72 Same (WOI74), 4 miles NW. of Dallas, OR, at Lat. 44°58'34" N., Long. 123°22'39" W. This replaces entry of Public Notice dated 5-8-72 to read: C.P. add 5989.7H, 6049.0H, 6078.6V, 6108.3H MHz toward Scappoose, OR on azimuth 18° 12 min.

OR—7874-CF-P-72 Same (WHA88), 6 Miles WNW. of Scappoose, OR, at Lat. 45°46'54" N., Long. 122°59'55" W. Correct entry to read: C.P. to add 6182.4H, 6241.7H 6301.0H, 6230.7V MHz toward Portland TOC, on azimuth 139° 12 min. from Public Notice dated 5-8-72.

CA—4265-CF-P-74 Same (New), Bird Valley, CA, at Lat. 38°49'41" N., Long. 121°59'13" W. Delete proposed facilities 6004.5H MHz directed toward Mt. Vaca, CA (WOI62) and 6004.5H MHz toward Maxwell, CA. All other terms same as reported on Public Notice dated 6-10-74.

CA—4266-CF-P-74 SAME (New), Maxwell, 0.5 Mile south of Delavan, CA, at Lat. 39°20'53" N., Long. 122°11'12" W. Delete proposed facility 6197.2V MHz toward Bird Valley, CA. All other terms same as Public Notice dated 6-10-74.

[FR Doc. 78-4475 Filed 2-17-78; 8:45 am]

[6712-01]

[CC Docket No. 78-50; FCC 78-82]

TELECOMMUNICATION SERVICES FOR THE DEAF AND HEARING IMPAIRED

Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: Inquiry into the telecommunication needs of the deaf and hearing-impaired.

DATES: Comments must be received on or before May 1, 1978 and reply comments must be received on or before June 15, 1978.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 632-9342.

## NOTICE OF INQUIRY

Adopted: February 8, 1978.

Released: February 13, 1978.

In the matter of Telecommunication Services for the Deaf and Hearing Impaired, CC Docket No. 78-50.

1. It is estimated that there are more than thirteen million people with impaired hearing in the United States.[1] For some, particularly the deaf, the inaccessibility of the telephone and other two-way telecommunications services creates barriers to normal human interactions customarily taken for granted by the non-impaired sector of society. However, new technological developments in telecommunications, electronics and computer processing capabilities may make it possible to provide better means of communication using the telecommunications network through the introduction of new services and equipment currently not available. Under the Federal Communications Commission's mandate to regulate communications "* * * so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communications service * * *",[2] the Commission seeks to determine the current status of telecommunications services for the deaf, the communications needs of the deaf and hearing-impaired that are not currently being met, and how modern technology and other resources can be utilized in the communications sector to meet these needs.[3]

2. The primary objective in instituting this inquiry is to provide a nationwide forum whereby communications common carriers and other vendors of communications related equipment can interact with the deaf community in order to better understand their communications needs. In addition, the creation of a comprehensive record in this area will be of assistance to the Commission in formulating any policies or rules that may ultimately evolve from this or subsequent proceedings.[4]

### EXISTING TTY SYSTEM FOR THE DEAF

3. Currently, the primary means of electronic communications available to a deaf individual is the TTY system. The abbreviation "TTY" has traditionally stood for "teletypewriter", and the TTY system employs a class of such terminals which operate on a dial-up basis over the public switched telephone network. The TTY system was developed initially by members of the deaf community because the telephone companies did not offer a service to meet their needs. In 1964 a deaf orthodontist and a deaf engineer designed a system which would allow the use of TTY terminals over the public telephone network. An essential feature of this system was the development of a modem which allowed TTY terminals to be acoustically coupled to the network. Initially, TTY terminals had been almost exclusively surplus or obsolete teletypewriters, donated by the Bell System, Western Union Telegraph Co., and the International Record Carriers.[5] More recently, a wider range of terminals incorporating modern technology has been developed and marketed for use by the deaf; and it is estimated that there are 15,000-20,000 TTY terminals currently in use.[6]

4. In spite of the application of new technology, however, the inherent limitations of the existing TTY system appear to render it less than optimal, both in terms of an efficient utilization of the communciations channel and in meeting the needs of the deaf community. The TTY system has two serious drawbacks. First, the terminal equipment used by the deaf is incompatible with standard computer equipment used in the provision of communication services. Second, because it results in the transmission of data over the network at very low bit rates, the system makes very inefficient use of the telephone network. The compatibility problem arises because neither the teletypewriter terminal nor the modems used by the deaf incorporate data communication standards. The TTYs used by the deaf are "5 level Baudot" machines which utilize a standard that, while being compatible with international Telex standards, is not compatible with TWX or data communications standards which utilize an "8 level ASCII" code. In addition to the basic incompatibility of terminal devices, the modems used in this system are incompatible with modems used in data communications. Most data communications services use the four frequencies standardized in the Bell 103-type modem, while the modems designed in 1964 for the deaf use different frequencies. This incompatibility in modem frequencies, and the Baudot/ASCII incompatibility prevents TTY users from taking advantage of whatever benefits might flow from being able to communicate with people or entities using modern data communication terminals. The second limitation of the TTY system lies in the fact that because it operates on a dial-up basis it is necessary to maintain the connection between two TTY terminals while the users slowly type out their messages. While these factors may render use of the TTY system less than optimal, the question arises as to whether these limitations are of such a nature that they serve to impose an unreasonable burden on either the TTY user or the telephone network.

5. This leads us to inquire as to whether modern technology can be utilized in providing new and innovative communications services which do not have the apparent limitations of the existing TTY system. Computer technology has added a new dimension to the telecommunications industry and already has had a profound impact in terms of the provision of new and innovative communication services as seen, for example, in the development and use of packet switching in certain communication networks. Whether sophisticated computer technology can be applied to the specific needs of the deaf remains to be seen. To the extent that there are limitations inherent in the existing TTY system, attention should be given to whether applications of computer technology could be utilized to overcome these limitations and yield more flexible communications services for the deaf and hard of hearing. In an attempt to provide a forum for the expression of views in this area, we invite comments on the possible applications and benefits of modern computer technology in the provision of new and innovative communication services for the deaf.

6. In the long run there may be electronic message services which more fully meet the needs of the deaf. If for the near term, however, the TTY system is to be the primary means of electronic communications available to the deaf, it becomes appropriate to inquire as to whether users of the TTY system should be provided supporting services which are normally provided to non-deaf customers, such as: operator assistance, directory assistance, business office assistance, recorded messages, and pay TTY terminals in public locations. Comments are sought as to the feasibility, need or other justification for the provision of such services to deaf customers. Moreover, due to the absence of telephone industry offerings of TTY terminal/modem combinations that are compatible with the existing TTY system, comments are also sought on whether there are currently any legal, contractual or regulatory barriers to the telephone industry's offering of TTY terminals and appropriate modems which are compatible with the existing TTY system. Comments should also address whether a need exists for the provision of such services, and whether the telephone industry has any offerings or current plans for new or similar offerings in the future.[7]

### PREFERENTIAL RATES

7. Various interests within the deaf community have argued[8] for lower rates for deaf users of TTYs over the interstate public telephone network. This is based on recognition that a voice customer can communicate information faster than can a TTY customer using the currently available TTY system and equipment. For interstate toll service the deaf user is charged by the minute; however, he or she communicates more slowly than voice telephone users. This may result in higher toll charges for deaf users than for other users. It has been argued that this has a discriminatory effect which should be remedied through preferential rates for deaf users of TTYs over the interstate toll network.[9]

8. The reason advanced for establishing preferential rates for deaf users of the TTY system is to alleviate an economic constraint that may, in some cases, foreclose usage of the system. The argument is made that the usage sensitive nature of the interstate toll charges, in conjunction with the longer duration of a TTY call, inhibits the use of the TTY system. If this should be found to be the case, the establishment of preferential rates for interstate toll service would be a possible method of alleviating any unreasonable economic inequities accruing to the TTY user which serve to inhibit his or her use of the system. The issue of the need and justification for preferential rates should be addressed by the comments in this inquiry.

9. From the Commission's perspective it is important to first determine what constraints, if any, the interstate MTS toll structure imposes on the ability of the deaf to use the TTY system. If an unreasonable constraint should be found to exist, we invite comments on whether the Commission should take some action on its own or whether the problem is of a nature which should be addressed by Congress rather than by this Commission. Those comments addressing possible preferential rates should address the adverse effects, if any, upon the remaining ratepayers in the form of higher rates, as well as possible benefits that might accrue to the deaf community in terms of increased accessibility and usage resulting from lower rates. In this regard studies of estimates of the demand for TTY service and the impact preferential rates would have on carrier revenues should be submitted where available. In addition, any studies or other data concerning the percentage of TTY users, or potential users, suffering economic hardship from the costs of interstate toll service would be appropriate.

### RESEARCH AND DEVELOPMENT

10. The question arises as to whether the Government can or should provide money for the development of new electronic message services for the deaf, for the development of inexpensive TTY compatible terminal devices, or for further research in related areas. The economics of these services may be such that profitable private industry operation may result if Federal funds could be applied during the design or demonstration phase. Inasmuch as the principal objective of this inquiry is to provide a forum for ascertaining the telecommunication needs of the deaf and hearing-impaired research and development needs may be addressed. Realizing that the most we can do in this regard is to serve as a repository for the comments that might be submitted, the record may still serve as a valuable source of information. For example, private and governmental entities could enter in the record of this proceeding, if they so desire, a description of their respective programs pertaining to telecommunications services for the deaf and whether or not they have funds designated for research and development in this area. Accordingly, interested parties may comment on the appropriateness of, and need for, research and development efforts and demonstration projects in this area, as well as existing funding programs currently in effect.

### ITEMS OF INQUIRY

11. In view of the foregoing we seek to obtain information, views and recommendations from interested members of the public in order to ascertain the telecommunication needs of the deaf and possible responses to these needs by communication common carriers and independent equipment vendors. The Commission seeks comments on any aspect relevant to a consideration of this subject matter which may not have been raised herein; and, with respect to the issues raised, we specifically request respondents to address the following:

(a) Whether there is a need for new, specialized communication services for the deaf?

(b) Whether any regulatory barriers exist which act as a constraint on the development of new and innovative services for the deaf?

(c) Whether either the incompatibility between Baudot And ASCII terminals, or the interstate MTS toll structure inhibits usage of the TTY system?

(d) Whether a need exists, and whether it would be feasible for the

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[1] Jerome D. Schein and Marcus T. Delk, Jr., "The Deaf Population of the United States" (National Association of the Deaf, (1974) p. 4, "National Census of the Deaf Population" (1971). Throughout this Notice the terms "deaf" and "hearing-impaired" are used interchangeably.

[2] 47 U.S.C. 151.

[3] This inquiry does not address mass communications services for the deaf, such as the use of the vertical blanking interval of the television broadcast signal (addressed in Docket No. 20693, 63 FCC 2d 378 (1976)) or the use of the SCA subcarrier of an FM broadcast station.

[4] On December 30, 1977, the National Center for Law and the Deaf (NCLD) filed a "Petition for Rulemaking," which, in essence, seeks to have the Commission institute an inquiry into matters raised herein and to adopt such rules as are deemed necessary. Rather than establishing a separate proceeding, the issues raised in NCLD's petition are incorporated into this Inquiry. We leave to another proceeding the adoption of specific rules in this area, should we find that a need exists.

[5] A non-profit organization called Teletypewriters for the Deaf, Inc. was established to act as a clearinghouse to recondition such machines and make them available to the deaf.

[6] On December 15, 1976, the Commission issued a Public Notice announcing the installation of a "TTY phone" in the Commission's Consumer Assistance Office.

[7] Without entering into a discussion of the boundary between deafness and hearing impairment, we note that the hearing-impaired may have a range of choices currently available, including amplified handsets and hearing aids with a telephone pickup feature that operate by means of electromagnetic leakage. The Bell System, GT&E, and other independent telephone companies are requested to provide updated information for the record in this proceeding which describes their plans for accommodating hearing aid users. Comments are also sought on the need to establish standards such as electromagnetic leakage, in the manufacturing of telephone handsets (telephone company provided and customer owned), or some other standard such as handsets designed with jacks capable of accommodating hearing devices used by the hearing-impaired.

[8] See, for example, "Statement of the National Center for Law and the Deaf", submitted to the House Interstate and Foreign Commerce Committee, hearings on Domestic Common Carriers, September 26, 1977.

[9] We note that the New York Public Service Commission has recently considered the matter of preferential rates for deaf users of TTY terminals on the public network and has ordered its staff to work with New York Telephone Company to develop reduced charges for deaf teletypewriter users. (Order dated July 6, 1977, in Case No. 27205). In addition, the Connecticut Public Utilities Control Authority recently concluded that the chargeable time for intrastate toll applicable to TTY calls should be reduced by 75 percent. (Decision dated December 16, 1977, in Docket No. 70526).

telephone companies to provide the following services to deaf customers using TTYs: Operator, directory, and business office assistance, recorded messages, and pay TTY terminals in public locations?

(e) Whether there are any legal, contractual, or regulatory barriers to telephone companies that stand in the way of their offering TTY terminal/modem combinations that are compatible with the existing TTY system?

(f) Whether it is necessary for the benefit of hearing aid users for the Commission to establish standards, such as electromagnetic leakage, etc., in the manufacturing of telephone handsets?

(g) Whether there is a need or justification for preferential rates for the deaf, and what economic impact such rates would have, if any?

(h) Whether there are any unmet research needs in bringing new services to the deaf, and what sources of funding are available to support any additional research that may be needed?

(i) Whether federal research and development funds are needed and would the use of such funds be appropriate for demonstration projects in this area?

12. Accordingly, pursuant to sections 4(i), 4(j), 201-205, and 403 of the Communications Act of 1934, as amended, *It is ordered*, That an inquiry is hereby instituted.

13. Interested persons may file comments on or before May 1, 1978, and reply comments on or before June 15, 1978. All relevant and timely comments will be considered by the Commission. In reaching its determinations in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

14. Pursuant to the applicable procedures set forth in §1.51 of the Commission's rules and regulations, an original and 9 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

15. Should individual members of the deaf community desire to participate in this proceeding, informal comments for the record may be filed over a specially installed TTY. The number of this TTY terminal will be announced in March. Meanwhile, procedural questions and general inquiries can be made over the FCC's TTY at 202-632-6999.

FEDERAL COMMUNICATIONS COMMISSION,[10]
WILLIAM J. TRICARICO,
*Secretary.*

[10] Commissioner Lee absent; Commissioner Washburn issued a separate statement. See attached statement of Commissioner Washburn.

FEBRUARY 8, 1978.

SEPARATE STATEMENT OF COMMISSIONER ABBOTT WASHBURN

RE: NOTICE OF INQUIRY INTO THE NEEDS OF THE DEAF AND HEARING IMPAIRED

It was Alexander Graham Bell's keen interest in speech and the deaf, one hundred years ago, which gave us the telephone. Had he been one of the experts in electricity and magnetism of that day, according to his biographers, he would have "known" that the transmission of the human voice over wire was "impossible."

In light of this history it is ironic that today's 13 million hearing-impaired U.S. citizens enjoy so little benefit from the vast modern switched telephone network.

The present Inquiry (adopted unanimously), therefore, is most welcome and should help to speed the process of bringing modern telecommunications services to the deaf. Its timing is propitious in light of the great advances in computer communications and the work now going forward on electronic message services. We hope there will be wide response, comment, and suggestions from all interested sectors: common carriers, equipment manufacturers, Government agencies, private firms with expertise in data/hard copy communications, and representatives of the deaf community.

[FR Doc. 78-4479 Filed 2-17-78; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION

### AGREEMENTS FILED

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 27, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

AGREEMENT NO. 8640-3.

FILING PARTY: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. 8640-3, between Compania Anonima Venezolana de Navegacion and Prudential Lines, Inc., is an application for a two month extension through June 3, 1978, of the parties' basic cargo revenue pooling and equal access agreement in the trade between the United States ports of New York, Philadelphia, and Baltimore and those of Venezuela.

By Order of the Federal Maritime Commission.

Dated: February 14, 1978.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-4544 Filed 2-17-78; 8:45 am]

[6730-01]

### AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 8, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: T-2553-B

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-B, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the 10-year sublease of a gantry crane to be used for cargo handling purposes at the Packer Avenue Marine Terminal. During the first three years, Lavino will load and unload containerized cargo from ships of other terminal operators and will have the right to collect and retain a reasonable charge for the use of the crane and other facilities. As compensation, Lavino will pay $50,544.00 as annual rental for the use of the crane.

AGREEMENT NO.: T-2553-C

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-C, between Philadelphia Port Corp. (Port) and Lavino Shipping Co. (Lavino), provides for the renewable, five-year sublease of Berth B and related storage areas with improvements to be constructed, located at Packer Avenue Terminal II. The premises will include a terminal area consisting of a transit shed, berthing space, roll-on/roll-off facility, railroad tracks, paved area, and additional backup land consisting of six acres. As compensation, Lavino will pay rental according to a formula which will enable Port to meet its commitments for payment and is set forth in the agreement.

AGREEMENT NO.: T-2553-D.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-D, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a second Container Crane to be used on Packer II Container Terminal. As compensation, Lavino will pay 8.86 percent of the Capital Cost of the crane, as annual rental.

AGREEMENT NO.: T-2553-E.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

AGREEMENT NO: Agreement No. T-2553-E, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a container storage area to be used in the transfer and storage of cargo located at Packer Avenue Marine Terminal II. As compensation, Lavino will pay, as annual rental, $3,500 per acre for the land plus 10.36 percent of the Capital Cost of improvements.

AGREEMENT NO.: T-2553-F.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-F, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a third crane at the Packer II Container Terminal. As compensation, Lavino will pay, as annual rental, 8.85 percent of the Capital Cost of the crane with a minimum annual rental of $240,000.

AGREEMENT NO.: T-2880-15.

FILING PARTY: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

SUMMARY: Agreement No. T-2880-15, between the Port Authority of New York and New Jersey (Port) and Barber Lines A/S (Barber), modifies the parties' basic agreement providing for Barber's lease of Piers 9A and 9B at the Brooklyn-Port Authority Marine Terminal, New York, N.Y., for use by Barber as a public marine terminal facility. The purpose of the modification is to add Pier 8 to the leased premises, provide for certain construction by the Port at the leased premises and adjust the rental so that Barber will pay the Port the greater of $2 multiplied by revenue tons handled at the facility, or $800,000 per annum, not to exceed a maximum annual payment of $1,600,000. Barber may assign this lease agreement and its rights thereunder to John W. McGrath Corp.

AGREEMENT NO.: T-3092-A

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-3092-A, between Philadelphia Port Corp. (Port) and I.T.O. Corp. of Ameriport, Inc., (I.T.O.), provides for the 30-year sublease to I.T.O. of certain premises consisting of 20.1405 acres of land at the Tioga I Marine Terminal which Port leases from Philadelphia Electric Co. (PECO). As compensation, I.T.O. will pay annual rental as set forth in the agreement ranging from $100,008 for the first five years to $125,004 for the last five years. PECO reserves the right to terminate, upon notice, any or all parts of the sublease necessary for the performance of its corporate business.

AMENDMENT NO.: T-3092-1.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-3092-1, between Philadelphia Port Corp. and I.T.O. Corp. of Ameriport, Inc., (I.T.O.), amends the basic agreement between the parties which provides for the renewable, five-year sublease of the Tioga I Marine Terminal for the handling of waterborne commerce and purposes incidental thereto. The purpose of this modification is to allow for the construction of a truck gatehouse and electrical installation to service refrigerated containers. As compensation for the improvements, I.T.O. will pay 10.36 percent of the Capital Cost of each of the improvements and will amend its insurance coverage to include the improvements.

AGREEMENT NO.: T-3376-1.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach District, P.O. Box 9935, Riviera Beach, Fla. 33404.

SUMMARY: Agreement No. T-3376-1, between the Port of Palm Beach District (Port) and Caribbean Lines Corp. (CLC), modifies the parties' basic agreement providing for the lease to CLC of premises located in Palm Beach, Fla. The purpose of the modification is to extend the term of the agreement for an additional one-year period and to adjust the rental accordingly.

AGREEMENT NO.: T-3577.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Fla. 33404.

SUMMARY: Agreement No. T-3577, between Port of Palm Beach District (Port) and Adams-Whiddon Farms, Inc., (AWF), provides for the one-year renewable exclusive lease to AWF of office space located at the Port of Palm Beach, Fla. In addition, AWF will be permitted the nonexclusive right to use the Port's lands and dock facilities for the loading and unloading of AWF vessels. As compensation, Port will receive as rent $600 per year. AWF shall also be responsible for the payment of all applicable tariff charges as specified in the then cur-

rent tariff published by the Port, as well as all utility charges, as a result of AWF's operations.

By order of the Federal Maritime Commission.

Dated: February 15, 1978.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-4545 Filed 2-17-78; 8:45 am]

[6730-01]

## CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

### Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 36 CFR.

| Certificate No. | Owner/operator and vessels |
|---|---|
| 01035 | Ove Skou: *Baltic Skou.* |
| 01323 | Manchester Liners Ltd.: Seatrain Bennington, Manchester Venture. |
| 01935 | Partnership between Steamship Co. Svendborg Ltd. and Steamship of 1912 Ltd.: *Niels Maersk.* |
| 01337 | Marfin Management Trust (Reg.): *Maria Topic.* |
| 01453 | Alden Shipping Co. Ltd.: *Verdala.* |
| 01465 | Scottish Ship Management Ltd.: *Brittenburg.* |
| 02209 | Flota Mercante Grancolombiana S.A.: *Rio Atrato.* |
| 02458 | The China Navigation Co. Ltd.: *Foochow.* |
| 02877 | Nippon Yusen Kabushiki Kaisha: *Wakagiku Maru.* |
| 03294 | Companhia de Navegacao Lloyd Brasileiro: *Rio Verde.* |
| 03502 | Shinyei Senpaku K.K.: *Hudson Maru.* |
| 03601 | Etela-Suomen Laiva Oy: *Pasila.* |
| 03614 | A/S Kristian Jebsens Rederi: *Bedouin Brunes.* |
| 03708 | Puget Sound Tug & Barge Co.: *509, 544.* |
| 03740 | Lake Charles Dredging & Towing Co., Inc.: *L.S.C. 302.* |
| -3997 | Baltika Schiffahrtsgesellschaft Reith & Co.: *Columbus Tahiti, Columbus Noumea.* |
| 04124 | Gulf Oil Canada Ltd.: *Gulf Canada* |
| 04240 | Petroleo Brasileiro S.A.: *Jurua.* |
| 04308 | Toxon Navigation Co. S.A.: *Toxon.* |
| 04601 | American Tunaboat Association: *Sea Fox.* |
| 04642 | South African Marine Corp. Ltd.: *S.A. Tzaneen.* |
| 04939 | Panocean-Anco Ltd: Post Challenger, Post Champion, Post Charger, Post Chaser, Post Endeavour, Post Enterprise. |
| 05010 | Mt. Vernon Barge Cleaning Inc.: *MVBC No. 3.* |
| 05040 | General Construction Co.: *Western No. 5.* |
| 05758 | Compagnie Nationale de Navigation: *Pierre Guillaumat, Vendemiaire.* |
| 06248 | Commercial Corporation Sovrybflot: *Agatovyi, Aviator Amga, Aragonit, Arzamas, Akmolinsk, Astronom, Ardalov, Akhilles, Belovo, Dolomit, Meteorit, Nadezhda, Oktant, Yuzhnomorsk, Askold, Amursk, Anisimovka, Aralsk, Bakaevo, Baikal, Belkino, Galifan Batarshin, Bikin, Danko, Kommunist, Mys Shelikhova, Pechenga, Nakhodka, Posjet, Revolyutsioner, M. Reshetnikov, Sibiriak, Tretjakovo, Atlantika,* |
| 06399 | Tokumaru Kaiun K.K.: *Nittoku Maru.* |
| 06906 | Directia Navigatiei Maritime Navrom: *Deva.* |
| 07255 | Teh Tung Steamship Co. Ltd.: *Trophy.* |
| 07523 | Harbert Construction Corp.: *Louise Daniel.* |
| 07574 | Georgian Shipping Co.: *General Merkvila, Khudozhnik A. Gerasimov, Khudozhnik Vladimir Serov.* |
| 08071 | Anglo Nordic Bulkships (Management) Ltd.: *Nordic Conqueror.* |
| 08413 | McLean Contracting Co.: *Jamestown.* |
| 08889 | Companhia Portuguese De Transportes Maritimos E.P.: *Ilha De Porto Santo, Joao Da Nova, Ponta S. Lourenco.* |
| £08894 | £Maritime Coastal Containers, Ltd.: *Berglind.* |
| 09785 | San Diego Transportation Co.: *420.* |
| 09792 | United Pair Agencies, Ltd.: *Bagru, Union Refer.* |
| 09919 | Compania De San Hacienda, S.A.: *Iran Para.* |
| 09990 | Alaska Brick Co., Inc.: *Katmai* |
| 10215 | Fountain Shipping Co., Ltd., S.A.: *Larissa.* |
| 10280 | Kuwait Oil Tanker Co. (U.K.), Ltd.: *Al Faiha.* |
| 10718 | Smit-Lloyd B.V.: *Smit-Loyd 116.* |
| 10771 | Alecandria Shipping & Navigation Co.: *Ihab I.* |
| 11260 | Intercontinental Transportation Services, Ltd.: *Santa Marta* |
| 11372 | Crowley Maritime International S.A.: *Noordzee Challenger.* |
| 11713 | Yukiteru Kaiun Kabushiki Kaisha: *Koyo Maru.* |
| 11754 | Perca Asiatica S.A.: *Gloria Ace.* |
| 12376 | Sea Horse Navigation S.A.: *Sea Triumph.* |
| 12711 | Golden Triangle Towing & Fueling Co., Inc.: *GT-10, GT-11, GT-103, GT-108, GT-109, GT-110, Big John.* |
| 12876 | Pesqueras Gabriel Gonzalez S.A.: *Pegago Segundo.* |
| 12944 | K/S Borgsten Dolphin A/S & Co.: *Borgsten Dolphin.* |
| 13039 | Luhr Bros., Inc.: *L-1000B.* |
| 13095 | Kingston Shipping Co., Inc.: *Capricorn.* |
| 13103 | Transisland S.A.: *Silver Fox.* |
| 13117 | Iyo Kosan (Panama) S.A.: *Ryujin Maru.* |
| 13210 | Global Navigation & Shipping Corp.: *Aurora.* |
| 13212 | Ventail Shipping, Inc.: *Court Lady.* |
| 13213 | Southwold Maritime, Inc.: *Al Samad.* |
| 13214 | Rossiare Bay Shipping Co., Ltd.: *Al Rakeeb.* |
| 13239 | Strider 4, Ltd.: *Opal Bounty.* |
| 13242 | Shipco 2295, Inc.: *Atigun Pass.* |
| 13262 | Parthenon Shipping Enterprises S.A.: *Parthenon.* |
| 13268 | Good Faith Shipping Co. S.A.: *Agios Spyridon.* |
| 13269 | Nea Fokea Shipping Co., Ltd.: *Pavlos XII.* |
| 13279 | The Shipping Corp. of New Zealand, Ltd.: *Fetu Moana, Tiare Moana.* |
| 13299 | Elise Shipping, Inc.: *Elise.* |
| 13314 | Marubeni Maritime Management, Inc.: *Unity Reefer.* |
| 13331 | Premier Transport Corp. of Monrovia: *North Emperor.* |
| 13334 | Global Gas Transport, Inc.: *Permian Gas.* |
| 13335 | Reliance Gas Transport Corp.: *Danian Gas.* |
| 13337 | Taikoo Navigation Co., Ltd.: *Kwangtung, Sinkiang.* |
| 13342 | Halsbury Shipping, Ltd.: *Bangkok Star.* |
| 13343 | Seaarland Shipping Management Ges. m.b.H.: *Furia, Falloro.* |
| 13344 | Unique Trading K.K.: *Mie Maru No. 7, Unique.* |
| 13347 | Commerce Shipping Co., Ltd.: *Thassos.* |
| 13348 | Trans Global Shipping Corp.: *Menites.* |
| 13349 | Aleutian Transportation, Inc.: *LSMR 508.* |
| 13351 | Costami S.A.: *Nena.* |
| 13352 | Golden Hope Steamship, Inc.: *Golden Hope.* |
| 13355 | Viking Transport, Inc.: *Sun Gas.* |
| 13356 | Himeji Navigation Co., S.A.: *Himeji.* |
| 13357 | Manuel Gestoso Costas: *Penalba.* |
| 13358 | Orbit Maritime S.A.: *Ube.* |
| 13359 | Ultramar Belgrano S.A.: *Skymnos.* |
| 13360 | Ultramar Anchorena S.A.: *Elena.* |
| 13364 | Second Shipmor Associates: *Overseas Ohio.* |
| 13365 | Sparti Compania Naviera S.A. Panama: *Transworld Sailor.* |
| 13367 | Navios Miner, Inc.: *Navios Miner.* |
| 13368 | Sanko Kisen (Cayman), Ltd.: *Torrent.* |
| 13369 | Societe Nationale Maritime S.A.: *Adina.* |
| 13370 | Bowoon Sangsa Co. Ltd.: *Bowoon No. 7.* |
| 13371 | Hohsing Line S.A.: *Hohsing Arrow.* |
| 13375 | Solomon Navigation Ltd.: *Oceanus Campaigner.* |
| 13378 | Challenger Shipping Corp.: *Bierum.* |
| 13378 | Rederiet Ole E. Kristensen KS 2: *Lady Anne.* |
| 13381 | Betty K Agencies Ltd.: *Betty K, Betty K IV.* |
| 12382 | Naviera Joaquin Davila y CIA., S.A.: *Canabal.* |
| 13387 | Lorelei Shipping Corp.: *Evi II, Hermy, Pacific River, Atlantic River.* |
| 13389 | Yugen Kaisha Kiyofuji Shoji: *Kiyofuji Maru No. 2.* |
| 13392 | Timur Carriers (Private) Ltd.: *Trans America, Trans Europa.* |
| 13393 | Sinoia Steamship Inc.: *Sinoia.* |
| 13394 | Seabound Shipping Corp.: *St. Spyridon.* |
| 13395 | Myrmidones Compania, Naviera S.A.: *Nedi.* |
| 13396 | Scandinavian Partner-Ship 10: *Atlantic Pioneer.* |
| 13398 | Fannie Maritime Corp.: *Fannie.* |
| 13401 | Unamonte Naviera S.A.: *Seven Ocean.* |
| 13406 | Trans Pacific Enterprise Pte Ltd.: *East Sea.* |
| 13407 | Compania Maritima Rea S.A.: *Rea.* |
| 13408 | Harmony Navigation Corp.: *Conqueror Bulker.* |
| 13410 | Thracia Shipping Co. S.A.: *Gaasterdyk.* |
| 13412 | Auricula Maritime Inc.: *Agios Dimitrios.* |
| 13416 | Oleander Shipping S.A.: *Crown.* |
| 13417 | Tauras Trading Co. (H.K.) Ltd.: *Patricia Trader.* |
| 13418 | Epimithefs Shipping Co. Ltd.: *Epimithefs.* |
| 13419 | Chugoku Sougyo Co. Ltd.: *C. S. Valiant.* |
| 13420 | Sanei Kaiun K.K.: *Key Glory.* |
| 13422 | Kustvaartbedrijf Vershoor en Switynk: *Adriana.* |
| 13458 | Tredegan Compania Naviera S.A.: *Providence.* |
| 13459 | Ste Pour le Developpement du Cabotage (Sodeca): *Marina.* |
| 13460 | Nichiyo Kisen Kabushiki Kaisha: *Koyo Maru.* |
| 13473 | Compania Progress Three S.A.: *Progress Pride, J. U. 3.* |
| 13480 | West Coast Shipping Co.: *Atlantic Trader, Avila, Lompoc, Santa Maria, Santa Paula, Sansinena II.* |
| 13487 | Rosario Investments Corp.: *Veni.* |
| 13492 | Phoenix Maritime Carriers Inc.: *Oriental Discoverer.* |
| 13519 | Crisantema Line S.A.: *Genciano, Petrelo, Pasalo.* |
| 13525 | Luna Nagivation Co. Ltd.: *Alice Act.* |
| 13528 | Torenia Maritime Inc.: *Siam Bay.* |

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-4546 Filed 2-17-78; 8:45 am]

[1610-01]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 13, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice





in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 13, 1978, and should be addressed to Mr. John M. Loveiady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of Form FCS-1, Car Statistics—General Service Cars, required to be filed by 45 Class I linehaul railroads pursuant to Ex Parte 241. The report is made for the month of October of each year on a continuing basis and is filed with the ICC in two reports. The first report is due December 31 of each year and is to contain information on lines 1 through 13 and 25 through 27 of Form FCS-1, and the second report is due no later than April 30 of each year and is to contain information on lines 14 through 24 of Form FCS-1. Data are used by the ICC to estimate the number of cars individual railroads should own in order to furnish their shippers with an adequate supply. The ICC estimates reporting time to average 4 hours for each report.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc. 78-4522 Filed 2-17-78; 8:45 am]

[6820-24]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-459]

### SECRETARY OF DEFENSE

### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Energy Regulatory Commission involving the application of the Alabama Power Company for an increase in electric rates.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
*Administrator of General Services.*

FEBRUARY 7, 1978.

[FR Doc. 78-4531 Filed 2-17-78; 8:45 am]

[6820-24]

[Federal Property Management Regulations Temporary Regulation F-454]

### SECRETARY OF DEFENSE

### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an investigation before the Rhode Island Public Utilities Commission involving a proposed alternative rate structure for the Newport Electric Co.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission involving a proposed alternative rate structure for the Newport Electric Co.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
*Administrator of General Services.*

FEBRUARY 7, 1978.

[FR Doc. 78-4532 Filed 2-17-78; 8:45 am]

[4110-88]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Alcohol, Drug Abuse, and Mental Health Administration

### COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

### Meeting

In acordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1978:

Community Alcoholism Services Review Committee, March 31 to April 2, 8:30 a.m., Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. 20014.

Open: March 31, 8:30 to 9:30 a.m. Closed: Otherwise.

Contact: Mr. Sidney Leopold, Room 11-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

*Purpose.* The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to alcoholism services activites and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

*Agenda.* From 8:30 a.m. to 9:30 a.m., March 31, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.





Act (Pub. L. 92-463) announcement is

will be forwarded to Committee mem-



[4110-12]

Communications Act of 1934, as

to health education, and social service

Dated: February 14, 1978.

CAROLYN T. EVANS,
*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 78-4478 Filed 2-17-78; 8:45 am]

[4110-03]

**Food and Drug Administration**

[Docket No. 75G-0081]

**PFIZER, INC.**

**Withdrawal of Petition for Affirmation of GRAS Status**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP 5G0045) proposing affirmation that the use of glycine hydrochloride, L-cysteine hydrochloride, L-arabinose, and β-alanine in hydrolyzed vegetable protein (HVP) based meat flavors is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with §171.7 Withdrawal of petition without prejudice of the procedural food additive regulations (21 CFR 171.7), Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017, has with drawn its petition (GRASP 5G0045), notice of which was published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25501), proposing that the use of glycine hydrochloride, L-cysteine hydrochloride, L-arabinose, and β-alanine in hydrolyzed vegetable protein (HVP) based meat flavors is generally recognized as safe.

Dated: February 10, 1978.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc. 78-4477 Filed 2-17-78; 8:45 am]

[4110-35]

**Health Care Financing Administration**

**PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE**

**Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following advisory committee meeting:

Name: Pharmaceutical Reimbursement Advisory Committee.

Date and time: March 14, 1978 (9 a.m. to 5 p.m.); March 15, 1978 (9 a.m. to 2:30 p.m.).

Place: Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20202.

Purpose of meeting: The Pharmaceutical Reimbursement Advisory Committee was established pursuant to §19.4 of the regulations "Limitations on Payment or Reimbursement for Drugs" (45 CFR Part 19), published in the FEDERAL REGISTER, July 31, 1975 (40 FR 32284). The Committee advises the Pharmaceutical Reimbursement Board (composed of Department employees) on the appropriateness of proposed maximum allowable cost (MAC) determinations submitted to it by the Board, and upon request advises the Secretary and the Board on general policies and procedures of the Department in reimbursing or paying the cost of drugs used in departmentally funded program.

MAC proposals: The Board has submitted proposed MAC limits for certain forms and strengths of doxepin HCl, meprobamate, and phenylbutazone to the Committee. The Committee will review and advise the Board on the appropriateness of the following MAC limits:

| Drug/strength/dosage form | Proposed MAC limit |
|---|---|
| Doxepin HCl, 25 mg capsules | $0.1150 |
| Doxepin HCl, 10 mg capsules | .0940 |
| Doxepin HCl, 50 mg capsules | .1765 |
| Meprobamate, 400 mg tablets | .0125 |
| Meprobamate, 200 mg tablets | .0108 |
| Phenylbutazone, 100 mg tablets | .0750 |

Copies of the transmittal and supportive material are available for inspection in Room 3076, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201. Limited single copies may be obtained from the Executive Secretary of the Committee.

Public comments: Requests for scheduled oral presentations to the Committee on the MAC proposals should be submitted to the Executive Secretary, Mr. Peter J. Rodler, and should include the names of the persons who will make the oral presentation. These requests will be accepted no later than March 9, 1978, and should contain the oral presentation in its entirety together with all supporting studies or materials. A minimum of 20 copies of the presentation and supporting studies or materials should be delivered to the Executive Secretary no later than March 9, 1978.

A summary of the written comments received no later than March 9, 1978, will be forwarded to Committee members prior to the meeting. All written communciations will be filed and will be available at the meeting for consideration.

The Committee meeting is open to the public. Public attendance is limited to space available. If time permits, additional public comments will be allowed. In addition, interested persons may submit written statements at or immediately following the meeting.

Communications regarding the Committee should be addressed to Mr. Peter J. Rodler, Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Health Care Financing Administration, Room 3076, Mary E. Switzer Building. 330 C Street SW., Washington, D.C. 20201.

Dated: February 14, 1978.

PETER J. RODLER,
*Executive Secretary. Pharmaceutical Reimbursement Advisory Committee.*

[FR Doc. 78-4523 Filed 2-17-78; 8:45 am]

[4110-08]

**National Institutes of Health**

**RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE**

**Working Group**

Notice is hereby given of a Working Group sponsored by the Recombinant DNA Molecule Program Advisory Committee at the Summer House Inn, 7955 La Jolla Shores Drive, La Jolla, California 92037, on March 11, 1978 from 9:00 a.m. to 5:00 p.m. Conference Room to be posted at Hotel.

The Working Group will discuss the preparation of a list of organisms known to exchange genetic information by natural physiological processes, as stipulated in the proposed revised Guidelines for Research Involving Recombinant DNA Molecules.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, NIGMS, NIH, Building 31, Room 4A52, Bethesda, Maryland—telephone 301 496-6051.

The meeting will be open to the public. Attendance by the public will be limited to space available.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 78-4605 Filed 2-17-78; 8:45 am]





[4110-12]

**Assistant Secretary for Planning and Evaluation**

**TELECOMMUNICATIONS DEMONSTRATION PROGRAM**

**Grant Awards**

Pursuant to section 392A of the Communications Act of 1934, as amended by section 8 of the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976, the Assistant Secretary for Planning and Evaluation announces the award of grants for telecommunication demonstrations of non-broadcast technology as applied to health education, and social service delivery.

This program operates under regulations published July 13, 1977 (42 FR 36149). Ninity-five applicants responded to a solicitation published July 22, 1977 (42 FR 37602). The following awards have been made for Program Year 1977.

| Applicant | System and service | Amount |
|---|---|---|
| Center for Excellence, Inc., Williamsburg, Va. | FM radio/cable using SCA channel and mix of terminal equipment—to deliver programing to the visually and hearing-impaired, and the temporarily and permanently homebound | $60,456 |
| University of Denver Graduate School of Librarianship, Denver, Colo. | Telefax/slow scan TV using voice-grade telephone lines to deliver educational and informational services to remote communities. | 198,764 |
| The Pennsylvania State University University Park, Pa. | Cable/ITFS—to deliver continuing education services and foster institutional cooperation | 86,984 |
| University of Wisconsin—extension Madison, Wis. | Automated dial-access telephone—to deliver social services information on health, nursing, food, and nutrition, math instruction, etc. | 53,184 |
| State of Alabama Telecommunications Division, Montgomery, Ala. | UHF radio/telephone—to assist in the delivery of emergency medical services | 128 000 |
| Roman Catholic Archdiocese of Boston, Deaf Community Center, Boston, Mass. | Computer/telephone—to provide communications services for the deaf | 147,825 |
| Wernersville State Hospital, Wernersville, Pa. | Microwave/cable/CCTV—to reduce isolation and provide other services to emotionally-ill patients | 64,410 |
| PACE Institute, Inc., Cook County, Ill. | CCTV/interactive slow scan TV with audio—to provide educational services to a correctional institution | 183,415 |

Another solicitation is planned for 1978, and it is anticipated that an announcement will be made before July. Information will appear in the FEDERAL REGISTER.

HENRY AARON,
*Assistant Secretary for Planning and Evaluation.*

[FR Doc. 78-4564 Filed 2-17-78; 8:45 am]

[4310-84]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[M 39791]

**MONTANA**

**Application**

FEBRUARY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185, (1970 Supplement III), Texaco, Inc., has applied for a natural gas pipeline right-of-way for a 2-inch line across the following public lands;

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 22 E.,
Sec. 26, E½SW¼, SW¼SW¼, and N½SE¼; and
Sec. 27, N½SW¼, W½SE¼, and SE¼SE¼.

The pipeline will convey natural gas across 2.04 miles of public land in Carbon County, Mont.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Mont. 59457.

ROLAND F. LEE,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4533 Filed 2-17-78; 8:45 am]

[4310-31]

**Geological Survey**

**GULF OF MEXICO AREA**

**Disposal of Outer Continental Shelf Royalty Oil**

Notice is hereby given that applications from eligible small refiners for the purchase of the United States' share of oil produced from Outer Continental Shelf (OCS) lands (Gulf of Mexico Area only) will be accepted if received by March 20, 1978, pursuant to regulations set forth in 30 CFR 225a.

A small refiner is defined in 30 CFR 225a.2(a) as:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

The eligibility of small refiners will be determined in accordance with the rules of the Small Business Administration in effect as of October 30, 1975.

This Notice is pursuant to the "future contracts" paragraph of the FEDERAL REGISTER Notice of July 14, 1976, which states as follows:

"As additional royalty oil becomes available, it will be offered only on an annual basis with the next offering being made to provide for delivery of royalty oil on July 1, 1977. Any contracts entered into on this date or the next anniversary date of July 1, 1978, will have a term that will expire on July 1, 1979."

Approximately 25,000 barrels per day of Gulf of Mexico royalty oil will be available for contract from July 1, 1978, to July 1, 1979. First preference for this royalty oil will be given to eligible small refiners who are not presently under contract for royalty oil. The remainder of available Gulf of Mexico royalty oil will be allocated to eligible applicants on an equitable basis, which will have the effect of increasing the base allocation volume.





This royalty oil would be allocated



*Marion County*

*Walworth County*

[4410-01]

This royalty oil would be allocated on an application-number basis. An allocation would be made to each qualified refiner and to each refiner for which a final determination as to its qualification had not been made by the Small Business Administration. The allocation of royalty oil to each refiner would include consideration of the following:

(a) Each refiner would receive an equal amount as its base allocation volume, depending on the amount of royalty oil available and the number of such refiners.

(b) No volume of royalty oil received would exceed the base allocation volume which is presently 2,373 barrels per day, but which may be increased by the availability of oil not allocated to eligible first preference refiners.

(c) The sum of the volumes of OCS and onshore royalty oil acquired or being acquired by a refiner would not exceed 60 percent of the combined refinery capacity of that refiner.

(d) The amount allocated to a refiner would not exceed the maximum stated need.

(e) The final amount of royalty oil allocated to any refiner from all OCS Areas plus the amount of royalty oil being received from onshore Federal leases could not exceed the base allocation volume. In the event the amount of onshore royalty oil acquired or being acquired by a refiner exceeded the base volume of OCS royalty oil allocated, no allocation of OCS royalty oil would be made to such refiner.

In accordance with Part 225a.6, the following information should be furnished with each application for royalty oil:

A. 1. Name and address.

2. Location of refinery or refineries.

3. Affiliation or association with any other refiner of oil or diversified company. Specify exact affiliation or association.

4. Total number of employees including those employed by affiliated or associated companies.

B. 1. Capacity of each refinery.

2. Crude oil currently available from production or by purchase in the open market, broken down by source, amount, and type or grade into the following categories:

a. From applicant's own and controlled production. Include information on any current sales of owner or controlled production.

b. By purchases under firm contracts running 6 months or more.

c. From day-to-day spot purchases or other arrangements.

d. From crude oil imported by allocation under the mandatory imports program; include details of current exchange agreements connected with such import allocations and any information concerning the disposition of any unused import allocations.

C. 1. Minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity. Specify amount and grade.

2. Name of fields which, you believe, offer a potential source of crude oil supply.

D. A tabulation, for the last 12 months of operation, of the amount and grade of crude oil refined each month and kind and amount of the principal finished products.

E. A self-certification that the refinery is a small business concern in accordance with the appropriate guidelines of the Small Business Administration, Title 13 of the Code of Federal Regulations, Part 121.3-9.

F. Copies of certified letters which offer to purchase oil from all major suppliers operating in the vicinity of the refinery and the fields where royalty oil is requested and attach copies of the replies to these letters. Also, any other evidence that may be available of efforts made to purchase needed oil in the open market.

A drawing will be held at a place and date to be established later for the purpose of determining preferential selection of delivery points and leases for royalty oil from the Gulf of Mexico OCS.

Applications for the purchase of this royalty oil (from leases in the Gulf of Mexico OCS) should be submitted to the Area Oil and Gas Supervisor for Production Control, U.S. Geological Survey, P.O. Box 7944, Metairie, La. 70011.

WILLIAM B. OVERSTREET,
*Acting Director.*

[FR Doc. 78-4679 Filed 2-17-78; 8:45 am]

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[4310-70]

**Heritage Conservation and Recreation Service**

**HISTORIC PLACES**

**National Register**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 13, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by March 3, 1978.

RONALD M. GREENBERG,
*Acting Keeper of the National Register.*

**COLORADO**

*Denver County*

Denver, *Elitch Theatre*, W. 38th Ave. and Tennyson St.

**GEORGIA**

*Putnam County*

Eatonton vicinity, *Rock Eagle Site*, N of Eatonton off GA 300.

**ILLINOIS**

*Cook County*

Chicago, *Hyde Park-Kenwood Historic District*, roughly bounded by 47th and 59th Sts., Lake Park and Cottage Grove Aves.
Chicago, *South Shore Beach Apartments*, 7321 S. Shore Dr.
Chicago, *Swift House*, 4500 S. Michigan Ave.
Glencoe, *Sylvan Road Bridge*, Sylvan Rd.
Wilmette, *Bahai Temple*, 100 Linden Ave.

*DuPage County*

Lombard, *First Church of Lombard*, Maple and Main Sts.

*Hamilton County*

McLeansboro, *Cloud, Aaron G., House*, 164 S. Washington St.

*Kane County*

St. Charles vicinity, *Garfield Farm and Tavern*, W of St. Charles at IL 38 and Garfield Rd.

*Lake County*

Waukegan, *Near North Historic District*, roughly bounded by Glen Flora Ave., RR tracks, Ash St., and City Hall.

*Logan County*

Mount Pulaski, *Mount Pulaska Courthouse*, Public Square.

*Marion County*

Centralia, *Sentinel Building*, 232 E. Broadway.

*Massac County*

Metropolis, *Curtis, Elijah P., House*, 405 Market St.

*Ogle County*

Oregon, *Pinehill*, 400 Mix St.

*Rock Island County*

Moline, *Huntoon, Joseph, Homestead*, 821 16th St.

*Union County*

Anna, *Stinson Memorial Library*, 409 S. Main St.

*Will County*

Joliet, *Union Station*, 50 E. Jefferson St.

**INDIANA**

*Grant County*

Matthews, *Cumberland Covered Bridge*, SR 1000 over Mississinewa River.





*Marion County*

Indianapolis, *Pierson-Griffiths House*, 1028 N. Delaware St.

**MARYLAND**

*Carroll County*

Westminister vicinity, *Royer, Christian House*, N of Westminster on Fridinger Mill Rd.

*Montgomery County*

Brookeville vicinity, *Brookeville Wollen Mill and House*, 1901 Brighton Dam Rd.

*St. Marys County*

Chaptico vicinity, *Gravelly Hills*, NW of Chaptico on Davis Rd.

*Washington County*

Hagerstown vicinity, *Long Meadows*, N of Hagerstown on Marsh Pike.

**NEW MEXICO**

*Grant County*

Faywood vicinity, *Montoya Site*, N of Faywood.
San Juan vicinity, *Wheaton-Smith Site*, N of San Juan.
San Lorenzo vicinity, *Janss Site*, N of San Lorenzo.

**NORTH CAROLINA**

*Brunswick County*

Southport vicinity, *Brunswick Town Historic Site*, N of Southport off NC 133.

*Durham County*

Durham vicinity, *Horton Grove Complex*, N of Durham on SR 1626.

*Vance County*

Henderson, *Henderson Fire Station and Municipal Building*, Garnett and Young Sts.
Henderson, *Mistletoe Villa*, Young Ave.

**OKLAHOMA**

*Oklahoma County*

Oklahoma City, *Oklahoma County Home for Girls*, 6300 N. Western Ave.

**TENNESSEE**

*Meigs County*

Decatur, *Meigs County Courthouse*, Court Square.

**TEXAS**

*Dallas County*

Dallas, *Munger Place Historic District*, roughly bounded by Henderson, Junius, Prairie, and Reiger Sts.

**VIRGIN ISLANDS**

*St. John Island*

Cruz Bay vicinity, *Congo Cay Archeological District*, N of Cruz Bay off St. John Island.

**WISCONSIN**

*Dane County*

Madison, *Elliott, Edward C., House*, 137 N. Prospect Ave.

*Walworth County*

Delavan, Stowell, Israel, Temperance House, 61-65 E. Walworth Ave.

*Waukesha County*

Okauchee, *Okauchee House*, 34880 Lake Dr. HABS.

[FR Doc. 78-4251 Filed 2-17-78; 8:45 am]

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[7020-02]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-3]

**DOXYCYCLINE**

**Reactivation of Investigation**

Notice is hereby given that the United States International Trade Commission on February 7, 1978, after considering the written arguments of all the parties of record, granted the December 6, 1977, motion of Pfizer Inc. to terminate the Commission's August 13, 1975, suspension, and ordered the reactivation of Commission investigation No. 337-TA-3 of Doxycycline, effective February 21, 1978. For the purpose of the investigation so reactivated, Myron R. Renick, Chief Administrative Law Judge, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

In approving the motion to reactivate, the Commission has concluded that the investigation can be continued in a manner which will not unduly burden International Rectifier Corp. or Pfizer, Inc. It is clear from the argument on the motion that information can be supplied to the Commission, including information developed in the course of discovery and court proceedings, without unduly burdening the parties. The Commission and the courts can carry out their respective responsibilities in such a manner as not to impinge on or interfere with each other.

Notice of institution of this investigation was originally published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10837), and notice of suspension of the investigation was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34545).

Issued: February 15, 1978.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4566 Filed 2-17-78; 8:45 am]

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[4410-01]

## DEPARTMENT OF JUSTICE

**Law Enforcement Assistance Administration**

**NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**Program Solicitation**

The National Institute of Law Enforcement and Criminal Justice announces the solicitation of research proposals for a program in the theory of general deterrence. Interested researchers may obtain a copy of the solicitation by writing to:

Director, Office of Research and Evaluation Methods, NILECJ/LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531.

This solicitation will award only grants. LEAA policy prohibits profit-making firms from competing in such grant processes.

BLAIR G. EWING,
*Acting Director, National Institute of Law Enforcement and Criminal Justice.*

[FR Doc. 78-4534 Filed 2-17-78; 8:45 am]

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[7527-01]

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

**TASK FORCE ON THE ROLE OF THE SCHOOL LIBRARY MEDIA PROGRAM IN NETWORKING**

**Meeting**

Notice is hereby given of the National Commission on Libraries and Information Science (established by Pub. L. 91-345) holding a meeting of the Task Force on the Role of the School Library Media Program in Networking. This meeting of the Task Force will be held on March 20-21, 1978, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va.

PROPOSED AGENDA

(1) Review and discuss draft No. 3 of the Task Force report.

(2) Structuring of NCLIS-AASL program at the annual ALA meeting in June 1978.

(3) Stucturing of the Task Force program at the Annual Conference of the American Association of State Administrators in February 1979.

ALPHONSE F. TREZZA,
*Executive Director.*

FEBRUARY 13, 1978.

[FR Doc. 78-4535 Filed 2-17-78; 8:45 am]





[7590-01]

telephone call to the designated Fed-



and Components Important to Safety

held at 8:30 a.m. on March 9 and 10

Region II: Suite 1217, 332 Broadway

[7590-01]

## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

#### Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Procedures Subcommittee will hold a meeting at 4:30 p.m. on March 8, 1978, in Room 1062, 1717 H Street NW, Washington, D.C. This meeting will be open to the public except for those portions necessary to protect information which would represent an undue invasion of personal privacy if released.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

4:30 P.M.-6 P.M. (OPEN)

The Subcommittee will meet in open session to discuss proposed ACRS recommendations regarding the establishment of a statutorily independent, quasi-judicial board for evaluation of accidents which may occur in nuclear reactors; NRC staff procedures related to nuclear powerplant operations at "stretch" power; and proposed reorganization of ACRS Subcommittee and Working Group assignments.

6 P.M.-6:30 P.M. (CLOSED)

The Committee will meet in closed session to discuss the qualifications of candidates proposed for ACRS membership.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to hold portions of this meeting in closed session, as noted, to avoid the disclosure of information which if released would represent an undue invasion of privacy (5 U.S.C. 552b.(c)(6)). Separation of factual information from information considered exempt from disclosure under exemption (6) of 5 U.S.C. 552b.(c) during the closed portions of this meeting is not considered practical.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 15, 1978.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc. 78-4582 Filed 2-17-78; 8:45 am]

[7590-01]

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

#### Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on March 8, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MARCH 8, 1978, 8:45 A.M. UNTIL ABOUT 1 P.M.

A. The Subcommittee will hear presentations from the NRC staff and will hold discussions with this group pertinent to the following:

(1) Proposed Regulatory Guide 1.XXX, "Criteria for E.I. & C.S. Portions of Safety Systems."

(2) Proposed Regulatory Guide 1.139, "Guidance for Residual Heat Removal."

(3) Regulatory Guide 1.128, Revision 1, "Installation Design and Installation of Large Lead Storage Batteries for Nuclear Power Plants."

(4) Regulatory Guide 1.68, Revision 2, "Initial Test Programs for Water-Cooled Reactor Power Plants."

1 P.M. UNTIL THE CONCLUSION OF BUSINESS

B. The Subcommittee will hear presentations from the NRC staff and will hold discussions with this group pertinent to the following:

(1) Draft effective amendments to 10 CFR Part 50 Section 50.34 "Maintaining Integrity of Structures, Systems and Components Important to Safety During Construction at Multi-Unit Sites."

(2) Draft effective amendments to 10 CFR Part 50 Section 50.71 to require that "Applicants for or Holders of Power Reactor Operating Licenses Periodically Update Their Final Safety Analysis Reports (FSAR's)."

(3) Draft effective amendments to 10 CFR Part 50 Section 50.44, "Standards for Combustible Gas Control Systems in Light Water Cooled Power Reactors."

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding regulatory guides 1.128, revision 1; 1.68, revision 2; and 10 CFR Part 50, Section 50.44 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practical to Mr. Gary R. Quittschreiber (ACRS), the designated Federal employee for the meeting, in care of ACRS-Nuclear Regulatory Commission, Washington, D.C. 20555, or telecopy them to the designated Federal employee, 202-634-1925, as far in advance of the meeting as practical. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee, Mr. Gary R. Quittschreiber, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 16, 1978.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc. 78-4668 Filed 2-17-78; 8:45 am]

[7590-01]

### RISK ASSESSMENT REVIEW GROUP

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a two-day open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be held at 8:30 a.m., on March 9 and 10, 1978, in Room 1167 of the Matomic Building, 1717 H Street, NW., Washington, D.C. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon, to obtain information on developments in the field of risk assessment methodology and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The Review Group will submit a report to the Commission on or before July 1, 1978.

In carrying out these assignments, it is anticipated that a number of working sessions will be scheduled at different locations, with notification to the public well in advance of each meeting. With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Comments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 2, 1978, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.
2. The NRC's five Regional Offices of Inspection and Enforcement:
*Region I:* 631 Park Avenue, King of Prussia, Pa. 19406.
*Region II:* Suite 1217, 230 Peachtree Street, Atlanta, Ga. 30303.
*Region III:* 799 Roosevelt Road, Glen Ellyn, Ill. 60137.
*Region IV:* Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012.
*Region V:* Suite 202, 1990 N. California Boulevard, Walnut Creek Calif. 94596.

Copies of the Final Report may be obtained from:
U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff. Attn: Melea S. Fogle, telephone: 301-492-8377, 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call on March 8, 1978, to the Office of Policy Evaluation (telephone 202-254-5184, Attn: John Austin) between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to represent final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after May 29, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., February 14, 1978.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc. 78-4420 Filed 2-17-78; 8:45 am]

[7590-01]

[Docket No. 50-244]

### ROCHESTER GAS & ELECTRIC CORP.

#### Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Provisional Operating License No. DPR-18, issued to Rochester Gas & Electric Corp. (the licensee), for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, N.Y.

The amendment would authorize operation in cycle 8 with reload fuel supplied by Exxon Nuclear Co., Inc. (ENC) and would make related changes to the Technical Specifications. The safety analysis for the ENC supplied fuel includes thermal hydraulic analysis, neutronic analysis, ENC fuel design, plant transient analysis, core rod ejection analysis, and an Emergency Core Cooling System analysis.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 23, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lex K. Larson, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his in-

terest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's request dated January 6, 1978, NRC letter December 16, 1977 dealing with Ginna's ECCS model and RG&E's response of January 16, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, N.Y. 14627.

Dated at Bethesda, Md. this 13th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-4419 Filed 2-17-78; 8:45 am]

[3110-01]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 10, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release. Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Designation of Certifying Official, 22-8794, on occasion, 36,000 schools, Caywood, D. P., 395-3443.

DEPARTMENT OF ENERGY

Manufacturer's Coal Inventories as of November 30, 1977, MA-412, single time, 1,400 coal consuming manufacturers, C. Louis Kincannon, 395-3211.

NATIONAL SCIENCE FOUNDATION

Final Evaluation Data Collection Plan of OSME, single time, education administrators, human resources division, Laverne V. Collins, 395-3532.
OSME Student Survey, single time, 400 fourth grade students, human resources division, Laverne V. Collins, 395-3532.
OSME System Questionnaire, single time, education administrators and teachers in Oregon, human resources division, Laverne V. Collins, 395-3532.

OFFICE OF MANAGEMENT AND BUDGET

President's Reorganization Project: Real Property Services:
Interview Guide: State and Private Industry, single time, 8 State governments, 12 major corporations, Lowry, R. L., 395-3772.
Contractors Questionnaire, single time, 250 Government contractors: Real property services, Lowry, R. L., 395-3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' and Importers' Questionnaire (carbon steel plate), single time, producers and importers of carbon steel plate, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Application for Registration (and Food Service Management Company Registration Determination), FNS-189-19, annually, 641 food service management companies, human resources division, budget review division, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, 1978 Census of Agriculture Area Sample (Test), single time, 2,000 heads of households in area segments, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Follow-up of the Graduates of the University of Chicago's GSSA, OS-2-78, single time, 400 graduates and 200 employers, Human Resources Division, Reese B. F., 395-3532.
Social Security Administration, State Agency Operations Report-Worksheet, SSA-3471-1-7, weekly, 55 disability sections-State agencies, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Pipeline Carrier Accident Report, 7000-1, on occasion, 300 liquid pipeline companies, Strasser, A., 395-6132.

REVISIONS

VETERANS ADMINISTRATION

Mobile Home On-Site Inspection Report, 26-8519, on occasion, veterans; fee-basis inspectors, 2,000 responses, 1,000 hours, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Report of Marital Status, BRI 49-175, other (see SF-83), survivor annuitants, 31,000 responses, 4,150 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Statement of Budget, Income and Equity—FMHA Borrower, FMHA 442-2, quarterly, public bodies and nonprofit corporation, 20,000 responses, 20,000 hours, Ellett, C. A., 395-6132.
Food and Nutrition Service, Regulations for the National School Lunch Program, on occasion, State agencies and school food authorities, 71,384 responses, 37,948 hours, Human Resources Division, Budget Review Division, 395-3532.
Economics, Statistics, and Cooperatives Service-Statistics, June Enumerative Survey, annually, sample of farmers, 150,700 responses, 52,800 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Industry Identification Questionnaire, BE-607, on occasion, foreign-owned U.S. business, 25 responses, 50 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.
Confidential Quarterly Report; Transactions of U.S. branches or Agencies of Foreign Banking Firms With Home Offices, BE-606B, quarterly, foreign owned U.S. banking branch or agency, 300 responses, 300 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.
Transactions of Unincorporated U.S. Business Enterprise With Foreign Parent, BE-606, quarterly, foreign owned unincorporated U.S. enterprises, 420 responses, 420 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.
Transactions of U.S. Corporation With Foreign Parent, BE-605, quarterly, foreign owned U.S. corporations, 4,716 responses, 4,716 responses, 4716 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Fertility Values and Family Growth, NIH-CH-33, single time, women in Philadelphia, 1,000 responses, 1,000 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Transit System Security Survey, single time, individuals, Strasser, A., 395-6132, Office of Federal Statistical Policy and Standard.





EXTENSIONS

COMMUNITY SERVICES ADMINISTRATION

Summary of Work Program and Budget, 419 and 419A, annually, CAA; LPA, 2,000 responses, 1,000 hours, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Qualifications Inquiry—Administrative Law Judge, CSC-192, on occasion, supervisors and associates of job applicant, 15,000 responses, 2,500 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Economics:
Farm and Rural Land Market Survey, ERS-FPED-7, semiannually, brokers, salesmen, appraisers, lenders, 8,100 responses, 2,700 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.
Cotton Objective Yield Survey, CE-12-33A, other (see SF-83), cotton producers, 3,440 responses, 1,063 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.
Animal and Plant Health Inspection Service, application for U.S. Veterinary Biologics Establishment License, VS 14-1, on occasion, veterinary biological product producers, 22 responses, 22 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Technical Standards Order Authorization, FAR-37, on occasion, firms within the aircraft industry, 385 responses, 3,044 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
*Budget and Management Officer.*

[FR Doc. 78-4597 Filed 2-17-78; 8:45 am]

[3110-01]

### Office of Federal Procurement Policy

### FEDERAL PROCUREMENT INSTITUTE

#### Change in Name

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of change in name of the Federal Procurement Institute.

SUMMARY: pursuant to Pub. L. 93-400, the Administrator for Federal Procurement Policy hereby gives notice that the Policy Board of the Federal Procurement Institute has voted to change the name of the Federal Procurement Institute (FPI) to Federal Acquisition Institute (FAI). This change is effective as of March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Martinez, Assistant Administrator for Labor Affairs and Personnel, telephone 202-395-4934.

SUPPLEMENTARY INFORMATION: Under Pub. L. 93-400, authority for Federal procurement policy is vested in the Administrator for Federal Procurement Policy. All executive agency procurement policies, regulations, procedures, and forms are subject to those prescribed by the Administrator.

LESTER A. FETTIG,
*Administrator.*

[FR Doc. 78-4537 Filed 2-17-78; 8:45 am]

[6820-40]

## PRESIDENT'S COMMISSION ON MENTAL HEALTH

### A 2-DAY MEETING

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential committee meetings scheduled to assemble during the month of March 1978.

The President's Commission on Mental Health, March 6, 1978—9:30 a.m. to 5 p.m.[1]; March 7, 1978—9:30 a.m. to 5 p.m.; New Executive Office Building, Room 2010, Pennsylvania and 17th Streets NW., Washington, D.C., open meeting.

Contact: Mary Ann Orlando, Special Assistant to the Chairman, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

*Purpose.* The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the Nation. In particular, the Commission shall seek to identify: How the mentally ill, emotionally disturbed, and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next 25 years; ways the President, the Congress, and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed, and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies, and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent, and how the financing should be divided among Federal, State, and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

*Agenda.* This meeting will be open to the public. This will be a working session without presentations and the agenda will consist of a general discussion of issues pertaining to the commission's report to the President.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairman, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 2050.

BENEDICT LATTERI,
*Administrative Officer, President's Commission on Mental Health.*

FEBRUARY 14, 1978.

[FR Doc. 78-4536 Filed 2-17-78; 8:45 am]

[1] If the work of the Commission cannot be concluded by 5 p.m., March 7, 1978, the Commission will continue its meeting at 9:30 a.m., March 8, 1978, at the same location.

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14465; File No. SR-BSPS-78-1]

### BRADFORD SECURITIES PROCESSING SERVICES, INC.

#### Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on February 2, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

PILOT TRADE COMPARISON AND REPORTING SERVICE

(a) The Corporation shall offer a Pilot Trade Comparison and Reporting Service (the "Service"), to be used by not more than fifteen (15) participants at any one time, for transactions in "exempt securities" as defined under section 3(a)(12) of the Securities Exchange Act of 1934, effected by or

for a participant in accordance with this Rule. After approval of the pilot program by the Commission it will continue until such time as the Commission takes action on SR-BSPS-77-5, the rule change by which the Corporation proposes to offer this Service on a permanent basis. Each participant may, to the extent it so desires, use the Service, by submitting data, as provided for herein, for transactions in any exempt securities effected by or for the participant and by so doing agrees to be bound by this Rule for the transaction as to which data is submitted and to pay the fees therefor as set forth in the Fee Schedule.

(b) (i) To use the Service a participant shall submit, individually by trade, the information specified by the Corporation in the forms or format specified therefor, which form or format shall include the identification of the participant, the subject security, the contra side, the quantity, the unit price, the aggregate price, the trade date and the settlement date. When a participant is the contra side to the transaction and has submitted the information specified by the Corporation to utilize this Service with respect to that transaction, the Corporation shall effect the comparison of the transactions as set forth herein. Where a non-participant is the contra side to the transaction or where a participant is the contra side and has not submitted the information specified by the Corporation to utilize the Service for that transaction, the Corporation shall take such action as it deems reasonable and appropriate to effect a comparison of the transaction for the participant. Included among such actions, the Corporation may submit the requisite data directly to the contra side in exchange for the contra side's statement of the terms of the transaction, or establish means whereby the Corporation may exchange data and effect a comparison of the transaction with the clearing agency to which the contra side has submitted the data regarding the transaction.

(ii) Participants using the Service shall submit the specified data on the day after the day of the transaction no later than 12 o'clock, noon, of the time in effect at the main office of the Corporation, except that participants submitting data to branch offices of the Corporation shall submit data no later than the time specified by that branch office which shall not be sooner than the time such data would have to be submitted to the Corporation's main office.

(c)(i) Where a participant utilizes the Service, within 24 hours after the Corporation has received the requisite data from the participant and the contra side or the contra side's clearing agency, the Corporation shall give each participant a time stamped report (the First Report) setting forth: (a) The terms of all transactions which compare, which shall include with respect to securities on which interest is accumulated the interest accumulated until the settlement date; (b) the terms of all transactions reported by the participant and not reported by the contra side; (c) the terms of all transactions reported by the contra side and not reported by the participant; and (d) those transactions in items (b) and (c) which appear to the Corporation to be valid transactions and the reasons causing the non-comparison can be readily resolved by the parties thereto. Within 24 hours after the time of the First Report, the participant shall furnish to the Corporation the data regarding transactions in items (b), (c), and (d) on which agreement has been reached with the contra side, in such form or format as the Corporation shall specify which shall include the same information as that specified in paragraph (b)(i) hereof. Where the contra side to a trade is a non-participant or a participant which is not using the Service for that transaction, the Corporation shall lend reasonable assistance to the participant during this 24 hour period to resolve all transactions in categories (b), (c), and (d). Within 48 hours of the time of the First Report, the Corporation shall make available to a participant a report (the Second Report) which shall show all transactions which were not compared in the First Report but which subsequently have compared and the transactions previously reported in the First Report in categories (b), (c), and (d) which still remain in such categories.

(d) (i) A participant may use the Service for transactions effected on an "as of" or delayed delivery basis if the data is furnished in accordance with paragraph (b) hereof.

(ii) A participant may delete data as to transactions which have been submitted to the Service if such deletion instruction is furnished within six hours of the time for submission of transaction data for that transaction or if such deletion instruction is for a transaction in categories (b), (c), or (d) of the First Report and such instruction is furnished within 24 hours of the time of the First Report.

(iii) Transaction data not submitted to the Service by the time specified in paragraph (b)(ii) hereof may be submitted within 24 hours of the time of the First Report, in accordance with paragraph (c) hereof, and shall be included in the Second Report.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this new Rule is to enable the Corporation to offer a Pilot Trade Comparison and Reporting Service (the "Service") for transactions in exempt securities effected by the participants. This pilot program is being offered pending Commission action on SR-BSPS-77-5, a proposed rule change by which the Corporation proposes to offer this Service on a permanent basis.

At the present time this type of service is offered by other clearing agencies only to their participants for trades in securities "cleared" by that clearing agency and, in some instances, is only available for trades between participants in that clearing agency. However, other than Depository Trust Company, the Corporation is aware of no other clearing agency offering a service for the comparison and reporting of trades in exempt securities.

During the Pilot program the Service will be limited to no more than 15 participants for trades in exempt securities effected by that participant regardless of where they are executed. Further, the Service will be available for transactions between participants as well as transactions between a participant and a non-participant. In the latter instance and in instances of a trade between participants which one participant does not submit to the Service, the Corporation will act on behalf of the submitting participant in endeavoring to effect a comparison. This will involve the Corporation in sending confirmation notices to the contra side in a manner consistent with the Rule's time frames and may involve use of the messengers of the Corporation, its branch offices and its correspondents to hand deliver such notices. The Corporation will also establish relationships with other clearing agencies to exchange transaction data where the contra party submits such data to another clearing agency. Finally, the Service is non-exclusive because a participant is not compelled to use the Service for all of its transactions or even for all of its transactions in certain securities. Rather, a participant may utilize the Service as it desires when it deems such utilization and the cost thereof in comparison to other comparison services advantageous.

This Rule Change is part of a program which the Corporation has adopted to develop and establish a full clearance and settlement system for all securities.

The Proposed Rule Change relates to the prompt and accurate clearance and settlement of securities transactions, fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions by providing participants the means through which they can compare transactions in all securities in which they have effected a transaction, regardless of with whom the transaction has been effected, and thereby more speedily reach agreement as to the exact terms of all transactions and more expeditiously effect the consummation thereof.

The Corporation does not believe that the proposed rule change will impose any burden on competition.

On or before March 28, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 14, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 13, 1978.

[FR Doc. 78-4472 Filed 2-17-78; 8:45 am]

[8010-01]

[File No. 500-1]

**FINANCIAL GENERAL BANKSHARES, INC.**

**Suspension of Trading**

FEBRUARY 13, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Financial General Bankshares, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:00 p.m., e.s.t., on February 13, 1978 through February 22, 1978.

By the Commission.

SHIRLEY E. HOLLIS,
*Assistant Secretary.*

[FR Doc. 78-4471 Filed 2-17-78; 8:45 am]

[4710-01]

**DEPARTMENT OF STATE**

[Public Notice CM-8/16]

**ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON HOTELKEEPERS' LIABILITY**

**Meeting**

A meeting of the Study Group on Hotelkeepers' Liability, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10 a.m. on Tuesday, March 21, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The Study Group will review the UNIDROIT Preliminary Draft Convention on the Hotelkeeper's Contract in its current form and discuss the applicability of the future instrument on the Hotelkeeper's Contract to contracts concluded between tour organizers and hotelkeepers and its relations with the 1970 international Convention on the Travel Contract.

Entrance to the Department of State building is controlled, and members of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to March 21, 1978. The telephone number is area code 202, 632-8134.

Dated: February 10, 1978.

RICHARD D. KEARNEY,
*Chairman.*

[FR Doc. 78-4548 Filed 2-17-78; 8:45 am]

[4710-01]

**ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES**

**Meeting**

The Department of State will hold a meeting on March 14 for the Working Group on Accounting Standards of the Advisory Committee on Transnational Enterprises. The Working Group will meet from 9:30 a.m. to 5:30 p.m. with a break for lunch. The meeting will be held in Room 1406 of the State Department, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss ongoing work in international bodies in the area of the harmonization of accounting standards. Particular reference will be made to the United Nation's Report of the Group of Experts on International Standards of Reporting and Accounting and the possibility of work in this field in the Organization of Economic Cooperation and Development.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of each working group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: February 10, 1978.

RICHARD D. KAUZLARICH,
*Executive Secretary.*

[FR Doc. 78-4467 Filed 2-17-78; 8:45 am]

[4710-01]

[CM-8/14]

**SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA**

**Meeting**

The ad hoc working group on nuclear ships of the Subcommittee on Safety of Life at Sea (SOLAS), a component of the Shipping Coordinating Committee (SHC), will conduct an open meeting on Wednesday, March 8, 1978, at 9:30 a.m. in Room 8240 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of this meeting is to discuss the results of the February meeting of the Intergovernmental Maritime Consultative Organization's (IMCO) Working Group on Nuclear Ships, where Chapters 1, 2, 8, and 9 of the proposed IMCO Code of Safety for Nuclear Ships were considered. In addition, the SOLAS working group will also discuss Chapter 5 of the proposed Code in final preparation for the next IMCO meeting on the subject.

Requests for further information should be directed to Cdr. John Deck

III, U.S. Coast Guard (G-MMT-4), Washington, D.C. 20590, telephone 202-426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
*Chairman, Shipping Coordinating Committee.*

FEBRUARY 8, 1978.

[FR Doc. 78-4468 Filed 2-17-78; 8:45 am]

[4710-01]

[Public Notice CM 8-15]

## STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

### Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 9, 1978, in Conference Room D, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting on March 9 is to review the work underway in preparation for the CCIR Special Preparatory Meeting (SPM) which will convene in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman.

Dated: February 13, 1978.

GORDON L. HUFFCUTT,
*Chairman, U.S. CCIR National Committee.*

[FR Doc. 78-4547 Filed 2-17-78; 8:45 am]

[4830-01]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

### Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Intention to Disclose.

SUMMARY: This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Requests for additional deletions must be submitted by March 28, 1978. A petition in the United States Tax Court must be filed by May 8, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determination described in this notice will be made open to public inspection on June 19, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Chief, Rulings Disclosure Branch, Internal Revenue Service, T:FP:R Room 6549, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical, 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection the written determinations issued after December 31, 1967 (except those issued in response to requests submitted after October 31, 1976) classified as reference and that originated in the Individual Tax Division, Office of the Assistant Commissioner (Technical), or predecessor divisions, and that involve issues falling within the jurisdiction of that Division.

Issues falling within the jurisdiction of the Individual Tax Division are those involving:

(a) Income taxes of noncorporate taxpayers (including individuals, partnerships, estates, and trusts);

(b) Political organizations under section 527 of the Internal Revenue Code (except section 527(f));

(c) Employment taxes and taxes on self-employment income;

(d) Estate, gift, and certain excise taxes;

(e) Procedure and administrative provisions of the Internal Revenue Code, except those specifically applicable to employee plans, exempt organizations, and actuarial determinations.

The Division also has jurisdiction over issues involving both noncorporate and corporate taxpayers with respect to:

(f) Charitable contributions; tenant-stockholders of cooperative housing corporations;

(g) Employee stock option and stock purchase plans;

(h) Real estate investment trusts;

(i) Election of certain small business corporations as to tax status and related matters, except the rules relating to certain qualified pension plans. The Division does not have jurisdiction over issues involving excise taxes under Chapters 42 and 43 of the Internal Revenue Code, nor did it issue written determinations prior to October 1, 1973, involving Interest Equalization Tax.

The Division is composed of three Branches: Individual Income Tax Branch (T:I:I); Estate and Gift Tax Branch (T:I:EG); and Wage, Excise and Administrative Provisions Branch (T:I:WEA). All reference written determinations issued during the prescribed time periods discussed in this notice and originating in these branches or predecessor branches are intended to be within the scope of this notice.

### DELETIONS

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpaper identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with the proposed deletions indicated. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by March 28, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by May 8, 1978.





### ADDITIONAL DISCLOSURE

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

### BACKGROUND FILE DOCUMENTS

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. on June 19, 1978. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court will not be made available until after a court determination regarding that portion is made.

JEROME KURTZ,
*Commissioner of Internal Revenue.*

[FR Doc. 78-4558 Filed 2-17-78; 8:45 am]

[4830-01]

## PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

### Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Intention to Disclose.

SUMMARY: This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Requests for additional deletions must be submitted by March 28, 1978. A petition in the United States Tax Court must be filed by May 8, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determination described in this notice will be made open to public inspection on June 19, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Chief, Rulings Disclosure Branch, Internal Revenue Service, T:FP:R Room 6549, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical, 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memorands) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Pursuant to section 1201(b) of the Tax Reform Act of 1976, the Internal Revenue Service earlier made available certain written determinations to complainants in Freedom of Information Act proceedings commenced before January 1, 1976. Accordingly, the Service is preparing to open to public inspection, as the first of the written determinations to be made open under section 6110(h) of the Code, the written determinations described in this notice that were earlier made available to the complainants in the following cases:

I. In *Internal Revenue Service* v. *Fruehauf Corporation, et al.*, 522 F. 2d 284 (6th Cir. 1975), the categories of documents described by the court as follows:

(1) All unpublished private rulings and/or letter rulings originating in the Miscellaneous and Special Provisions Tax Division, Excise Tax Branch, of the Office of Assistant Commissioner (Technical), Internal Revenue Service, which were issued between January 1, 1947 and to September 13, 1973 to manufacturers of automobile truck chassis, automobile bodies, truck and bus trailer and semi-trailer chassis, truck and bus trailer and semi-trailer bodies, and tractors of a kind chiefly used for highway transportation in combination with a trailer or semi-trailer, or to any trade association of any one or more such manufacturers, in which determinations were made of:

(a) All items includable or excludable in the price for which a taxable article is sold under section 4216(a) of the Internal Revenue Code (or any predecessor section) and any Regulations issued pursuant thereto.

(b) The methods, means, formulae or procedures for determining or computing, by a manufacturer of taxable articles, the applicable constructive sales price, under section 4216(b), section 4216(b)(1), and section 4216(b)(2), of the Internal Revenue Code of 1954 (or any predecessor section), and any Regulations issued pursuant thereto, upon sales by such manufacturers to:

1. A retailer.
2. A wholesaler.
3. A wholesaler distributor.
4. A user or ultimate consumer.

(c) The existence of non-existence under section 4216(b) of the Internal Revenue Code of 1954 (or any predecessor section), and any Regulations issued pursuant thereto, particularly (without limitation) Treasury Regulations Section 148.1-5 and Treasury Regulations 46(1940), Sections 316.8, 316.10, 316.12, 316.13, 316.14, and 316.15, of:

1. A retailer.
2. A wholesaler.
3. A wholesaler distributor.
4. Sales at retail.
5. Sales at wholesale.
6. Sales to wholesale distributors.

(d) The methods, means, formulae, or procedures for determining or computing, by manufacturer of taxable articles, the applicable exclusion of local advertising charges from the sales prices of taxable articles under section 4216(f) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(e) The methods, means, formulae, or procedures for determining or computing, by a manufacturer of taxable articles, the credit for tax paid on tires or inner tubes under section 6416(c) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(f) The definition of the term "the purchase price" as used in section 6416(c)(1) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(g) The definition(s) of taxable and nontaxable trailers, semi-tailers, truck and bus trailers and semi-trailer chassis, truck and bus trailer and semi-trailer bodies and containers under section 4061(a) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(h) The methods, means, formulae, or procedures for computing the applicable tax under sections 4061(a) and 4216(b) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto on a projected or estimated basis instead of upon an article by article basis.

The term "private rulings and/or letter rulings" shall include (without limitation) both ordinary letter rulings, unpublished private rulings, and those portions of the responses to Technical Advice requests that are or were intended for issuance to taxpayers.

Also to be made open to public inspection are those written determinations dealing with the subjects described above that were issued between September 13, 1973, and June 13, 1974.





II. In *Cosmos Broadcasting Corp.* v. *Donald C. Alexander, et al.*, Civil

The private rulings or technical advice memoranda issued by the Excise Tax

ments. However, background file documents relating to "general" written de-



[4810-40]

of registered securities will be permit-

tral banks and foreign states; Federal

II. In *Cosmos Broadcasting Corp. v. Donald C. Alexander, et al.*, Civil Action No. 75-1991 (D.D.C., filed 11/26/75), the categories of documents described by the complainant as follows:

Letter rulings issued under section 1071 of the Internal Revenue Code of 1954 relating to the type of properties the purchase of which would qualify for tax deferral, and more specifically whether proceeds from the sale of cable television systems could be reinvested in a radio or television broadcasting station and vice versa.

III. In *Robert A. Klayman v. Internal Revenue Service, et al.*, Civil Action No. 75-1584 (D.D.C., filed September 26, 1975), the categories of documents described by the complainant as follows:

(1) All unpublished letter rulings originating in the Mining and Timber Section or Oil and Gas Section of the Engineering and Valuation Branch of the Office of the Assistant Commissioner (Technical), Internal Revenue Service, (including any predecessors of those Sections) issued under section 612 or 613 of the Internal Revenue Code of 1954 or Treasury Regulations §1.612-3 or §1.613-2 thereunder, to lessees or lessors (or prospective lessees or lessors) of mineral rights (including oil and gas and hard mineral rights) or timber rights on or after July 4, 1967, which discuss or determine any or all of the following:

(a) Whether a payment or payments made by a lessee to a lessor of mineral or timer rights constitute a "bonus" as defined in Treasury Regulation §1.612-3(a), "advanced royalties" as defined in Treasury Regulation §1.612-3(b), or "delay rental" as defined in Treasury Regulation §1.612-3(c);

(b) The proper tax treatment by the lessee of an advance payment made by a lessee to a lessor of mineral or timber rights where such payment is recoverable by the lessee out of royalties on mineral or timber subsequently extracted or cut;

(c) The distinctions between bonuses and advance royalties in mineral or timber lease transactions.

(2) All unpublished letter rulings originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

(3) The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

(4) The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

IV. In *Shakespeare of Arkansas, Inc. v. Internal Revenue Service, et al.*, Civil Action N. F-75-41-C W.D. Ark., filed June 23, 1975) the categories of documents described by the complainant as follows:

The private rulings or technical advice memoranda issued by the Excise Tax Branch which rulings relate to the taxability or nontaxability of items of fishing tackle and the actual or constructive selling price at which fishing is to be taxed, under section 4161 and 4216 of the Code.

### Deletions

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized represntatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with the proposed deletions indicated. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by March 28, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by May 8, 1978.

### Additional Disclosure

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

### Background File Documents

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. However, background file documents relating to "general" written determinations issued before July 5, 1967, will not be made available. A general written determination is any written determination other than one the Comissioner determines to have signifcant reference value. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other notice or correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C. on June 19, 1978. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

JEROME KURTZ,
*Commissioner of Internal Revenue.*

[FR Doc. 78-4559 Filed 2-17-78; 8:45 am]

[4810-25]

### Office of Foreign Assets Control

### IMPORTATION FROM TURKEY OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

#### Availability of Special Certificates for Imports From Republic of Turkey

Special certificates issued under the certification agreement between the United States and the Government of the Republic of Turkey became available on November 16, 1977, for imports from that country of ferrochromium and chromium-bearing steel mill products. Material imported after that date may only be imported if a special certificate is presented to Customs at the time of entry.

Importers are reminded that a special certificate must be procured and filed with Customs on or before March 1, 1978, to complete liquidation of entries covering certifiable materials imported between July 18, 1977 and September 18, 1977.

Dated: February 8, 1978.

STANLEY L. SOMMERFIELD,
*Acting Director.*

Approved:

BETTE B. ANDERSON,
*Under Secretary.*

[FR Doc. 78-4525 Filed 2-17-78; 8:45 am]





[4810-40]

### Office of the Secretary

[Dept. Circular Public Debt Series—No. 6-78]

### TREASURY NOTES OF MARCH 31, 1982

#### Series G-1982

FEBRUARY 16, 1978.

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of U.S. securities, designated Treasury Notes of March 31, 1982, Series G-1982 (CUSIP No. 912827 HN 5). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

### 2. Description of Securities

2.1. The securities will be dated March 6, 1978, and will bear interest from that date, payable on a semiannual basis on September 30, 1978, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing U.S. securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Wednesday, February 22, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 21, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a one-eighth of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secre-

tary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 6, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing U.S. securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, March 2, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Wednesday, March 1, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
*Acting Fiscal Assistant Secretary.*

[FR Doc. 78-4614 Filed 2-17-78; 8:45 am]

[8320-01]

## VETERANS ADMINISTRATION

### ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

#### Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on March 7, 1978, at 9 a.m. The meeting will be for the purposes of reviewing the Post-Vietnam Era Veterans' Educational Assistance Program (Chapter 32, title 38, United States Code) and Pub. L. 95-202 enacted November 23, 1977, particularly as it relates to a study required by section 304(b) of Pub. L. 95-202.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2152, prior to March 1.

Interested persons may attend, appear before, or file statements with the committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:00 p.m. on March 7, 1978.

Dated: February 14, 1978.

MAX CLELAND,
*Administrator.*

[FR Doc. 78-4521 Filed 2-17-78; 8:45 am]

[8320-01]

## BAY PINES VETERANS ADMINISTRATION CENTER AT BAY PINES, FLA.

### Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Bay Pines, Florida, Proposed Replacement Hospital," dated February 1978, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed replacement hospital is to be located on the existing Bay Pines, Fla., Veterans Administration Center site. The project proposes construction on the existing site of a 520-bed medical and surgical replacement building with support facilities. A new 120-bed nursing home care unit to supplement the existing nursing home and a 200-bed domicilliary are also proposed. Building 1, presently a hospital patient building will be renovated to house 190 psychiatric beds. Buildings 22 and 23 will be renovated for administration and ancillary services.

This Draft Statement discusses the environmental impact of the proposed Replacement Hospital. The document is being placed for public examination in the Veterans Administrtion Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20402.

Single copies of the draft statement may be obtained on request to the above office.

By direction of the Administrator.

Dated: February 15, 1978.

RUFUS H. WILSON,
*Deputy Administrator.*

[FR Doc. 78-4569 Filed 2-17-78; 8:45 am]





[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 593]

### ASSIGNMENT OF HEARINGS

FEBRUARY 15, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111302 (Sub-No. 99), Highway Transport, Inc. Extension KY, now assigned March 14, 1978, at Nashville, TN, will be held in Room A-440, Federal Building, 801 Broadway.

MC 138627 (Sub-No. 21), Smithway Motor Express, Inc., now assigned March 10, 1978, at Chicago, IL, is canceled and application dismissed.

MC 115841 (Sub-No. 579), Colonial Refrigerated Transportation, Inc., is now assigned for pre-hearing conference April 18, 1978, at 9:30 a.m. local time in Washington, DC, at the offices of the Interstate Commerce Commission.

MC 94350 (Sub-No. 402), Transit Homes, Inc., now assigned March 21, 1978, at Washington, DC, is postponed indefinitely.

MC 107012 (Sub-No. 238), North American Van Lines, Inc., now being assigned for continued hearing on April 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 32779 (Sub-No. 13), Silver Eagle Co., now being assigned April 12, 1978 (8 days), for continued hearing at Portland, OR, and will be held in Room 103, Pioneer Court House, 555 S.W. Yamhill Street.

MC 143668, Long Island Airports Limousine Service Corp. now being assigned April 26, 1978 (3 days), at New York, NY, in a hearing room to be later designated.

MC 119789 (Sub-No. 372), Caravan Refrigerated Cargo, Inc., now being assigned April 25, 1978 (1 day), at New York, NY, in a hearing room to be later designated.

MC 135732 (Sub-No. 27), Aubrey Freight Lines, Inc., now being assigned April 24, 1978 (1 day), at New York, NY, in a hearing room to be later designated.

AB 12 (Sub-No. 56), Southern Pacific Transportation Co., abandonment between Brenham and Giddings in WA, Fayette and Lee Counties, TX, is assigned for continued hearing on April 3, 1978 (4½ days), at Brenham, TX, and will be held in the City Auditorium, Vulcan Street.

MC 107012 (Sub-No. 250), North American Van Lines, Inc., is now assigned for pre-hearing conference April 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 108313 (Sub-No. 14), Caledonia Lines, Inc., is now assigned for hearing April 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 143555 (Sub-No. 2), Riverside Transportation Co., Inc., is now assigned for hearing April 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MCC 9686, *Willis Shaw Frozen Express, Inc.* v. *Texas Continental Express, Inc.*, is now assigned for hearing April 25, 1978, at the offices of the Interstate Commerce Commission, Washinton, DC.

MCC 9933, *Carolina Coach Co.* v. *Junius Lucas*, is now assigned for hearing April 18, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 720 (Sub-No. 38), Bird Trucking Company, Inc., is now assigned for hearing April 19, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MCC 9856, *Willetts Travel, Inc.* v. *Blue and White Lines, Inc.*, is now assigned for hearing June 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 116915 (Sub-No. 33), Eck Miller Transportation Corp., is now assigned for hearing April 10, 1978 (2 days), at Dallas, TX, at a hearing room to be later designated.

MC 119988 (Sub-No. 127), Great Western Trucking Co., Inc., is now assigned for hearing April 12, 1978 (1 day), at Dallas, TX, at a hearing room to be later designated.

MC 4405 (Sub-No. 561), Dealers Transit, Inc., is now assigned for hearing April 13, 1978 (2 days), at Dallas, TX, at a hearing room to be later designated.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4560 Filed 2-17-78; 8:45 am]

[7035-01]

[Notice No. 15TA]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1783 (Sub-No. 19TA), filed January 16, 1978. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway South, Nashua, NH 03060. Applicant's representative: Mary Kelly, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the sites of International Paper Co., at or near Corinth and Ticonderoga, NY, to points in the New York, NY, commercial zone, Nassau and Suffolk Counties, NY, NJ, CT, MA, RI, ME, VT, and NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) International Paper Co., Room 1616, 220 E. 42nd Street, New York, NY 10017. (Attention: Charles E. McHugh, manager and motor carrier barge rates.) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

No. MC 10872 (Sub-No. 47TA), filed January 16, 1978. Applicant: BE-MAC TRANSPORT CO., INC., 7400 North Broadway, St. Louis, MO 63147. Applicant's representative: Carl L. Steiner, Axelroad, Goodman, Steiner, and Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, OK, to points in IL on and north of Interstate Hwy 70, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pet Inc., Frozen Foods Division, 400 South 4th Street, St. Louis, MO 63102. Send





protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Com-



Applicant has also filed an underlying ETA seeking up to 90 days of operat-

ing shipper: J. J. Stefanec, Director, Transportation, Legislation, and Re-

NH, and ME, for 180 days. Restric-

protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

No. MC 28378 (Sub-No. 46TA), filed January 9, 1978. Applicant: GREAT LAKES EXPRESS (a Michigan corporation), 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and related commodities manufactures* by the Dow Chemical Co., between the plantsite of the Dow Chemical Co., at Ludington, MI, on the one hand, and on the other, Detroit, MI, on traffic having prior or subsequent movement by rail or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A., an operating division of the Dow Chemical Co., 14955 Sprague Road, P.O. Box 36111, Strongsville, OH 44136. Send protests to: Maria B. Kejess, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 59655 (Sub-No. 11TA), filed January 9, 1978. Applicant: SHEEHAN CARRIERS, INC., P.O. Box 57, 62 Lime Kiln Road, Suffern, NY 10901. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and materials, equipment and supplies* used in the manufacture or sale of containers (except commodities in bulk) between the facilities of Beverage Bottle Division, Hoover Ball and Bearing Co., at New Castle, DE, on the one hand, and, on the other, points in PA, on the west of the Susquehanna River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beverage Bottle Division, Hoover Ball and Bearing Co., Tri Port Road, Georgetown, KY 40324. Send protests to: Maria B. Kejess, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 61788 (Sub-No. 35TA), filed January 7, 1978. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION CO., 1541 Reeves Street, P.O. Box 2268, Dothan, AL 36301. Applicant's representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite and warehouse facilities of the John Deere Co., located at or near Conyers, GA, an off-route point in connection with the carrier's authorized regular routes. Restricted against the transportation of traffic, direct or interline, between Atlanta, GA, on the one hand, and on the other, the plantsite and warehouse facilities of John Deere Co., located at or near Conyers, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Deere Co., 5147 Peachtree Industrial Boulevard NE., Atlanta, GA 30341. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

NOTE.—Applicant plans to tack this authority with its other authority and to interline with other carriers at Atlanta, GA; Dothan, Mobile, Montgomery, Birmingham, AL, as principal gateways.

No. MC 94350 (Sub-No. 406TA), filed December 16, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements from the plantsites of Champion Home Builders at or near Weiser, Parma, and New Plymouth, ID, to points in OR, WA, NV, MT, WY, UT, and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Champion Home Builders Co., 5573 East North Street, Dryden, MI 48428. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 97310 (Sub-No. 26TA), filed January 16, 1978. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Applicant's representative: David A. Watson, Jr., 3730 First Avenue South, Birmingham, AL 35222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including machinery, supplies, pulp, paper, and allied products, (except classes A and B explosives and commodities which by reason of size or weight require the use of special equipment), between the plantsite of Alabama River Pulp Co., Inc., at or near Claiborne, AL, on the one hand, and, Monroeville, AL, on the other as an off-route point in connection with applicant's Sub-5 regular route authority between Selma, AL, and Claiborne, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alabama River Pulp Co., Inc., P.O. Box 906, Monroeville, AL 36460. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 103051 (Sub-No. 419TA), filed January 11, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Gainesville, GA, to points in AL, GA, MS, FL, KY, NC, SC, TN, VA, and WV, for 180 days. Supporting shipper(s): Cargill, Inc., 949 Ridge Road, Gainesville, GA 30501. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 103051 (Sub-No. 420TA), filed January 18, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, 934 44th Avenue, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Nashville, TN, to all points in SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Exxon Co., U.S.A., Charlotte, NC 28209. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 109708 (Sub-No. 81TA), filed January 17, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, 2580 Executive Road, Dundee, FL 33828. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice concentrate*, in bulk, in tank vehicles from Plymouth, IN, to Lansing, MI, for 180 days. There is no environmental impact involved in this application.





Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peninsular Products, 2701 East Michigan Avenue, Lansing, MI 48912. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, 8410 Northwest 53d Terrace, Monterey Building, Suite 101, Miami, FL 33166.

No. MC 110525 (Sub-No. 1222TA), filed January 9, 1978. Applicant: CHEMICAL LEAMAN TANK LINES INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Co., at Melbourne, KY, to points in the States of ILL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above-mentioned plantsite, for 180 days. Supporting shipper: Agrocp Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Phila., PA 19106.

No. MC 112520 (Sub-No. 348TA), filed January 9, 1978. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical cellulose woodpulp*, restricted to shipments having a subsequent movement by water, from Jesup, GA, to Savannah and Brunswick, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): ITT Rayonier, Inc., P.O. Box 1747, Savannah, GA 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112595 (Sub-No. 75TA), filed January 9, 1978. Applicant: FORD BROTHERS, INC., 510 Riverside Drive, P.O. Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldon, Attorney at Law, Suite 1815, 50 West Broad Street, Columbus, OH 45638. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co., at Melbourne, KY, to points in the States of IL, IN, KY, MI, OH, VA, and WV. Restrictions: restricted to traffic orginating at the above-mentioned plantsite, for 180 days. Supporting shipper: J. J. Stefanec, Director, Transportation Legislation and Research, Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Frances A, Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 113678 (Sub-No. 710TA), filed December 2, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver) CO 80022. Applicant's representative: Roger M. Shaner, 4810 Pontiac Street, Commerce City (Denver) CO 80022. 303-287-3211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk and frozen foods), in vehicles equipped with mechanical refrigeration. From City of Industry, CA to Albuquerque, NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Double-D Foods, Inc., 14970 Don Julian Road, City of Industry, CA 91746. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customshouse, 721 19th Street, Denver, CO 80202.

No. MC 115331 (Sub-No. 444TA), filed January 10, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, E. St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup, high fructose corn syrup and blends of liquid sugar with high fructose corn syrup of C. S.*, from Supreme, LA., to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Supreme Sugar Co., Inc., Suite 329, One Shell Square, New Orleans, LA 70139. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116519 (Sub-No. 47TA), filed January 4, 1978. Applicant: FREDERICK TRANSPORT LTD., R.R. 6, Chatham, ON, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Harvester-threshers, combined (combines) and parts and attachments thereof*, when moving in mixed loads therewith, from the plantsite and storage facilities of Sperry New Holland Division, Sperry Rand Corp., at Lexington, NE, to ports of entry in the United States-Canada international boundary line located in MI, NY, VT, NH, and ME, for 180 days. Restrictions: (1) The transportation authorized herein is restricted to foreign commerce, (2) the transportation authorized herein is restricted to the transportation of shipments destined to points in the Provinces of ON, PQ, NB, NS, PE, and NF. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sperry New Holland Division, Sperry Rand Corp., 500 Diller Avenue, New Holland, PA 17557 (Richard Devenney, General Traffic Manager). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 118806 (Sub-No. 58TA), filed January 9, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Winnipeg, MB, Canada R2J 3K4. Applicant's representative: Bernard J. Kompare, Singer & Sullivan, P.C., Suite 1600, 10 South LaSalle Street, Chicago, IL 06063. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the ports of entry on the international boundary line between the United States and Canada, at or near Pembina, ND, and Noyes, MN, to Rockford, IL, restricted to traffic moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Manitoba Rolling Mills Canada Ltd., P.O. Box 2500, Selkirk, MB, Canada R1A 2B4. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building, and U.S. Post Office, 657 2d Avenue, North, Fargo, ND 58102.

No. MC 120737 (Sub-No. 47TA), filed December 15, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South 4th Avenue R.R. No. 5, Canton, IL 61520. Applicant's representative: Donald W. Smith, Attorney, Suite 2465-One Indiana Square, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts, and equipment designed for use with tractors, when moving in mixed loads with tractors*, from Harrison County, MS, to points in the United States (except AK and HI). (3) *Materials, equipment and supplies* (except commodities in bulk) used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, from points in the United States (except AK and HI) to Harrison County, MS, for 180 days. Restriction:





Restricted to traffic destined to the fa-

Shreveport, LA, Evans Sporting Goods

ing authority. Supporting shipper:



GA; Covington, KY; Dallas and Ft.

mond, VA Restriction: The operations

& Excavator Division, 1201 6th Street,

Restricted to traffic destined to the facilities utilized by International Harvester Co. in Harrison County, MS. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Melvin J. Zwart, Manager of Transportation, International Harvester Co., 600 Woodfield, Schaumburg, IL 60196. Sent protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 121658 (Sub-No. 10TA), filed January 9, 1978. Applicant: STEVE D. THOMPSON, 1205 Percy Street, P.O. Box 149, Winnsboro, LA 71295. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment) between Ruston, LA and Shreveport, LA, serving all intermediate points: from Ruston, LA, over U.S. Hwy 80 and/or Interstate 20 to Shreveport and return over the same routes. Applicant intends to tack this authority to its MC 121658 and Subs 2, 4, and 8. Applicant also intends to interline with other carriers at all points of joinder with routes authorized in MC 121658, including Jackson, MS and Shreveport and Monroe, LA, for 180 days. Supporting shippers: G. & O., Inc., P.O. Box 1207, Jackson, MS 39205, Don Bass Co., P.O. Box 4478, Jackson, MS, Jackson Plastics Films, Inc., Clinton Industrial Park, Clinton, MS 39056, Crawler Parts, Inc., P.O. Box 3078, Jackson, MS 39207, Strickland Associates, P.O. Box 5006, Jackson, MS 392016, Graham Paper Co., P.O. Box 2660, Jackson, MS 39205, Superior Transfer & Storge Co., Inc., P.O. Box 3108, Jackson, MS 39205, Cardinal Paper Co., P.O. Box 2656, Jackson, MS 39205, Yazoo Mfg. Co., P.O. Box 4207, Jackson, MS, Van Trow Oldsmobile, 226 E. Main Street, Jackson, MS 39205, Mississippi Industries for the Blind, 2730 Bailey Ave., Jackson, MS, Stuart C. Irby, 815 S. State Street, Jackson, MS 39205, Bestway Express, Inc., N. Bierdman Rd., Jackson, MS, Campbell Sixty-Six Express, 1090 E. McDowell Rd., Jackson, MS 39204, Gold and Suckle, 4154 Mansfield Rd., Shreveport, LA 71108, S. & H. Distributing Co., Inc., 1550 Bollinger Street, Shreveport, LA, Stuart C. Irby, 1025 Jack Wells Blvd., Shreveport, LA, Handling Equipment Corp., 1023 Montgomery Street, Shreveport, LA, Hollis and Co., 251 Montgomery Street, Shreveport, LA, Menge Pump and Machinery Co., 1510 Grimmit Dr., Shreveport, LA, Evans Sporting Goods Co., Inc., 414 Airport Dr., Shreveport, LA, Caddo Radiator Works, Inc., 215 Caddo Street, Shreveport, LA, Glidden Paint Co., 2120 Kings Highway, Shreveport, LA, Bar-Brook Manufacturing Co., Division of Sought Fighers Systems, Shreveport, LA 71103, Dandy Products, 1026 Joseph Street, Shreveport, LA, Bossier Diesel, P.O. Box 5134, Bossier City, LA 71111. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 133566 (Sub-No. 96TA), filed December 1, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, Esq., One World Trade Center, $4959, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery, cocoa, paste, cocoa butter, malt, milk, sauce, toppings*, and *syrup*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles). From the plantsites and storage facilities of Hersey Food Corp., at or near Derry Township, PA. To points in the States of Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Nebraska, Kentucky, Missouri, Kansas, Texas, Oklahoma, Mississippi, and Denver, Colorado, for 180 days. Restricted to traffic originating at the above named plantsites and destined to points in the named destination States. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hersey Foods, Inc., 19 East Chocolate Avenue, Hershey, PA 17033. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 133651 (Sub-No. 257TA), filed January 9, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., Box 552, Riggin Rd., Muncie, IN 47305. Applicant's representative: George E. Batty, Box 552, Riggin Rd., Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles by meat packing houses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Bowling Green Packing Co. located at or near Bowling Green, KY, to New York, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowling Green Packing Co., 615 Boat Landing Rd., Bowling Green, KY. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Ft. Wayne, IN 46802.

No. MC 138469 (Sub-No. 50TA), filed December 8, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354; Oklahoma City, OK 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, Il 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and pharmaceutical, nutritional, veterinary, and industrial products, in soft elastic gelatin capsules, in vehicles equipped with mechanical refrigeration*, from the facilities of R. P. Scherer Corp., located at Detroit, MI to Phoenix and Scottsdale, AZ; Broomfield, Denver, and Englewood, CO; Carmel, Evansville, Hammond, Indianapolis, and South Whitley, IN; Cedar Rapids, Des Moines, Fort Dodge, Iowa City, Madrid, Mason City, and Mechanicsville, IA; Elwood, Great Bend, and Shawnee Mission, KS; Hazelwood, Kansas City, St. Joseph, St. Louis, and Springfield, MO; Lincoln and Omaha, NE; Bryan, Cincinnati, Cleveland, Columbus, Dayton, Mansfield, and Vandalia, OH; Shawnee, Tecumseh, and Tulsa, OK; Pawtucket, RI; Salt Lake City, UT; Milwaukee, WI; points in the commercial zones of the above named cities and points in the States CA, CT, IL, NJ, NY, PA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. P. Scherer Corp., 4425 Grinnell Avenue, Detroit, MI 48213. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Court House Bldg., 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 141124 (Sub-No. 14TA), filed January 9, 1978. Applicant: EVANGELIST COMMERCIAL CORP., Hangar 5, Greater Wilmington Airport, P.O. Box 1709, Wilmington, DE 19899. Applicant's representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts, panels, hardware, electrical control parts, steel channels, and equipment, materials, and supplies* used or useful in the manufacture and sale thereof, except commodities in bulk. Between the plantsites and facilities of Overland Door Corp. and its subsidiaries in Cortland, NY; Lewistown, PA; Salem, OR; Grand Island, NE; Sacramento and Los Angeles, CA; Athens, GA; Covington, KY; Dallas and Ft. Worth, TX; Marion, OH; and Hartord and Shelbyville, IN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Overhead Door Corp., 6250 L.B.J. Freeway, Dallas, TX 75240. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch Street, Room 3238, Phila., PA 19106.





No. MC 142431 (Sub-No. 4TA), filed January 9, 1978. Applicant: WAYMAR TRANSPORT CORP., 1755 SE 108th Street, Runnells, IA 50237. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by meat packing plants and foodstuff* (except hides and commodities in bulk) from the plantsites of Geo. A. Hormel & Co. at Scottsbluff and Fremont, NE to points in CT, and MA, restricted to shipments originating at the named origins and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, IA 50309.

No. MC 142607 (Sub-No. 2TA), filed December 15, 1977. Applicant: A. FUSCO SERVICE, INC., 3138 Webster Ave., Bronx, NY 10467. Applicant's representative: Bruce J. Robbins, Esq., Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Electric kitchen appliances and materials, parts, equipment, and supplies used in the manufacture, packaging, sale, and distribution of electric kitchen appliances, between points in the commercial zones of Baldwin, Castile, East Rochester, Mineola, Perry, and New York, NY, Secaucus and, on the other, points in the commercial zones of Pittsburgh, PA and Winona and Rochester, MN (2) *Electric kitchen appliances*, from points in the commercial zones of Baldwin, Castile, East Rochester, Mineola and Perry, NY; Secaucus and South Kearny, NJ; Manchester, KY; Pittsburgh, PA and Winona and Rochester, MN, to points in the commercial zones of Chicago, IL; Fort Wayne, IN; Forest Park GA, Baltimore and Halethorpe, MD; East Hampton, MA; Grand Rapids, MI; Kansas City and St. Louis, MO; Sparks, NV; Manchester and Nashua, NH; Syracuse, NY; Raleigh, NC; Fairless Hills, Johnstown, and Wilkes-Barre, PA, and Richmond, VA Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Van Wyck International Corp. of Mineola, NY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Van Wyck International Corp., 49 Windsor Avenue, Mineola, NY 11501. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 143462 (Sub-No. 2TA), filed December 22, 1977. Applicant: ERWIN TRUCKING, INC., 7176 North 50th Street, Omah, NE 68152. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk): (1) From the facilities of Beef Nebraska, Inc., at Omaha, NE, to Boston, MA; Philadelphia, Pa; and New York, NY, and points in its commercial zone; (2) from the facilities of Dubuque Packing, Co. at Omaha, NE, to Boston and Springfield, MA; South Windsor, CT; New York, NY, and points in its commercial zone; Mount Kisco and Waterford, NY; Philadelphia, PA; Landover, MD; and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Michael M. Erman, President, Beef Nebraska, Inc., 3301 G Street, Omaha, NE 68107; (2) Ralph L. McGee, Transportation Manager, Dubuque Packing Co., 4003 Dahlman Ave., Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 143978 (Sub 1TA), filed January 9, 1978. Applicant: EMERSON DELIVERY, INC., 307 12th Street SE., Cedar Rapids, IA 52401. Applicant's representative: James H. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts* between Cedar Rapids, IA, on the one hand, and, on the other, points in ND, SD, WY, CO, OK, and TX, under continuing contract or contracts with FMC Corp. of Cedar Rapids, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: FMC Corp., Crane & Excavator Division, 1201 6th Street, Cedar Rapids, IA 52406. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144061TA, filed December 1, 1977. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Applicant's representative: Piken & Piken, Esqs., One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pollution control and stack neutralizing additives; liquid pollution control combustion catalyst additives; and pollution control feeding equipment:* (1) Between the facilities of Apollo Chemical Corp., located at or near Whippany, NJ, on the one hand, and on the other, points in the United States except AK and HI; (2) between the facilities of Apollo Chemical Corp., located at or near Marshall, TX, on the one hand, and, on the other, points in the States of AZ, CA, OR, WA, NV, ID, NM, MT, OK, UT, MO, IL, NE, LA, and FL., *raw materials used in the manufacture of powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; and liquid pollution control combustion catalyst additives*, from points in the United States except AK and HI, to the facilities of Apollo Chemical Corp., located at or near Whippany, NJ, and Marshall, TX, for 180 days. Restriction: The above restricted to service under contract or continuing contracts with Apollo Chemical Corp. of Whippany, NJ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Apollo Chemical Corp., 35 South Jefferson Road, Whippany, NJ 07981. Send protests to: Joel Morrows, District supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 144089TA, (second correction), filed December 13, 1977, published in the FEDERAL REGISTER issue of January 16, 1977, republished February 6, 1978, and republished as corrected this issue. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, MA 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation panels*, from Sanford, ME, to points in AL, AR, CT, FL, GA, IL, IN, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and the DC; *roofing and felt paper, and foil*, from Lockland, OH; Finksburg, MD; Salem, Ridgefield, and

Netcong, NJ; Attleboro, MA; Kaukauna, WI; and West Monroe, LA, to Sanford, ME, for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with NRG Barriers, Inc., Sanford, ME. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): NRG Barriers, Inc., 61 Emery Street, P.O. Box 30, Sanford, ME 04073. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to add the portion of authority sought by applicant that was omitted.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4562 Filed 2-17-78; 8:45 am]

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**[7035-01]**

Notice No. 296]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by March 23, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77502, filed January 11, 1978. Transferee: FTC MOVING & TRUCKING, INC., 69 Ovid Street, Seneca Falls, NY 13148. Transferor: Van Ditto Moving & Trucking, Inc. (same address as transferee). Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 53676, issued April 18, 1955, as follows: *General commodities*, with certain exceptions, over specified regular routes, between Waterloo, NY, and Cayuga, NY, serving the intermediate points of Seneca Falls, NY, service subject to certain specified conditions. *Household goods*, as defined by the Commission over irregular routes between Seneca Falls, NY, and points within 30 miles thereof, on the one hand, and, on the other, points in CT, MA, NJ, NY, OH, and PA; *malt beverages*, in cans and bottles, from Cleveland, OH, to Auburn, NY; *empty containers for malt beverages from Auburn, NY, to Cleveland, OH; and classes A, B, and C explosives, moving on government bills of lading, from the site of the Seneca ordnance plant at or near Romulus, NY, to New York, NY, and points in MD, MA, NJ, and PA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).*

No. MC-FC-77508, filed January 13, 1978. Transferee: EARL C. AND V. DARLENE DANIELS, 202 East Center Street, Manchester, CT 06040. Transferor: Colony Tours, Inc., 345 North Main Street, West Hartford, CT 06117. Applicants' representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought for approval of a change in control of Colony Tours, Inc., a company holding a broker's license, by transferee's purchase of all of the issued and outstanding capital stock of said company. Said license is more particularly set forth in certificate No. MC 12856, issued February 26, 1971, as follows: *Passengers and their baggage*, in charter operations, beginning and ending at points in Hartford County, CT, and extending to points in the United States, including AK and HI. Colony Tours, Inc., is authorized to engage in the above-specified operations as a broker at West Hartford, CT. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77512, filed January 15, 1978. Transferee: S. BERRY AND SON, INC., 349 North Avenue, Wakerfield, MA 01880. Transferor: Warren D. Chase, d.b.a. Chase Auto Express, 37 Lowell Street, Reading, MA 01867. Transferor's representatives: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, Frederick T. O'Sullivan, Box 2184, Peabody, MA 01960. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 14359, issued January 14, 1954, as follows: *General commodities*, with certain exceptions, over specified regular routes, between Reading, MA, and Boston, MA, serving the intermediate points of Medford, Sommerville, Stoneham, Everett, Malden, Melrose, and Wakefield, MA; *household goods*, as defined by the Commission, between Lynn, MA and points within 25 miles of Lynn, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NY, NJ, DE, PA, MD, and Washington, DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77513, filed January 17, 1978. Transferee: JAMES WILLIAM LIVESAY d.b.a. Golden Bay Freight Lines, 1097 Old County Road, San Carlos, CA 94070. Transferor: James William Livesay and Daniel George Hoxter, a partnership, d.b.a. GOLDEN BAY FREIGHT LINES, 1097 Old County Road, San Carlos, CA 94707. Applicants' representatives: Ann M. Pougiales, 100 Bush Street, San Francisco, CA 94104, Robert E. Miller, 845 Oak Grove Avenue, Menco Park, CA 94025. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 120708 (Sub-No. 1) issued in the name of James William Livesay d.b.a. Golden Bay Freight Lines, and acquired by transferor pursuant to MC-FC-76750 approved December 17, 1976, and effective February 3, 1977 as follows: *General commodities*, with exceptions between all points on or within five miles laterally of the following highways: 1. U.S. Hwys Nos. 101 and 101 Bypass between San Francisco and San Jose, both inclusive. 2. U.S. Hwy No. 40 and State Hwy No. 17 between Richmond and Los Gatos, both inclusive. 3. U.S. Hwy No. 50 and State Hwy No. 9 between Oakland and Saratoga, both inclusive. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77529, filed January 30, 1978. Transferee: WINSTON COACH CORP., 41 Pembrook Drive, Stony Brook, NY 11790. Transferor: Four Seasons Coach Lines, Inc., (Robert E. Goldstein, receiver), 8 West 40th Street, New York, NY. Applicants' representative(s): Sidney J. Leshin, Attorney At Law, 575 Madison Avenue, New York, NY 10022, Robert E. Goldstein, 8 West 40th Street, New York, NY. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 134684, issued January 28, 1971, as follows: *Passengers* and *their baggage* in the same vehicle with passengers, in one-way or round-trip charter operations, over irregular routes, beginning or ending at points in Suffolk County, NY, and extending to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4563 Filed 2-17-78; 8:45 am]





**[7035-01]**

[AB 109 (SDM)]

**QUANAH, ACME & PACIFIC RAILWAY CO.**

**Revised System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Quanah, Acme and Pacific Railway Co., has filed with the Commission its revised color-coded system diagram map in Docket No. AB 109 (SDM). The maps reproduced here in black and white are reasonable reproductions of that revised system diagram map and the Commission on January 26, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the revised system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 109 (SDM).

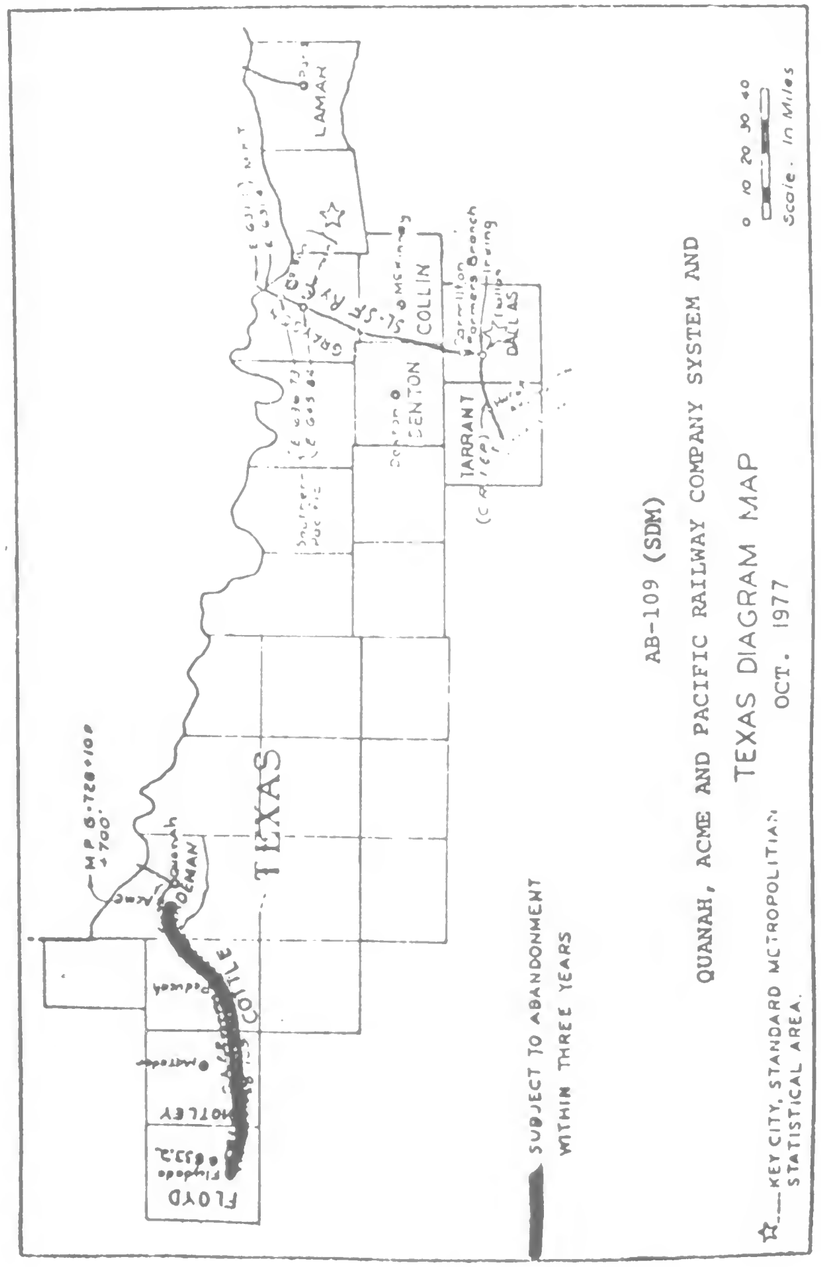
H. G. HOMME, Jr.,
*Acting Secretary.*







[AB-109 (SDM)]








[AB-109 (SDM)]

REVISED LINE DESCRIPTION FOR THE QUANAH, ACME & PACIFIC RAILWAY CO.

CATEGORY 1

Line for which abandonment application will be filed with the Interstate Commerce Commission within 3 years:

*Texas*

(a) Acme to Floydada, TX, AB-109.
(b) Located wholly within the State of TX.
(c) Located in the TX counties of Cottle, Motley, Floyd, and Hardeman.
(d) Railroad mileposts G-728.4 to G-833.2.
(e) Agency stations at Paducah, TX (G-768) and Floydada, TX (milepost G-833.2).

[FR Doc. 78-4561 Filed 2-17-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6715-01]

1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, February 23, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1977-49, AO 1977-54, AO 1978-4.
IV. Procedures on nonfilers: Part I.
V. Appropriations and budget.
VI. Classification actions.
VII. Pending legislation.
VIII. Pending litigation.
IX. Liaison with other Federal agencies.
X. Routine administrative matters: A. Monitoring of disclosure of office accounts. B. Authorization of special projects.

Portions closed to the public (executive session).

Audit matters. Compliance. Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
*Secretary to the Commission.*

[S-384-78 Filed 2-16-78; 3.40 pm]

[6720-01]

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., February 22, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

EFTS-RSU Application—Continental Federal Savings & Loan Association, Oklahoma City, Okla.

Concurrent Consideration of Three Applications: (1) Branch Office Application—Home Federal Savings & Loan Association of Palm Beach, Palm Beach, Fla.; (2) Branch Office Application—Citizens Federal Savings & Loan Association of St. Lucie County, Fort Pierce, Fla; and (3) Limited Facility Application—First Federal Savings & Loan Association of Fort Pierce, Fort Pierce, Fla.

Branch Office Application—First Federal Savings & Loan Association of Erwin, Erwin, Tenn.

Branch Office Application—California Federal Savings & Loan Association Los Angeles, Calif.

Application for Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Secondary Reserve—Norton Savings & Loan association, Norton, Kans., into Heritage Savings Association, Hays, Kans.

Consideration of Amendment of Charter-change of Name—West Side Federal Savings & Loan Association of New York City, New York, N.Y.

Consideration of Withdrawal of Agenda Item P-379—"Rural Branching" Amendment.

ANNOUNCEMENT IS BEING MADE AT THE EARLIEST PRACTICABLE TIME

No. 137, February 16, 1978.

[S-383 Filed 2-16-78; 2:24 pm]

[7590-01]

3

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 13, 1978 (Changes).
PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

By a vote of 4-0 on February 14, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public. Immediate discussion is required in order to complete action on the pending matters.

WEDNESDAY, FEBRUARY 15; 3:30 P.M.

Discussion of personnel matters. (Closed—Exemption 6, continued from February 14, 1978.)

THURSDAY, FEBRUARY 16; 9:30 A.M.

Item 4—Affirmation of Recommendations on Advanced Reactor Safety Research Contracts. (Approximately 5 minutes—Public meeting.)

THURSDAY, FEBRUARY 16; 1:30 P.M.

Discussion of OIA Report on Apollo Testimony. (Cancelled.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
*Office of the Secretary,*

FEBRUARY 15, 1978.

[S. 381-78 Filed 2-16-78; 9:49 am]

[7910-01]

4

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR, 7084, February 17, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, February 22, 1978.

CHANGE IN MEETING: Addition of Matter 12 to the previously announced agenda.

MATTER TO BE CONSIDERED:

12. Recommended Clearance Without Assignment:

Colt Industries, Inc., fiscal years ended December 31, 1973 and 1974.

Consolidated with:

Colt Industries Operating Corp., Crucible, Inc., Chandler Evans, Inc., CII Seafarer, Inc.

STATUS: Open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 15, 1978.

GOODWIN CHASE,
*Chairman.*

[S-380-78 Filed 2-15-78; 9:49 am]





[8010-01]

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 6904, February 16, 1978.

PREVIOUSLY ANNOUNCED DATES: Tuesday, February 21, 1978; Wednesday, February 22, 1978.

STATUS: Closed and Open.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the closed meeting on February 22, 1978, immediately following the 10 a.m. open meeting:

Opinion.

In addition, the closed meeting scheduled to be held at 10 a.m. on Tuesday, February 21, 1978, will be held at 11 a.m. on that date; and the open meeting schedule for 10 a.m. on Wednesday, February 22, 1978, will be held at 1:30 p.m. on that date.

Chairman Williams and Commissioner Loomis, Evans, Pollack and Karmel determined that Commission business required the rescheduling of the above matters and that no earlier notice thereof was possible.

FEBRUARY 15, 1978.

[S-382-78 Filed 2-16-78; 2:16 pm]

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Federal Register

TUESDAY, FEBRUARY 21, 1978
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Human Development Services

■

# HEAD START

Announcement of Program Expansion Grants for Fiscal Year, 1978

Federal Register
V.43 No.35
1978
PART II

[4110-92]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Human Development Services

### Administration for Children, Youth and Families

[Program Announcement No. 13.600-782]

### Head Start; Announcement of Program Expansion Grants for Fiscal Year 1978

The Administration for Children, Youth and Families, Office of Human Development Services announces that applications will be accepted from:

(1) existing Head Start grantees for the purpose of expanding enrollment in their full year Head Start programs (including the Parent and Child Centers Program) during Fiscal Years 1978 and 1979; and,

(2) public and private non-profit agencies and organizations (including existing Head Start grantees) who wish to compete for grants to establish new full year programs during Fiscal Years 1978 and 1979 in areas currently unserved by the Head Start program.

Expansion of existing Head Start programs and establishment of new programs is limited to:

(1) the Territories (Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and the Virgin Islands);

(2) programs serving children of migrant farmworkers, American Indian and Native Alaskan children; and,

(3) those States whose FY 1978 funding allocation is sufficient to enable additional children to be served. (See section C. Available Funds for a listing of funding allocations and amounts available for program expansion.)

Applications from existing Head Start grantees which propose program expansion in areas currently served by Head Start are to be submitted between March 1 and May 30, 1978. ACYF Regional Offices and the Indian and Migrant Program Division of ACYF headquarters will establish application submission deadlines for individual Head Start grantees within the March 1 to May 30 timeframe. Existing Head Start grantees which will be invited to submit expansion applications will be notified by letter of their individual application submission deadlines.

Applications from public and private non-profits agencies and organizations (including existing Head Start grantees) wishing to compete for grants to establish new full year programs in areas not currently served by Head Start must be submitted no later than July 14, 1978.

To be considered for a grant award, applications must:

(1) Be received within the established deadline dates;

(2) Be complete; and,

(3) Conform to the requirements of this announcement as well as to additional instructions that will be available by each ACYF regional office and the headquarters Indian and Migrant Program Division.

#### Additional Instructions

By February 28, 1978, existing grantees will receive, by letter, additional instructions and information, including specific funding and enrollment targets for sub-State areas (counties or other jurisdictions).

Detailed application instructions and information concerning sub-state areas currently unserved by Head Start will be made available to all interested applicants in the form of an "application kit." Application kits will be made available, upon request, to all interested applicants as of March 15, 1978. (See addresses for ACYF Regional Offices and the Indian and Migrant Program Division, from which application kits may be obtained, at the end of this announcement).

#### Authorizing Legislation and Regulations

The Head Start program is authorized by Title V, Part A, of the Headstart, Economic Opportunity and Community Partnership Act of 1974, as amended (42 U.S.C. 2921 et seq.).

The regulations applicable to this program include: 45 CFR Part 1302, Policies and Procedures for Selection, Initial Funding and Refunding of Head Start Grantees, and for Selection of Replacement Grantees; 45 CFR Part 1303, Procedures for Appeals for Head Start; Delegate Agencies and for Opportunities to Show Cause and Hearing for Head Start Grantees; and 45 CFR Part 1304, Program Performance Standards for Operation of Head Start Programs by Grantees and Delegate Agencies.

#### A. PROGRAM PURPOSE

Project Head Start is a national program providing comprehensive developmental services primarily to low-income preschool children and their families. To aid enrolled children to obtain their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled children in the development, conduct, and direction of local programs.

While Head Start is targeted primarily on low-income children (i.e., children from families with incomes below the poverty line or eligible for public assistance), Head Start policy permits up to 10 percent of the children enrolled in local programs to be from families who do not meet these low income criteria. In addition, the Head Start legislation requires that a minimum of 10 percent of the enrollment opportunities in each State be made available to handicapped children. Such children are expected to be enrolled in all local programs, to participate in the full range of Head Start services and activities in a mainstream setting with their non-handicapped peers, and to receive needed special education and related services.

#### B. ELIGIBLE APPLICANTS

Existing Head Start grantees are eligible to apply for increased funding to expand programs in areas currently served. Any public or private nonprofit agency or organization, including existing Head Start grantees, are eligible to apply for funding to establish a new Head Start program in an area currently unserved by Head Start. Eligibility is conditioned by the following considerations and exceptions:

(1) Eligibility for funding to provide Head Start services to children living on Federally recognized Indian reservations or in Alaskan Native villages is restricted to applicants which are governing bodies of an Indian tribe or Alaskan Native village, or which are the designated representatives of these bodies.

(2) No application proposing to serve children in two or more States will be considered for funding except in cases wherein such programs already exist, or in the case of proposals to serve American Indian children or children of migratory farmworkers.

(3) No applications to establish a new Head Start program in an area (e.g., county, a city, or an Indian Reservation) currently served by an existing Head Start program will be considered for funding. An exception to this rule will be made in the event that an existing Head Start grantee declines to accept additional funding to implement the expansion planned for an area currently under its jurisdiction. In such a case, other potential applicants may be invited to submit applications and will be considered for funding.

(4) With respect to target areas which are currently unserved but are under the jurisdiction of a Federally recognized Community Action Agency (CAA) operating a Head Start program, the applicant of choice will be the cognizant CAA Head Start grantee. If the existing CAA Head Start grantee declines to accept additional funding to implement the expansion planned for such an area, other potential applicants may be invited to submit applications and will be considered for funding. (This consideration does not apply to applicants proposing to serve children of migratory farmworkers, American Indian children or Native Alaskan children.)

(5) No applications to enlarge existing or create new summer Head Start programs will be considered.

(6) Applications from current Head Start grantees to expand existing Parent and Child Center (PCC) programs will be considered for funding; applications to create new PCC programs will not be considered.

To be eligible for funding, all applicants must meet the requirements of 45 CFR Part 1302.1-2(e) and (g) which require evidence of applicant's legal status and financial viability. Copies of all applicable regulations will be included in the application kit.

#### C. AVAILABLE FUNDS

The Fiscal Year 1978 appropriation for Head Start is $625 million, an increase of $150 million over the Fiscal Year 1977 funding level. The purpose of this increase is twofold:

(1) To provide existing grantees with additional funds to offset increases in the cost of living; and,

(2) To accomplish an expansion of the Head Start program.

The funding level for Head Start in each State is determined in accordance with the provisions of Sec. 513(a) Title V, Head Start and Follow Through Act. The relevant statutory language is as follows:

#### Allotment of Funds: Limitation on Assistance

Sec. 513(a) Of the sums appropriate pursuant to section 512 for any fiscal year beginning after June 30, 1975, the Secretary shall allot not more than 2 per centum among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. In addition, the Secretary shall reserve not more than 20 per centum of the sums so appropriated for use in accordance with such criteria and procedures as he may prescribe. The remainder shall be allocated among the States, in accordance with the latest satisfactory available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, and (2) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States; but there shall be made available, for use by Headstart programs within each State, no less funds for any fiscal year than were obligated for use by Headstart programs within such State with respect to fiscal year 1975 * * *.

#### Allocations and Enrollment Targets

The following table indicates the Fiscal Year 1978 Head Start allocations and enrollment targets for each State, for the Territories, and for programs serving Indian and migrant children. Specifically, the table indicates:

Column 1—The total Fiscal Year 1978 funding allocation for each area;

Column 2—The amount available in Fiscal Year 1978 for program expansion (i.e., for serving additional children in full year programs), if any;

Column 3—The number of additional children that are expected to be served in full year programs in Fiscal Year 1978-79 with the increased funding made available for program expansion (i.e., the projected expansion target); and,

Column 4—The total funded enrollment level to be reached.

Head Start Allocations for Fiscal Year 1978

| | (1) Total fiscal year 1978 funding level | (2) Total funds for expansion in fiscal year 1978 | (3) Additional children to be served fiscal year 1978-79 | (4) Total funded enrollment level |
|---|---|---|---|---|
| REGION I | | | | |
| Connecticut | $5,050,952 | $2,234,814 | 1,748 | 3,942 |
| Maine | 2,303,886 | ..... | ..... | 1,403 |
| Massachusetts | 12,967,522 | 3,620,622 | 1,864 | 6,690 |
| New Hampshire | 1,215,603 | ..... | ..... | 651 |
| Rhode Island | 1,859,719 | 485,405 | 310 | 1,155 |
| Vermont | 1,300,707 | ..... | ..... | 794 |
| REGION II | | | | |
| New Jersey | 16,122,624 | 3,793,489 | 1,755 | 7,319 |
| New York | 41,029,428 | 9,632,507 | 3,744 | 16,044 |
| Puerto Rico | 22,668,488 | 5,336,218 | 3,106 | 13,570 |
| Virgin Islands | 1,281,358 | 201,962 | 84 | 998 |
| REGION III | | | | |
| Delaware | 1,344,115 | ..... | ..... | 737 |
| District of Columbia | 4,329,751 | ..... | ..... | 1,665 |
| Maryland | 7,423,396 | 2,012,902 | 1,127 | 4,156 |
| Pennsylvania | 23,802,987 | 9,544,936 | 5,143 | 12,730 |
| Virginia | 7,590,999 | 388,428 | 222 | 4,380 |
| West Virginia | 5,744,793 | ..... | ..... | 3,531 |
| REGION IV | | | | |
| Alabama | 13,417,367 | ..... | ..... | 8,802 |
| Florida | 14,711,230 | ..... | ..... | 10,312 |
| Georgia | 13,598,724 | 2,902,868 | 1,845 | 8,365 |
| Kentucky | 12,883,860 | ..... | ..... | 9,522 |
| Mississippi | 43,535,089 | ..... | ..... | 29,879 |
| North Carolina | 13,612,419 | ..... | ..... | 9,438 |
| South Carolina | 8,273,529 | ..... | ..... | 5,974 |
| Tennessee | 11,472,205 | ..... | ..... | 8,444 |
| REGION V | | | | |
| Illinois | 29,710,687 | 11,039,657 | 7,032 | 18,801 |
| Indiana | 7,724,346 | ..... | ..... | 5,435 |
| Michigan | 22,584,882 | 12,060,330 | 8,981 | 16,700 |
| Minnesota | 6,062,236 | ..... | ..... | 3,875 |
| Ohio | 24,056,839 | 8,889,397 | 6,725 | 18,024 |
| Wisconsin | 7,910,134 | 1,853,929 | 1,199 | 5,011 |
| REGION VI | | | | |
| Arkansas | 6,794,940 | ..... | ..... | 5,158 |
| Louisiana | 11,776,042 | ..... | ..... | 8,339 |
| New Mexico | 3,506,964 | ..... | ..... | 3,386 |
| Oklahoma | 8,316,977 | ..... | ..... | 6,546 |
| Texas | 23,810,755 | 2,697,948 | 2,171 | 18,298 |









jurisdiction) with the largest concentrations of low-income preschool chil-

grams or for the establishment of new programs to serve currently unserved

After the regional ACYF Unit Head or the Director, Indian and Migrant

(e.g., particular communities, districts, neighborhoods, etc.) on the basis of a

HEAD START ALLOCATIONS FOR FISCAL YEAR 1978—Continued

| | (1) Total fiscal year 1978 funding level | (2) Total funds for expansion in fiscal year 1978 | (3) Additional children to be served fiscal year 1978-79 | (4) Total funded enrollment level |
|---|---|---|---|---|
| REGION VII | | | | |
| Iowa | 4,143,430 | | | 2,721 |
| Kansas | 4,005,389 | | | 2,520 |
| Missouri | 11,540,467 | | | 8,327 |
| Nebraska | 2,541,105 | | | 1,633 |
| REGION VIII | | | | |
| Colorado | 8,318,925 | | | 4,135 |
| Montana | 1,619,445 | | | 961 |
| REGION VIII | | | | |
| North Dakota | 722,057 | 73,280 | 57 | 435 |
| South Dakota | 1,215,649 | 307,326 | 212 | 782 |
| Utah | 2,023,742 | 254,934 | 176 | 1,384 |
| Wyoming | 912,080 | | | 536 |
| REGION IX | | | | |
| Arizona | 4,813,450 | 1,433,508 | 833 | 2,778 |
| California | 51,970,804 | 19,666,983 | 8,629 | 23,083 |
| Hawaii | 2,365,803 | | | 1,073 |
| Nevada | 795,611 | 129,730 | 60 | 380 |
| Territories (American Samoa, Guam, Trust Territory of the Pacific Islands, Commonwealth of the Northern Marianas Islands) | 1,618,642 | 622,878 | 540 | 2,109 |
| REGION X | | | | |
| Alaska | 1,742,947 | | | 800 |
| Idaho | 1,626,921 | | | 930 |
| Oregon | 4,497,421 | 1,867,474 | 983 | 2,375 |
| Washington | 5,959,745 | 158,410 | 97 | 3,642 |
| INDIAN AND MIGRANT PROGRAM DIVISION | | | | |
| Programs serving American Indian and Native Alaskan children | 19,504,600 | 6,350,000 | 3,929 | 12,126 |
| Programs serving children of migratory farm workers | 12,697,280 | 6,350,000 | 4,958 | 10,408 |

As indicated in the preceding table, the Administration for Children, Youth and Families has established specific expansion and total enrollment targets (columns 3 and 4) which each State is expected to achieve during Fiscal Years 1978 and 1979. In the case of States which will not receive additional funding for program expansion, the enrollment targets reflect the number of children currently served in full year programs. These States are expected to maintain current enrollment levels.

In the case of States which will be receiving funds for program expansion, the total enrollment targets (column 4) reflect the number of children currently served in full year programs plus the additional children that are expected to be enrolled (column 3) with increased funding for program expansion. All States participating in the expansion effort are expected to meet these enrollment targets.

FUNDING AND ENROLLMENT TARGETS FOR SUB-AREAS

Projected funding and enrollment targets for sub-areas within individual States (e.g., for individual countries or other jurisdictions) will be determined by ACYF regional offices and, with respect to programs serving children of migratory farmworkers, American Indian and Native Alaskan children, by the Indian and Migrant Program Divisions. At a minimum, projected enrollment targets for sub-areas within each State which will be determined by ACYF regional offices, must, in the aggregate, equal the established Statewide enrollment targets for each State.

Projected funding targets for individual sub-State areas will be determined on the basis of:

(1) The funds available for program expansion within a particular State; and

(2) The relative degree of unmet need among sub-areas within the State.[1]

Priority for funding will be accorded to those sub-areas (counties or other jurisdiction) with the largest concentrations of low-income preschool children. This principle will also be applied in determining projected funding targets for programs intended to serve children of migratory farmworkers, American Indian and Native Alaskan children.

D. PROGRAM OBJECTIVES

The objective of the Head Start expansion effort is to increase national enrollment in the program by an additional 67,500 children, including at least 10 percent children professionally diagnosed as handicapped. In implementing this effort, it is also ACYF's objective to ensure that all participating children are provided with early childhood development services as defined in the Head Start Program Performance Standards (45 CFR Part 1304).

E. GRANTEE SHARE OF PROJECT

The Head Start legislation provides that Federal financial assistance for a program will not exceed 80 percent of the approved cost of the program or activities, except where current Head Start grantees have received a waiver which increases the Federal share of approved costs.

F. APPLICATION PROCESS

INFORMATION TO BE MADE AVAILABLE—SUBMISSION OF APPLICATIONS

All existing Head Start agencies in States that will be participating in the expansion effort will receive specific information from the cognizant ACYF regional office concerning projected funding and enrollment targets for area currently being served by, or under the jurisdiction of, such agencies. Grantees now serving children of migratory farmworkers, American Indian or Native Alaskan children will receive invitations from the Director, Indian and Migrant Program Division.

With respect to areas currently unserved by Head Start, information concerning projected funding and enrollment targets will be made available to the public through the media, and to the extent feasible, through notices to appropriate public and private nonprofit organizations in each State. Agencies and organizations interested in applying for funds to serve these areas may request application kits from the coginzant ACYF regional office or from the Indian and Migrant Program Division at the ACYF headquarters office.

All applications, whether for the expansion of existing Head Start programs or for the establishment of new programs to serve currently unserved areas, are subject to the Project Notification and Review Procedures required by OMB Circular A-95, Part I. This circular requires applicants to notify State and area-wide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. Applicants which are Federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so.

In addition, the Head Start legislation requires that any plan or proposal to operate a Head Start program be made available for review to the Governor of each State.

Instructions for meeting these requirements and the names and addresses of State and area-wide clearinghouses will be provided in the application kit.

APPLICATION CONSIDERATIONS—COMPETITIVE AWARDS

Grant applications for the establishment of Head Start programs in currently unserved areas within each State will be subject to a competitive review and evaluation process. This review will be conducted at the ACYF Regional Office level by persons knowledgeable in the areas of Head Start, child development, and/or human services programs who are outside and independent of the cognizant Head Start program office. The results of the competitive review will be taken into consideration by the Regional ACYF Unit Head who, with the concurrence of the Commissioner, ACYF, will make the final selection of the successful applicant for a new Head Start program.

In the case of applications for new programs to serve children of migratory farmworkers, American Indian or Native Alaskan children, the competitive review will be made at the ACYF headquarters office. The results of that review will be taken into consideration by the Director, Indian and Migrant Program Division, who, with the concurrence of the Commissioner, ACYF, will make the final selection of successful applicants. The competitive review and evaluation process will involve assessment of the applications by persons knowledgeable in the areas of Head Start, child development and/or human services programs who are not part of the Indian and Migrant Program Division.

Applications for programs to serve new areas subject to competitive review which do not conform to this announcement, are not complete, or do not meet the July 14, 1978 deadline, will not be considered.

After the regional ACYF Unit Head or the Director, Indian and Migrant Program Division, has chosen the successful applicant, all unsuccessful applicants will be notified by letter of that decision. The letter will include an explanation of the reasons for nonfunding or will indicate that an explanation may be obtained upon request.

HEAD START GRANTEES APPLICATION CONSIDERATION NON-COMPETITIVE AWARDS

Applicants from existing Head Start grantees for expansion in areas currently served by them (or under their jurisdiction) will be reviewed by the appropriate regional ACYF Unit Head or the Director, Indian and Migrant Division (IMPD), and ACYF staff. The regional ACYF staff and the headquarter's IMPD staff will work with existing grantees to stimulate the development of expansion plans and proposals which are consistent with projected area funding and enrollment targets.

GRANT AWARDS

Grants will be awarded in accordance with the availability of funds and Head Start guidelines. The Notice of Grant Awarded (NGA) is used as the official notification of a grant award. The notification referenced all terms and conditions of the grant, and provides the documentary basis for recording the obligation of Federal funds into HEW's accounting system.

The NGA sets forth in writing the amount of funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, the budget period for which support is given, and the grantee's non-Federal share.

G. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

All competing applications proposing to establish Head Start programs in currently unserved areas will be reviewed and evaluation against the following criteria:

(1) The potential of the applicant to establish a program which can serve the prescribed minimum number of children (projected enrollment target) within the funds available. (projected funding target for a particular area);

(2) The qualification and experience of the applicant in planning, organizing and providing child and family services at the community level and to the population groups that are to be served;

(3) The potential of the applicant to provide Head Start services which fully meet the Head Start Program Performance Standards (45 CFR Part 1304), especially those provisions relating to parental involvement and direct parental participation;

(4) The extent to which the applicant has selected target service areas (e.g., particular communities, districts, neighborhoods, etc.) on the basis of a comprehensive community needs assessment, and the extent to which the selection of these target areas is based on the relative incidence of children and families in poverty. (Information to be provided by the applicant can take the form of maps showing the relative incidence of poverty in an applicant's service area, data relating to the racial/ethnic composition of the service area, other pertinent demographic data describing population characteristics, analyses of resources available in individual communities, etc.).

(5) The extent to which the applicant provides evidence of the involvement to parents and other community residents in the development and planning of the application; and the extent to which the applicant has made specific provisions for the direct participation of parents in the planning, conducting and administering the program in accordance with the provisions of Appendix B "The Parents" in 45 CFR Part 1304;

(6) The potential of the applicant for providing Head Start services in a manner which makes such services responsive and accessible to the communities and population groups to be served. (This would, for example, include establishing appropriate service hours, utilizing facilities convenient for the population to be served, providing the appropriate transportation, etc.);

(7) The potential of the applicant to enroll and serve at least 10 percent handicapped children in a "mainstream" setting;

(8) The capacity of the applicant to provide a level of staffing which is conducive to sound child development programming. The following would be considered appropriate staffing:

CHILD-ADULT RATIOS

| Children—Age[1] | Number in classroom[2] | Child-adult ratios | Adult in classrooms |
|---|---|---|---|
| 3 yr | 10 to 12 | No more than 4 to 1. | 1 teacher<br>1 aide<br>1 volunteer[3] |
| 4 yr | 12 to 15 | No more than 5 to 1. | 1 teacher<br>1 aide<br>1 volunteer[3] |
| 5 yr | 15 to 21 | No more than 7 to 1. | 1 teacher<br>1 aide<br>1 volunteer[3] |

[1] Where more than 50 percent of the class falls in the younger age, the ratio for the younger age is applicable.
[2] These numbers reflect actual attendance.
[3] Volunteers can be counted as full-time adults if they are in the classroom 50 percent or more of the program time.

For home-based programs, one home visitor must be responsible for no more than 12 families.

[1] It should be noted that the projected funding targets for individual sub-areas represent the level of funding intended to be achieved when new and expanded Head Start programs become fully operational. The initial FY 1978 level of funding for individual programs may vary from the projected funding target in consequence of the "start-up" time required to establish new or expand existing programs, the capacity of grantees to make effective use of resources in implementing expansion activities and other considerations relative to the needs and circumstances of individual applicants.









(9) The extent to which the applications from existing Head Start

REGION I

TUESDAY, FEBRUARY 21, 1978

(9) The extent to which the applicant, in hiring classroom teachers, will give priority to the selection of individuals who:

(a) Have a Child Development Associate credential;

(b) Have a Bachelor's Degree in early childhood education with appropriate supervised field experience;

(c) Are willing to participate in training aimed toward acquiring a Child Development Associate credential within two to three years;

(10) The extent to which the applicant will employ staff reflective of the racial and ethnic background of children to be served. This would include persons who speak the primary language of the children and are knowledgeable about their heritage. When a majority of the children speak a language other than English proportionate staffing by persons who speak the language of the children is expected;

(11) The opportunities provided for the employment of parents and other target area residents and for career development opportunities for paraprofessional and other staff;

(12) The extent to which the applicant makes maximum utilization of existing community resources through establishing appropriate linkages, operating agreements, referral processes, etc., with appropriate other agencies, groups and programs serving children and families;

(13) The suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and

(14) The administrative and fiscal capabilities of the applicant to operate a Head Start program.

Applications from existing Head Start grantees proposing to expand services within currently served areas (including, in the case of CAA Head Start grantees, areas under grantee jurisdiction) will be assessed on the basis of the same criteria specified above. However, the review of such applications will be non-competitive, i.e., each application will be considered individually on the basis of its responsiveness of this solicitation and instructions to be provided by ACYF Regional Offices or the Indian and Migrant Program Division on ACYF Headquarters.

### Closing Dates for Receipt of Applications

Closing dates for the receipt of applications from existing Head Start grantees proposing to expand program operations in currently served areas will be established for each program by the cognizant ACYF Regional Office or the Indian and Migrant Program Division, as appropriate. The closing date for receipt of applications from agencies and organizations (including existing Head Start grantee) wishing to compete for funds to establish Head Start programs in currently unserved areas is July 14, 1978.

Applications may be mailed or hand-delivered to the Office of Human Development Services' (OHDS) grants management office in the applicant's region or, in the case of applications to serve children of migratory farmworkers, American Indians and Native Alaskan children, to the OHDS grants management office at headquarters. Hand-delivered applications will be accepted during normal working hours. The address and work hours of the appropriate grants management office will be provided as part of the application kit.

An application will be considered to have met the closing date if:

(1) It is at the ACYF receiving office on or before the established closing date;

(2) It is postmarked by the established closing date.

### I. Late Applications

Late applications subject to competitive review process will not be considered. They will be returned without consideration, and applicants will be notified accordingly.

### J. Availability of Application Forms

Application kits which contain the prescribed application forms and additional instructions for the applicant (e.g., enrollment targets, funding allocations, etc.) may be obtained by writing to the appropriate Regional Office or to the Director, Indian and Migrant Program Division at ACYF headquarters. The application kits will be available by March 15, 1978.

Children, Youth, and Families Unit, Office of Human Development Services, Department of Health, Education, and Welfare, Regions I-X and Indian and Migrant Programs

Region I

Mr. Roy Fleischer, Acting Head, Room 2000, JFK Federal Building, Government Center, Boston, Mass. 02203, 617-223-6450.

Region II

Mrs. Elaine Danavall, Acting Head, Federal Building, 26 Federal Plaza, Room 3900, New York, N.Y. 10007, 212-264-2974.

Region III

Mr. Fred Digby, Acting Head, Post Office Box 13716, 3535 Market Street, Philadelphia, Pa. 19101, 215-596-6763.

Region IV

Mr. John Jordan, Acting Head, 101 Marietta Tower, Suite 903, Atlanta, Ga. 30323, 404-221-2134.

Region V

Mr. Hilton Baines, Acting Head, 300 South Wacker Drive, 15th Floor, Chicago, Ill. 60606, 312-353-1781.

Region VI

Mr. Gerald Hastings, Acting Head, Fidelity Union Tower, Room 500, 1507 Pacific Avenue, Dallas, Tex. 75201, 214-749-2492.

Region VII

Mrs. Linda Carson, Acting Head, Federal Building, 601 East 12th Street, 3d Floor, Kansas City, Mo. 64106, 816-374-5401.

Region VIII

Mr. John Garcia, Acting Head, 1961 Stout Street, Room 7417, Denver, Colo. 80202, 303-837-3106.

Region IX

Mr. Samuel Miller, Acting Head, Federal Office Building, 50 United Nations Plaza, Room 143, San Francisco, Calif. 94102, 415-556-6153.

Region X

————, Acting Head, Mail Stop 622, Arcade Plaza Building, 1321 2d Avenue, Seattle, Wash. 98101, 206-442-0838.

Hilario Aguirre, Acting Chief, Indian and Migrant Program Division, P.O. Box 1182, Room 2044, Washington, D.C. 20013, 202-755-7715.

(Catalog of Federal Domestic Assistance Program, No. 13.600, Child Development—Head Start.)

Dated: February 13, 1978.

Blandina Cardenas,
*Commissioner of Children, Youth and Families.*

Approved: February 13, 1978.

Arabella Martinez,
*Assistant Secretary for Human Development Services.*

[FR Doc. 78-4403 Filed 2-17-78; 8:45 am]



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Federal Register

TUESDAY, FEBRUARY 21, 1978
PART III

# DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

# ABANDONED MINE RECLAMATION FUND, FEE COLLECTION AND COAL PRODUCTION REPORTING

## Establishment of an Interest Rate for Delinquent Reclamation Fee Payments and Method of Interest Computation

[4310-05]

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[30 CFR Part 837]

### ABANDONED MINE RECLAMATION FUND FEE COLLECTION AND COAL PRODUCTION REPORTING

### Establishment of an Interest Rate for Delinquent Reclamation Fee Payments and Method of Interest Computation

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the reclamation fee payment regulations to establish an interest rate to be assessed against delinquent fee payments and to provide a method for computing interest on late payments.

DATES: Comments must be received by March 23, 1978.

ADDRESSES: Comments should be addressed to: Director, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. George Williams, 202-343-5034.

SUPPLEMENTARY INFORMATION: Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) provides that the reclamation fee shall be paid no later than thirty days after the end of each calendar quarter. Section 412(a) of the Act (30 U.S.C. 1242(a)) authorizes the Secretary of the Interior to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of the Act relating to Abandoned Mine Reclamation (Title IV). On December 13, 1977, the Department of the Interior promulgated final rules implementing section 402 of the Act.

Notice is hereby given that the Director, Office of Surface Mining Reclamation and Enforcement, under the authority delegated to him by the Secretary, proposes to amend 30 CFR Part 837 entitled "Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting" by establishing an interest rate of one percent per month, or any part thereof, on late reclamation fee payments. In addition, proposed § 837.15(d) prescribes the time when interest shall accrue and the method by which delinquent operators will be assessed for interest on late payments. An established interest rate for late payments will add a financial inducement for operators to comply with the statutory requirement to make timely payments.

The proposed amendment includes the deletion of references to "statutory interest" and "an interest charge at the statutory rate" contained in §§ 837.14(b) and 837.15(d), respectively. The deletion of these references is not intended to affect in any way the rate of interest which may be imposed on judgments in accordance with 28 U.S.C. 1961 in an action to compel payment of reclamation fees pursuant to § 402(e) of the Act (30 U.S.C. 1232(e)).

The proposed rate was determined by surveying current late payment charge policies within the Department of the Interior and by selecting a rate based upon commercial practice for the assessment of interest on late payments for short term debt. Although in some instances the commercial rate is higher, the Office of Surface Mining Reclamation and Enforcement is satisfied that this proposed rate would provide the Secretary with a method to adequately administer the provisions of the Act relating to the collection of reclamation fees.

It is proposed to make this rule effective beginning with reclamation fee payments due on coal produced from October 1, 1977 through March 31, 1978 (the first and second calendar quarters under the Act) for which payments have not been received by April 30, 1978. Interest shall then begin to accrue on May 1, 1978 on delinquent first and second calendar quarter payments, and thereafter on fees paid later than thirty days after the end of the calendar quarter in which they were due.

In consideration of the foregoing, it is proposed to amend 30 CFR Part 837, as follows:

### PART 837—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

1. Paragraph (b) of § 837.14 is revised to read as follows:

§ 837.14 Determination of percentage based fees.

* * * * *

(b) If the Director determines that a higher fee shall be paid, the operator shall submit the additional fee together with interest computed under § 837.15(d).

2. In § 837.15 paragraph (d) is revised, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added. Revised paragraph (d) and new paragraph (e) read as follows:

§ 837.15 Reclamation fee payment.

* * * * *

(d) The reclamation fee payment for each calendar quarter shall be paid no later than 30 calendar days after the end of the calendar quarter. Delinquent payments are subject to interest at the rate of one percent per month, or any part thereof, on any amounts due. Interest shall begin to accrue on the thirty-first day following the end of the calendar quarter and will run until the date of payment, or until judgment is rendered by a court of competent jurisdiction in an action to compel payment of debts. The Office of Surface Mining Reclamation and Enforcement will then compute the interest on late payments and bill the operator in accordance with procedures followed by the Department of the Interior for the collection of debts.

(e) Interest shall begin to accrue on May 1, 1978 on reclamation fee payments due on coal produced from October 1, 1977 through March 31, 1978 for which payments have not been received by April 30, 1978. For reclamation fee payments due on coal produced during succeeding calendar quarters beginning with the quarter commencing on April 1, 1978, interest, at the prescribed rate, shall accrue in accordance with paragraph (d) of this subsection.

(Secs. 201 and 412(a), Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201, 1242(a)).)

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 15, 1978.

WALTER N. HEINE,
*Director, Office of Surface Mining Reclamation and Enforcement.*

[FR Doc. 78-4555 Filed 2-17-78; 8:45 am]

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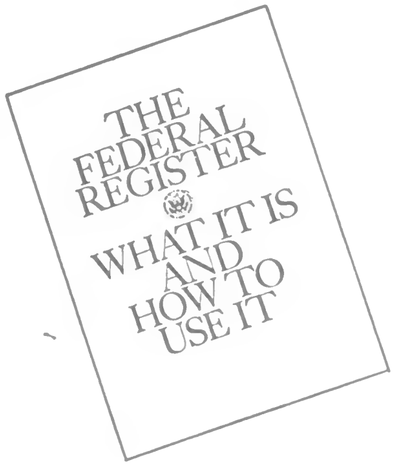


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**List of Public Laws**

This is a continuing numerical listing of public bills which have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

S. 1509..... Pub. L. 95-232
To provide for the return to the United States of title to certain lands conveyed to certain Indian pueblos of New Mexico and for such land to be held in trust by the United States for such tribes. (Feb. 17 1978; 92 Stat. 30) Price: $.50.





# presidential documents

[3195-01]

## Title 3—The President

**Memorandum of February 2, 1978**

**Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, (The "Act") Authorizing the Obligation of $750,000 of Funds Made Available Under the United States Emergency Refugee and Migration Assistance Fund**

[Presidential Determination No. 78-04]

Memorandum for the Secretary of State

THE WHITE HOUSE,
*Washington, February 2, 1978.*

In order to meet unexpected and urgent refugee and relief needs arising in connection with events in Africa, and to respond to the appeals and special reports of the United Nations High Commissioner for Refugees for financial assistance in support of refugees under his mandate, from Angola (Cabinda), Uganda, and Ethiopia, located in neighboring countries, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that $750,000 in funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available for this purpose as a contribution to the United Nations High Commissioner for Refugees or American voluntary agencies helping these refugees.

The Secretary of State is requested to inform the appropriate committees of Congress of this Determination and the obligation of funds made under this authority.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc. 78-4816 Filed 2-17-78; 4:08 pm]





# rules and regulations

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-170, Amdt. 35]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDNGS

**Amendment To Allow Petitions for Reconsideration of Instituting Orders To Be Filed by Any Interested Person**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment of the Rules of Practice allows petitions for reconsideration of orders instituting a proceeding to be filed by any interested person rather than limiting them to parties to the proceeding. This change enables entities such as communities and civic groups that have an interest in a case to petition the Board more easily. The rulemaking is at the initiative of the Board.

DATES: Effective: February 15, 1978. Adopted: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: When the Board issues an order instituting a proceeding in response to an application by an air carrier, the order lists the applicant, and may list interested or affected persons, as formal parties to the proceeding. Under Rule 37 of the Board's Rules of Practice (14 CFR 302.37), only a party may seek reconsideration of the instituting order, which determines the general issues and the geographic scope of the proceeding.[1]

Prospective applicants (limited to air carriers) in a route case, for example, can circumvent the Rule 37 limitation by filing a motion to consolidate their own related proceedings or applications, and include matters that would be raised in a petition for reconsideration. Persons not listed as parties at this initial stage, however, such as communities, civic groups, and opposing carriers, who are not prospective applicants or do not wish to petition for intervention until the scope of the proceeding is set, must file a motion for leave to file an unauthorized document when asking the Board to modify its initial order defining the issues in the proceeding. There is no good reason to require such persons to use such roundabout methods when asking the Board to modify its instituting orders.

The Board has in the past freely accepted petitions for reconsideration of these instituting orders from various interested persons, and now amends Rule 37 to reflect this practice. Future instituting orders shall include an express statement that such petitions may be filed by any interested person.

The Board finds that because this amendment removes a procedual restriction, and imposes no additional burden on the public, notice and public procedure are unnecessary, and it may become effective immediately.

Accordingly, paragraphs (a) and (c) of § 302.37 of the Procedural Regulations (14 CFR 302.37) are amended to read as follows:

§ 302.37 Petitions for reconsideration.

(a) *Board orders subject to reconsideration; time for filing.* Unless an order or a rule of the Board specifically provides otherwise, any interested person may file a petition for reconsideration of any interlocutory order issued by the Board which institutes a proceeding. Any party to a proceeding, unless an order or a rule of the Board specifically provides otherwise, may file a petition for reconsideration, rehearing, or reargument of (1) final orders issued by the Board, or (2) an interlocutory order which defines the scope and issues of a proceeding or suspends a provision of a tariff on file with the Board. Unless the time is shortened or enlarged by the Board, petitions for reconsideration shall be filed, in the case of a final order, within twenty (20) days after service thereof, and in the case of an interlocutory order, within ten (10) days after service. However, neither the filing nor the granting of such a petition shall operate as a stay of such final or interlocutory order unless specifically so ordered by the Board. Within ten (10) days after a petition for reconsideration, rehearing, or reargument is filed, any party to the proceeding may file an answer in support of or in opposition. Motions for extension of time to file a petition or answer, and for leave to file a petition or answer after the time for the filing has expired, will not be granted by the Board except on a showing of unusual and exceptional circumstances, constituting good cause for movant's inability to meet the established procedural dates.

(b) * * *

(c) *Successive petitions.* A successive petition for rehearing, reargument, or reconsideration filed by the same party or person, and upon substantially the same ground as a former petition which has been considered or denied by the Board, will not be entertained.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788; 49 U.S.C. 1324 and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4748 Filed 2-21-78; 8:45 am]

[1] The Rule 37 limitation is overcome when the Board issues an instituting order on its own initiative in a route case, not in response to an application from an air carrier, since, under Rule 915, any person having a substantial interest may respond to the order by filing a motion or answer with respect to its scope, in lieu of a petition under Rule 37.

[7510-01]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1240—INVENTIONS AND CONTRIBUTIONS

**Subpart 2—Awards for Reported Scientific and Technical Contributions—NASA and Contractor Employees**

AGENCY: National Aeronautics and Space Administration.

ACTION: Final regulations.

SUMMARY: NASA revises its regulations for procedures for the granting of monetary awards to NASA and NASA contractor employees for reported scientific and technical contributions in order to effect agreement of the language of the regulations with current operating procedures and with the reorganization of NASA Headquarters.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick J. Lees, Chairman, Inventions and Contributions Board. Telephone 202-755-8405, National Aeronautics and Space Administration, Washington, D.C. 20546.

SUPPLEMENTARY INFORMATION: The regulations for the granting of monetary awards to NASA and NASA contractor employees for reported scientific and technical contributions are revised as follows:

1. Authorization dates for the granting of initial awards for the filing of patent applications and for the publication of NASA tech briefs are advanced, and the amounts of these awards are increased to agree with the amounts being granted under current operating procedures, i.e., at least $100 and $50, respectively.

2. Designees of the Administrator authorized to grant monetary awards of $1,000 or less are the Associate Administrator for Management Operations and the Chairman, Inventions and Contributions Board.

The requirement for a proposed rule is waived because the revisions of the regulations listed above involve NASA internal procedures only.

14 CFR Part 1240 is amended by revising Subpart 2 as follows:

**Subpart 2—Awards for Reported Scientific and Technical Contributions—NASA and Contractor Employees**

Sec.
1240.200 Scope.
1240.201 Applicability.
1240.202 Policy.
1240.203 General procedures.
1240.204 Presentation of awards.
1240.205 Financial accounting.
1240.206 Delegation of authority.

AUTHORITY: Section 306 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2458).

**§ 1240.200 Scope.**

This subpart 2 outlines the present policy and revises the procedures for granting monetary awards to NASA and NASA contractor employees for scientific and technical contributions which are reported to NASA and are determined to have significant value in the conduct of aeronautical and space activities.

**§ 1240.201 Applicability.**

This subpart 2 relates to any scientific or technical contribution which is a significant development that (a) advances the state of knowledge in space or aeronautical activities, or (b) is the subject of a United States patent application that has been authorized for filing, or (c) is the subject of a NASA tech brief that has been approved for publication; and to the actions to be taken to grant monetary awards for each of these contributions.

**§ 1240.202 Policy.**

Monetary awards are authorized and shall be made to employees of NASA and NASA contractors for a scientific or technical contribution, whether patentable of not, upon determination that the contribution is of significant value in the conduct of aeronautical and space activities.

**§ 1240.203 General procedures.**

(a) A NASA Headquarters office, a NASA field installation or a NASA contractor may submit to the Inventions and Contributions Board (hereafter referred to as "the Board") an application for an award to the originator or originators of any scientific or technical contribution conceived or developed during the performance of a NASA program or contract, and considered to be of value in advancing the state of knowledge in space or aeronautical activities, whether or not it is the subject of a NASA tech brief or of a U.S. patent application. The Board will recommend such a contribution for award when, upon evaluation of its scientific and technical merits, it is determined to warrant a minimum award of at least $100. Following determination of the specific amount of an award by the Board, its recommendation in that amount shall be submitted to the Administrator or his designee for approval. If two or more persons are responsible for the contribution, the Board will specify the amount to be awarded to each individual.

(b) When the Board receives written notice (NASA Form 1548) that the Assistant General Counsel for Patent Matters or the cognizant Patent Counsel at a NASA field installation has authorized the filing of a patent application for an invention made and reported by an employee of NASA or a NASA contractor, the Board shall recommend to the Administrator or his designee that an initial award of at least $100 be granted, and an award in at least that amount shall normally be granted to each inventor. If, upon subsequent evaluation, the significance of such an invention warrants an award greater than this established minimum, or later appreciates due to increased application or to the identification of new applications, the Board is authorized to recommend a supplemental award in an amount that shall be based on the evaluation or reevaluation of its technical and commercial merits.

(c) When the Board receives written notice (NASA Form 1546) that the Technology Utilization Officer at a NASA field installation has approved for publication a NASA tech brief based on an innovation made and reported by a NASA or NASA contractor employee, it shall recommend to the Administrator or his designee that an initial award of at least $50 be granted, and an award in at least that amount shall be granted to each originator of the innovation.

(d) When a tech brief has been approved for publication and the filing of a patent application has been authorized for the same contribution, the initial awards authorized in paragraphs (b) and (c) above shall be cumulative.

(e) Awards authorized in paragraphs (a), (b), and (c) of this section shall not be granted to a contributor who has previously received full compensation for, or on account of, the use of such a contribution by the United States.

(f) If a contribution, as first reported and evaluated, is judged not to merit either a minimum or a supplemental award, as provided for in paragraphs (a), (b), or (c) of this section, but is later proved to be of significant value, it may be submitted for reevaluation. Responsible NASA and NASA contractor officials are encouraged to review periodically such reported contributions, and to resubmit them for reconsideration through the same channels as originally reported.

**§ 1240.204 Presentation of awards.**

(a) All monetary awards and accompanying acknowledgements to employees of NASA will be presented in a formal ceremony by the appropriate Official-in-Charge at the Headquarters Office, or by the Director of the cognizant field installation or his designee.

(b) All monetary awards and accompanying written acknowledgements to employees of NASA contractors will be forwarded to contractor officials for suitable presentation.

**§ 1240.205 Financial accounting.**

(a) The Award Check Receipt (NHQ DIV Form 622), which accompanies the transmittal of each group of award checks from the Board, will be dated and signed by the responsible Award Liaison Officer/Technology Utilization Officer and returned to the Inventions and Contributions Board without delay.

(b) Not later than December 10 of each year, the responsible field installation official shall submit a report certifying that all award checks, which were issued and received by the field installation during the year, have been delivered to the proper NASA and NASA contractor employees. In the case of those checks that have not been delivered by December 10, the certification report will be accompanied by all undelivered checks and a brief explanation of the reasons for the failure to make delivery. This annual certification report is essential in order to assure that income and withholding tax totals for all awardees are correct and complete at the close of each calendar year.

**§ 1240.206 Delegation of authority.**

(a) The Associate Administrator for Management Operations is delegated authority to execute grants of awards for significant scientific or technical contributions not exceeding $1000 per contribution, when in accordance with the recommendation of the Inventions and Contributions Board and in conformity with applicable law and regulations.

(b) The Chairman of the Inventions and Contributions Board is delegated authority to execute grants of initial awards upon the decision to file for a patent application, and upon the decision to publish a NASA tech brief.

(c) No redelegation is authorized except by virtue of succession.

(d) The Chairman of the Inventions and Contributions Board shall insure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated in this section.

*Effective date.* This revision takes effect on February 22, 1978.

ROBERT A. FROSCH,
*Administrator.*

[FR Doc. 78-4796 Filed 2-21-78; 8:45 am]





[3510-25]

**Title 15—Commerce and Foreign Trade**

**CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, BUREAU OF TRADE REGULATION, DEPARTMENT OF COMMERCE**

**RESTRICTION ON EXPORTS TO THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA**

AGENCY: Department of Commerce, Bureau of Trade Regulation, Office of Export Administration.

ACTION: Final rule.

SUMMARY: This revision imposes an embargo on exports and reexports of U.S.-origin commodites and unpublished technical data for use by military or police entities of the Republic of South Africa and Namibia. These revisions are issued in order to further U.S. foreign policy regarding the preservation of human rights and to strengthen U.S. implementation of United Nations Security Council Resolutions.

EFFECTIVE DATE: February 16, 1978 (see Savings Clause relating to the servicing of equipment under "Supplementary Information").

FOR FURTHER INFORMATION CONTACT:

Charles C. Swanson, Director, Operations Division Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

SUPPLEMENTARY INFORMATION: These regulations are intended to further U.S. foreign policy regarding the preservation of human rights by denying access to U.S.-origin commodities and technical data by the military and police entities of the Republic of South Africa and Namibia. The regulations are also intended to strengthen United Nations Security Council Resolutions of 1963 and 1977 regarding exports of arms and munitions to the Republic of South Africa.

An embargo is established on the export and reexport of all U.S.-origin commodities and technical data (except data generally available to the public) to or for use by or for military or police entities in the Republic of South Africa and Namibia. This includes the export and reexport of commodities and technical data to service equipment owned, controlled or used by or for such entities. Also, recipients in these destinations of U.S.-origin technical data may not sell or otherwise make available, directly or indirectly, the direct product of the data to military or police entities.

To enforce the embargo, Parts 371 and 373 of the Export Administration Regulations are revised to prohibit the use of any general license authorization or special licensing procedure to export or reexport commodities where the exporter or reexporter knows or has reason to know that the commodities are intended for delivery, directly or indirectly, to or for use by or for military or police entities in the Republic of South Africa and Namibia. This includes commodities to service equipment owned, controlled or used by or for such entities.

Foreign consignees, warehouses, distributors, end-users, exporters and service facilities utilizing the special licensing procedures are required to certify that commodities received under a particular special licensing procedure will not be sold or used contrary to the embargo. This certification must be submitted to the Office of Export Administration with new applications for special licenses and in support of current special licenses before additional goods may be shipped under these licenses.

Section 379.4 is revised to prohibit the use of General License GTDR where the exporter or reexporter knows or has reason to know that the technical data or any products of the data are intended for delivery, directly or indirectly to or for use by or for military or police entities in the Republic of South Africa and Namibia or for use in servicing equipment owned, controlled or used by such entities. "Products of the data" include direct products of the data, as well as any subsequent products of the direct product. Recipients of technical data exported or reexported to South Africa and Namibia under General License GTDR may not provide, directly or indirectly, the direct product of the data to military or police entities in those countries. This Section is further revised to prohibit the use of General License GTDR to export or reexport technical data relating to arms, munitions, and military equipment or materials (including materials and equipment for their manufacture and maintenance) to any consignee in those countries.

Part 386.6 is revised to require exporters or their agents to enter a special destination control statement on all copies of bills of lading, air waybills and commercial invoices covering exports to the Republic of South Africa and Namibia. This statement is required for all validated license and applicable general license exports. The statement specifically prohibits resale to or delivery of the commodities or technical data involved to or for use by or for the police or military entities in these destinations.

The Special Country Policies and Provisions (Part 385) also have been revised to reflect the policy changes announced in this revision.

Finally, the Commodity Control List, incorporated by reference at 15 CFR § 399.1(a), is revised to indicate that commodities otherwise eligible for export to the Republic of South Africa and Namibia under General License G-DEST will require a validated export license if they are for delivery to or for use by or for military or police entities in the Republic of South Africa and Namibia or for use in servicing equipment owned, controlled or used by or for these entities. This revision affects the following Commodity Control List entries: 5001, 6099, 6199, 6299, 5391, 6399, 5406, 5431, 5485, 6499, 5568, 5585, 5595, 5596, 6599, 5635, 5673, 6699, 5715, 5780, 5799, 6799, 6899, 8999.

SAVINGS CLAUSE

Exports and reexports of commodities and technical data for the servicing of equipment owned, controlled or used by or for military or police entities may continue for a period of 2 months from the effective date of these regulations, provided such servicing is pursuant to a contract or other legal commitment in effect on the effective date of these regulations. Only commodities and technical data necessary for the repair of such equipment during such 2-month period may be exported or reexported during this period. Technical data and commodities including spare parts, for future use or for the upgrading of the capac-

ity or performance of such equipment may not be made availble during this period.

Persons affected by this provision should notify their customers to make alternate arrangements for servicing after the end of this 2-month period.

Accordingly, the Export Administration Regulations (15 CFR Parts 371, 373, 379, 385, 386 and 399.1) are revised as follows:

**PART 371—GENERAL LICENSES**

1. In § 371.2, paragraphs (c) (8) and (9) are revised and a new paragraph (c)(10) is added to read as follows:

**§ 371.2 General provisions.**

• • • • •

(c) • • •

(8) The commodity or technical data are controlled by another U.S. Government agency (see § 370.10);

(9) The commodity is listed in a Supplement to Part 377 as being under short supply control, unless the export is authorized under the provisions of General License G-NNR, GLV, SHIP STORES, PLANE STORES or RCS; or

(10) The exporter or reexporter knows or has reason to know that the commodity is for delivery, directly or indirectly, to or for use by or for military or police entities in the Republic of South Africa or Namibia. This includes commodities for purposes of servicing equipment owned, controlled or used by or for such entities.

**PART 373—SPECIAL LICENSING PROCEDURES**

2. In § 373.1, paragraphs (a) and (b) are relettered (b) and (c), and a new paragraph (a) is added to read as follows:

**§ 373.1 Introduction.**

(a) *Special Limitations.* (1) Limitations on exports and reexports to South Africa and Namibia. Consistent with U.S. policy toward the Republic of South Africa and Namibia, as set forth in § 385.4(a), the special licensing procedures in this Part 373 may not be used by any U.S. exporter or approved consignee to (i) export or reexport arms, munitions, or military equipment or materials (including materials, machinery or technical data for their manufacture and maintenance) to South Africa or Namibia (See Supplement No. 2 to Part 379); or (ii) export or reexport any commodity or technical data for delivery directly or indirectly to or use by or for military or police entities in these destinations. This includes commodities and technical data for purposes of servicing equipment owned, controlled or used by or for such entities.

(2) Certifications Required. To assure compliance with the limitations set forth in paragraph (1) above by foreign consignees approved under Project and Distribution licenses, distributors approved under the Foreign-Based Warehouse procedure and the Distribution License procedure, and U.S. exporters and service facilities approved under the Service License (SL) procedure, the appropriate certifications described in (i) and (ii) below shall be submitted to the Office of Export Administration. The appropriate certification must be submitted in support of special licenses valid as of February 16, 1978 before additional commodities may be shipped to the foreign parties concerned, and certifications must be submitted before new or pending applications for special licenses will be considered.

(i) Sale to and servicing in the Republic of South Africa and Namibia. The following certification is to be completed by customers that are approved under the Foreign-Based Warehouse procedure to sell in or reexport to the Republic of South Africa or Namibia, distributors and end-users approved under the Distribution License procedure and located in the Republic of South Africa or Namibia, and U.S. exporters and service facilities approved under the Service Supply (SL) procedure to service equipment in the Republic of South Africa or Namibia:

I (We) certify that commodities received under this (enter Distribution, Foreign-Based Warehouse, or Service Supply) License will not be sold or otherwise made available, directly or indirectly, to or for the use by or for police or military entities in the Republic of South Africa or Namibia or used to service equipment owned, controlled or used by or for these entities.

(ii) Production of Foreign-made end-products for sale to the Republic of South Africa and Namibia. The following certification is to be completed by all foreign consignees of Project and Distribution licenses who have been authorized to use U.S.-origin parts in the manufacture of foreign-origin end-products intended for export:

I (We) certify that the commodities received under this (enter Project or Distribution) license will not be used in the production abroad of commodities that will be sold or otherwise made available, directly or indirectly, to or for the use by or for police or military entities in the Republic of South Africa or Namibia.

3. In § 373.2, paragraph (b) is revised by rewording the introductory sentence and paragraph (c) is revised by adding a new paragraph (2)(vi) as follows:

**§ 373.2 Project license.**

• • • • •

(b) *Commodities, Technical Data, and Activities Not Eligible for Project License.* The Project License procedure is subject to the South African and Namibian limitations in § 373.1. In addition, the procedure does not apply if: • • •

(c) *Application Procedure.* • • •

(2) • • •

(vi) Special Certification. The certification required by § 373.1(a)(2)(ii) is required from each ultimate consignee that produces or intends to produce commodities for export.

4. In § 373.3, the introductory paragraph and (d)(2) are revised to read:

**§ 373.3 Distribution License.**

A Distribution License procedure is established that authorizes exports, during a period of one year, of certain commodities under an international marketing program to consignees that have been approved in advance as foreign distributors or users. The Distribution License procedure is subject to the South African and Namibian limitations in § 373.1. (An applicaton for a Distribution License to replace an expiring Distribution License may cover a validity period of up to two years.)

• • • • •

(d) *Application for Distribution License* • • •

(2) *Documents Required.* Each application for a Distribution License shall include the documents specified in (i) through (iii) below, and, if applicable, the certification specified in (iv) below:

(i) Application for Export License, Form DIB–622P;

(ii) Distribution License Consignee Statement, Form DIB–678, except that if the consignee is a foreign government agency, as defined in § 375.2(b)(iv), Form DIB–678 is not required;

(iii) Comprehensive narrative statement by the exporter, and

(iv) The certification required by § 373.1(a)(2)(i) or (ii) from (a) distributors and end-users in the Republic of South Africa and Namibia and (b) end-users in other countries that intend to produce commodities for export.

An application for a Distribution License need not be supported by the Import Certificate or consignee/purchaser statement otherwise required under §§ 375.2 or 375.3.

5. In § 373.4, the introductory paragraph and paragraph (c)(2), are revised to read as follows:

**§ 373.4 Foreign-based warehouse procedure.**

A Foreign-Based Warehouse Procedure is established that authorizes an exporter (i) to stock commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; (ii) to ship commodities directly from the United States to these





customers to fill an urgent need or a specialized requirement that cannot be filled from the foreign-based stock; or (iii) to ship directly from the United States to these customers parts or components not stocked abroad to be used to repair equipment originally exported by the U.S. exporter. This Foreign-Based Warehouse Procedure is subject to the South African and Namibian limitations in § 373.1. The documentation usually required in support of an application for an export license (see Part 375) and prior specific reexport authorization (see Part 374) is waived under this procedure.

• • • • •

(c) *Application to Participate in the Foreign-Based Warehouse Procedure.* • • •

(2) *Form DIB–625P.* Each customer to whom distribution is proposed, whether or not in the country where the foreign-based stock is located, must complete and submit to the distributor or to the U.S. exporter six copies of a Multiple Transactions Statement by Customer of Distributor of United States Commodites Stock Abroad, Form DIB–625P. The U.S. exporter shall submit these forms to the Office of Export Administration either with or subsequent to his filing the Form DIB–624P. Form DIB–625P may authorize the customer to resell or otherwise redistribute the commodities received. If, however, the distributor himself wishes to distribute the commodities similarly in the country where his warehouse is located while relying on his customers to redistribute elsewhere, such distributor is not precluded from submitting his own Form DIB–625P as well as those of his customers. In such a case, he assumes all of the responsibilities of a customer in the country where his warehouse is located in addition to the responsibilities of a distributor. In addition, each distributor or customer who intends to sell in the Republic of South Africa and Namibia shall also submit the certification required by § 373.1(a)(2)(i).

6. In § 373.7, paragraphs (b), (d)(1)(ii)(e), (d)(2)(ii), and (d)(3)(ii) are revised to read as follows:

**§ 373.7 Service Supply (SL) Procedure.**

• • • • •

(b) *Commodities subject to procedure.* Any commodity for which a validated export license is required may be exported or reexported under the provisions of this § 373.7 except:

(1) Parts to service commodities related to nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1;

(2) Parts to service arms, ammunition or implements of war referred to in Supplement No. 2 to Part 370;

(3) Parts to service commodities subject to Atomic Energy Act referred to in § 370.10(e);

(4) Parts to service commodities[1] listed in Supplement No. 1 to this Part 373;

(5) Commodities listed in Supplement No. 1 to this Part 373;

(6) Parts to service any equipment owned, controlled or used by or for a military or police entity in the Republic of South Africa and Namibia.

(d) *Types of service supply authorizations.*

(1) • • •

(ii) • • •

(e) The certification required by § 373.1(a)(2)(i), if applicable.

(2) • • •

(ii) *Application.* Each application for reexport authorization by a foreign-based service facility shall include the documents specified in (a) through (c) below, and, if applicable, the certification required by § 373.1(a)(2)(i):

(a) A letter requesting authorization to use and reexport spare and replacement parts under the *SL* Procedure;

(b) Form DIB–6027P, Service Supply (SL) Statement by Service facility or Manufacturer, in triplicate;

(c) A comprehensive narrative statement by the operator of the service facility identifying the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility and shall indicate the period for which the designation shall remain in effect. If the service facility is under the effective control of the U.S. person or firm, the statement shall so indicate. The statement shall also decribe in detail the services performed by the service facility, as indicated on Form DIB–6027P.

(3) • • •

(i) • • •

(ii) *Application.* Each application for reexport by a foreign manufacturer shall include the documents specified in (a) and (b) below, and, if applicable, the certification required by § 373.1(a)(2)(i):

(a) A letter from the manufacturer requesting permission to reexport under the Service License Procedure parts imported from the United States to replace such parts incorporated into a product manufactured by the applicant:

(b) Form DIB–6027P, identifying the manufactured products containing parts exported from the United States and the countries to which these products are exported.

[1] Except that parts may be exported under the provisions of this § 373.7 to service vibration testing equipment identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 1362 and all commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity Nos. 1460 and 4460.

**PART 379—TECHNICAL DATA**

7. In § 379.4, paragraph (e) is relettered (f) and a new paragraph (e) is added to read as follows:

**§ 379.4 General License GTDR: Technical data under restriction.**

• • • • •

(e) *Restrictions Applicable to Republic of South Africa and Namibia.* No technical data may be exported or reexported to the Republic of South Africa and Namibia under this General License *GTDR* where the exporter or reexporter knows or has reason to know that the data or any products of the data are for delivery, directly or indirectly, to or use by or for military or police entities in these detinations or for use in servicing equipment owned, controlled or used by or for such entities. As used in this paragraph (e), the term "any products of the data" includes the direct product[2] of the data and any subsequent products of the direct product. Further, any technical data that do qualify for export or reexport to the Republic of South Africa and Namibia under this General License *GTDR* must be accompanied by a written notice to the consignee that the direct product[2] of the data may not be sold or otherwise made available directly or indirectly to the military or police entities in these destinations. In addition, no technical data relating to the commodities listed in Supplement 2 to this Part 379 may be exported under this General License *GTDR* to *any consignee* in the Republic of South Africa and Namibia.

• • • • •

8. In Part 379, a new Supplement No. 2 is added to read as follows:

**Supplement No. 2—Technical Data**

COMMODITIES SUBJECT TO REPUBLIC OF SOUTH AFRICA AND NAMIBIA EMBARGO POLICY

(See § 379.4(e) and § 385.4(a))

(1) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than the following: (a) 0.0008 mm TIR (peak-to-peak) for lathes and turning machines; or (b) $D \times 2 \times 10^{-3}$ mm TIR (peak-to-peak) where D is the spindle diameter in millimeters for milling machines, boring mills, jig grinders, and machining centers (ECCN No. 1093);

(2) Equipment for the production of military explosives and solid propellants, as follows:

(a) Complete installations; and

[2] The term "direct product," as used in this paragraph, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.





(b) Specialized components (for example, dehydration presses; extrusion presses for

munitions, military equipment and

**PART 386—EXPORT CLEARANCE**



G-DEST will require a validated

SUPPLEMENTAL INFORMATION: [4210–01]

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and market propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants) (ECCN No. 1118);

(3) Specialized machiner, equipment, gear, and specially designed parts and accessories therefore, specially designed for the examination, manufacture, testing, and checking of the arms, ammunition, appliances, machines, and implements of war (ECCN No. 2018);

(4) Construction equipment built to military specifications, specially designed for airborne transport (ECCN No. 2317);

(5) Vehicles specially designed for military purposes, as follows:

(a) Military mobile repair shops specifically designed to service military equipment;

(b) All other specially designed military vehicles, excluding vehicles listed in Supplement No. 2 to Part 370;

(c) Pneumatic type casings (excluding tractor and farm implement types), of a kind specially constructed to be bullet-proof or to run when deflated;

(d) engines for the propulsion of the vehicles enumerated above, specially designed or essentially modified for military use; and

(e) Specially designed components and parts to the foregoing (ECCN No. 2406);

(6) Pressure refuellers, pressure refuelling equipment, and equipment specially designed to facilitate operations in confined areas and ground equipment, not elsewhere specified, developed specially for aircraft and helicopters, and specially designed parts and components, n.e.s. (ECCN No. 2410);

(7) Specifically designed components and parts for ammunition, except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines (ECCN No. 2603);

(8) Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, sten guns, shock batons, etc.), except arms designed solely for signal, flare, or saluting use; and parts, n.e.s. (ECCN No. 5998); and

(9) shotgun shells, and parts (ECCN No. 6998).

## PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

In § 385.4, Paragraph (a) is revised to read as follows:

§ 385.4 Country Group V.

(a) *Republic of South Africa and Namibia.* In conformity with the U.N. Security Council Resolutions of 1963 and 1977, relating to exports of arms and munitions to the Republic of South Africa, and consistent with U.S. foreign policy towards the Republic of South Africa and Namibia, the Department of Commerce has established the following special policies for commodities and technical data under its licensing jurisdiction.

(1) An embargo is in effect on the export or reexport to the Republic of South Africa and Namibia of arms, munitions, military equipment and materials, and materials and machinery for use in the manufacture and maintenance of such equipment. Commodities to which this embargo applies are listed in Supplement No. 2 to Part 379.

(2) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of *any* commodity, including commodities that may be exported to any destination in Country Group V under a general license, where the exporter or reexporter knows or has reason to know that the commodity will be sold to or used by or for military or police entities in these destinations or used to service equipment owned, controlled or used by or for such military or police entities.

(3) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of technical data, except technical data generally available to the public that meets the conditions of General License GTDA, where (a) the technical data relate to the commodities listed in Supplement No. 2 to Part 379, or (b) the exporter or reexporter knows or has reason to know that the technical data or any product of the data as defined in 379.4(e) are for delivery to or use by or for the military or police entities of these destinations or for use in servicing equipment owned, controlled or used by or for these entities. In addition, users in the Republic of South Africa or Namibia of technical data that do qualify for export or reexport under the provisions of General License GTDR must be informed in writing at the time of the export or reexport of the data that the direct product of that data may not be sold or otherwise made available, directly or indirectly, to the military or police entities in these destinations. The term "direct product" is defined in footnotes in Section 379.4(e).

(4) Parts, components, materials and other commodities exported from the United States under either a general or validated export license may not be used abroad to manufacture or produce foreign-made end products where it is known or there is a reason to know the end products will be sold to or used by or for military or police entities in the Republic of South Africa or Namibia.

(5) A validated export license is required for the export to the Republic of South Africa and Namibia of any instrument and equipment particularly useful in crime control and detection, as defined in § 376.14.

General License *GIT* may not be used for any commodity destined for the Republic of South Africa or Namibia (See § 371.4(b)).

* * * * *

## PART 386—EXPORT CLEARANCE

10. In § 386.6, paragraph (a) and the introductory text of (c) are revised to read:

§ 386.6 Destination control statements.

(a) *Requirement for Destination Control Statement.* When required by this paragraph, an appropriate destination control statement is required to be entered on all copies of the bill of lading, the air waybill and the commercial invoice covering an export from the United States. The same statement shall appear on all copies of all such shipping documents that apply to the same shipment. At the discretion of the exporter or his agent, a destination control statement may be entered on the shipping documents for exports for which no destination control statement is required.

(1) Exports to all destinations except South Africa and Namibia. One of the three destination control statements described in § 386.6(c) is required for any export under

(i) A validated license;

(ii) General License GLV, GMS, GTF-US, GTE, or GLR; or

(iii) General License G-DEST if:

(*a*) The value of the shipment exceeds $250,

(*b*) The commodity exported is identified by the symbol "Y" in the "Validated License Required" column of the Commodity Control List, and

(*c*) The country of destination is other than the Republic of South Africa or Namibia.

(2) Exports to the Republic of South Africa and Namibia. The following destination control statement is required for all shipments to the Republic of South Africa and Namibia made under a validated license or under General License G-DEST, GLV, GTF-US, G-NNR, GLR, GMS, and GTE:

These (commodities) (technical data) licensed by the United States for (Republic of South Africa) (Namibia). Diversion contrary to U.S. law prohibited. Resale to or delivery, directly or indirectly, to or for use by or for police or military entities prohibited.

* * * * *

(c) *Statement to be Used.* Except for exports to the Republic of South Africa or Namibia, one of the three destination control statements set forth in paragraph (d) below may be used, as follows:

* * * * *

## PART 399—COMMODITY CONTROL LIST

11. The Commodity Control List, incorporated by reference at 15 CFR 399.1(a), is revised to indicate that commodities otherwise eligible for export to the Republic of South Africa and Namibia under General License G-DEST will require a validated export license if intended for delivery to or use by or for military or police entities under jurisdiction of the Republic of South Africa or Namibia.

Dated: February 16, 1978.

STANLEY J. MARCUSS,
*Deputy Assistant Secretary for Trade Regulation.*

[FR Doc. 78-4697 Filed 2-17-78; 1:08 pm]





[4210-01]

### Title 24—Housing and Urban Development

### CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-78-508]

### PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

#### Financing of Used Mobile Homes

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This amendment provides that loan proceeds used for the purchase of used mobile homes previously financed with a loan under this part shall not exceed 90 percent of the appraised value of the mobile home. The present regulation provides that loan proceeds may not exceed 113 percent of the wholesale price applicable to the used mobile home as shown in a value-rating publication. By providing a more realistic loan-to-value ratio for loans made to finance used mobile homes, it is expected that this amendment will make such financing more widely available to low and moderate income families.

DATES: Effective date: February 22, 1978. Comments due: April 3, 1978.

ADDRESS: Interested persons may participate in this rulemaking by submitting written data, views or arguments to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Comments received by April 3, 1978, will be considered before action is taken on the final rule. A copy of each comment will be available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Department Housing & Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTAL INFORMATION: By providing a more realistic loan-to-value ratio for loans made to finance used mobile homes, it is expected that this amendment will make such financing more widely available to low and moderate income families. Experience in using value-rating publications has not been satisfactory because, in some cases, the prices shown in such publications do not sufficiently reflect local market conditions or fully take into consideration the physical condition of mobile homes. The Department has determined that this amendment should be available to the public as soon as possible and that it is therefore impracticable and contrary to the public interest to provide for comment and public participation prior to making this amendment effective, and that good cause exists for this amendment to be effective upon publication.

Accordingly, § 201.530 is amended to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a mobile home shall not exceed the lesser of:

(1) $16,000 ($24,000 where the mobile home is composed of two or more modules);

(2) 113 percent of the total price of a new mobile home as stated in the manufacturer's invoice, or;

(3) 90 percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part. The appraised value of a used mobile home shall be determined by a HUD-approved mobile home appraiser.

* * * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $16,000 ($24,000 where the mobile home is composed of two or more modules).

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1248, 12 U.S.C. 1703.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., February 7, 1978.

LAWRENCE B. SIMONS,
*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 78-4571 Filed 2-21-78; 8:45 am]

[4210-01]

### CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-387]

### PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

#### Special Procedures for Neighborhood Strategy Areas; Correction

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of correction.

SUMMARY: On January 31, 1978, 43 FR 4236, the Secretary adopted special procedures for neighborhood strategy areas under 24 CFR Part 881 with respect to section 8, Housing Assistance Payment Program—Special Rehabilitation. On Page 4240 in 24 CFR 881.304(e)(2) there was erroneously included the phrase "* * * local agreements for special wage rates for rehabilitation * * *". Accordingly, this notice deletes that wording effective as of January 31, 1978, the date the Special Procedures were published.

DATE: This correction is effective on January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmitz, 202-755-5380

Issued at Washington, D.C., February 15, 1978.

LAWRENCE B. SIMONS,
*Assistant Secretary for Housing Federal Housing Commissioner.*

[FR Doc. 78-4672 Filed 2-21-78; 8:45 am]

[3910-01]

### Title 32—National Defense

### CHAPTER VII—DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF DEFENSE

### SUBCHAPTER D—CLAIMS AND LITIGATION

### PART 842—ADMINISTRATIVE CLAIMS

#### Miscellaneous Amendments

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The following amendments reflect a reorganization of administration of claims within the Air Force. These amendments announce new delegations of authority, and new regulations made necessary by the reorganization, plus other recent administrative changes to Air Force claims regulations.

EFFECTIVE DATE: October 14, 1977

FOR FURTHER INFORMATION CONTACT:

Mr. Francis B. Van Nuys, Deputy Chief, Claims and Tort Litigation Staff, Office of the Judge Advocate General, Washington, D.C. 20324, 202-693-5710.

SUPPLEMENTARY INFORMATION: The provisions of Part 842 are issued under authority of Section 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

The Department of the Air Force is amending Part 842 of Subchapter D, Chapter VII, Title 32 CFR. Extensive amendments were made previously to this part and published in the FEDERAL REGISTER on November 16, 1976 (41 FR 50420). Since that time a reorganization has necessitated further administrative changes to this part.

The amendments will read as follows:

1. In § 842.49, paragraphs (a)(1), (b)(1), (b)(2), (b)(3) (iii) and (iv), (c), (e)(4), (g), (h) introductory text, (h)(1), (h)(1)(i) (d) and (e), (h)(1)(ii), and (h)(2) are revised to read as follows:

§ 842.49 Settlement authority.

* * * * *

(a) * * *

(1) The SJA of each Air Force base, station, and fixed installation, or his designee.

* * * * *

(b) * * *

(1) Staff judge advocates of PACAF and USAFE, or his designee.

(2) Staff judge advocates of single base GCMs, or of GCMs in PACAF and USAFE and their designees.

(3) * * *

(iii) Chief, Claims and Tort Litigation Staff.

(iv) Branch Chiefs, Claims and Tort Litigation Staff.

(c) *Claims recommended for payment in an amount in excess of settlement authority.* All claims in excess of a staff judge advocate's settlement authority will be forwarded through claims channels to the office having sufficient settlement authority to act on the claim.

* * * * *

(e) * * *

(4) The Judge Advocate General will prepare a brief letter report for submission to Congress through the Office of Management and Budget, including the amount claimed, the amount allowed and any amount paid, when the Secretary approves a claim in excess of $25,000. Headquarters USAF/JACC will also furnish any additional information requested by Congress and forward the necessary payment documents to the Claims Division, General Accounting Office, Washington, D.C. 20548 to effectuate payment by the Department of the Treasury as soon as possible after enactment of a supplemental appropriation act authorizing payment.

* * * * *

(g) *Control of settlement authority.* The settlement authority granted in this section can be withdrawn, reduced, or restored by a superior in the claims channels. However, all organizations subordinate to Headquarters USAF/JACC will notify that office in writing of any such withdrawal, reduction, or restoration.

(h) *Appeals.* Appeals from claims approved or disapproved by the Judge Advocate General for $25,000 or less will be referred to the Secretary of the Air Force for his action. The Secretary has delegated authority to take final action on other appeals of claims approved or disapproved by designees. However, no designee is authorized to take appellate action on his own settlement. Appealed claims will be forwarded through claims channels to the designee of the Secretary who has appellate claims jurisdiction or to Headquarters USAF/JACC. Appellate authority is designated as follows:

(1) *Appeals from claims approved or disapproved for $5,000 or less.* (i) * * *

(d) Chief, Claims and Tort Litigation Staff.

(e) Branch Chiefs, Claims and Tort Litigation Staff.

(ii) Staff Judge Advocates of PACAF and USAFE and their designees.

(2) *Appeals from claims approved or disapproved for $2,500 or less.* Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

2. In § 842.83, paragraphs (b)(1)(i) (c) and (d) are revised, and (e) and (f) are added; paragraphs (b)(1) (ii), (iii), (iv), and (v) are revised; and paragraph (c) is revised as follows:

§ 842.83 Settlement authority.

* * * * *

(b) The Secretary of the Air Force delegates authority to settle and pay any claims under this subpart to the following persons:

(1) * * *

(i) * * *

(c) Director of Civil Law.

(d) Chief, Claims and Tort Litigation Staff.

(e) Deputy Chief, Claims and Tort Litigation Staff.

(f) Branch Chiefs, Claims and Tort Litigation Staff.

(ii) Staff Judge Advocates of PACAF and USAFE.

(iii) Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

(iv) The Staff Judge Advocate of each Air Force base, station, and fixed installation, and their designees.

(v) Any judge advocate officer when designated by The Judge Advocate General.

* * * * *

(c) The authority to settle claims granted in this section may be reduced, withdrawn, or restored by a superior in claims channels. However, Headquarters USAF/JACC will be notified in writing of any such reduction, withdrawal or restoration of authority by a command subordinate to Headquarters USAF/JACC.

3. In § 842.110, paragraph (a)(1)(iii) is added; paragraphs (a)(2) (iv) and (v) are revised; paragraph (a)(2)(vi) is added; paragraphs (a) (3) and (4) and (a)(5)(i) are revised; paragraph (f) is revised as follows:

§ 842.110 Settlement authority.

* * * * *

(a) * * *

(1) * * *

(iii) The Director of Civil Law.

(2) * * *

(iv) Chief, Claims and Tort Litigation Staff.

(v) Deputy Chief, Claims and Tort Litigation Staff.

(vi) Branch Chiefs, Claims and Tort Litigation Staff.

(3) *Payable for $15,000 or less.* Staff Judge Advocates of PACAF and USAFE, and their designees.

(4) *Payable for $7,500 or less.* Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

(5) * * *

(i) The Staff Judge Advocate of each Air Force base, station, and fixed installation and their designees.

* * * * *

(f) *Authority to reduce, withdraw, and restore settlement authority.* The settlement authority granted in this section may be reduced, withdrawn, or restored by a superior in claims channels. However, any command subordinate to Headquarters USAF/JACC shall report such reduction, withdrawal, or restoration to Headquarters USAF/JACC in writing.

4. In § 842.125, paragraphs (a)(1) (iii) and (iv) are revised; paragraphs (a)(1) (v) and (vi) are added; paragraphs (a) (2) and (3) are revised; paragraph (c) is added as follows:

§ 842.125 Supervisory claims authority responsibilities.

(a) * * *

(1) * * *

(iii) Director of Civil Law.

(iv) Chief, Claims and Tort Litigation Staff.

(v) Deputy Chief, Claims and Tort Litigation Staff.

(vi) Branch Chiefs, Claims and Tort Litigation Staff.





(2) *$15,000 or less.* Staff Judge Advocates of PACAF and USAFE, and their designees.

(3) *$7,500 or less.* Staff Judge Advocates of single base, GCM, of GCMs within PACAF and USAFE, and their designees.

* * * * *

(c) *Authority to reduce, withdraw, or restore administrative collection authority.* The administrative collection authority granted in § 842.124 and this section may be reduced, withdrawn, or restored by a superior in claims channels. However, any command subordinate to Headquarters USAF/JACC shall report any such reduction, withdrawal, and restoration to Headquarters USAF/JACC in writing.

5. Section 842.148 is revised to read as follows:

§ 842.148 Settlement authorities for hospital recovery claims.

| RULE | A | B | C |
|---|---|---|---|
| | If a claim is for | then payment may be accepted in full and a release signed by | it may be compromised, settled, or waived by |
| 1 | any amount | The Judge Advocate General.<br>The Asst Judge Advocate General.<br>Director of Civil Law, Chief, Deputy Chiefs, and Branch Chiefs, Claims and Tort Litigation Staff.<br>SJAs and their designees of PACAF, and USAFE, and GCMs within PACAF and USAFE.<br>SJAs and their designees of bases, stations, and fixed installations. | |
| 2 | $20,000 or less | | The Judge Advocate General.<br>The Asst Judge Advocate General.<br>Director of Civil Law, OTJAG.<br>Chief, Deputy Chief, and Branch Chiefs, Claims and Tort Litigation Staff. See note |
| 3 | $15,000 or less | | SJAs and their designees of PACAF and USAFE |
| 4 | $7,500 or less | | SJAs and their designees of one-base GCMs and GCMs of PACAF and USAFE |
| 5 | $5,000 or less | | SJAs and their designees of each base, station, or fixed installation. |

NOTE.—Claims over $20,000 that cannot be collected in full may be acted on only with the approval of the Department of Justice.

FRANKIE S. ESTEP,
*Air Force Federal Register Liaison Officer, Directorate of Administration.*

[FR Doc. 78-4554 Filed 2-21-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Address Cards Arranged in Sequence of Carrier Delivery—Extension of Time

AGENCY: Postal Service.

ACTION: Extension of grace period.

SUMMARY: This document extends through June 30, 1978 the grace period granted by the Postal Service to owners of well-maintained mailing lists that did not, at the time the Postal Service adopted a new rule on correcting mailing lists (42 FR 38904), contain 90% of the addresses in a five digit ZIP Code area as follows:

(1) 90% of all residential addresses within the five-digit ZIP Code area if the list is a residence only list, or

(2) 90% of all business addresses within the five-digit ZIP Code area if the list is a business only list, or

(3) 90% of all addresses within the five-digit ZIP Code area if the list is a combination list.

The 90% criterion in the rule was reduced to 80% during the original grace period, which expired on January 31, 1978. However, various customers have been unable to meet the January 31 deadline and requested a temporary extension. The Postal Service believes that a one time extension of the grace period would be reasonable and has therefore extended the period through June 30, 1978.

EFFECTIVE DATE: Grace period extended through June 30, 1978.

FOR FURTHER INFORMATION CONTACT: Gregory Whiteman 202-245-5630.

ROGER P. CRAIG,
*Deputy General Counsel.*

[FR Doc. 78-4591 Filed 2-21-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 189]

GSA SOURCES OF SUPPLY

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) eliminates the requirement that GSA receive copies of authorizations permitting contractors performing substantially under cost-reimbursement-type contracts to use GSA

supply sources. The change is necessary because of a revision of the procedures employed to administer the use of GSA supply sources. The effect of the revision is that an automated requisition system can now be used and the manual handling of requisitions by these contractors can be eliminated.

EFFECTIVE DATE: April 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

**PART 1-3—PROCUREMENT BY NEGOTIATION**

**Subpart 1-3.4—Types of Contracts**

Section 1-3.410-2 is amended to change the address of the FPR Staff in paragraph (d) of the section, which now reads as follows:

**§ 1-3.410-2 Basic agreements with educational institutions and nonprofit organizations.**

• • • • • •

(d) The responsibility for negotiating basic agreements for the civilian agencies rests with each individual agency. Each agency shall report its agreements to the FPR Staff, General Services Administration, FV, Washington, D.C. 20406, 15 days after September 30, each year.

Section 1-3.410-3 is amended to correct a citation in paragraph (c)(5) of the section, which now reads as follows:

**§ 1-3.410-3 Basic ordering agreement.**

• • • • • • •

(c) • • •

(5) The contracting officer issuing an order under a basic agreement shall be responsible for ensuring compliance with the provisions of (1), (2), and (3) of this § 1-3.410-3(c).

• • • • • •

**PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY**

The table of contents for Part 1-5 is amended by changing two entries and adding two entries, as follows:

Sec.
1-5.903-2 Orders to GSA.
1-5.905 Payment for GSA shipments.
1-5.906 Title.
1-5.907 Contract clause.

**Subpart 1-5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement-Type Contracts**

. Section 1-5.902 is amended to revise paragraphs (c)(4), and (e)(2), delete paragraph (f), revise and redesignate paragraph (g) as paragraph (f), and to redesignate paragraph (h) as paragraph (g).

**§ 1-5.902 Authorization to contractors.**

• • • • • •

(c) • • •

(3) Restrict the authorization to certain plants or facilities or to specific contracts.

(4) Provide that title vest in the contractor when determined to be in the best interest of the Government. The terms and conditions which the agency may impose are not limited to the foregoing examples.

• • • • • •

(e) • • •

(2) Specify that the Federal Standard Requisitioning and Issue Procedures (FEDSTRIP) shall be used when requisitioning items, as required by 41 CFR 101-26.2, and include the FEDSTRIP activity address code assigned to the contractor by GSA. These codes shall be obtained from GSA as prescribed in paragraph (f) of this section.

• • • • • •

(f) The authorizing agency shall request a FEDSTRIP activity address code from the General Services Administration, FFC, Washington, D.C. 20406. The request shall be in writing and shall contain the detailed address(es) to which the contractor's mail, freight, and billing documents are to be directed by GSA. The request shall also include a copy of the agency's letter of authorization to the contractor. Address changes shall also be submitted in writing to GSA by the authorizing agency as well as deletions when contracts are completed or terminated.

(g) The authorizing agency shall be responsible for ensuring that prime contractors and subcontractors comply with the terms of their authorizations and for ensuring that supplies and services obtained from GSA supply sources are properly accounted for and properly used.

2. Section 1-5.903-2 is revised as follows:

**§ 1-5.903-2 Orders to GSA.**

Orders placed with GSA by agency contractors shall be placed in accordance with the agency authorization, using the FEDSTRIP format in accordance with the provisions of 41 CFR 101-26.2

3. Section 1-5.904 is revised as follows:

**§ 1-5.904 Furnishing information to contractors.**

When a Regional Office of the Federal Supply Service, FSS, GSA, is notified by the FSS Central Office that it has assigned a FEDSTRIP activity address code to a cost-reimbursement contractor of an agency, the FSS Regional Office will contact the contractor. The Regional Office will provide initial copies of the GSA Supply Catalog and FEDSTRIP Operating Guide and other necessary information. The Regional Office also will assist the contractor to prepare initial FEDSTRIP requisitions and complete GSA Form 457, FSS Publications Mailing List Application, so that current copies of required publications are received automatically from GSA.

4. Section 1-5.905 is revised as follows:

**§ 1-5.905 Payment for GSA shipments.**

GSA will not forward bills to contractors for supplies until after the supplies have been shipped by GSA. Receipt of billing is considered to be sufficient evidence of delivery to establish contractor liability and to provide a basis for payment. Accordingly, agencies should direct their contractors to make payments promptly upon receipt of billings (see 41 CFR 101-2.103(a).)

5. Section 1-5.906 is added as follows:

**§ 1-5.906 Title.**

Title to all property acquired by the contractor under an agency's authorization shall vest in the Government, (1) unless otherwise specifically provided in the contract, (2) unless otherwise provided in the Government Property clause (see §§ 1-7.203-21(a), 1-7.303-7(a), 1-7.303-7(c), and 1-7.402-25(a)), or (3) in the absence of both the conditions in (1) and (2) by operation of the clause in § 1-5.907. In those instances where contracts are with educational institutions and one of the clauses prescribed by §§ 1-7.303-7(d) or 1-7.402-25(b) is used, title to property having an acquisition cost of less than $1,000 vests in the contractor as provided in the clauses.

6. Section 1-5.907 is added as follows:

**§ 1-5.907 Contract Clause.**

Insert the clause set forth in § 1-7.203-13 in all contracts under which the contractor may acquire supplies from GSA supply sources.

**PART 1-7—CONTRACT CLAUSES**

**Subpart 1-7.2—Cost-Reimbursement-Type Supply Contracts**

Section 1-7.203-13 is amended to revise the GSA Supply Sources clause as follows:

**§ 1-7.203-13 General Services Administration supply sources.**

• • • • • •





GENERAL SERVICES ADMINISTRATION
SUPPLY SOURCES

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired by the contractor under such an authorization shall vest in the Government, (1) unless otherwise specifically provided in the contract, (2) unless otherwise provided in the Government Property clause of this contract, or (3) in the absence of both the conditions in (1) and (2) of the clause. However, such property shall not be considered to be "Government-furnished property."

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 8, 1978.

JAY SOLOMON,
*Administrator of General Services.*

[FR Doc. 78-4592 Filed 2-21-78; 8:45 am]

[6730-01]

**Title 46—Shipping**

**CHAPTER IV—FEDERAL MARITIME COMMISSION**

**SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES**

[General Order 7, Amdt. 3]

**PART 528—SELF-POLICING SYSTEMS**

**Approval of Reporting Requirements**

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules for self-policing reports filed under conference agreements and other rate-fixing agreements by conferences and common carriers by water in the foreign and domestic offshore commerce of the United States are amended to reflect an extension of existing General Accounting Office clearance for the reporting requirement. The amendment is necessary to comply with GAO regulations.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3512 requires the General Accounting Office to review certain collections of information from 10 or more persons undertaken by independent Federal regulatory agencies. This Commission has received an extension of the existing clearance from the U.S. General Accounting Office, for the reporting requirement contained in Part 528—Self-Policing Systems (General Order 7).

Section 10.12, Notification of General Accounting Office Action, of Title 4 CFR requires that notice of such clearance appear in the agency's regulations. The clearance expiration date, however, does not have to appear in regulations or orders that do not involve a separate form. Accordingly, the clearance information sentence presently appearing at the end of 46 CFR 528.1, *Scope and Purpose,* is amended to delete reference to the expiration date as follows:

The reporting requirement contained in this Order has been approved by the U.S. General Accounting Office under B-180233(R0145).

Effective Date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective February 22, 1978.

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-4710 Filed 2-21-78; 8:45 am]

[6712-01]

**Title 47—Telecommunications**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

**PART 97—AMATEUR RADIO SERVICE**

**Sections 97.40, 97.43, 97.88, and 97.126 of the Commission's Rules Waived**

AGENCY: Federal Communications Commission.

ACTION: Temporary rule waiver.

SUMMARY: This Order temporarily waives those FCC regulations which require that an Amateur operator receive FCC approval prior to beginning operation of a repeater, auxiliary link, control or remotely controlled station. The FCC is taking this action to grant relief to those persons who wish to place a new repeater station in operation. At the present time, the FCC is not processing applications for new repeater stations, pending completion of a review of its earlier decision (Docket 21033) to discontinue the licensing requirements for these stations.

DATES: This waiver is effective immediately and terminates as soon as the Commission releases a Memorandum Opinion and Order in Docket 21033.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Johnson, Personal Radio Division, Federal Communications Commission, Washington, D.C. 20554, 202-632-7250.

In the matter of waiver of §§ 97.40, 97.43, 97.88, and 97.126 of the Commission's Rules. Order re waiver.

Adopted: February 9, 1978.

Released: February 14, 1978.

1. The chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a waiver of §§ 97.40, 97.43, 97.88, and 97.126 of the Amateur Radio Service Rules. This waiver would suspend the present requirement that licensed amateur radio operators wishing to operate repeater, auxiliary link, control or remotely controlled stations must obtain Commission permission before commencing such operations.

2. In a combined Notice of Inquiry and Notice of Proposed Rule Making in Docket 21033 released on January 6, 1977, the commission proposed, among other things, to amend Rule §§ 97.40, 97.43, 97.88, and 97.126 to delete the present licensing requirement for repeater, auxiliary link, control, and remotely controlled stations. A Report and Order in docket 21033 released on September 27, 1977 amended these rule sections essentially as proposed. The amended rules were to take effect November 4, 1977; however, in response to petitions for Reconsideration and Stay from the American Radio Relay League, the Commission stayed the effective date of the Report and Order. In its stay, the Commission also ordered the continuation of its freeze on the acceptance of new repeater station applications filed after September 21, 1977.

3. As a result of the actions described above, no applications are now being granted for new repeater stations. We have been receiving many requests urging us to take some action to permit the operation of new repeater stations, and it is clear that some sort of administrative relief is warranted in this situation. We do not believe that a waiver of the Commission's Rules will, in this instance, prejudice consideration of the League's Petition for Reconsideration. If the Commission's review of its action results in approval of the league's request for continuation of separate licenses for repeater stations, then new repeaters will again be licensed. If the Commission affirms its Report and Order, then new repeater stations may be activated under the authority of an amateur's primary station license. In either event, amateurs could continue to build and put into operation new repeater stations. For this reason, a waiver of the pertinent rule sections

on a temporary basis until such time as the Commission formally acts on the League Petition for Reconsideration appears warranted. when utilizing a primary station as a repeater or auxiliary link station, the station must be identified by the transmission of its call sign, followed, on telegraphy, by the letters RPT or AUX, as appropriate; and on telephony by the words repeater or auxiliary, as appropriate. All other rules applying to repeater, auxiliary link, control, and remotely controlled stations, other than those waived by this Order, are to be strictly observed by primary station licensees operating under the terms of this waiver.

4. Accordingly, the Commission, by the Chief, Safety and Special Radio Services Bureau, under authority delegated pursuant to Section 0.331 of the Commission's Rules, *orders*, That Sections 97.40, 97.43, 97.88, and 97.126 are waived to permit licensed amateur radio operators to operate their primary stations as repeater, auxiliary link, control, and remotely controlled stations without prior Commission approval. This waiver is effective immediately and terminates upon the release by the Commission of a Memorandum Opinion and Order in Docket 21033.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
*Chief, Safety and Special Radio Services Bureau.*

[FR Doc. 78-4570 Filed 2-21-78; 8:45 am]

[6712-01]

[Docket No. 21135; FCC 78-76]

## PART 97—AMATEUR RADIO SERVICE

### Simplification of Licensing and Call Sign Assignment Systems in Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is adopting new rules in the Amateur Radio Service eliminating secondary stations and special event stations. We are also amending the rules to assign all amateur station call signs on a systematic basis. We are taking this action to bring our amateur regulatory programs into closer alignment with the resources we have available. We expect our action will enable us to provide amateur radio licensees with better, more efficient service in other areas.

EFFECTIVE DATE: March 24, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, 202-634-6619.

SUPPLEMENTARY INFORMATION: In the matter of the simplification of the licensing and call sign assignment systems for stations in the Amateur Radio Service (See 42 FR 15438); First report and order.

Adopted: February 8, 1978.

Released: February 23, 1978.

### WHAT IS THE BACKGROUND OF THIS PROCEEDING?

1. In a Notice of Proposed Rulemaking in Docket 21135, released March 11, 1977, FCC 77-156, 42 FR 15438 (1977), the Commission acted on its own initiative and proposed several major revisions of its Amateur Radio Service regulations, 47 C.F.R. §§ 97.1, et seq. Comments on our proposals were due no later than June 2, 1977. Reply comments were due no later than June 30, 1977. The American Radio Relay League, Inc. (ARRL) petitioned for an additional thirty days in which to submit comments and reply comments. On May 19, 1977 the Chief, Safety and Special Radio Services Bureau, acting under delegated authority, denied the ARRL's petition, stating that the 83 day comment period the Commission provided was adequate, and that rapid resolution of the issues raised in the Notice of Proposed Rulemaking in Docket 21135 was essential. We have carefully considered our proposals and the comments submitted in response to our proposals. We are now prepared to take action in this proceeding.

### WHAT WERE OUR SPECIFIC PROPOSALS?

2. In our Notice of Proposed Rulemaking in Docket 21135 we made several proposals which, if adopted as proposed, would have a significant impact on both the licensing of amateur stations and the assignment or call signs to amateur stations. Briefly summarized, our proposals in Docket 21135 were to simplify the licensing structure in the Amateur Service by discontinuing the issuance of all types of amateur station licenses, except space stations and so-called "primary" station licenses. Specifically, we proposed to eliminate—

Repeater stations, auxiliary link stations, and control stations.[1]
Military recreation stations.
Club stations.
Secondary stations.
Special event stations.
Radio Amateur Civil Emergency Service (RACES) stations.

We imposed an immediate "closed season" on the filing of applications for special event stations and new secondary stations. We also proposed to simplify greatly the regulations concerning the assignment of station call signs in the Amateur Service by replacing the current complex provisions with a concise rule stating that call signs will, in almost all instances, be assigned by the Commission on a systematic basis.[2]

### WHY DID WE MAKE THESE PROPOSALS?

3. In adopting our proposals in Docket 21135 we acted in response to the greatly increased interest in personal radio communications in the United States. We stated that the number of Citizens Band Radio Service and Amateur Radio Serv- ice applications we were receiving were both at all time highs.[3] We also stated the record number of applications we were receiving had caused an extraordinary and sustained increase in the workload of the Commission's Personal Radio Division, and that, assuming no additional resources were to be forthcoming, we believed it necessary to take immediate steps to improve the efficiency of our license processing system, in order to prevent an unacceptable backlog of pending applications. We concluded that the increased demand for personal radio communications, taken with our limited resources, required that we assign priorities to our current licensing activities. Those activities found to be high priority—the issuance of operator and primary station licenses—were proposed to be continued. Lower priority activities—the issuance of special call signs and all non-primary station licenses—were proposed to be eliminated. In proposing the discontinuance of special call signs and non-primary stations, we noted that we were forced to allocate a large percentage of our resources to the maintenance of these programs, despite the fact that only a very small segment of the Amateur Service benefits from or takes advantage of them. We found the overall public interest would be best served by discontinuance of special call signs and non-primary stations, an action which would permit us to allocate our resources in a more effective manner

[1] Repeater stations, auxiliary link stations, control stations and "WR" call signs are also under consideration in Docket 21033. We will deal with these matters in a Memorandum Opinion and Order in Docket 21033 and a Second Report and Order in this proceeding, to be considered simultaneously, in the near future.

[2] Since release of our Notice of Proposed Rulemaking in this proceeding, the population of the Amateur Service has increased from 293,000 to 326,000 licensed operators.

[3] Amateur Extra Class licensees would be permitted to obtain certain non-specific call signs with desirable formats.





than they are now allocated. Finally, we stated that although our proposals appeared radical, we believed actual operations in the Amateur Service would be affected little, if at all, by their adoption.

### WHO COMMENTED ON OUR PROPOSALS?

4. We received approximately 400 comments and reply comments in response to our Notice of Proposed Rulemaking in this proceeding. Many of the comments received were submitted by amateur radio organizations, so the number of individual opinions reflected by the comments is considerably greater than the number of comments might by itself indicate. The remaining comments were submitted by individual amateur licensees and various governmental civil defense agencies.

### WHAT DID THOSE COMMENTING ON OUR PROPOSALS SAY?

5. The large number of comments we received in response to our Notice of Proposed Rulemaking in Docket 21135 makes it impossible to discuss each comment individually. Each comment has been read and carefully evaluated by members of the Commission's staff, however. On the whole, the comments we received were highly critical of almost all of our proposals in this proceeding. Although there was limited support for a few of our proposals, the overwhelming majority of our respondents urged us to take no action whatsoever. In capsule form, the comments we received were along these lines—

a. We were urged not to eliminate the availability of club station licenses. Elimination of club station licenses would allegedly destroy a long-standing amateur radio tradition. See, Comments, JPL Amateur Radio Club. Many respondents, such as the Mobile Amateur Radio Club, stated that club stations are important contributors to the recent growth in interest in amateur radio, that club stations require a separate, distinct identity, and that club stations often play significant parts in emergency communications. The ARRL[4] and the M.I.T.-UHF Repeater Association claimed that at many schools and universities equipment and space for amateur stations are made available only to qualified student groups, not individuals, and that if club station licenses are eliminated, financial support of club stations at educational institutions is likely to be withdrawn. In sum, the comments attempted to argue that separate club station licenses are an indispensable part of today's Amateur Radio Service.

[4] The ARRL filed its comments in this proceeding late but accompanied its comments with a Motion to Accept Late Filed Comments. We are granting the ARRL's Motion.

b. Most respondents commenting on the matter argued that separate licenses for repeater stations should be retained. To eliminate separate repeater station licenses would, it was alleged, encourage the construction and operation of "frivolous" repeater stations. Others stated that operation of a repeater station is a serious, and often expensive matter, and that effective spectrum management planning and coordination require that an amateur be placed on notice, by means of a separate repeater station license application, that "something more than the grant of a simple application is required." Comments, ARRL at 19. On the other hand, our proposed deletion of separate licenses for auxiliary link and control stations and creation of another form of amateur operation known as "auxiliary operation" met with general approval.[5]

c. The majority of those submitting comments opposed our proposal to eliminate secondary station licenses. Respondents such as the ARRL stated that "secondary station licenses are almost as old as amateur radio itself." Comments, ARRL at 23. Respondents such as the Pentagon Amateur Radio Club and Mr. Thomas J. Kirby cited the attachment of amateur licensees to long-held secondary station licenses as justification for the continued licensing of such stations. Others submitting comments argued that secondary stations are necessary to permit the maintenance of separate amateur stations by those with two or more homes in different parts of the country to enable the accurate pinpointing of interference sources, and to permit the prompt receipt of correspondence from the FCC. The ARRL also argued that the number of secondary station license applications received by the FCC is so small that drastic action of the sort proposed by the FCC cannot be justified.

A few of those submitting comments agreed with us that separate licensing of secondary stations is unnecessary in today's Amateur Radio Service. See, e.g., Comments, Mr. James K. Maynard and Comments, Mr. Herman R. Schmitt. Others, such as the Intercity Amateur Radio Club of Richland, Ohio, noted that much of the previous need for separate secondary stations was eliminated by the FCC's Report and Order in Docket 20686, 61 FCC 2d 337 (1976), which greatly liberalized our rules governing the operation of amateur stations at portable and mobile locations. Finally, a number of respondents concurred with us in our

[5] Relatively few of those commenting in this proceeding addressed the licensing of repeater, auxiliary link and control stations, inasmuch as that was a primary subject of our proposals in Docket 21033. See n. 1, supra at 2.

belief that maintenance of separate systems for the issuance of secondary and primary station licenses cannot be justified in view of the relatively small numbers involved. See, Comments, Egyptian Radio Club.

d. Most comments did not address the question of whether military recreation stations should continue to be licensed, but of those that did, most opposed the proposal. The Secretary of Defense stated that the 425 licensed military recreation stations "make a significant contribution to the overall welfare, morale, and esprit of military personnel * * *." Comments, Secretary of Defense at 2. Such stations handle a substantial amount of third party traffic for military personnel and their families, and the continued success of the third party traffic program depends, in large measure, on a separately licensed, readily identifiable military recreation station. Id. The ARRL asked that the FCC recognize the unique problems of operating amateur equipment on a military base, as well as the contributions to the nation of those serving in the armed forces of the United States, and not eliminate military recreation stations. Comments, ARRL at 31-32.

e. Comments on our proposed elimination of special event stations were mixed, but for the most part urged the FCC to continue to license such stations. Although a few respondents, such as Mr. Carl J. Kennedy, agreed that processing of special event station license applications is probably an unjustifiable waste of the FCC's resources, most submitting comments said special event stations serve a valuable purpose and should be retained. Mr. William E. Moyes, for example, said special event stations provide significant exposure of the Amateur Service to the public, while the Mid-Continent Chapter of the Quarter Century Wireless Association noted that special event stations often generate much favorable publicity for amateur radio. Other respondents stated that a special event station call sign (e.g., NN3SI) is helpful in demonstrating amateur radio to the public, and that special event stations have contributed to the growth of amateur radio in recent years.[6]

f. Our proposal to discontinue the licensing of stations in the Radio Amateur Civil Emergency Service (RACES) was the subject of highly critical comment by many state and local civil defense agencies. The Sheriff of the County of Los Angeles stated that, if adopted, our proposal to eliminate RACES stations would erode RACES operations. It was alleged that requiring each amateur operator par-

[6] NN3SI is operated at the Nation of Nations exhibit at the Smithsonian Institution.







public interest is best served by elimi- the Communications Act of 1934, as

ticipating in RACES to use his own station call sign would cause a great deal of confusion, which could conceivably result in dangerous delays in the transmission of emergency communications. The Emergency Services and Disaster Agency of the State of Illinois also stated the existing practice of licensing RACES stations and assigning them distinctive call signs is satisfactory and should be continued. The city of Carson, Calif. claimed that our proposal, if adopted, would render $1.5 million worth of radio equipment in Los Angeles county unusable, while the ARRL said discontinuance of the licensing of RACES stations would be a "disaster". Comments, ARRL at 40.

g. Our proposed simplification of the amateur radio call sign assignment system met a mixed reaction. Many respondents, such as Mr. R. P. Whitton, supported the proposal only with great reluctance, while others, such as the Dayton Amateur Radio Association, supported the proposal only as long as the rules were amended to insure that holders of "preferred" call signs be permitted to retain those call signs when moving from one call sign area to another call sign area. Other comments opposed our proposal categorically. The ARRL was particularly concerned with elimination of our "1×2" specific call sign program for Amateur Extra Class licensees. (A "1×2" call sign is a call sign consisting of one letter, one number, and two letters.) Permitting Amateur Extra Class licensees to choose their own call signs has, it was argued, been a powerful incentive for amateur operators to "upgrade" their operator licenses. Still other comments observed that station call signs are of extreme importance to amateur operators, and that the FCC should hesitate to take any action that would seriously affect the existing call sign assignment system.

WHAT RULES ARE WE ADOPTING AND WHY?

6. With this Report and Order we are discontinuing the issuance of secondary and special event station licenses, and deleting from the rules all but one of those provisions which presently allow licensees to select specific call signs and/or call sign formats. In a separate Further Notice of Proposed Rule Making in this proceeding we are proposing to continue issuance of club, military recreation, and RACES station licenses, but with certain rule changes which should ease our workload.

7. The ARRL, among others, alleged in its comments that adoption of all our proposals would have only a very small effect on our operation. Comments, ARRL at 47. This argument is based on the erroneous assumption that elimination of all nonprimary station licenses and special call sign programs would result in a reduction in our workload in direct proportion to the number of non-primary station license applications we receive. Thus, the ARRL estimates that, assuming all our proposals are adopted, the processing workload would be reduced by only 5.43 percent.

8. Although it is true that the number of non-primary station and special call sign applications we receive each month is relatively few, their impact on the overall processing system is far out of proportion to their volume. Such applications take much longer to process than simple operator/primary station license applications. Their elimination will have a much greater effect on the efficiency of our processing system than the ARRL alleges. To resume processing secondary and special event station license applications, as well as special call sign requests, would require several additional positions.

9. We believe our action in adopting three of the proposals in this proceeding, however unpleasant it may be to some, is manifestly in the public interest. We recognize our responsibility to encourage the growth of the Amateur Service and believe our action in Docket 21135 will not significantly affect the development of a strong Amateur Service. We also believe, however, that we have an overriding obligation not only to amateur licensees, but also to the public-at-large, to use the public's tax dollars in the most efficient manner. Our action in this proceeding is intended to further that end. We emphasize that the amendments we are adopting will not adversely affect anyone. Operations in the Amateur Service will be conducted as they have in the past. No amateur equipment will become obsolete. In short, the administrative burden of these programs far outweighs whatever benefit they may have for the Amateur Service, and we are compelled to discontinue them.

10. In eliminating most non-primary stations and most special call sign programs, we make the following specific observations:

a. *Secondary stations.* It is true that secondary stations have been in existence for a long time. It is also true that some amateur radio licensees have held secondary station licenses for many years and have grown "attached" to their secondary station call signs. We continue to believe, however, that there is no need to continue to issue separate authorizations for secondary stations. Maintenance of a system to issue secondary station licenses is an unnecessary drain on our limited resources, particularly in view of the fact that a licensee can do no more nor less with a secondary station license than he can with his primary station license. Amateur operation will not be affected by the elimination of secondary station licenses. A licensee wishing to install a station at a location other than his primary station location may do so by simply operating his primary station portable or mobile. Interference from stations in portable operation may be detected the way it usually is today, through radio frequency direction-finding techniques. An amateur operating his station portable or mobile for an extended period should take steps to ensure that any FCC correspondence mailed to him arrives safely. There is, in sum, no compelling need to continue to license secondary stations in the Amateur Service. Existing secondary stations may continue to be operated until their license expiration dates. We will not renew or modify secondary station licenses, but we will permit holders of existing secondary station licenses to modify their primary station licenses to obtain the call signs of their secondary stations. In so doing, we are making a very limited exception to Section 97.51 of the Rules, which, after the effective date of the rules adopted in the Report and Order, prohibits the Commission from granting any request for a specific call sign.

b. *Special event stations.* In eliminating the future availability of special event stations, we agree with those submitting comments that amateur stations operated at certain public events, such as county fairs, have provided the Amateur Service with a great deal of favorable publicity over the years. We hope that amateur organizations will continue to engage in such activities in order to expose a larger segment of the public to amaeur radio and amateur radio operation. It is clear to us, however, that the operation of amateur stations at public events will not be affected in the least by the absence of a separate license authorizing such operation. Operation at a special event may be conducted just as easily under the authority of an ordinary amateur station license. The argument that distinctive special event station call signs contribute to the success of special event stations is invalid, because the average member of the public observing the operation of an amateur station could not possibly distinguish a special event station call sign from a typical amateur station call sign or understand the significance of a special event station call sign.

c. *Call sign simplification.* At its base, much of this proceeding is about call signs. As far as many of those submitting comments were concerned, the thrust of many of our proposals in this proceeding was directed not so much at the simplification of the station licensing system but at the simplification of the call sign assignment system. We believe, however, that the public interest is best served by elimination of most special call signs for amateur stations. We are therefore adopting as proposed our proposal to amend Section 97.51 of the Rules simply to state that all amateur call signs will be assigned by the Commission on a systematic basis. We believe the system by which we will be assigning call signs to be the fairest system possible. In virtually all instances, our system will involve the sequential alphabetical issuance of available call signs, beginning with the suffix AAA and proceeding letter by letter through AAB, AAC to ZZZ. For 1×2 and 2×2 call signs, of course, we will proceed from AA through ZZ. For 2×1 call signs we will assign the suffixes from A through Z. Section 97.51, as amended, does not specify the call sign assignment system we will be using. However, we will publicly announce the details of our system and any changes to that system, as they occur. We will require that an application for modification of station license be filed whenever the station location of a licensee is changed. However, under the new call sign rules we are adopting, a licensee moving from one call sign region to another will not necessarily receive a call sign of the same format when he modifies his license to reflect the move. In order to minimize the hardship on those licensees wishing to retain a call sign of a particular format (e.g., a "1×2" call sign) when moving to new call sign areas, we are changing our policy to permit a licensee to retain his original call sign, if he chooses, when the station location changes, even if the change of location is from one call sign region to another call sign region.

Further, to provide a licensee with additional incentive to "upgrade" the class of his operator license, we hope in the near future to be announcing a program to enable Advanced Class licensees, and perhaps General Class and Technician Class licensees, as well, to obtain upon request non-specific "1×3" station call signs. (A "1×3" call sign is a call sign consisting of one letter, one number and three letters.) As a service to amateurs, we will assign all new licenses outside the continental United States in the Pacific area call signs with the distinctive prefix "KH", followed by a digit denoting the island or group of islands where the station is located. All new stations outside the continental United States in the Atlantic area will be assigned call signs with the distinctive prefix "KP", followed by a digit denoting the island or group of islands where the station is located.

11. Accordingly, we order amendment of Parts 1 and 97 of our rules as set forth below effective March 24, 1978. Authority for this action is contained in Sections 4(i), 5(e), and 303 of the Communications Act of 1934, as amended. We also order acceptance of the ARRL's Petition for Acceptance of Late Filed Comments. We do not believe any useful purpose would be served by oral argument in this proceeding, and we are denying the ARRL's Request for Oral Argument. We order dismissal of any pending applications for secondary stations. We also order a continuation of this proceeding.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION
WILLIAM J. TRICARICO,
*Secretary.*

The Federal Communications Commission amends Parts 1 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, as follows:

1. Section 1.952(b) is amended to read, as follows:

**§ 1.952 How file numbers are assigned.**

* * * * *

(b) File number symbols and service or class of station designators:

AMATEUR AND DISASTER SERVICES

Y—Amateur
D—Disaster
R—RACES

* * * * *

2. Section 97.3(c) is amended and in § 97.3(i) the definitions of secondary station and special event station are deleted, as follows:

**§ 97.3 Definitions.**

* * * * *

(c) *Amateur radio operator* means a person holding a valid license to operate an amateur radio station issued by the Federal Communications Commission.

* * * * *

(i) *Additional station.* Any amateur radio station licensed to an amateur radio operator normally for a specific land location other than the primary station, which may be one of the following:

*Control station.* Station licensed to conduct remote control of another amateur radio station.

*Auxiliary link station.* Station, other than a repeater station, at a specific land location licensed only for the purpose of automatically relaying radio signals from that location to another specific land location.

*Repeater station.* Station licensed to retransmit automatically the radio signals of other amateur radio stations.

* * * * *

3. Section 97.40 (b), (c), and (d) are amended to read, as follows:

**§ 97.40 Station license required.**

* * * * *

(b) Every amateur radio operator shall have one, but only one, primary amateur radio station license.

(c) An amateur radio operator may be issued one repeater station license, one control station license, and one auxiliary link station license for a land location where another station license has been issued to the applicant.

(d) Any transmitter to be operated as part of a control link shall be licensed as a control station or as an auxiliary link station and may be combined with a primary or club station license at the same location.

* * * * *

4. In § 97.41, paragraphs (d) and (f) are deleted, paragraph (g) is redesignated paragraph (e), paragraph (e) is redesignated paragraph (d), and paragraphs (a), (b) and (d) are amended, as follows:

**§ 97.41 Application for station license.**

(a) Each application for a club or military recreation station license in the Amateur Radio Service shall be made on FCC Form 610-B. Each application for any other amateur radio station license shall be made on FCC Form 6100.

(b) Each application shall state whether the proposed station is a primary or additional station. If the latter, the application shall also state whether the proposed station is a control, auxiliary link or repeater station.

* * * * *

(d) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is only for a station license, it shall be filed directly with the Commission's Gettysburg, Pa. office. If the application also contains an application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 97.11.

* * * * *

5. Section 97.51 is amended to read, as follows:

**§ 97.51 Assignment of call signs.**

(a) The Commission shall assign the call sign of an amateur radio station on a systematic basis.

(b) The Commission shall not grant any request for a specific call sign.

(c) From time to time the Commission will issue public announcements detailing the policies and procedures governing the systematic assignment

of call signs and any changes in those policies and procedures.

§ 97.53 [Deleted]

6. Section 97.53 is deleted.

7. In § 97.95, the headnote and paragraphs (a)(1) and (a)(2) are amended, as follows:

§ 97.95 Operation away from the authorized fixed station location.

(a) * * *

(1) When there is no change in the authorized fixed station location, an amateur radio station, other than a military recreation station or auxiliary link station, may be operated under its station license anywhere in the United States, its territories or possessions, as a portable or mobile operation, subject to § 97.61.

(2) When the authorized fixed station location is changed, the licensee shall submit an application for modification of the station license in accordance with § 97.47.

* * * * * *

[FR Doc. 78-4680 Filed 2-21-78; 8:45 am]

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[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1267, Amdt. 2]

PART 1033—CAR SERVICE

**Louisiana & Arkansas Railway Co. Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Co. and Over Tracks of Chicago, Rock Island and Pacific Railroad Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 2 to Service Order No. 1267).

SUMMARY: The Louisiana and Arkansas Railway has been required to discontinue use of certain yard facilities in Dallas, Tex., because of congestion in those facilities. Service Order No. 1267 authorizes the Louisiana and Arkansas to use similar yard tracks at Dallas owned by the Chicago, Rock Island and Pacific Railway and to operate over a short segment of line of the Atchison, Topeka and Santa Fe Railway in order to gain access to those yard tracks. Amendment No. 2 to Service Order No. 1267 extends for an additional six months the emergency authority given to the Louisiana and Arkansas Railway to operate over the tracks of these two railroads.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C.C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1267 (42 FR 26256 and 41425), and good cause appearing therefor:

*It is ordered*, That: § 1033.1267 Service Order No. 1267 (Louisiana & Arkansas Railway Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co. and over tracks of Chicago, Rock Island and Pacific Railroad Co.) is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date:* This amendment shall become effective at 11:59 p.m., February 15, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered*, That a copy of this amendment shall be served upon the Associaton of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-4579 Filed 2-21-78; 8:45 am]

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[7035-01]

[S.O. No. 1272, Amdt. 1]

PART 1033—CAR SERVICE

**Goodwin Railroad, Inc., Authorized To Operate Over Certain Tracks Owned by State of New Hampshire**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1272).

SUMMARY: Service Order No. 1272 authorizes the Goodwin Railroad to operate a line of railroad formerly operated by the Boston and Maine Railroad and now owned by the State of New Hampshire extending between Concord and Lincoln, N.H. An application for permanent authority is pending. Amendment No. 1 to Service Order No. 1272 extends the order for an additional six months.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1272 (42 FR 44815), and good cause appearing therefor:

*It is ordered*, That: *§ 1033.1272 Service Order No. 1272* (Goodwin Railroad, Inc., authorized to operate over certain tracks owned by the State of New Hampshire) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., February 15, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered*, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-4577 Filed 2-21-78; 8:45 am]





[7035-01]

[S. O. No. 1282, Amdt. 1]

PART 1033—CAR SERVICE

**American Rail Heritage, Ltd. d.b.a. Crab Orchard and Egyptian Railroad Authorized To Operate Over Tracks Embargoed by Illinois Central Gulf Railroad Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 1 to Service Order No. 1282).

SUMMARY: Service Order No. 1282 authorizes American Rail Heritage, Ltd., d.b.a. Crab Orchard and Egyptian Railroad (CO&E) to operate over Illinois Central Gulf Railroad Co. (ICG) tracks between Ordill and Mande, Ill. The ICG Railroad has filed for abandonment of this portion of their lines and has placed an embargo against all traffic to and from all stations on the Mande District. Operation by the CO&E over these ICG tracks is necessary to provide rail service to shippers located adjacent to this line. Amendment No. 1 extends the expiration date of the order for 6 months.

DATES: Effective: 11:59 p.m., February 15, 1978. Expires: 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1282 (42 FR 56127), and good cause appearing therefore:

*It is ordered*, That: § 1033.1282 Service Order No. 1282 (American Rail Heritage, Ltd., d.b.a. Crab Orchard and Egyptian Railroad authorized to operate over tracks embargoed by Illinois Central Gulf Railroad Co.) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall become effective at 11:59 p.m., February 15, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered*, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-4576 Filed 2-21-78; 8:45 am]

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[7035-01]

[S.O. No. 1300-A]

PART 1033—CAR SERVICE

**Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Oshkosh, Wis., and Fond du Lac, Wis.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1300-A).

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW) serving Oshkosh and Fond du Lac, Wis., were inoperable because of heavy snow at these two points. MILW service to industries located adjacent to their tracks was impossible and the CNW agreed to provide service. The MILW is now serving its patrons at these points and Service Order No. 1300 is no longer needed.

DATE: Effective: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1300 (43 FR 5834), and good cause appearing therefor:

*It is ordered*, That: *§ 1033.1300 Service Order No. 1300-A* (Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Oshkosh, Wis., and Fond du Lac, Wis.) is vacated effective February 14, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered*, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-4578 Filed 2-21-78; 8:45 am]

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[7035-01]

[Service Order No. 1301]

PART 1033—CAR SERVICE

**Distribution of Grain Cars**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1301).

SUMMARY: The Burlington Northern Inc. is encountering severe shortages of boxcars and covered hopper cars suitable for grain loading. Service Order No. 1301 requires other railroads to return to the Burlington Northern its 40-ft., narrow-door plain boxcars and its covered hopper cars having a capacity of 4,000 cu. ft. or more. Shippers located in the States from New York, Pennsylvania, Maryland and Delaware, north and east to and including New England, may load 40-ft. narrow-door plain boxcars to any stations on the lines of the BN.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 15th day of February 1978.

There is an acute shortage of plain, 40-ft., narrow-door boxcars and of large capacity covered hopper cars on the Burlington Northern Inc. (BN). These shortages are preventing the orderly flow of grain to markets, both domestic and export, and are causing severe economic loss to producers and shippers of grains dependent upon the BN for transporting these products to market. A portion of the BN's fleets of these cars are loaded to points on the lines of other railroads. Such cars must be returned promptly to the BN for subsequent loading by shippers dependent upon the BN for transporting their shipments. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

§ 1033.1301 Distribution of grains cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return of owner empty except as otherwise provided in paragraphs (4, 5, and 6) of this section, all 40-ft., narrow-door plain boxcars and all jumbo covered hopper cars described in paragraphs (2) and (3) of this section owned by the following railroad:

Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS.

(2) The term "40-ft., narrow-door plain boxcars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-RER No. 406, issued by W. J. Trezise or successive issues thereof, as having mechanical designation "XM" with inside length 40-ft., 6-in. or less and equipped with doors less than 9-ft. wide.

(3) The term "Jumbo covered hoppers cars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-RER No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO" and having capacity of 4,000 or more cubic feet.

(4) *Exception.* Empty 40-ft., narrow-door plain boxcars located in the States of New York, Pennsylvania, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire or Maine may be loaded to any station on the lines of the Burlington Northern Inc.

(5) *Exception.* Jumbo covered hoppers assigned by the owner for loading at stations on other railroads are exempt from the order.

(6) *Exception.* For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(7) Carrier named in paragraph (1) above is prohibited from loading all 40-ft., narrow-door, plain boxcars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car, described in this order, contrary to the provisions of the order.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 15, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

*It is further ordered,* That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-4711 Filed 2-21-78; 8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1097, 1102, 1104, 1106, 1108, 1120, 1126, 1132, 1138]

[Docket Nos. AO-231-A45, etc.]

### MILK IN THE TEXAS AND CERTAIN OTHER MARKETING AREAS

### Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

| 7 CFR Parts | Marketing area | Docket Nos. |
|---|---|---|
| 1071 | Neosho Valley | AO-227-A34 |
| 1073 | Wichita, Kans | AO-173-A35 |
| 1097 | Memphis, Tenn | AO-219-A34-RO1 |
| 1102 | Fort Smith, Ark | AO-237-A28-RO1 |
| 1104 | Red River Valley | AO-298-A28 |
| 1106 | Oklahoma Metropolitan | AO-210-A41 |
| 1108 | Central Arkansas | AO-243-A32-RO1 |
| 1120 | Lubbock-Plainview, Tex. | AO-328-A21 |
| 1126 | Texas | AO-231-A45 |
| 1132 | Texas Panhandle | AO-262-A30 |
| 1138 | Rio Grande Valley | AO-335-A26 |

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the time for filing exceptions to the December 20, 1977, decision recommending a base-excess plan in 11 Southwest markets. Interested parties requested the additional time to complete their analysis of the decision.

DATE: Exceptions now are due on or before March 15, 1978.

ADDRESS: Exceptions (six copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:

Notices of Hearing: Issued February 11, 1977, published February 14, 1977 (42 FR 9674); issued March 3, 1977, published March 8, 1977 (42 FR 13024); and issued March 25, 1977, published March 31, 1977 (42 FR 17130).

Extension of time for filing briefs: Issued May 18, 1977, published May 23, 1977 (42 FR 26217).

Recommended Decision: Issued December 20, 1977, published December 29, 1977 (42 FR 65088).

Extension of time for filing exceptions: January 20, 1978, published January 26, 1978 (43 FR 3568).

Notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Texas and certain other marketing areas which was issued December 20, 1977 (42 FR 65088) is hereby extended to March 15, 1978.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on February 15, 1978.

Irving W. Thomas,
*Acting Deputy Administrator, Marketing Program Operations.*

[FR Doc. 78-4656 Filed 2-21-78; 8:45 am]

[6720-01]

## FEDERAL HOME LOAN BANK BOARD

[No. 78-98]

[12 CFR Part 545]

### FEDERAL SAVINGS AND LOAN SYSTEM

### Proposed Amendments Regarding Electronic Fund Transfers Through Remote Service Units

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to replace its temporary remote service unit (RSU) regulation with a permanent one which would: (1) Mark the end of the Board's pilot electronic fund transfer (EFT) project; (2) include major consumer protection provisions; (3) remove deadlines for RSU application and operating periods; and (4) revise, shorten, and simplify existing requirements. The Board's decision to propose a new regulation is based upon the experience of its project, the development and acceptance of EFT technology, and the study of the National Commission on Electronic Fund Transfers.

DATE: Comments must be received on or before March 27, 1978.

ADDRESSES: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 17th & G Streets NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-377-6440), at the above address.

SUPPLEMENTARY INFORMATION: The Board began its experimental RSU project when it adopted Resolution No. 74-8 on January 9, 1974. Its purpose was to permit Federal associations to engage in EFT activities on a limited basis so that the Board could determine whether traditional financial services could be provided to the public in more efficient, convenient, and economical ways. On October 28, 1974, Congress passed Pub. L. 93-495, which created the National Commission on Electronic Fund Transfers (Commission) to "Conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems". During the following years, the Board continued learning from its EFT project and participation in the Commission's study and investigation. As a result of this experience, the Board concluded that the public interest would be served by allowing Federal Associations to continue offering financial services through RSUs. Therefore, the Board proposes a permanent new regulation which would encourage development of these modern services within a regulatory framework providing safeguards for depositors and accountholders.

Forming the core of the proposal is the Board's temporary RSU regulation, which has been revised, shortened, and simplified. Subparagraphs (b), (c), and (m) through (r) of the proposal contain most of the old provisions, unchanged in substance. Proposed subparagraph (p), however,





would alter the application procedure

(3) "RSU account" means a savings

(h) Error resolution. A Federal asso-



such Division under 28 CFR §50.6,

ACTION: Notice of proposed rulemak-

the Rexburg population at 8,272, it is

would alter the application procedure by requiring supervisory clearance prior to application filing, and a start-up date within 6 months after Board approval, unless an extension is granted.

Proposed subparagraph (a) is a definitions section, which defines shortened terms used throughout the regulation. Included are definitions of RSUs, RSU accounts, cards, and users. The definition of RSU has been changed so that on-premise sharing of terminals or teller machines would be allowed under this section. A new generic term, "personal security identifier" (PSI), has been coined to replace PIN or personal identification number since PIN would not cover codes, fingerprints, or other identifying marks which may be used to access RSU accounts in the future.

New subparagraphs (d) through (l), which are based upon the Commission's findings, would propose consumer protections covering, among other areas, disclosure of contract terms, account statements, liability for losses, privacy of account data, and error resolution procedures. The Board recognizes that consumer issues will play a major role in the development of EFT services, and thus especially invites comment on these portions of the proposal.

It should be noted that the Board intends to allow existing operational projects a period of six months following the effective date of this proposed regulation to conform to subparagraphs (d), (f), (g), (h), (i), (k), and (l).

Accordingly, the Board proposes to revise 12 CFR 545.4-2 to read as follows:

§ 545.4-2 Remote service units (RSUs).

(a) *Definitions.* As used in this section—

(1) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures, and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution, and which, for activation and account or deposit access, requires use of an activator in the possession and control of the user. The term includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines. It excludes terminals or teller machines which are on the premises of a Federal association, unless such terminals or teller machines are shared with other financial institutions. An RSU is not a branch, satellite, or other type of office, facility, or agency of a Federal association under §§ 545.14, 545.14-1, 545.14-2, 545.14-3, 545.14-4, 545.14-5, or 545.15.

(2) "User" means a Federal association depositor or accountholder.

(3) "RSU account" means a savings account or deposit at a Federal association which may be accessed through an RSU.

(4) "Activator" means a machine-readable instrument other than any type of passbook used to access an RSU account.

(5) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for user access of an account through an RSU.

(6) "Supervisory Agent" means the President of the Federal Home Loan Bank of the district where a Federal association's home office is located, or any other officer or employee of such Bank designated by the Board as agent under §§ 501.10 and 501.11 of this chapter.

(b) *General.* A Federal association may establish or use remote service units (RSUs) in the State of its home office or in the primary service area, as determined by the Board, of any of its out-of-State branches, and may participate in RSU operations with other financial institutions as the Board may approve.

(c) *RSU financial services.* By resolution of its Board of directors, a Federal association may be authorized to offer any of these financial services to the public through RSUs:

(1) Crediting existing savings or deposit accounts;

(2) Debiting such accounts up to the available balance therein, provided that no negotiable or transferable order or authorization is used unless permitted by Federal law;

(3) Crediting payments to loans in which the association has an investment or which it is servicing; and

(4) Related financial services as the Board may approve upon application.

(d) *Account agreements.* A Federal association shall disclose to each prospective RSU user, in clear and easily understood language, all terms and conditions of the RSU agreement.

(e) *Service charges.* A Federal association may impose charges for RSU financial services. A schedule of charges shall be disclosed to a prospective user before an RSU account is opened. RSU users shall be notified 60 days before service charges are changed by the association.

(f) *RSU activator.* A Federal association shall have each RSU activator imprinted with the words "Not Transferable" and inform each user that:

(1) Loss or theft of the activator should be reported to the association promptly; and

(2) The PSI issued to the user is for security purposes and should not be disclosed to third parties.

(g) *Account statements.* A Federal association shall issue each RSU user a statement of RSU account transactions every 30 days if the account has been used in that time, 90 days if not.

(h) Error resolution. A Federal association shall establish error resolution procedures for RSU accounts, and inform users that:

(1) Notification of error should be made within 60 days of recipt of the statement; and

(2) Resolution of error shall be made by the association within 10 days of such notification.

(i) *Liability for loss.* A Federal association shall be liable to a user for RSU account losses resulting from the association's:

(1) Failure to correctly carry out a user's transaction order;

(2) Failure to correct an account error within 10 days of notification by the user; or

(3) Processing a transaction order from an unauthorized user, unless the association proves that such use resulted from the user's negligence.

(j) *Privacy of account data.* A Federal association shall allow users to obtain information on their RSU accounts. Except for generic data necessary to identify a transaction or prepare reports required by the Board, no Federal association may disclose account data to third parties unless express written consent of the user is given, or applicable law requires.

(k) *RSU access techniques.* A Federal association shall provide a PSI to each authorized user, and may not use RSU access techniques which require the user to disclose a PSI to another person.

(l) *RSU receipts.* Each RSU approved by the Board after (date regulation is effective) must dispense machine-printed receipts to users at the time of an RSU transaction.

(m) *Bonding.* A Federal association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(n) *Security.* All RSUs shall meet the minimum security devices requirements of Part 563a of the Insurance Regulations as though such units were offices, as defined in § 563a.1 of said Part, except to the extent that an applicant satisfies the Board that those requirements are inappropriate and that alternate measures satisfactory to the Board will be taken for installation, maintenance, and operaion of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in identification and apprehension of persons who commit such acts.

(o) *Competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case, (1) request the views of the Antitrust Division of the Department of Justice, (2) request an applicant to obtain a business review letter from such Division under 28 CFR § 50.6, and/or (3) require a Federal association to share RSU activities with an applicant FSLIC-insured institution under reasonable terms and conditions. A Federal association may not enter into any agreement for exclusive right to engage in RSU activities at any location(s).

(p) *Applications.* (1) *General.* A Federal association shall obtain the Board's written approval before entering into any RSU activity or materially altering a previously approved one. Before applying for such approval, a Federal association shall obtain from the Supervisory Agent written advice that there is no present supervisory objection to such application.

(2) *Start-up date.* A Federal association shall have an RSU activity operational no later than six months after Board approval, unless the Board grants an extension.

(3) *Filing.* Two copies of any RSU activity application shall be filed with the Supervisory Agent. The original and two copies shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. Additional material may be requested by the Director or the Supervisory Agent. Applicants may file information to supplement or amend applications.

(q) *Board supervision.* Each Federal association which engages in any RSU activity shall be subject to rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt, including requirements to terminate or modify such activity, whether engaged in separately or with others.

(r) *Reporting.* A Federal association which engages in RSU activities shall submit to the Board, at such association's expense, such reports as the Board may require regarding such activities.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
*Secretary.*

[FR Doc. 78-4670 Filed 2-21-78; 8:45 am]





[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-54; RM-2981]

### FM BROADCAST STATION IN REXBURG, IDAHO

**Proposed changes in Table of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Rexburg, Idaho, as that community's second FM assignment. Petitioner Don Ellis states that the proposed channel could bring a third full-time commercial local aural broadcast service to Rexburg.

DATES: Comments must be received on or before April 11, 1978, and reply comments on or before May 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1978.
Released: February 17, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rexburg, Idaho). BC Docket No. 78-54, RM-2981.

1. *Petitioner, Proposal, Comments:*

(a) Notice of Proposed Rulemaking is given concerning amendment of the FM Table of Assignments (sec. 73.202(b) of the Commission's Rules) as it relates to Rexburg, Idaho.

(b) Petition for rulemaking[1] was filed by Don Ellis ("petitioner"), licensee of full-time AM Station KRXK, Rexburg, Idaho, seeking the assignment of Channel 252A to Rexburg, Idaho, as its second FM assignment. No responses to the proposal have been received.

(c) Channel 252A could be assigned to Rexburg in conformity with the minimum distance separation requirements. Petitioner states that if the proposed assignment is made, he will promptly apply for a permit to build a station.

2. Community Data:

(a) Location: Rexburg, seat of Madison County, is located approximately 116 kilometers (72 miles) northeast of Pocatello, Idaho.

(b) Population: Rexburg—8,272; Madison County—13,452.[2]

(c) Local Broadcast Service: Rexburg is served by full-time AM Station KRXK, licensed to petitioner, and Station KADQ(FM), Channel 232A. Rexburg also has assigned to it a noncommercial educational FM station (KRIC, Channel 211) which is licensed to Ricks College.

3. *Economic Data:* Petitioner asserts that although the 1970 Census lists the Rexburg population at 8,272, it is presently estimated at 9,200. He states that Ricks College, which is located in the community, has approximately 6,000 students in residence for more than eight months of the year. He notes that during the summer, retired couples occupy the student apartments with nearly 1,000 couples anticipated in 1978.

4. *Preclusion Studies:* Preclusion would occur on Channels 249A, 252A, 253 and 254. Five communities[3] with populations greater than 2,000 would be precluded as a result of the proposed assignment. Two of these communities (Idaho Falls and Jackson) have an AM and an FM station. One (St. Anthony) has an AM station and the remaining two communities (Shelby and Rigby) have no local aural broadcast service. However, petitioner's engineering study indicates that other channels are available for assignment to the latter two communities in the precluded areas.

5. Petitioner contends that taking into account Rexburg's non-permanent population provides ample justification for the proposed assignment. In fact, however, the Census figures include the students in residence at Ricks College. Nonetheless, since under our population criteria one or two channels could be assigned to Rexburg, we believe consideration of the above proposal in a rulemaking proceeding is warranted.

6. In view of the foregoing, the Commission proposes the following revision in the FM Table of Assignments (sec. 73.202(b) of the Rules) with respect to the community listed below:

City: Rexburg, Idaho, Channel No., Present 232A, Proposed 232A, 252A.

7. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 11, 1978, and reply comments on or before May 1, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, section 73.202(b) of the Commission's Rules and Regulations, as

[1] Public Notice of the petition was given on October 25, 1977 (Rept. No. 1084).

[2] Population figures are taken from the 1970 U.S. Census unless otherwise indicated.

[3] Idaho: St. Anthony (pop. 2,877; Shelby (2,614); Rigby (2,293); Idaho Falls (35,776) and Jackson (2,101).





set forth in the Notice of Proposed Rule-

SUMMARY: This action proposes

A letter in opposition to the proposal



ing an improved signal to Northern

that obtaining any site at all would be

which are unavailable through the

set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-4678 Filed 2-21-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-52; FCC 78-92]

## TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

### Assignment of TV Channels to Waldorf, Fairfax, Fredericksburg and Front Royal, Virginia

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: This action proposes three alternative plans to improve educational TV service in Northern Virginia. Two of the plans involve assigning TV Channel 56 to either Fairfax or Goldvein, Va., to allow for better transmitter site selection than is now offered from station WNVT (now operating on TV channel *53 at Goldvein). Another plan would reserve and reassign Channel 14 from Washington, D.C. to Fairfax, Va.

DATES: Comments must be received on or before March 24, 1978, and reply comments on or before April 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 21, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Washington, D.C., Waldorf, Maryland, Fairfax and Front Royal, Virginia), BC Docket No. 78-52, RM-2808. Notice of proposed rulemaking and order to show cause.

1. The Commission has before it for consideration a petition for rulemaking filed by the Central Virginia Educational Television Corporation ("CVETC"), licensee of noncommercial educational TV Station WNVT (Channel *53), Goldvein, Virginia,[1] and operator of a translator station on UHF Channel 14 (assigned to Washington, D.C. but used in Arlington, Virginia).[2] CVETC's petition requests the deletion of Channel 14 from Washington, D.C., and its reassignment to Fairfax, Virginia, reserved for noncommercial educational use. Comments were filed in response to the petition by Washington Christian Television Outreach ("Outreach"), Formula Telecommunications Association ("Formula"), Spanish International Communications Corporation ("SICC"), and Greater Washington Educational Telecommunications Association ("GWETA"). In additional, letters from residents, educators, civic groups and government representatives of the Northern Virginia area were filed in support of this petition.[3] A letter in opposition to the proposal was filed by Mayor Walter E. Washington of Washington, D.C. and a reply to the comments in opposition to the petition was filed by the petitioner.

2. The letters in support of the petition and the filings by CVETC argue that Station WNVT is unable to provide an adequate signal level to the Northern Virginia area it wishes to serve. None of the oppositions filed contest this assertion. CVETC states that the problems in reception include such factors as transmitter remoteness, topography, power/height limitations, building formations and receiving antenna orientation away from WNVT and toward Washington, D.C. It also states that although its operation of a translator in Channel 14 in Arlington is beneficial, it does not completely eliminate problems with reception, and is, at best, only a temporary solution.[4] Thus, the purpose of the petition is to provide the residents of Northern Virginia with an improved signal, according to CVETC. The area in which CVETC desires to improve its Service includes the heavily populated Northern Virginia suburbs of Alexandria city, population 110,927;[5] Fall Church city, population 10,772; Fairfax city, population 21,970; Arlington County, population 174,284; and Fairfax County, population 455,032. All of the preceding are located in the Washington, D.C. Urbanized Area. CVETC noted that if Channel 14 were assigned to Fairfax, located approximately 29 kilometers (18 miles) west of Washington, Channel *53 could be used (virtually perfect the Virginia statewide educational television plan) at Fredericksburg, Virginia, the city to which it is assigned in the Table.

3. In arguing that there is a greater need for the proposed assignment in Northern Virginia than there is for the channel at Washington, CVETC urges that the Commission is obligated to reexamine its television allocations to determine if more equitable allocations can be made, citing TV Channel Assignments at New Jersey, 58 FCC 2d 790 (1976). GWETA in its comments suggest however, that instead of reassigning and reserving Channel 14 at Fairfax, any one of three other alternatives could accomplish petitioner's objective of providing an improved signal to Northern Virginia. The first proposal would reassign Channel *53 from Fredericksburg to a Northern Virginia suburb so as to permit a transmitter site location a few miles closer to Fairfax and the rest of Northern Virginia. The second option, to reassign Channel *42 (at Fort Royal) to some Fairfax County location, would also allow a preferred transmitter site. The third plan, to reassign Channel *56 from Waldorf, Md., to Fairfax and substitute Channel *58 at Waldorf would provide a desirable (but very small) area in which to select a transmitter site location in Arlington. Each of these suggestions would permit the retention of Channel 14 at Washington, which, according to GWETA, is needed to provide for a minority oriented program source for the Nation's Capital.

4. SICC, GWETA and Mayor Washington urge retention of Channel 14 in Washington, D.C., so that an opportunity for minority interests to apply for the last available commercial TV channel in Washington would not be foreclosed. Mayor Washington argues that there is an urgent need for minority service since more than 70% of the District of Columbia residents are Black and a substantial number are of Spanish-Speaking origin. He further notes that several judicial decisions support the notion that the Commission should encourage minority ownership of television. Both Outreach and Formula indicated in comments that they were preparing to file applications for the use of Channel 14 in Washington, D.C., and an application by Outreach has since been tendered for filing. SICC has also stated that an application for a Spanish language TV station may be filed for that channel.

5. CVETC asserts in reply comments that we should not be persuaded by the arguments regarding Black ownership because minority needs will be addressed by the proposed educational station on Channel *32 which is to be operated by Howard University, a predominantly Black institution. Further, it argues that it would be speculative at this point to assume that a minority group will even apply for Channel 14. As for the allocation issue, it notes that Washington is presently well served by its complement of channels and asserts that the alternative plans set forth by GWETA are unsatisfactory due to the limitations in site selection which are involved.[6] With respect to the first two plans, it argues that the benefits in coverage would not outweigh the cost of the move and that obtaining any site at all would be difficult under the third plan. CVETC also argues that no channel is available to replace Channel *42 at the present reference point if it were deleted from Front Royal, and that a one kilowatt translator rebroadcasting the signal of a noncommercial education station there would be forced off the air.

6. CVETC has argued persuasively that some step should be taken to improve the coverage of the present educational service afforded by Station WNVT on Channel *53 as now supplemented by the translator on Channel 14. This improvement apparently can take place in several ways and we wish to explore each of the methods by describing them as alternative plans and eliciting comments on the desirability of each. Under the first of the proposed plans (a modification of the third plan set forth by GWETA), Channel *56 would be reassigned from Waldorf, Maryland, to Fairfax, and *58 would be substituted at Waldorf. Then, so as to avoid difficulties in transmitter site selection, Channel *61 would be substituted for Channel *42 at Front Royal. In this latter connection, Fairfax is approxmately 77 kilometers (48 miles) from Front Royal, and the separation requirement between Channel *42 and Channel *56 is 60 miles, while the required separation between Channel *61 and Channel *56 is only 20 miles. Thus, Channel *61 at Front Royal would have virtually no effect on site selection for a Channel *56 Fairfax station. However, from the Front Royal reference point Channel *61 would be short-spaced by 3.4 kilometers (2.1 miles) to unoccupied Channel 61 in Wilmington, Delaware, and by 1.1 kilometers (0.7 mile) to unoccupied Channel 62 in Frederick, Maryland. Accordingly, a transmitter site restriction would need to be imposed. The present translator station (W42AC) on Channel *42 at Front Royal, licensed to Shenandoah Valley Educational TV Corporation, would not have to move from its present operating location. However, it would be required to apply for a permit to change its operation to Channel *61 if that channel were assigned—see Section 74.702(d) and (c)(3) of the Commission's Rules.

7. Secondly, we are proposing as an alternative, that Channel 14 be reassigned from Washington to Fairfax and reserved for non-commercial educational use. However, we are concerned about the effect that this action would have in precluding the opportunity for minority applicants to attempt to obtain a local commercial TV station on this channel. Nevertheless, we believe that CVETC should be given an opportunity to establish that significant public interest benefits could result from the proposed use which are unavailable through the other options that do not require removal of the channel from Washington, D.C. Therefore, if it wishes to have us proceed in this fashion, its comments should address this issue. It should be noted that under both of the proposals Station WNVT would have to file an application to change its station location on the newly assigned channel, either Channel *56 or Channel *14. This procedure would be necessary in light of the fact that a new community would be receiving a TV channel. In short, since there has not been an opportunity for interested persons to apply for a Fairfax TV station up to now, we believe an application would be both necessary and appropriate.[7] Thus, other applications proposing educational use of the channel would also be acceptable for filing. Since there is a possibility that another applicant could be granted a permit for the channel, it should also be noted that if Station WNVT were not the winning applicant it could continue its operation on Channel *53 at its present site. In such case, under the first plan the Channel *56 Fairfax assignment would have to be used at a site at least 5.5 kilometers (3.4 miles) north of Fairfax. On the other hand, we would expect CVETC, in its comments, to clearly state its intention of relinquishing its rights to Channel *53 upon obtaining a permit for Channel *56 or Channel *14 at Fairfax.

8. A third method of providing improved coverage to Northern Virginia could be achieved through a modification of Station WNVT's operation from Channel *53 to Channel *56 (reassigned from Waldorf, Maryland) at Goldvein.[8] Channel *58 would be substituted at Waldorf and Channel *61 substituted for Channel *42 at Front Royal, as in the first plan. Since no new community would be receiving a TV channel, no application to change the station would be involved, only one to change transmitter site to move it closer to the area petitioner wishes to serve. A move of about 18 kilometers (11 miles) in this direction would be possible, or more if the station increased its facilities. An Order to Show cause alternative proposal.

9. In view of the foregoing the Commission is persuaded that a rule making proceeding should be instituted to obtain comments on the following alternative proposals in the Television Table of Assignments § 73.606(b) of the rules) with respect to the cities listed below:

[1] Channel *53 is assigned to Fredericksburg, Virginia, and is used at Goldvein under the Commission's "15 mile" rule, Section 73.607(b).

[2] CVETC is also licensed to operate educational Stations WCVE-TV (Channel *23), and WCVW (Channel *57) in Richmond, Va.

[3] One such letter from the Clerk of the Virginia House of Delegates includes an attached joint resolution (No. 255) from the Virginia General Assembly in support of the petition.

[4] Channel 14, formerly used by Station WOOK-TV, is assigned to Washington, D.C. (pop. 756,510; Urbanized Area population 2,481,489) (1970 U.S. Census). All of the VHF and UHF channels assigned to washington are occupied with the exception of Channel 14 for which an application has been tendered. Stations are operating on Channels 4, 5, 7, 9, 20, and *26. Permits are outstanding for Channels *32 and 50.

[5] All population data are taken from the 1970 U.S. Census.

[6] The first plan, reassignment of Channel *53 from Fredericksburg, would allow moving the transmitter 5 miles north of its present location. The second plan, reassignment of Channel *42 from Front Royal, would allow moving the transmitter 10 miles in the same direction.

[7] See Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976), and Santa Ana, California, 65 F.C.C. 2d 920 (1976).

[8] Under this plan, the new city grade contour for a station on Channel *56 could extend almost to Laurel, Maryland, and northern Montgomery County (Maryland). In addition, the new Grade B contour could be expected to almost reach annapolis.

| City | Channel No. Present | Proposed |
|---|---|---|
| 1st alternative plan | | |
| Waldorf, Md. | *56- | *58+ |
| Fairfax, Va. | | *56- |
| Fredericksburg, Va. | *53, 69+ | *53,69+ |
| Front Royal, Va. | *42 | *61+ |
| 2d alternative plan | | |
| Washington, D.C. | 4-, 5-, 7+, 9, 14-, 20+, *26-, 32+, *32+, 50 | 4-, 5-, 7+, 9, 14-, 20+, *26-, 32+, *32+, 50 |
| Fairfax, Va. | | *14- |
| Fredericksburg, Va. | *53, 69+ | *53, 69+ |
| 3d alternative plan | | |
| Waldorf, Md. | *56- | *58+ |
| Fredericksburg, Va. | *53, 69+ | 69+ |
| Front Royal, Va. | *42 | *61+ |
| Goldvein, Va. | | *56- |

10. In the event that the 3rd. Alternative Plan is adopted, *it is ordered*, That pursuant to section 316 of the Communications Act of 1934, as amended, That Central Virginia Educational Television Corporation, shall show cause why its license for TV Channel *53 at Goldvein, Virginia, should not be modified to specify operation on Channel *56 at Goldvein. Pursuant to §1.87 of the Commission's rules and regulations, the licensee, Central Virginia Educational Television Corporation, may not later than March 24, 1978, request that a hearing be held on the proposed modification. Pursuant to §1.87(f), if the right to request a hearing is waived, Central Virginia Educational Television Corporation may not later than March 24, 1978, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the notice of Proposed Rule Making and Order to Show Cause. In this case, the Commission may call on Central Virginia Educational Television Corporation to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided. If the right to request a hearing is waived and no written statement is filed by the date referred to above. Central Virginia Educational Television Corporation is deemed to consent to the modification as proposed in the Order to Show Cause, and a final Order will be issued by the Commission.

11. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

12. Interested parties may file comments on or before March 24, 1978, and reply comments on or before April 17, 1978.

13. *It is further ordered*, That the Secretary shall send a copy of this *Notice* by certified mail, return receipt requested to Shenandoah Valley Educational Television Corp., c/o Richard L. Parker, Port Republic Road, Harrisonburg, Va. 22801.

14. *It is further ordered*, That the Secretary shall send a copy of the Order to Show Cause by certified Mail, return receipt requested to Central Virginia Educational Television Corporation, 23 Sesame Street, Richmond, Virginia 23235, the party to whom this Order to Show Cause is directed.

15. *It is further ordered*, That the Secretary shall send a copy of this notice by Certified Mail, return receipt requested to Washington Christian Television Outreach, P.O. Box 34914, Washington, D.C. 20034.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and §0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, §73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than than, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 78-4682 Filed 2-21-78; 8:45 am]

[6712-01]

[47 CFR Part 97]

[Docket No. 21135; FCC 78-77]

## AMATEUR RADIO SERVICE

### Simplification of Licensing and Call Sign Assignment Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FCC is proposing to adopt new rules concerning club stations, military recreations stations and Radio Amateur Civil Emergency Service stations. If adopted, the new rules will tighten the eligibility criteria for such stations. We are taking this action to reduce the number of applications we receive for military recreation, club and Radio Amateur Civil Emergency Service stations and bring our workload into closer alignment with the resources we have available. We expect our action will enable us to provide amateur licensees with better, more efficient service in other areas.

DATES: Comments must be received no later than June 2, 1978. Reply comments must be received no later than June 30, 1978.





ADDRESS: Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Johnson, Personal Radio Division, 202-632-7250.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 23, 1978.

By the Commission.

In the matter of the simplification of the licensing and call sign assignment systems for stations in the Amateur Radio Service. Docket No. 21135 See 42 FR 15438.

1. In accordance with the Administrative Procedure Act, 5 U.S.C. 553, and §1.412 of the Commission's Rules, 47 CFR §1.412, the Commission hereby gives Notice of Proposed Rule Making in the above-captioned matter.

2. In the Notice of Proposed Rule Making in this proceeding, the Commission proposed to simplify the amateur licensing structure by discontinuing the issuance of all station licenses other than primary and space station; i.e. we would no longer issue Secondary, Special Event, Military Recreation, Club, RACES, Repeater, Auxiliary, and Control. We also proposed to drop virtually all of the rule provisions which presently allow licensees to choose specific call signs and/or call sign formats for their stations. We made these proposals in an effort to streamline and simplify our application processing system in order to provide the best possible service to our applicants, within our manpower and resource allocations.

3. In an accompanying First Report and Order, in this proceeding, we have adopted our proposals with respect to Secondary stations, Special Event stations, and call signs. We did not act on our other proposals. From our analysis of the comments received in response to our Notice, it is clear that amateurs are deeply concerned about Club, Military recreation, and RACES stations, and for that reason, we are proposing to continue them on a scaled-down basis. We hope we are able to accomplish this within our limited resources. We have concluded we may be able to continue to issue such licenses if the number of applications we receive is few. We are therefore proposing to adopt more restrictive eligibility criteria for club stations and RACES stations and to change the way in which applications for club, military recreation, and RACES stations are submitted and processed.

4. Specifically, we are proposing the following rule amendments:

(a) *Military recreation stations.* According to many of those submitting comments in response to our Notice of Proposed Rulemaking in this proceeding, such as the Secretary of Defense, military recreation stations make an important contribution to the morale of our armed forces. For this reason, we wish to continue to license such stations. We are proposing that all new military recreation stations be issued 2X3 call signs, (i.e., call signs with two letters, followed by a digit, followed by three letters) with the prefix "WM". Existing stations will be assigned new call signs upon renewal. All military recreation station licenses, new stations and existing stations when renewed, will be set to expire on May 31st of the license term's fifth year, so that our workload cycle can better accommodate the processing of these applications. We are also renewing our proposal of the earlier Notice to allow any primary station license to be used at a military recreation station. However, such usage would be optional, rather than mandatory as earlier proposed; i.e., a licensee wishing to operate a military recreation station could, if he wished, forgo obtaining a Military Recreation station license and simply use his own station license instead. In such instances, a licensee could use the distinctive identifier "MRS" on telegraphy, and "military recreation station" on telephony, after the station's call sign.

(b) *RACES stations.* Several comments in this proceeding, such as that submitted by the County of Los Angeles, argued that the continued separate licensing of RACES stations is important. We are proposing to revise the eligibility criteria for such licenses to provide for the issuance of a maximum of one RACES license per civil defense organization. We would continue our present procedure of assigning all such stations 2X3 call signs prefixed with the letters "WC". Existing RACES stations would be allowed to retain their present call signs. All RACES station licenses, new stations and existing stations when renewed, will be set to expire on June 30th of the license term's fifth year, so that our workload cycle can better accomodate the processing of these applications. We would also allow any primary station license to be used at a RACES station, in lieu of a RACES station license, as was proposed in our earlier Notice.

(c) *Club stations.* At least one comment received in this proceeding, submitted by the Amateur Radio Club of the Massachusetts Institute of Technology, stated that many club stations are financially supported by educational institutions and the elimination of separate club station licenses would result in a loss of support for those stations. We do not wish to take action which might have such disastrous consequences for club stations supported by educational institutions. We propose to continue to license club stations, but we are proposing to revise the eligibility criteria for club station licenses to require all new and existing licensees to demonstrate a compelling need for such licenses. Further, we license clubs directly. No trustee would be required. All club licenses would be in the 2X3 format, with the prefix "WK". Existing stations meeting our new eligibility criteria will be assigned new call signs upon renewal. All club station licenses, new stations and existing stations when renewed, will be set to expire on July 31st of the license term's fifth year, so that our workload cycle can better accommodate the processing of these applications. We would also allow any primary station license to be used at a club station, in lieu of a club license, as was proposed in our earlier Notice. In such instances, a licensee could use the distinctive identifier "CLB" on telegraphy and "CLUB" on telephony.

5. We believe our proposals may help bring our workload into closer alignment with available manpower and resources. The tighter eligibility criteria for RACES and club station licenses will, we believe, eliminate those applicants who have no real need for such licenses. We are hopeful that many amateurs will simply use their own primary station licenses when operating in these activities, and forgo applying for a license they have no real need for. Our proposal to assign distinctive prefixes to military recreation and club stations is in keeping with the sentiments found in many comments relating of the importance of identifying stations which are engaged in these activities. Many respondents to the first NPRM stressed the importance of a separate identity for these stations. Distinctive call signs would enhance such a separate identity. Our proposal to stagger renewal applications for these stations during the summer months will allow us to plan ahead for handling this segment of our workload. In order to continue the efficient processing of applications, we are, effective with the adoption of this document, imposing a freeze on the processing and filing of applications for new RACES, military recreation and club station licenses.

6. The specific rule amendments we are proposing are set forth below. Authority for these proposals is contained in sections 4(i), 5(e), and 303 of the Communications Act of 1934, as amended. We invite interested parties to submit comments concerning our porposals on or before June 2, 1977 and reply comments on or before June 30, 1977. An original and five copies of all comments and reply comments shall be furnished the Commission, pursuant to §1.419 of the rules. Respondents wishing each Commissioner to have a personal copy of the comments may submit an additional six

copies. Members of the public wishing to express interest in our proposals but unable to provide the required copies may participate informally by submiting one copy of their comments, without regard to form, provided the correct Docket number is specified in the heading of the comments. All comments and reply comments filed in this proceeding should be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

7. Individuals wishing to inspect the comments and reply comments filed in this proceeding may do so during regular business hours, 8:00 A.M. to 5:30 P.M., Monday through Friday, in the Commission's Public Reference Room, 1919 "M" Street, N.W., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

The Federal Communications Commission proposes to amend Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, as follows:

1. In §97.3, paragraphs (g) and (h) are amended, as follows:

§97.3 Definitions.

• • • • •

(g) *Military recreation station* means an amateur radio station which is:

(1) Licensed to the person in charge of the station;

(2) Located at a land location in approved public quarters under the auspices of the Armed Forces of the United States;

(3) provided for the recreational use of amateur radio operators; and

(4) operated by other than the U.S. Government.

(h) *Club station* means an amateur radio station licensed to a bona fide amateur radio organization or society. A bona fide amateur radio organization or society is composed of at least two persons, one of whom must be a licensed amateur operator, and has: (1) A name;

(2) An instrument of organization (e.g., a constitution);

(3) Management; and

(4) A primary purpose which is devoted to amateur radio activities consistent with §97.1 and constituting the major portion of the club's activities.

• • • • •

2. In §97.37, the headnote and text are amended to read as follows:

§97.37 Eligibility for station license.

(a) Except as provided in paragraphs (b) and (c) of this section, an amateur radio station license shall be issued only to a licensed amateur radio operator.

(b) A military recreation station license may be issued to: (1) A licensed amateur radio operator; or

(2) An individual who is in charge of a proposed military recreation station and who is not a representative of a foreign government.

(c) A club station license may be issued to an amateur radio club if: (1) The club meets the definition of *club station* in §97.3;

(2) The club demonstrates to the FCC a compelling need for a club station license; and

(3) At least one officer of the club holds an amateur operator license of the Technician Class or above.

(d) An amateur radio station license shall not be issued to a school, company, corporation, association or other organization, except to an amateur radio club meeting the requirements in paragraph (c) of this section and in §97.3.

§97.39 [Deleted]

3. §97.39 is deleted.

§97.40 [Redesignated]

4. §97.40 is redesignated §97.39.

5. In §97.41, paragraph (a) is amended to read as follows:

§97.41 Application for station license.

(a) An application for a new station license in the Amateur Radio Service shall be made as follows:

(1) An application for a station license, other than a club station license or a military recreation station license, shall be made on FCC Form 610.

(2) An application for a club station license shall be made on FCC Form 610-B, and shall be accompanied by a statement showing a compelling reason why a station license should be issued to the applicant club.

(3) An application for a military recreation station license shall be made on FCC Form 610-B.

• • • • •

6. In §97.47, paragraph (a) is revised to read, as follows:

§97.47 Renewal and/or modification of amateur station license.

(a) An application to renew and/or modify an amateur station license shall be made as follows: (1) An application to renew and/or modify an amateur station license, other than a club station license or a military recreation station license, shall be made on FCC Form 610, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

(2) An application to renew and/or modify a club station license shall be made on FCC Form 610-B, shall be accompanied by a statement showing a compelling reason why an amateur station license should be renewed and/or modified for the licensee club, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

(3) An application to renew and/or modify a military recreation station license shall be made on FCC Form 610-B, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

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7. §97.171 is revised to read, as follows:

§97.171 Eligibility for RACES station license.

(a) A RACES station will be licensed only to a local, regional or state civil defense organization.

(b) A civil defense organization is eligible to hold only one RACES station license.

[FR Doc. 78-4681 Filed 2-21-78; 8:45 am]

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[6712-01]

[47 CFR Part 78]

[CT Docket No. 78-51; FCC 78-88]

## CABLE TELEVISION RELAY SERVICE

### Regulations To Permit Continuous Operation

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: Presently Cable Television Relay Service (CARS) stations are not allowed to transmit 24 hours a day unless the signal which they relay is available 24 hours a day. It is proposed to now allow continuous operation.

DATES: Comments must be received on or before March 24, 1978, and reply comments must be received on or before April 10, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stephen Y. Yelverton, Chief, Microwave Branch, Cable Television Bureau, 202-254-3420.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 15, 1978.

In the matter of amendment of Part 78 of the Commission's Rules and Regulations to permit continuous operation in the Cable Television Relay Service. CT Docket No. 78-51.

1. Notice is hereby given of the proposed rulemaking in the above entitled matter.

2. On December 8, 1977, the Commission adopted the Report and Order in Docket 20539, FCC 77-836, —— FCC 2d —— (1977).[1] As part of this proceeding, Subpart F of Part 74 of the Rules was amended to allow continuous operation of stations in the Television Auxiliary Broadcast Service. Continuous operation of a station occurs when a station transmits 24 hours per day, even if there is not always information to be relayed. Since the Cable Television Relay Service (CARS) shares the 12.70-12.95 GHz portion of the spectrum with the Television Auxiliary Broadcast Service, we believe that it is appropriate to consider amending Part 78 of the Rules to also allow continuous operation by CARS stations. Continuous operation is presently allowed for microwave stations in the Common Carrier and in the Safety and Special Radio Services. Also, licensees and manufacturers report that better reliability and stability is achieved if the equipment operates continuously.[2]

3. In the Second Report and Order in Docket 15586, FCC 68-126, 11 FCC 2d 709, 725 (1968), we expressly rejected continuous operation for CARS stations.[3] Also, in the Memorandum Opinion and Order in Docket 15586, FCC 70-112, 21 FCC 2d 284, 286 (1970), we denied a petition for reconsideration on this matter.[4] In these decisions we believed that continuous operation would not be good spectrum policy in a band where both fixed and mobile stations are authorized. However, in the past several years, it has appeared that continuous operation does not substantially affect spectrum management. Since this matter has been subject to rulemaking before, we believe it appropriate to issue a Notice of Proposed Rulemaking rather than editorially change the Rules.

4. Authority for the proposed rulemaking instituted herein is contained in Sections 4(i), and (303) of the Communications Act of 1934, as amended.

5. All interested persons are invited to file written comments on the rulemaking proposal on or before March 24, 1978, and reply comments on or before April 10, 1978. In reaching a decision on this matter, the Commission may take into account any other relevant information before it in addition to the comments requested by this Notice.

6. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-4683 Filed 2-21-78; 8:45 am]

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[1] See 43 FR 1943, Jan. 13, 1978.

[2] With respect to the potential interference to other stations that could result from continuous operation, we would anticipate adopting a rule similar to that adopted by the Television Auxiliary Broadcast Service, which provides that continuous radiation of the carrier without modulation may not cause harmful interference to other authorized stations.

[3] See 33 FR 3176, Feb. 20, 1968.

[4] Not published in FEDERAL REGISTER.

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket 32115]

### BOISE-DENVER NONSTOP PROCEEDING

#### Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., February 16, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-4715 Filed 2-21-78; 8:45 am]

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[6320-01]

[Docket 32115]

### BOISE-DENVER NONSTOP PROCEEDING

#### Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding will be held on March 9, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before February 22, 1978, and the other parties on or before March 1, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 16, 1978.

FRANK M. WHITING,
*Administrative Law Judge.*

[FR Doc. 78-4716 Filed 2-21-78; 8:45 am]

[6320-01]

[Dockets 32115, 30915, 30955; Order 78-2-68]

### FRONTIER AIRLINES, INC. AND HUGHES AIRWEST

#### Applications in Boise-Denver Nonstop Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of February 1978.

On May 23, 1977, Frontier Airlines filed an application for authority to operate nonstop, subsidy ineligible service between Denver, Colo., and Boise, Idaho. The application was accompanied by a motion for hearing.

The Denver-Boise market is a United Air Lines monopoly typically receiving two or three daily nonstop round trips, depending upon the season. Frontier, therefore, proposes first competitive nonstop service in the primary market with two daily round trips extending beyond Denver to Dallas/Fort Worth, Kansas City, and St. Louis. Frontier argues, among other things, that the market is large enough to support competition (69,370 O&D plus interline connecting passengers in fiscal year 1976), that its growth has far exceeded the national average, that United's load factors are indicative of deficient service, and that Frontier will earn sufficient profits to reduce its subsidy need for its eligible service.

Answers to the motion were filed by United, Hughes Airwest, Boise City and the Greater Boise Chamber of Commerce, and the St. Louis Airport Authority-City of St. Louis. In addition, Airwest filed its own application for Boise-Denver authority in Docket 30955. United opposes the motion for hearing on the grounds that the local market is too small to support competitive service, that United's service is not deficient, and that Frontier would offer only very modest improvements. Airwest agrees that the market needs competition but does not support the motion for hearing without reservation because Airwest already has several other pending applications which, in its view, are more worthy of prompt hearing. All the civic respondents support Frontier's motion.

Frontier submitted a reply to United's answer, together with a motion for leave to file an otherwise unauthorized document. We will grant the motion because the reply is directed, in part, to alleged factual errors in United's answer. However, a considerable portion of the reply is simply an argumentative rebuttal to the answer. We again caution persons practicing before the Board that unauthorized documents designed to give the filing party the last word on the matter will not be received.

The City of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, and the City and County of Denver, the Public Utilities Commission of the State of Colorado and the Denver Chamber of Commerce petitioned for leave to intervene in any proceeding that may be instituted to consider Frontier's application.

We have decided to institute the Boise-Denver Nonstop Proceeding for the purpose of considering whether the public convenience and necessity require competitive nonstop service between Boise and Denver. According, we are consolidating for hearing the applications of Frontier and Airwest in Dockets 30915 and 30955, respectively.

In accordance with the policy announced in our order instituting the Chicago-Albany/Syracuse-Boston Competitive Service Investigation, Order 77-12-50, the offer or failure to offer low prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, constitute an important consideration, which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Finally, while Frontier has submitted an environmental evaluation along with its motion for hearing, Airwest has not submitted sufficient information for us to determine the environmental consequences of its certificate amendment application at this time. Therefore, we will require Airwest to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow Airwest, and all other carriers filing applications in this proceeding, 30 days from the date of service of this order to file their environmental evaluations.

Accordingly, *it is ordered*, That:

1. The motion of Frontier Airlines for hearing in Docket 30915 be granted;
2. The motion of Frontier Airlines for leave to file an otherwise unauthorized document be granted;
3. A proceeding to be known as the Boise-Denver Nonstop Proceeding, Docket 32115, be instituted pursuant to Section 204 of the Act and set for hearing before an Administrative Law Judge of the Board at a time and place to be designated later;
4. The proceeding instituted by paragraph 3, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Boise, Idaho, and Denver, Colo.?

(b) if the answer to (a) is affirmative, which applicant(s) should be authorized to engage in such service? and

(c) What terms, conditions and/or limitations, if any, should be placed on the operations of such carrier(s)?

5. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;
6. The applications of Frontier Airlines in Docket 30915, and Hughes Airwest in Docket 30955, be consolidated with the proceeding instituted by paragraph 3, above;
7. United Air Lines, Boise City and the Greater Boise Chamber of Commerce, the City of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, the St. Louis Airport Authority-City of St. Louis, and the City and County of Denver, the Public Utilities Commission of the State of Colorado and the Denver Chamber of Commerce be made parties to the proceeding instituted by paragraph 3, above;
8. Hughes Airwest and all other carriers filing applications in this proceeding shall file environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of service of this order; and
9. Applications, motion to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of the date of service of this order and responsive answers shall be filed within 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4720 Filed 2-21-78; 8:45 am]

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[6320-01]

[Docket 32061]

### ST. LOUIS/KANSAS CITY—SAN DIEGO ROUTE PROCEEDING

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 14, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before February 28, 1978, and the other parties on or before March 9, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 16, 1978.

HENRY M. SWITKAY,
*Administrative Law Judge.*

[FR Doc. 78-4717 Filed 2-21-78; 8:45 am]

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[6320-01]

[Docket 31044]

### HAZARDOUS ARTICLES RULES AND PRACTICES INVESTIGATION

#### Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., February 15, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-4713 Filed 2-21-78; 8:45 am]

[1] All Members concurred.

[6320-01]

[Docket 28061]

### HUGHES AIRWEST, INC.

#### Rescheduled Hearing

Notice is hereby given that the hearing in the above matter, now assigned to be held on February 22, 1978 (43 FR 3734, Jan. 27, 1978), is rescheduled for February 23, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., February 15, 1978.

JANE D. SAXON,
*Administrative Law Judge.*

[FR Doc. 78-4718 Filed 2-21-78; 8:45 am]

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[6320-01]

[Docket 32064]

### OZARK AIR LINES, INC., RESPONDENT, ENFORCEMENT PROCEEDING

#### Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., February 15, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-4714 Filed 2-21-78; 8:45 am]

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[6320-01]

[Docket 31413]

### PITTSBURGH-LOS ANGELES/SAN FRANCISCO/DENVER SERVICE INVESTIGATION

#### Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 7, 1978 at 10 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served December 7, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 15, 1978.

RONNIE A. YODER,
*Administrative Law Judge.*

[FR Doc. 78-4719 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 31946]

SINGAPORE AIRLINES LTD.

Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled matter now assigned to be held on February 28, 1978 (43 FR 4272, February 1, 1978) is hereby postponed until further notice. The postponement is at the request of the applicant which has represented by letter that it cannot have its evidence prepared in time to comply with the present procedural dates.

Dated at Washington, D.C., February 15, 1978.

WILLIAM H. DAPPER,
*Administrative Law Judge.*

[FR Doc. 78-4712 Filed 2-21-78; 8:45 am]

[3510-24]

## DEPARTMENT OF COMMERCE

Economic Development Administration

LOREE FOOTWEAR CORP. AND B. BENNETT CO.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 10, 1978, from the following firms: (1) Loree Footwear Corp., Big Run, Pa. 15715, and its affiliate, Dori Shoe Co., 2 Cedar Street, Lewiston, Maine 04240; both producers of footwear for women; and (2) B. Bennett Co., 123 Magazine Street, New Orleans, La. 70130; a producer of jeans and work pants. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

JACK W. OSBURN, Jr.,
*Chief, Trade Act Certification Division, Office of Planning and Program Support.*

[FR Doc. 78-4603 Filed 2-21-78; 8:45 am]

[3510-24]

SHOES BY RAPHAEL, INC., AND NU-CRAFT MANUFACTURING CORP.

Petition for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 8, 1978, from two firms: (1) Shoes By Raphael, Inc., 118 West 22nd Street, New York, N.Y. 10001, a producer of footwear for women; and (2) Nu-Craft Manufacturing Corp., 33 Spring Street, Paterson, N.J. 07501, a producer of handbag frames and ornaments. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

JACK W. OSBURN, Jr.,
*Chief, Trade Act Certification Division, Office of Planning and Program Support.*

[FR Doc. 78-4601 Filed 2-21-78; 8:45 am]

[3510-24]

F. M. WEAVER, INC. ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 6, 1978, from four firms: (1) F. M. Weaver, Inc., Fifth and Iron Streets, P.O. Box 231, Lansdale, Pa. 19446, a fabricator of structural steel; (2) LTM, Incorporated, 140 Federal Street, Boston, Mass. 02110, a producer of footwear for men and women (amended petition); (3) Julius Altschul, Inc., 117 Grattan Street, Brooklyn, N.Y. 11237, a producer of footwear for children; and (4) E. H. Edwards Co., 498 Industrial Way, South San Francisco, Calif. 94080, a producer of wire, wire rope and other wire products. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 Cfr Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

CHARLES L. SMITH,
*Acting Chief Trade Act Certification Division, Office of Planning and Program Support.*

[FR Doc. 78-4602 Filed 2-21-78; 8:45 am]

[3510-24]

ROUND TWO OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Financial Management Activities: Eligibility for Reimbursement When Performed Directly by Grantees

Notice is hereby given, pursuant to authority contained in the Local Public Works Capital Development and Investment Act (Act), as amended (42 U.S.C. 6701), that expenses incurred for certain financial management activities may be reimbursed from grant funds even when performed directly by the recipient of a local public works grant. The Economic Development Administration (EDA) is publishing this notice because it has received questions concerning its policy with respect to the reimbursement of certain activities performed directly by recipients of grants under the Local Public Works Program.

The prohibition of section 106(e)(1) of the Act which prohibits the use of grant funds for construction activities performed directly by grant recipients does not apply to the following activities:

1. Accounting;
2. Legal services;
3. Procurement and contracting;
4. Auditing; and
5. Other financing management activities.





This notice is intended to inform the public of EDA's policy regarding the use of grant funds for activities performed directly by grantees. This notice supplements an earlier notice regarding the same provision which appeared on October 13, 1977 (FEDERAL REGISTER, Vol. 42, No. 198, pages 55118 and 55119), and which was used by EDA subsequently to amend 13 CFR 317.18(e) in order to clarify the definition of "construction activities" (FEDERAL REGISTER, Vol. 42, No. 206—Wednesday, October 26, 1977, pages 56488 and 56489; printer's error corrected in the FEDERAL REGISTER, Vol. 42, No. 213—Friday, November 4, 1977, page 57685). The prohibition of the use of grant funds for activities performed in-house extends to all activities except for the five activities noted above and except for certain preliminary architectural and engineering work as set forth in the notice of October 13, 1977.

Dated: February 15, 1978.

ROBERT HALL,
*Assistant Secretary for Economic Development.*

[FR Doc. 78-4630 Filed 2-21-78; 8:45 am]

[3510-08]

National Oceanic and Atmospheric Administration

CALIFORNIA COASTAL MANAGEMENT PROGRAM

Notice of Refinement

Notice is hereby given that on January 31, 1978, the Acting Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, approved a refinement to the California Coastal Management Program originally approved on November 7, 1977.

This refinement incorporates the California Liquified Natural Gas (LNG) Terminal Act of 1977 (SB 1081) into the California Management Program.

Analysis of this change and copies of the Act may be obtained from the State Programs Office, Pacific Region, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-254-7100.

R. L. CARNAHAN,
*Acting Assistant Administrator for Administration.*

[FR Doc. 78-4593 Filed 2-21-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Two Public Meetings

Notice is hereby given of two meetings of the New England Fishery Management Council established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The first of the two Council meetings will be held on March 1 and 2, 1978, from 10 a.m. to 5 p.m., and 9 a.m. to 5 p.m., respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass. The meeting may be extended or shortened depending on progress on the agenda.

*Proposed Agenda:* (1) Herring Management Plan; (2) Groundfish Management Plan; and (3) Other Business.

The second Council meeting will be held on March 22 and 23, 1978, from 10 a.m. to 5 p.m., and 9 a.m. to 5 p.m., respectively, at the Holiday Inn, Junctions of Routes 1 and 128, Peabody, Mass. The meeting may be extended or shortened depending on progress on the agenda.

*Proposed Agenda:* (1) Herring Management Plan; (2) Scallop management Plan; and (3) Other Business.

These meetings are open to the public. For more information on seating, changes to the agenda, or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: February 15, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4648 Filed 2-21-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
*Patent Program Coordinator, National Technical Information Service.*

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 830,227: Channel Sealant Compositions. Filed September 2, 1977.

Patent application 833,788: Boundary Layer Scoop for the Enhancement of coanda Effect Flow Deflection over a Wing/Flap Surface. Filed September 16, 1977.

Patent application 837,329: Fluorine-Containing Benzoxazoles. Filed September 27, 1977.

Patent application 837,330: Hydraulic Drill Unit. Filed September 27, 1977.

Patent application 840,332: Rotating Detent Latch Mechanism. Filed October 7, 1977.

Patent application 840,354: Engine Chip Detector. Filed October 7, 1977.

Patent application 840,355: RF Loop Intruder Detection System. Filed October 7, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20546.

Patent 3,994,279: Solar Collector with Improved Thermal Concentration. Filed July 24, 1975, patented November 30, 1976; not available NTIS.

Patent 4,001,079: Thermal Baffle for Fast-Breeder Reactor. Filed August 15, 1975, patented January 4, 1977; not available NTIS.

Patent 4,004,973: Neutronic Reactor. Filed August 28, 1952, patented January 25, 1977; not available NTIS.

Patent 4,005,521: Locked-Wrap Fuel Rod. Filed June 17, 1975, patented February 1, 1977; not available NTIS.

Patent 4,006,930: Manipulator for Hollow Objects. Filed March 15, 1961, patented February 8, 1977; not available NTIS.

Patent 4,010,287: Process for Preparing Metal-Carbide-Containing Microspheres from Metal-Loaded Resin Beads. Filed June 13, 1974, patented March 1, 1977; not available NTIS.

Patent 4,024,916: Borehole Sealing Method and Apparatus. Filed August 5, 1976, patented May 24, 1977; not available NTIS.

[FR Doc. 78-4528 Filed 2-21-78; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
*Patent Program Coordinator, National Technical Information Service.*

U.S. DEPARTMENT OF THE ARMY, Office of the Judge Advocate General, Patent Division, RM 2C-455/Pentagon, Washington, D.C. 20314.

Patent 4,019,381: Transparent Optical Power Meter. Filed Jan. 12, 1976, patented Apr. 26, 1977; not available NTIS.

Patent 4,020,395: Transient Voltage Protection Circuit for a DC Power Supply. Filed Sept. 17, 1975, patented Apr. 26, 1977; not available NTIS.

Patent 4,021,759: EMP Line Filter Using MOV Devices. Filed Jan. 19, 1976, patented May 3, 1977; not available NTIS.

Patent 4,021,834: Radiation-Resistant Integrated Optical Signal Communicating Device. Filed Dec. 31, 1975, patented May 3, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 833,788: Boundary Layer Scoop for the Enhancement of Coanda Effect Flow Deflection over a Wing/Flap Surface. Filed Sept. 16, 1977.

Patent application 840,331: Laser Interferometer Probe. Filed Oct. 7, 1977.

Patent application 4,049,969: Passive Optical Transponder. Filed Mar. 19, 1970, patented Sept. 20, 1977; not available NTIS.

Patent 4,049,982: Elliptical interdigital Transducer. Filed Aug. 18, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,062: System for Digitizing and Interfacing Analog Data for a Digital Computer. Filed Aug. 14, 1975, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,068: Augmented Tracking System. Filed Mar. 15, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,965 Simultaneous Fabrication of CMDS Transistors and Bipolar Devices. Filed Oct. 21, 1975, patented Sept. 27, 1977, Not available NTIS.

Patent 4,051,474: Interference rejection Antenna System. Filed Feb. 18, 1975, patented Sept. 27, 1977; not available NTIS.

Patent 4,052,894: Velocity Vector Sensor for Low Speed Airflows. Filed Nov. 2, 1976, patented Oct. 11, 1977; not available NTIS.

Patent 4,053,754: Recursive Processing of Multiple Intensity-Modulated Scans. Filed June 23, 1976, patented Oct. 11, 1977; not available NTIS.

Patent 4,053,895: Electronically Scanned Microstrip Antenna Array. Filed Nov. 24, 1976, patented Oct. 11, 1977; not available NTIS.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents Washington, D.C. 20545.

Patent 3,994,279: Solar Collector with Improved Thermal Concentration. Filed July 24, 1975, patented Nov. 30, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,311,872: Transducer Face-Velocity Control System. Filed Aug. 29, 1963, patented Mar. 28, 1967; not available NTIS.

Patent 3,906,409: Variable Impedance Delay Line Correlator. Filed May 23, 1974, patented Sept. 16, 1975; not available NTIS.

Patent 4,032,859: 1 to 18 GH, Microwave Signal Generator, Filed Sept. 2, 1976, patented June 28, 1977; not available NTIS.

Patent 4,036,529: Self Learning Monitor for VLF Wave Propagation, Filed June 14, 1976, patented July 26, 1977; not available NTIS.

Patent 4,038,608: Redundant Oscillator for Clocking Signal Source. Filed May 7, 1976, patented July 26, 1977; not available NTIS.

Patent 4,039,242: Coaxial Wet Connector. Filed Aug. 23, 1976, patented Aug. 2, 1977; not available NTIS.

Patent 4,041,284: Signal Processing Devices Using Residue Class Arithmetic, Filed Sept. 7, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,041,397: Satellite Up Link Diversity Switch. Filed Apr. 28, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,041,441: Diver's Pulse Stretch Sonar, Filed Aug. 13, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,047,126: Solid State Klystron, Filed July 19, 1976, patented Sept. 6, 1977; not available NTIS.

Patent 4,050,775: Catoptric Lens Arrangement. Filed July 26, 1976, patented Sept. 27, 1977; not available NTIS.

NATIONAL AERONAUTICS & SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 710,036: Independent Power Generator. Filed July 30, 1976.

Patent application 807,703: Magnetic Suspension and Pointing System. Filed June 17, 1977.

Patent application 835,544: Lightning Current Detector. Filed Sept. 22, 1977.

Patent application 837,260: Variable Contour Securing System. Filed Sept. 27, 1977.

Patent application 837,795: A laser Apparatus, Filed Sept. 29, 1977.

Patent application 838,337: Thermal Compensator for Closed-Cycle Helium Refrigerator. Filed Sept. 30, 1977.

Patent application 843,090: Preparation of Heterocyclic Block Copolymer from Perfluoroalkylene Oxide alpha, omega Diamidoxines Diamidoximes. Filed Oct. 17, 1977.

Patent 4,030,348: Machine for Use in Monitoring Fatigue Life for a Plurality of Elastomeric Specimens. Filed Jan. 29, 1976, patented June 21, 1977; not available NTIS.

Patent 4,041,697: Oil Cooling System for a Gas Turbine Engine. Filed July 17, 1975, patented Aug. 16, 1977; not available NTIS.

Patent 4,047,840: Impact Absorbing Blade Mounts for Variable Pitch Blades. Filed May 29, 1975, patented Sept. 13, 1977; not available NTIS.

Patent 4,049,930: Hearing Aid Malfunction Detection System. Filed Nov. 8, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,051,558: Mechanical Energy Storage Device for Hip Disarticulation. Filed June 30, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,051,834: Portable Linear-Focused Solar Thermal Energy Collecting System. Filed Apr. 28, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,051,877: Gas Compression Apparatus. Filed Oct. 24, 1975, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,144: Fuel Combustor. Filed Mar. 31, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,181: Acoustic Energy Shaping. Filed Feb. 13, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,302: Process of Forming Catalytic Surfaces for wet Oxidation Reactions. Filed May 10, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,523: Composite Sandwich Lattice Structure. Filed Sept. 14, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,614: Photoelectron Spectrometer with Means for stabilizing Sample Surface Potential, Filed Apr. 9, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,648: Power Factor Control System for AC Induction Motors. Filed July 19, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,659: Overload Protection System for Power Inverter. Filed Nov. 15, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,666: Remote Sensing of Vegetation and Soil Using Microwave Ellipsometry. Filed Apr. 15, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,705: Memory Device for Two-Dimensional Radiant Energy Array Computers. Filed Feb. 13, 1976, patented Oct. 4, 1977; not available NTIS.

FR Doc. 78-4529 Filed 2-21-78; 8:45 am]

[3510-04]

## GOVERNMENT-OWNED INVENTIONS

### Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.





Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
*Patent Program Coordinator, National Technical Information Service.*

U.S. DEPARTMENT OF THE ARMY, Office of the Judge Advocate General, Patent Division, Rm. 2C-455, Pentagon, Washington, D.C. 20314.

Patent 4,017,780: Dynamic Temperature Compensating Circuit for Power Transistor Converters; filed Dec. 16, 1975; patented Apr. 12, 1977; not available NTIS.

Patent 4,023,352: High Nitrogen Content Gas Generant and Method of Producing Near-Neutral Combustion Products; filed Mar. 26, 1974; patented May 17, 1977; not available NTIS.

Patent 4,026,144: Apparatus for the Generation of Polychromatic Ultrasonographs; filed Dec. 10, 1975; patented May 31, 1977; not available NTIS.

Patent 4,026,666: Method of Determining Soy Material in Foods; filed May 10, 1976; Patented May 31, 1977; not available NTIS.

Patent 4,026,912: Carboranyldiferrocenylmethyl Perchlorate; filed Mar. 3, 1971; patented May 31, 1977; not available NTIS.

Patent 4,028,080: Method of Treating Optical Waveguide Fibers; filed June 23, 1976; patented June 7, 1977; not available NTIS.

Patent 4,031,393: Thermal Image Camera; filed Mar. 18, 1976; patented June 21, 1977; not available NTIS.

Patent 4,032,884: Adaptive Trunk Data Transmission System; filed Feb. 24, 1976; patented June 28, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 4,044,116: Method for the Complete Dissolution of Mineral Samples; filed June 4, 1976; patented Aug. 23, 1977; not available NTIS.

Patent 4,049,198: Duct Pressure Actuated Nozzle; filed June 17, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,049,322: Ejector Rack for Nuclear Stores; filed July 20, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,050,034: In Cavity Pumping for Infrared Laser; filed Apr. 30, 1975; patented Sept. 20, 1977; not available NTIS.

Patent 4,050,656: Ejector Rack; filed May 17, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,818: Method for Determining Changes in Spacing between Two Positions of Interest; filed May 21, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,969: Catalytic System and Polyurethane Propellants; filed Sept. 29, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,051,108: Preparation of Films and Coatings of Para Ordered Aromatic Heterocyclic Polymers; filed Dec. 5, 1975; patented Sept. 27, 1977; not available NTIS.

Patent 4,053,291: Cylindrical Deaerator; filed Aug. 18, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,498; Perfluoroalkylene Ether-Imidate and Thioimidate Esters; filed July 30, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,764: Higher-Order Mode Fiber Optics T-Coupler; filed Oct. 2, 1975; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,773: Mosaic Infrared Sensor; filed Mar. 23, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,882: Polarization Radar Method and System; filed Feb. 23, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,917: Drain Source Protected MNOS Transistor and Method of Manufacture; filed Aug. 16, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,919: High Speed Infrared Detector; filed June 18, 1976; patented Oct. 11, 1977; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,174,851: Nickel-Base Alloys; filed Dec. 1, 1961; patented Mar. 23, 1965; not available NTIS.

Patent 4,005,606: Submersible Load Cell for Measuring Gas Buoyancy; filed Sept. 29, 1975; patented Feb. 1, 1977; not available NTIS.

Patent 4,041,313: Emittance Calorimetric Method; filed Nov. 3, 1975; patented Aug. 9, 1977; not available NTIS.

Patent 4,045,408: Fluoro-Anhydride Curing Agents and Precursors Thereof for Fluorinated Epoxy Resins; filed Mar. 19, 1976; patented Aug. 30, 1977; not available NTIS.

Patent 4,049,223: Constant Altitude Auto Pilot Circuit; filed June 21, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,050,265: Force-Displacement Controller Knob; filed Aug. 3, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,675: Battery Wedge for Submarines of Other Installation; filed Oct. 6, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,052,943: Coating Composition and Method for Improving Propellant Tear Strength; filed Sept. 16, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,081: Reinforced Filament-Wound Cut-Port Pressure Vessel and Method of Making Same; filed Aug. 20, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,884: High PRF Unambiguous Range Radar; filed Mar. 26, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,890: Internal Calibration System; filed May 25, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,054,852: Solid State Blue-Green Laser with High Efficiency Laser Pump; filed July 28, 1976; patented Oct. 18, 1977; not available NTIS.

Patent 4,056,079: Apparatus and Process for Preheating Main Boiler Superheater Headers; filed June 30, 1976; patented Nov. 1, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 835,628: An Electrically Scanned Pressure Sensor Module with in situ Calibration Capability; filed Sept. 22, 1977.

Patent application 838,336: Improved Solar Photolysis of water; filed Sept. 30, 1977.

Patent application 843,308: Azimuth Correlator for Real-Time Synthetic Aperture Radar Image Processing; filed Oct. 18, 1977.

Patent application 844,344: Electrically Conductive Thermal Control Coatings; filed Oct. 21, 1977.

Patent application 844,347: Liquid Hydrogen Flash Vaporizer; filed Oct. 21, 1977.

Patent application 847,276: Reciprocating Engines; filed Oct. 31, 1977.

Patent application 847,278: Method and Turbine for Extracting Kinetic Energy from a Stream of Two-Phase Fluid; filed Oct. 31, 1977.

Patent application 850,504: Indomethacin-Antihistamine Combination for Gastric Ulceration Control; filed Nov. 10, 1977.

Patent application 850,507: Improvements in Microelectrophoretic Apparatus and Process; filed Nov. 10, 1977.

Patent application 4,052,666: Remote Sensing of Vegetation and Soil Using Microwave Ellipsometry; filed Apr. 15, 1976; patented Oct. 4, 1977; not available NTIS.

[FR Doc. 78-4530 Filed 2-21-78; 8:45 am]

[4310-55]

## ENDANGERED SPECIES SCIENTIFIC AUTHORITY

### PROCEDURES FOR PUBLIC ATTENDANCE AT MEETINGS

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

TEXT: The Endangered Species Scientific Authority (ESSA) gives notice of procedures it has established for public attendance at ESSA meetings. These meetings will be held the first Tuesday of each month unless otherwise agreed by the ESSA Members (c.f. Interim Charter, 42 FR 35800-36802). Meetings may be canceled without public notice at the discretion of the Chairman or the Executive Secretary.

A public comment period will begin each regularly scheduled ESSA meeting and generally will be limited to one-half hour or less. Any person may make a public statement or comment on ESSA matters during a comment period, provided a prior appointment is made with the Executive Secretary of the ESSA. Appointments will be made on a first-come, first-serve basis, but the Chairman or Executive Secretary may limit the number and length and arrange the order of statements at their discretion.

Following the public comment period at regular ESSA meetings, members of the public may remain as observers except when the ESSA is in executive session. No prior appointment is necessary to attend a regular

ESSA meeting as an observer. However, persons without appointments will not be guaranteed seating.

Periods of public observation will end and executive sessions of ESSA Members, staff, and invited Federal officials, will begin at the discretion of the Chairman or upon the motion of any Members, unless a majority of Members object. Each regular meeting will end with an executive session.

To obtain information on the date, time and place of ESSA meetings, or to make appointments for public statements or comment, contact:

Office of the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240, 202-343-5687.

Dated: February 13, 1978.

WILLIAM Y. BROWN,
*Executive Secretary.*

[FR Doc. 78-4677 Filed 2-21-78; 8:45 am]

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[3128-01]

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

### DOMESTIC CRUDE OIL ALLOCATION PROGRAM

### Entitlement Notice for December 1977

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports for December 1977 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); January 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for November 1977 is calculated to be .232823.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of December 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .253358 of a barrel of deemed old oil.

The issuance of entitlements for the month of December 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(l)(4), the price at which entitlements shall be sold and purchased for the month of December 1977 is hereby fixed at $8.65, which is the exact differential as reported for the month of December between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through November 1977 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by ERA's Office of Administrative Review (prior to October 1, 1977, the Office of Exceptions and Appeals of the Federal Energy Administration). Also set forth in this column are adjustments for relief granted by the Office of Administrative Review for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the December 1977 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its December 1977 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977.* (42 FR 64401, December 23, 1977.)

For purposes of § 211.67(d)(6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 3,618,938 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 13,849,385 barrels for December 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 32,112,328 barrels.

The total number of entitlements required to be purchased and sold under this notice is 22,452,773.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for December 1977, the pricing composition and weighted average costs thereof are as follows:

| Category | Volumes | Weighted average cost | Percent of total volumes* |
|---|---|---|---|
| Lower tier | 103,469,856 | $5.72 | 21.3 |
| Upper tier | 92,411,486 | 12.18 | 19.0 |
| Exempt domestic: | | | |
| Stripper | 34,099,416 | 14.56 | 7.0 |
| Naval petroleum reserve | 2,965,554 | 12.96 | .6 |
| Total domestic | 232,952,848 | 9.67 | 48.0 |
| Total imported** | 252,758,171 | 14.61 | 52.0 |
| Total reported crude oil receipts | 485,704,483 | 12.24 | 100.0 |

*Numbers may not add due to rounding.
**Under current reporting procedures, includes Alaska North Slope crude oil.





Payments for entitlements required to be purchased under 10 CFR § 211.67(b) for December 1977 must be made by February 28, 1978.

On or prior to March 10, 1978, each firm which is required to purchase or sell entitlements for the month of December 1977, shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of December. The monthly transaction report forms for the month of December have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by February 28, 1978, are requested to contact the ERA at 202-254-3338 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to February 28, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with ERA's Office of Administrative Review in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed by March 24, 1978.

Issued in Washington, D.C., on February 6, 1978.

DAVID J. BARDIN,
*Administrator, Economic Regulatory Administration.*

APPENDIX

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

December 1977

| REPORTING FIRM SHORT NAME | DEEMED OLD OIL ADJUSTED RECEIPTS | ********** TOTAL ISSUED | ENTITLEMENT POSITION EXCEPTIONS AND APPEALS | PRODUCT ENTITLEMENTS | 10 MONTH CLEAN-UP | REQUIRED TO BUY | ********** REQUIRED TO SELL |
|---|---|---|---|---|---|---|---|
| =CONSOLID=SALES | =205,000 | 0 | 0 | 0 | 0 | 0 | 205,000* |
| A=JOHNSON | 0 | 212,524 | 0 | 8,917 | 0 | 0 | 212,524 |
| ALLIED | 62,222 | 74,984 | 0 | 0 | 0 | 0 | 12,762 |
| AMER=PETROFINA | 1,373,996 | 894,340 | 0 | 0 | 0 | 479,656 | 0 |
| AMERADA=HESS | 1,542,102 | 3,907,857 | 0 | 104,766 | 0 | 0 | 2,365,755 |
| AMOCO | 10,288,708 | 7,318,297 | 0 | 0 | 0 | 2,971,409 | 0 |
| APCO | 498,726 | 425,093 | 0 | 0 | 0 | 73,633 | 0 |
| ARCO | 4,913,059 | 4,948,266 | 0 | 0 | 0 | 0 | 35,207 |
| ARIZONA | 392,723 | 127,723 | 9,048 | 0 | 0 | 265,000 | 0 |
| ASAMERA | 157,079 | 203,919 | 0 | 0 | 0 | 0 | 46,840 |
| ASHLAND | 1,401,910 | 2,560,033 | 0 | 0 | 0 | 0 | 1,158,123 |
| ASIATIC | 0 | 262,425 | 1,643 | 260,782 | 0 | 0 | 262,425 |
| AUGSBURY | 0 | 2,800 | 80 | 2,720 | 0 | 0 | 2,800 |
| BASIN | 18,014 | 117,522 | 0 | 0 | 0 | 0 | 99,508 |
| BAYOU | 43,236 | 60,971 | 0 | 0 | 0 | 0 | 17,735 |
| BEACON | 244,968 | 238,998 | 42,243 | 0 | 0 | 5,970 | 0 |
| BELCHER | 0 | 102,878 | 0 | 102,878 | 0 | 0 | 102,878 |
| BI=PETRO | 8,757 | 143,570 | 0 | 0 | 0 | 0 | 134,813 |
| BP=TRADING | 0 | 376,016** | 0 | 0 | 0 | 0 | 376,016 |
| BRUIN | 58,519 | 140,084 | 0 | 0 | 0 | 0 | 81,565 |
| C&H | 0 | 493 | 0 | 0 | 0 | 0 | 493 |
| CALCASIEU | 39,347 | 78,555 | 0 | 0 | 0 | 0 | 39,208 |
| CALUMET | 22,743 | 34,607 | 0 | 0 | 0 | 0 | 11,864 |
| CANAL | 73,886 | 72,457 | 0 | 0 | 0 | 1,429 | 0 |
| CARIBOU | 89,681 | 93,559 | 0 | 0 | 0 | 0 | 3,878 |
| CENTRAL | 0 | 7,833 | 0 | 7,833 | 0 | 0 | 7,833 |
| CHAMPLIN | 1,550,138 | 1,422,170 | 0 | 0 | 0 | 127,968 | 0 |
| CHARTER | 856,398 | 856,398 | 359,875 | 0 | 0 | 0 | 0 |
| CHEVRON | 6,825,902 | 7,875,493 | 0 | 8,911 | 0 | 0 | 1,049,591 |
| CIRILLO | 0 | 57,826 | 0 | 57,826 | 0 | 0 | 57,826 |
| CITGO | 2,376,753 | 1,908,303 | 0 | 0 | 0 | 468,450 | 0 |
| CLAIBORNE | 39,462 | 32,854 | 0 | 0 | 0 | 6,608 | 0 |
| CLARK | 320,992 | 898,825 | 0 | 0 | 0 | 0 | 577,833 |
| COASTAL | 198,546 | 1,735,038** | 0 | 20,869 | 0 | 0 | 1,536,492 |
| COLONIAL | 0 | 65,615 | 0 | 65,615 | 0 | 0 | 65,615 |
| CONOCO | 3,502,586 | 2,607,776 | 0 | 21,137 | 0 | 894,810 | 0 |
| CURCO | 0 | 1,520,469 | 354,187 | 268,165 | 0 | 0 | 1,520,469 |
| CRA=FARMLAND | 389,707 | 556,337 | 0 | 0 | 0 | 0 | 166,630 |
| CROSS | 49,202 | 100,635 | 0 | 0 | 0 | 0 | 51,433 |
| CROWN | 331,613 | 696,930 | 0 | 0 | 0 | 0 | 367,317 |
| CRYSTAL=OIL | 101,462 | 183,850 | 0 | 0 | 0 | 0 | 2,368 |
| CRYSTAL=REF | 1,925 | 41,437 | 0 | 0 | 0 | 0 | 39,512 |
| DELTA | 277,263 | 321,771 | 0 | 0 | 0 | 0 | 44,508 |
| DEMENNO | 21,246 | 54,446 | 0 | 0 | 0 | 0 | 33,200 |
| DERBY | 0 | 266,410** | 0 | 0 | 0 | 0 | 266,410 |
| DIAMOND | 602,986 | 437,703 | 0 | 0 | 0 | 165,283 | 0 |
| DORCHESTER | 264,781 | 191,310 | 0 | 0 | 0 | 97,471 | 0 |
| DOW | 48,413 | 155,729 | 0 | 0 | 0 | 0 | 107,316 |
| E=SEABOARD | 0 | 42,062 | 0 | 42,062 | 0 | 0 | 42,062 |
| ECU | 21,926 | 72,961 | 0 | 0 | 0 | 0 | 51,035 |
| EDDY | 40,216 | 41,077 | 0 | 0 | 0 | 0 | 861 |
| ENERGY=COOP | 0 | 551,269 | 0 | 0 | 0 | 0 | 551,269 |
| ERICKSON | 19,112 | 139,422 | 0 | 0 | 0 | 0 | 120,310 |
| EVANGELINE | 44,550 | 36,651 | 0 | 0 | 0 | 7,899 | 0 |
| EXXON | 12,750,426 | 10,598,215 | 0 | 591,936 | 0 | 2,152,211 | 0 |
| EZ=SERVE | =1,208 | 36,050 | 0 | 0 | 0 | 0 | 37,258 |
| FARMERS=UN | 130,823 | 330,186 | 0 | 0 | 0 | 0 | 199,363 |
| FLETCHER | 51,777 | 211,905 | 0 | 0 | 0 | 0 | 160,128 |
| FLINT | 8,203 | 8,328 | 0 | 0 | 0 | 0 | 125 |
| GARY | 134,633 | 109,004 | 0 | 0 | 0 | 25,629 | 0 |
| GETTY | 1,313,513 | 1,356,035 | 0 | 0 | 0 | 0 | 42,522 |
| GIANT | 39,943 | 64,992 | 0 | 0 | 0 | 0 | 25,049 |
| GLACIER=PARK | 111,778 | 55,613 | 0 | 0 | 0 | 56,165 | 0 |
| GLADIEUX | 185,345 | 153,357 | 0 | 0 | 0 | 31,988 | 0 |
| GLENROCK | 1,162 | 3,743 | 0 | 0 | 0 | 0 | 2,581 |
| GOLDEN=EAGLE | 0 | 184,337 | 0 | 0 | 0 | 0 | 184,337 |
| GOLDKING | 65,870 | 68,510 | 0 | 0 | 0 | 0 | 2,640 |
| GOOD=HOPE | 70,330 | 308,369 | 0 | 0 | 0 | 0 | 238,039 |





| REPORTING FIRM SHORT NAME | DEEMED OLD OIL ADJUSTED RECEIPTS | ********** TOTAL ISSUED | ENTITLEMENT POSITION EXCEPTIONS AND APPEALS | PRODUCT ENTITLEMENTS | 10 MONTH CLEAN-UP | REQUIRED TO BUY | ********** REQUIRED TO SELL |
|---|---|---|---|---|---|---|---|
| GUAM | 0 | 345,214 | 0 | 0 | 0 | 0 | 345,214 |
| GULF | 8,694,954 | 6,321,580 | 0 | 34,669 | 0 | 2,373,374 | 0 |
| GULF=STS | 40,976 | 143,089 | 0 | 0 | 0 | 0 | 102,113 |
| HIRI | 0 | 487,547 | 0 | 0 | 0 | 0 | 487,547 |
| HOWARD | 0 | 38,304 | 0 | 38,304 | 0 | 0 | 38,304 |
| HOWELL | 527,268 | 310,763 | 0 | 0 | 0 | 216,505 | 0 |
| HUDSON=OIL | 23,764 | 206,356 | 0 | 0 | 0 | 0 | 182,592 |
| HUNT | 247,214 | 315,003 | 0 | 0 | 0 | 0 | 67,789 |
| HUSKY | 518,410 | 304,395 | 0 | 0 | 0 | 184,015 | 0 |
| INDEPENDENT=REF | 20,576 | 103,010 | 0 | 0 | 0 | 0 | 82,434 |
| INDIANA=FARM | 52,932 | 229,387 | 0 | 0 | 0 | 0 | 176,455 |
| INGEM=OIL | 1,549 | 3,345 | 0 | 0 | 0 | 0 | 1,796 |
| IRVING | 0 | 23,072 | 221 | 22,851 | 0 | 0 | 23,072 |
| J&W | 70,172 | 38,379 | 0 | 0 | 0 | 31,793 | 0 |
| KENCO | 17,354 | 30,036 | 0 | 0 | 0 | 0 | 12,682 |
| KENTUCKY | 18,513 | 20,079 | 0 | 0 | 0 | 0 | 1,566 |
| KERN | 431,308 | 360,972 | 157,911 | 0 | 0 | 69,336 | 0 |
| KERR=MCGEE | 1,239,916 | 1,245,775 | 0 | 0 | 0 | 0 | 5,859 |
| KOCH | 237,885 | 905,431 | 0 | 0 | 0 | 0 | 667,546 |
| LAGLORIA | 595,607 | 435,221 | 0 | 0 | 0 | 160,386 | 0 |
| LAKESIDE | 29,445 | 55,681 | 0 | 0 | 0 | 0 | 26,236 |
| LAKETON | 119,354 | 129,525 | 17,445 | 0 | 0 | 0 | 10,171 |
| LITTLE=AMER | 1,323,228 | 1,395,933 | 848,912 | 0 | 0 | 0 | 72,705 |
| LOUISIANA=LAND | 275,440 | 343,317 | 0 | 0 | 0 | 0 | 67,877 |
| MACMILLAN | 43,674 | 165,587 | 0 | 0 | 0 | 0 | 121,913 |
| MARATHON | 3,675,789 | 3,468,382 | 0 | 0 | 0 | 207,407 | 0 |
| MARION | 83,521 | 225,759 | 0 | 0 | 0 | 0 | 142,238 |
| METROPOLITAN | 0 | 91,411 | 0 | 91,411 | 0 | 0 | 91,411 |
| MID=AMER | 6,850 | 71,234 | 0 | 0 | 0 | 0 | 64,384 |
| MID=TEX | 10,332 | 9,238 | 0 | 0 | 0 | 1,094 | 0 |
| MOBIL | 6,554,612 | 5,598,230 | 0 | 24,690 | 0 | 956,382 | 0 |
| MOBILE=BAY | 0 | 121,163 | 0 | 0 | 0 | 0 | 121,163 |
| MONARK | 438,210 | 364,081 | 93,588 | 0 | 0 | 74,129 | 0 |
| MONOCO | 0 | 23,341 | 0 | 23,341 | 0 | 0 | 23,341 |
| MONSANTO | 423,472 | 327,154 | 0 | 0 | 0 | 96,318 | 0 |
| MORRISON | 20,331 | 12,961 | 0 | 0 | 0 | 7,370 | 0 |
| MOUNTAINEER | 9,909 | 9,595 | 0 | 0 | 0 | 314 | 0 |
| MT=AIRY | 51,514 | 142,626 | 0 | 0 | 0 | 0 | 91,112 |
| MURPHY | 840,786 | 732,062 | 0 | 0 | 0 | 108,724 | 0 |
| N=AMER=PETRO | 18,247 | 264,380 | 0 | 0 | 0 | 0 | 246,133 |
| NAIL=COOP | 318,487 | 447,285 | 0 | 0 | 0 | 0 | 128,798 |
| NAVAJO | 381,101 | 368,800 | 70,985 | 0 | 0 | 12,316 | 0 |
| NEVADA | 18,514 | 26,600 | 0 | 0 | 0 | 0 | 8,086 |
| NEW=EDGINGTON | 492,163 | 469,376 | 221,446 | 0 | 0 | 22,787 | 0 |
| NEW=ENGL=PETRO | 0 | 310,210 | 0 | 310,210 | 0 | 0 | 310,210 |
| NEWHALL | 134,024 | 197,250 | 46,333 | 0 | 0 | 0 | 63,226 |
| NORTHEAST=PETRO | 0 | 3,515 | 0 | 3,515 | 0 | 0 | 3,515 |
| NORTHLAND | 57,553 | 80,699 | 0 | 0 | 0 | 0 | 23,146 |
| NORTHVILLE | 0 | 9,063 | 0 | 9,063 | 0 | 0 | 9,063 |
| OKC | 167,393 | 254,053 | 0 | 0 | 0 | 0 | 86,660 |
| OXNARD | 2,494 | 10,967 | 0 | 0 | 0 | 0 | 8,473 |
| PENNZOIL | 628,996 | 408,158 | 0 | 0 | 0 | 220,838 | 0 |
| PESTER | 93,268 | 241,812 | 0 | 0 | 0 | 0 | 148,544 |
| PHILLIPS | 3,002,461 | 2,044,190 | 0 | 0 | 0 | 958,271 | 0 |
| PHILLIPS=PR | 0 | 356,123 | 0 | 356,123 | 0 | 0 | 356,123 |
| PIONEER | 39,531 | 67,615 | 0 | 0 | 0 | 0 | 28,084 |
| PLACID | 258,476 | 321,184 | 0 | 0 | 0 | 0 | 62,714 |
| PLATEAU | 141,087 | 165,191 | 0 | 0 | 0 | 0 | 24,104 |
| POWERINE | 24,056 | 348,826 | 0 | 0 | 0 | 0 | 324,770 |
| PRIDE | 130,158 | 220,149 | 0 | 0 | 0 | 0 | 89,991 |
| PRINCETON | 17,161 | 73,987 | 0 | 0 | 0 | 0 | 56,826 |
| QUAKER=ST | 49,079 | 258,245 | 0 | 0 | 0 | 0 | 209,166 |
| RANCHO=REF | 4,730 | 50,583 | 0 | 0 | 0 | 0 | 45,853 |
| RICHARDS | =3,820 | 54,252 | 0 | 0 | 0 | 0 | 58,072 |
| ROAD=OIL | 0 | 1,865 | 0 | 0 | 0 | 0 | 1,865 |
| ROCK=ISLAND | 303,829 | 340,667 | =16,728 | 0 | 0 | 0 | 36,838 |
| SABER=TEX | 24,637 | 47,343 | 0 | 0 | 0 | 0 | 22,706 |
| SABRE=CAL | 64,745 | 63,776 | 0 | 0 | 0 | 969 | 0 |

| REPORTING FIRM SHORT NAME | DEEMED OLD OIL ADJUSTED RECEIPTS | ENTITLEMENT POSITION TOTAL ISSUED AND | EXCEPTIONS APPEALS & | PRODUCT TITLEMENTS | 10 MONTH CLAWBACK | REQUIRED TO BUY | REQUIRED TO SELL |
|---|---|---|---|---|---|---|---|
| SAGE-CREEK | 2,959 | 4,556 | 0 | 0 | 0 | 0 | 1,597 |
| SAN-JOAQUIN | 267,753 | 230,712 | 40,563 | 0 | 0 | 0 | 2,959 |
| SEMINOLE | 9,194 | 62,357 | 0 | 0 | 0 | 0 | 53,263 |
| SENTRY | 0 | 12,038 | 0 | 0 | 0 | 0 | 12,038 |
| SHELL | 10,7 4,411 | 7,502,486 | 0 | 0 | 0 | 3,2 2,325 | 0 |
| SHEPHERD | 8,770 | 24,661 | 0 | 0 | 0 | 0 | 15,891 |
| SIGMOR | 12,486 | 141,908 | 0 | 0 | 0 | 0 | 129,422 |
| SOHIO-HAMPTON | 48,114 | 160,641 | 0 | 0 | 0 | 0 | 112,023 |
| SUNIO | 1,4 5,4 7 | 3,066,317 | 0 | 0 | 0 | 0 | 1,660,911 |
| SOMERSET | 22,472 | 53,855 | 0 | 0 | 0 | 0 | 31,383 |
| SOUND | 25,178 | 115,964 | 0 | 0 | 0 | 0 | 89,786 |
| SOUTHERN-UNION | 214,898 | 297,771 | 0 | 0 | 0 | 0 | 82,925 |
| SOUTHLAND | 471,670 | 328,235 | 97,995 | 0 | 0 | 143,435 | 0 |
| SOUTHWESTERN | 6,521 | 5,435 | 0 | 0 | 0 | 1,086 | 0 |
| SPRAGUE | 0 | 43,160 | 0 | 43,160 | 0 | 0 | 43,160 |
| STEUART | 0 | 51,724 | 0 | 51,724 | 0 | 0 | 51,724 |
| SUNLAND | 18,532 | 141,771 | 0 | 0 | 0 | 0 | 123,239 |
| SUNOCO | 4,89 ,21 | 3,864,911 | 0 | 0 | 0 | 1,025,347 | 0 |
| TENNECO | 748,755 | 707,761 | 0 | 0 | 0 | 0 | 23,306 |
| TESORO | 4 3,492 | 556,039 | 0 | 0 | 0 | 247,853 | 0 |
| TEXACO | 10,29 ,519 | 8,039,899 | 0 | 250,579 | 0 | 2,250,621 | 0 |
| TEXAS-AMERICAN | 51,178 | 184,296 | 41,161 | 0 | 0 | 0 | 133,118 |
| TEXAS-ASPH | 762 | 39,950 | 0 | 0 | 0 | 0 | 39,188*** |
| TEXAS-CITY | 533,644 | 617,245 | 0 | 0 | 0 | 0 | 83,601 |
| THAGARD | 522,394 | 522,394 | 393,670 | 0 | 0 | 0 | 0 |
| THRIFTWAY | 28,667 | 42,913 | 0 | 0 | 0 | 0 | 14,226 |
| THUNDERBIRD | 90,051 | 99,141 | 0 | 0 | 0 | 0 | 9,090 |
| TIPPERARY | 63,571 | 64,350 | 0 | 0 | 0 | 0 | 779 |
| TONKAWA | 45,976 | 70,882 | 0 | 0 | 0 | 0 | 24,906 |
| TOSCO | 1,70 ,652 | 1,61 ,835 | 323,434 | 0 | 0 | 152,917 | 0 |
| TOTAL-PETROLEUM | 193,371 | 313,736 | 0 | 0 | 0 | 0 | 120,365 |
| UCC-CARIBE | 0 | 172,590 | 0 | 172,590 | 0 | 0 | 172,590 |
| UNION-OIL | 4,771,068 | 2,890,199 | 0 | 0 | 0 | 1,880,869 | 0 |
| UNION-PETRO | 0 | 8,507 | 0 | 8,507 | 0 | 0 | 8,507 |
| UNTD-IND | 8,065 | 3,807 | 0 | 0 | 0 | 4,258 | 0 |
| UNTD-REF | 126,464 | 377,497 | 0 | 0 | 0 | 0 | 253,033 |
| US-OIL | 79,755 | 169,217 | 0 | 0 | 0 | 0 | 89,462 |
| USA-PETROCHEM | 30,576 | 219,853 | 0 | 0 | 0 | 0 | 189,277 |
| VICKERS | 248,891 | 491,089 | 0 | 0 | 0 | 0 | 242,598 |
| VULCAN | 55,369 | 208,490 | 0 | 0 | 0 | 0 | 153,121 |
| WALLACE | 0 | 11,660 | 0 | 11,660 | 0 | 0 | 11,660 |
| WALLER | 0 | 6,075 | 0 | 6,075 | 0 | 0 | 6,075 |
| WARRIOR | 48,180 | 35,893 | 10,156 | 0 | 0 | 12,167 | 0 |
| WEST-COAST | 80,681 | 125,198 | 0 | 0 | 0 | 0 | 44,317 |
| WESTERN | 69,867 | 114,035 | 0 | 0 | 0 | 0 | 44,168 |
| WINSTON | 108,996 | 184,696 | 0 | 0 | 0 | 0 | 75,706 |
| WIREBACK | 0 | 663 | 0 | 0 | 0 | 0 | 663 |
| WITCO | 61,746 | 95,744 | 0 | 0 | 0 | 0 | 33,998 |
| WYATT | 0 | 11,910 | 0 | 11,910 | 0 | 0 | 11,910 |
| WYOMING | 35,795 | 130,010 | 0 | 0 | 0 | 0 | 94,215 |
| YETTER | 0 | 754 | 0 | 0 | 0 | 0 | 754 |
| YOUNG | 53,951 | 62,778 | 26,256 | 0 | 0 | 0 | 8,827 |
| TOTAL | 125,803,644 | 125,803,644 | 3,219,588 | 3,239,769 | 0 | 22,452,773 | 22,452,773 |

* Equals December 1977 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 78-4750 Filed 2-17-78, 8:45 am]





[6740-02]

## PATTY RICHNER

[Docket No. CI77-106, et al.]

**Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates[1]**

FEBRUARY 8, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any heaing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intevene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft.[2] | Pressure base |
|---|---|---|---|---|
| CI77-106 (B) Nov. 10, 1976 | Patty Richner (succeeded to Marshal G. West, et al., d.b.a. Guyan Gas Co.), P.O. Drawer 310, Pineville, W. Va. 24874. | Consolidated Gas Supply Corp., Oceana Field, Wyoming County, W. Va. | Depleted. | |
| CI77-107 (B) Nov. 10, 1976 | Patty Richner (succeeded to Guyan Gas Co.). | Consolidated Gas Supply Corp., Clear Fork Field, Wyoming County, W. Va. | Depleted | |

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4498 Filed 2-21-78; 8:45 am]

[6740-02]

## SUN OIL CO., ET AL.

[Docket Nos. CI64-352, et al.]

**Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]**

FEBRUARY 8, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and Location | Price per 1,000 ft.[3] | Pressure base |
|---|---|---|---|---|
| CI64-352 (D) Feb. 10, 1977 | Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221. | Texas Eastern Transmission Corp., certain acreage in the Shepherd Field, Hidalgo County, Tex. | Nonproductive, plugged, and abandoned. | |
| CI69-91 (D) Jan. 26, 1978 | Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017. | Texas Gas Transmission Corp., Certain acreage in the North Maurice Field, Lafayette Parish, La. | Ceased production. | |

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4499 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket Nos. CI77-329; CP77-304; CP64-97]

**TEXACO, INC.; SABINE PIPE LINE CO.**

**Order Granting in Part and Denying in Part Application for Rehearing and Further Conditioning Acceptance of Joint Motion To Resolve All Issues**

FEBRUARY 10, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Presently before the Commission is an application for rehearing filed by Congressman Andrew Maguire. As will be explained in detail in the body of this order, infra, the Commission grants in part and denies in part this application for rehearing.

PROCEDURAL HISTORY

Before we turn to the specific arguments of the petititioner, we should comment on both the context of our regulatory responsibility and the history of this case. It is the obligation of producers and pipeline companies to seek proper certificates and to make proper deliveries, under those certificates, for the interstate market that serves the whole country. It is the particular obligation of the Federal Energy Regulatory Commission, as it was that of the former Federal Power Commission, under the Natural Gas Act, to assure that certificates are properly sought and deliveries properly made.

This proceeding has arisen from an extraordinary set of events in which certificates were not properly sought and deliveries were not properly made. Federal domain gas was produced by Texaco, and delivered to Texaco's Port Arthur refinery for ten years, without certificate authority and apparently without the FPC's knowledge of such deliveries. The Sabine Pipe Line Co. (Sabine), a subsidiary of Texaco, owns the facilities used to deliver this gas to the Port Arthur refinery. These facilities were completed in 1966 under a certificate granted in 1964 and amended in 1965. However, this certificate covered only gas which was to be delivered to Texaco's Port Arthur refinery from onshore Louisiana fields. The certificate provided no authority for transporting offshore Federal domain gas to this plant. Once the former Commission examined the issue, it was their conclusion—which we herein reaffirm—that indeed, violations of the Natural Gas Act had occurred.

By order of March, 17, 1977, the FPC directed Sabine to show cause by April 7, 1977, why it should not cease and desist from transporting uncommitted gas from offshore Federal domain leases (Lighthouse Point and Tiger Shoal fields) of Texaco, Inc., To Texaco's Port Arthur petroleum refinery in Texas until Sabine filed for and received certificate authorization. The FPC therein also directed Texaco to show cause why it too should not cease and desist from transporting this same gas from the offshore Federal domain fields to its onshore gas conditioning plant (Henry plant) in Louisiana until it files for and receives certificate authorization. In this same order both Sabine and Texaco were also directed to answer whether, by transporting this uncommitted offshore Federal domain gas, they had violated the Natural Gas Act.[2]

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] The FPC appended to this order an extensive list of questions which Sabine and Texaco had to answer as a part of their response to the show cause order.





Following the April 7, 1977, responses of Sabine and Texaco, the FPC by order of July 7, 1977, first[3] held that under its existing certificate Sabine's interstate transportation of Texaco's gas from its offshore Federal domain reserves was unauthorized and would therefore require Sabine to file for the proper certificate authorization. The FPC likewise held that Texaco knew that it needed, but failed to obtain, certificate authorization to transport gas from its own uncommitted offshore Federal domain reserves through its own facilities to its Henry plant, and in so doing violated the Natural Gas Act. The FPC added that Texaco would accordingly have to apply for a certificate to transport such gas. Finally, the FPC denied requests by Sabine and Texaco for temporary authorization to continue this unauthorized transportation of uncommitted Federal domain gas pending this attempt to obtain permanent certification, and it noted that payback of these unauthorized volumes would be required if permanent certificates were subsequently granted.

In response to the July 7, 1977, order, Sabine and Texaco on July 12, 1977, filed a joint motion for emergency stay of that order and for a negotiated resolution of the entire controversy. The FPC by order issued on July 14, 1977, accepted and approved this negotiated resolution,[4] except that it did attach the two conditions that Texaco's proposed payback of this unauthorized offshore Federal domains gas be made solely from sources other than offshore Federal domain, and that this order not become effective until after further information gathering, public conference and written comments.[5] In the interim the FPC stayed the July 7, 1977, order. In taking these actions, the FPC explained that on the one hand it intended to secure both compliance with the Natural Gas Act "at the earliest practicable time" and payback of this previously transported offshore Federal domain gas to the interstate resale market. And on the other hand, it recognized the importance of the Port Arthur refinery capacity and the gravity of its possible disruption due to cessation of gas deliveries.[6]

Following the submittal of additional information by Sabine and Texaco, a public conference on July 20, 1977, and comments filed by the Associated Gas Distributors (AGD), the Public Service Commission of the State of New York (PSCNY), and staff, the FPC by order of July 26, 1977, modified its July 14, 1977, order by further conditioning the settlement offer by Sabine and Texaco. The FPC adopted the following conditions:

1. Payback volumes must be sold at the applicable national rate.

2. They must also be sold to the pipelines with the greatest need, as based upon the most recent form 16 reports and omnibus curtailment hearing records.

3. Direct industrial sales made pursuant to order No. 533, section 2.79 of the Commission's general policy and interpretations, do not qualify as payback.

4. Payback must be accounted for in terms of volumes delivered within the same amount of time in which Texaco received the unauthorized deliveries from its offshore Federal domain reserves. Under this condition Texaco would have to dedicate nonoffshore Federal domain reserves capable of actually delivering the full payback obligation.

5. Moreover, gas used by Texaco to repay advance payments does not qualify for payback.

6. Any applications for authorization for Texaco to sell gas as payback volumes shall explicitly state that payback is contemplated and quantify the proven reserves involved.

7. Deliveries of gas related to contracts executed or certificate applications filed prior to July 7, 1977, shall not constitute payback.[7]

In this same order, the FPC did, however, reject several other conditions recommended by PSCNY, AGD, and/or staff. It refused to condition Texaco's continued use of its offshore Federal domain gas at Port Arthur upon certain pending FPC litigation.[7] It also rejected the suggestion that 60-day emergency sales in excess of the national rate, section 157.29 of the FPC's regulations under the Natural Gas Act, not qualify as payback. Finally, the FPC declined to hold a separate hearing to consider whether Texaco and Sabine violated the Natural Gas Act.

Texaco and Sabine thereafter accepted the further conditions imposed by the July 26, 1977, order. They did so by letter filed with the FPC on August 1, 1977.

In response to the July 26, 1977, order, Congressman Andrew Maguire of the U.S. House of Representatives petitioned the FPC to intervene and for rehearing. As will be delineated infra, Congressman Maguire challenges the FPC rulings concerning continued deliveries of offshore Federal domain gas to Texaco's Port Arthur refinery, the scope and mechanism of Texaco's payback obligation, and possible violations of the Natural Gas Act. Texaco and Sabine filed a joint opposition to both the intervention and rehearing on September 9, 1977.[8] By order of September 26, 1977, however, the FPC granted Congressman Maguire permission to intervene, as well as granting rehearing for purposes of further consideration. It is this pending application for rehearing which is presently before the Commission.

DISCUSSION

Congressman Maguire raises four arguments on rehearing, which the com-

[3] The FPC prefaced this order by finding that the material facts in issue were undisputed so as to avoid the need for a formal hearing.

[4] Texaco and Sabine proposed to accept permanent certificates subject to the following conditions:
1. None of Texaco's offshore Federal domain gas would be transported to Texaco's Port Arthur refinery for steam generation use, subject to a 3-year conversion timetable.
2. Deliveries from Texaco's offshore Federal domain reserves would be reduced from the then-current level of 132 MMft³ to an average of 50 MMft³. Such deliveries to the Port Arthur refinery are in addition to the diminishing deliveries for steam generation.
3. Texaco would pay back such unauthorized volumes transported before July 7, 1977, by entering into contracts for interstate sales of gas from proved reserves of 200 Bft³.
4. The steam generation conversion timetable mentioned in the first condition included these deliveries from Texaco's offshore Federal domain reserves: 60 MMft³d—October 1, 1977-December 31, 1978; 40 MMft³d—January 1, 1979-December 31, 1979; 20 MMft³d—January 1, 1980-July 7, 1980; 0—July 8, 1980.
5. The aforementioned conditions would become effective upon the order being final and nonappealable, a stay of the July 7, 1977, order remaining in effect during the interim.

[5] The FPC established the following schedule:
1. Answers to extensive FPC questions to be filed by Texaco by July 19, 1977.
2. Public conference concerning the information in those answers on July 20, 1977;
3. Comments on this order filed on July 21, 1977; and
4. Possible FPC modification of the July 14, 1977, order by July 27, 1977.

[6] By letter filed on July 22, 1977, Texaco and Sabine accepted the conditions imposed by the FPC upon their proposed resolution.

[7] *Tennessee Gas Pipeline Co.*, Opinion No. 727, Docket No. CP72-6 et al., issued April 17, 1975, appeal docketed, *Brooklyn Union Gas Co.* v. *F.P.C.*, No. 75-1581 (D.C. Cir.); *Mobil Oil Corp., et al.*, Opinion No. 743, Docket No. CI73-402, et al., issued September 9, 1975, appeal docketed, *PSCNY* v. *F.P.C., et al.*, Opinion No. 789 Docket Nos. CI75-45, et al, issued March 7, 1977, rehearing pending.

[8] Section 19 of the Natural Gas Act, which governs petitions for rehearing, does not contemplate responses to petitions for rehearing, as Texaco and Sabine have attempted. Nor does our September 26, 1977, order granting rehearing for purposes of further consideration provide an independent basis for their response since they filed before that order issued. Accordingly, we shall not consider this September 9, 1977, pleading in our consideration of Congressman Maguire's application for rehearing.

mission will consider seriatim. To begin with, he views the interim deliveries of gas from the offshore Federal domain reserves to the Port Arthur refinery for boiler fuel use as in conflict with FPC policy.[8] As a related matter, he agrues that the Commission's authorization of such continued deliveries to the Port Arthur refinery for both boiler fuel and high priority usage is not a reasoned decision based on the record evidence and fails to comply with section 7 (c) and (d) of the Natural Gas Act.

Under the certificates of public convenience and necessity as conditioned by the Federal Power Commission in its July 14 and 28, 1977, orders, supra, Texaco was authorized to continue to receive 110 MMft³/d and declining to 70 MMft³/d, at least until July 8, 1980. (On the assumption that the average American home uses 120 Mft³/yr, this amount of gas is enough to supply 330,000 average American homes for 1 day.) Texaco was authorized to receive an average of 50 MMft³/d of offshore Federal domain gas at its Port Arthur refinery for high priority usage on an indefinite basis. Texaco was also authorized to receive additional volumes (starting at 60 MMft³/d but being gradually eliminated) for boiler fuel usage until July 8, 1980.

This Commission concludes that it is reasonable to permit such continued deliveries of offshore Federal domain gas as warranted on an interim basis. These deliveries are entirely for use in the Port Arthur refinery, and the legitimacy of their continuation is predicated in part, on the plant's function within the national hydrocarbon regime.

There are 259 refineries in the United States, ranging in crude capacity from approximately 200 to 445,000 barrels per day. The Port Arthur refinery is the second largest in the United States, with crude capacity of about 406,000 b/cd. The refinery uses 9 percent of the crude oil and produces 9 percent of the lubrication oil in the United States.[9] The staff represented in its July 22, 1977, comments that the cessation of gas deliveries to the plant would result in the closure of the plant.

The availability of the Port Arthur plant and its product is, we conclude, in the public interest. In this respect, we reaffirm the judgment of the Federal Power Commission. On this basis, the present Commission does not regard it as contrary to any applicable prior decisions to permit continued deliveries of natural gas on the basis cited herein.

The problem is to evaluate how much gas should be permitted, reasonably, for purposes of the Port Arthur facility and how long it should be permitted. As to boiler fuel gas, the Federal Power Commission permitted continuation of 60 MMft³ per day through 1978, to be reduced to 40 MMft³ per day in 1979 and 20 MMft³ per day until July 8, 1980. Staff has proposed that such use be terminated one year earlier, or July 1979. There might have been, within this Commission, some support for modifying the order of the former Commission in this respect. However, the deterrent lies in our analysis of the actual requirements of conversion from natural gas use in boiler to the alternate fuels required. Specifically, gas is used in three boilers on the fluid catalytic cracking units in conjunction with plant carbon monoxide and waste heat. Staff's comments state that "[a]lthough this is a boiler fuel use, conversion of the three units, including emissions control, could cost on the order of $30 million." (Staff comments at 13). Staff placed the conversion in a lower order of priority. Two types of boilers are used—those with dual fuel capability and those with a gas only capability. As to those boilers with dual fuel capability, staff urged that a plan be developed for the permanent oil firing of these units. Staff concluded that these units could be converted within 24 to 30 months. Staff urged the conversion of boilers with a gas only capability since most boilers can be converted.

On this basis of independent staff analysis, we are convinced that, as a realistic proposition, the conversion cannot be accomplished by mid-1979, even though staff itself had so recommended. In this respect, we reaffirm the decision of the Federal Power Commission and require that Texaco proceed to the termination of boiler use at the Port Arthur facility not later than July 8, 1980. We are obliged, in this instance, to reemphasize that the company is expected to proceed with dispatch to the accomplishment of this result.

As to the use of natural gas as a high priority process fuel in the same facility, we reverse the decision of the Federal Power Commission which had granted Texaco the right to use natural gas for process uses indefinitely.

It is not necessary, nor in the public interest, to permit indefinitely the delivery of 50 MMft³/day for high priority usage. First, in its comments (pp. 11-14) staff indicated that, of the 212 MMft³/day of gas requirements for the Port Arthur refinery, 190 MMft³/day or 90 percent are susceptible to conversion to alternate fuels within 30 months, while Texaco in its comments challenged the feasibility of conversion of much of these requirements. Second, staff in its comments (pp. 15-18) also indicated that Texaco possessed tremendous intrastate gas holdings, contracts on 362 MMft³/day of which will be expiring by 1982, although Texaco again contests both the intrastate deliverability figures used by staff and its own legal ability to abandon these intrastate sales upon contract expiration. Third, staff suggests that in any event Texaco should attempt to purchase the gas needed for the Port Arthur refinery from the intrastate market.

Since it is Texaco which has created its own reliance upon these uncommitted offshore Federal domain reserves, it is appropriate that Texaco be faced with the burden of justifying any continuation of its certificate. The question of feasibility of Texaco operating the Port Arthur refinery without interstate gas is contested. We find, however, that the certificate issued to Texaco in Docket No. CI77-329 and the amended certificate to Sabine in Docket No. CP64-97 should be modified on rehearing to become a limited term certificate concerning delivery of the 50 MMft³/day for high priority use at Port Arthur. Specifically, the same July 8, 1980, date, which marks the elimination of deliveries for boiler fuel usage, shall likewise toll the end of the certificates as they relate to the 50 MMft³/day delivery. If Texaco finds that, after making all good faith efforts to: (1) Convert its refinery facilities to alternate fuels, (2) use more of its own intrastate supplies to service the refinery, and/or (3) purchase the necessary volumes in the intrastate market, it still requires some gas from its offshore Federal domain reserves in order to operate the Port Arthur refinery, it can file with the Commission to amend its limited term certificate.

Congressman Maguire then argues that the payback condition is too vague, specifically that, even after the July 26, 1977 order, payback of all volumes improperly delivered to Port Arthur was not explicitly required. We deny rehearing in this regard because the payback condition already does exactly what is sought by Congressman Maguire. While the Commission in its July 14, 1977 order, supra, accepted payback based upon 200 Bcf of proved reserves, it amended the condition in its July 26, 1977 order, so as to assure that the total volume of this offshore Federal Domain gas will be paid back (supra, at 4):

> • • • This requires that payback volumes be accounted for in terms of volumes delivered within a certain time period, rather than in terms of dedicated reserves so that Texaco will dedicate non-offshore Federal Domain reservoirs capable of actually delivering 200 billion cubic feet of natural gas to the interstate market.

As a third basis for rehearing, Congressman Maguire urges additional

[8] Opinion Nos. 727 and 789, supra note 7.

[9] Worldwide Directory Refining and Gas Processing, 1975-1976 (Petroleum Publishing Co.).





modification of the payback condition. To begin with, he argues that Texaco's payback obligation should include, not only unauthorized deliveries before July 7, 1977, but also the offshore Federal Domain gas delivered to Port Arthur during the three year phase out period. As for the pre-July 7, 1977, unauthorized deliveries, he adds that the total volume is 208 Bcf instead of the 200 Bcf stated by the Commission. (On the assumption that the average American home uses 120 Mcf per year, this is equivalent to an amount of gas sufficient to supply 1,733,000 homes for one year.) Finally, he expresses concern that Texaco will delay payback and recommends instead a minimum annual volume condition on payback.

We shall grant in part and deny in part this aspect of Congressman Maguire's application for rehearing. Although we have already found that limited term authorization for continued deliveries to the Port Arthur refinery is justified, nevertheless payback for at least a portion of this gas to be delivered from July 7, 1977, to July 8, 1980, is appropriate. Our limited term authorization was granted solely to prevent disruption in the operation of the Port Arthur refinery, supra. Based upon existing Commission policy concerning producer reservations, supra note 7, it is doubtful whether, absent the exigencies of this case, the Commission would have certificated the transportation of Texaco's offshore Federal Domain gas to the Port Arthur refinery for boiler fuel usage. We therefore find that it is proper to require Texaco to likewise pay back those interim and declining volumes delivered for boiler fuel usage through July 8, 1980. Payback will not be required, however, for the 50 MMcf/day interim deliveries for high priority usage at Port Arthur.

We grant rehearing in regard to the pre-July 7, 1977 payback condition. Congressman Maguire is correct in stating that 208 Bcf should be paid back for this period. Texaco conceded this fact during the on-the-record conference on July 20, 1977 (Tr. 42).

Finally, we deny rehearing as to the proposed "minimum annual volume" condition. In our July 25, 1977, order we directed Texaco to "file monthly reports identifying and giving the amounts of gas volumes sold to reduce payback obligations." (Ordering Paragraph G). The Commission shall employ this reporting requirement to assure that Texaco enters into contracts with heavily curtailed pipelines on a timely basis and that payback deliveries are made at a sufficient level.

Congressman Maguire's final basis for rehearing relates to whether Texaco violated the Natural Gas Act. He argues:

> In its July 7, 1977 order, the Commission found that Texaco knowingly violated the Natural Gas Act and it ordered Texaco to cease and desist from delivering federal domain gas to its Port Arthur refinery. Despite this lawful Commission order, Texaco continued to violate the Natural Gas Act and the Commission's order of July 7, 1977, by continuing to deliver offshore Federal domain gas to its Port Arthur refinery. The integrity of the regulatory process as an instrument to protect consumers cannot long endure if the sanctions against those who flout the requirements of the law are ignored by the regulatory agency entrusted with its enforcement. The Commission should reconsider its decision to dismiss altogether the issue of Texaco's violations of the Natural Gas Act.

There are apparently two issues here. One refers to the alleged violation which occurred when Texaco ignored the Commission's July 7, 1977 cease and desist order. Texaco continued to take deliveries of its uncommitted offshore Federal domain gas at the Port Arthur refinery after July 7, 1977 order and before the July 14, 1977 order granting a temporary stay. Texaco did not file with the Commission for an emergency stay until July 12, 1977. Texaco should have either stopped all deliveries or petitioned the Commission for a stay immediately. It failed to do so. However, it is clear that the FPC took this into account when it made its determination that the payback proposal, as modified, provided a sufficient public interest basis for the settlement of all issues in the proceeding.

The other issue concerns events over the period prior to the July 7, 1977 order. In that order, the FPC found that "Texaco knowingly needed certificate authorization for its transportation activities, and does yet." Supra at 15. Thus, the FPC concluded that the Natural Gas Act had been violated.

The Federal Energy Regulatory Commission agrees that the integrity of the regulatory process depends upon effective sanctions. The question for reasoned judgment is: What sanctions are most likely to be most productive in a given situation?

Referral to the Department of Justice might be an option, and the Federal Energy Regulatory Commission has given consideration to that option. While there might be symbolic value in such a referral, we conclude that the public interest would be better served by the adoption and implementation of a settlement producing major tangible benefits for gas users in large portions of the country. These users, served through the interstate market, are the prime object of our regulatory protection under the laws that Congress has assigned to us.

They were tangibly disadvantaged by the improper withdrawals that Texaco made over the ten-year period. And our intent is to rectify the imbalance at the earliest possible time. Texaco has proposed a settlement. If that settlement is adopted, with the modifications required herein, it will have the practical result of making the interstate pipeline system whole by restoring the volumes taken." This would, we believe constitute an effective set of sanctions.

Our judgment that this resolution, on balance, would better serve the public interest than would referral for further litigation should not be misunderstood. In no way does this judgment on our part mitigate the seriousness of violations of the Natural Gas Act. Infractions of that Act are not to be treated casually, Nor does the present Commission intend to permit an administrative lassitude that may permit such large-scale violations to go for so long a period of time without discovery and correction, or to have the discovery take place only by processes outside this Commission. For the purpose of early warning and rapid correction, we have created new institutional arrangements, including an investigative arm in the Office of Enforcement.

On the condition that Texaco accept the modification made herein, it would no longer be essential to probe the specific violations of the Natural Gas Act that the former Commission found, and these present dockets would be terminated.

The Commission further finds: (1) The assignments of error and grounds for rehearing set forth in the application for rehearing of the July 26, 1977, order in this proceeding by Congressman Maguire on August 25, 1977, present no facts or legal principles that would warrant any change in or modification of that order, except as provided for in the body of this order and finding paragraph (2) immediately following.

(2) Rehearing should be granted in these several matters for the reasons set forth in the body of this order:

(a) Certificate authorization previously granted for Texaco and Sabine to transport 50 MMcf/d from Texaco's offshore Federal Domain reserves to Texaco's Port Arthur refinery for high priority usage should be modified to continue solely for a limited term ending on July 8, 1980.

(b) Texaco's certificate should be conditioned to require additional payback of those volumes which are delivered to the Port Arthur refinery for boiler fuel usage after July 6, 1977.

(c) Texaco's certificate should also be conditioned to require payback of 208 Bcf instead of 200 Bcf of non-offshore Federal Domain gas to account for unauthorized deliveries prior to July 7, 1977.

The Commission orders: (A) The application for rehearing filed by Congressman Maguire is hereby denied in

[10] See Appendix A for a list of the payback commitments made thus far.

part and granted in part as provided for in the body of this order and finding paragraph (2) above.

(B) The certificate authorization provided in the July 14 and 26, 1977, orders in this proceeding for Sabine in Docket Nos. CP77-304 and CP64-97 and for Texaco in Docket No. CI77-329 shall be further modified on rehearing in the following aspects:

(1) Authorization to transport an average of 50 MMcf/d of offshore Federal domain gas to the Port Arthur refinery for high priority usage shall be expressly limited to the term of July 7, 1977, to July 8, 1980. Texaco shall, on a semi-annual basis, commencing on July 7, 1978, report to the Commission on its efforts to eliminate the need for this gas.

(2) Texaco shall also pay back to the interstate market all volumes of gas transported after July 6, 1977, from its offshore Federal domain gas reserves to the Port Arthur refinery for boiler fuel usage. Texaco shall detail for the Commission how it plans to repay this gas from sources other than offshore Federal domain, specifying the fields involved and the projected delivery volumes by year.

(3) For the period ending on July 7, 1977, Texaco shall pay back 208 Bcf of natural gas.

(C) Texaco and Sabine, over the signature of a responsible officer of each company, shall file with the Commission on or before February 28, 1978, an original and one copy of their acceptance or rejection of the terms and conditions of this order.

By the Commission. Chairman Curtis voted present.

KENNETH F. PLUMB,
*Secretary.*

PENDING APPLICATIONS PURSUANT TO THE PAYBACK ARRANGEMENT

| Field-county-State | Buyer | Estimated reserves (billion cubic feet) |
|---|---|---|
| Roma, Starr, Tex | Tennessee Gas. | 1.659 |
| Hannas Draw, Hansford, Tex. | Panhandle Eastern. | 1.500 |
| Lighthouse Point, Iberia/Vermilion, La. | Transco | 23.500 |
| Lake Paussee Point, St. Martin, La. | do | 1.300 |
| **Executed contracts subject to final action on rehearing** | | |
| Mayfield, Beckham, Okla. | Transco | 27.454 |
| Gem Hemphill, Hemphill, Tex | do | .550 |
| Davidson Ranch, Crockett, Tex. | do | 3.400 |
| Garden Island Bay, Plaquemines, La. | do | 45.300 |
| Higgins, Sweetwater, Wyo. | CIG | 12.489 |
| White City, Eddy, N. Mex. | El Paso | 9.000 |
| Burton Flat, Lea & Eddy, N. Mex. | do | 3.300 |
| Deadwood, Glasscock, Tex. | do | .400 |
| Block 12 (Yates), Andrews, Tex. | do | 4.500 |
| Gomez (Wolfcamp) Pecos, Tex. | Transco | 4.700 |
| Snyder Plant, Scurry, Tex. | El Paso | 1.126 |
| Bryant-Scharbauer, Midland & Ector, Tex. | do | 6.900 |
| Total of all sales | | 146.677 |

[FR Doc. 78-4500 Filed 2-21-78; 8:45 am]

[6740-02]

**Federal Energy Regulatory Commission**

[Docket No. RM78-2 (Formerly Ex Parte No. 308)]

**VALUATION OF COMMON CARRIER PIPE LINES**

**Extension of Time for Filing Briefs**

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of Time.

SUMMARY: The Commission is postponing until further ordered the time for filing briefs as ordered by the Presiding Judge in this rulemaking proceeding docketed as RM78-2 (formerly Ex Parte No. 308). This extension is granted to enable the Commission to rule on the merits of a petition filed December 12, 1977, appealing the Judge's order.

DATES: Effective February 10, 1978.

ADDRESS: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary (202) 275-4166.

SUPPLEMENTARY INFORMATION: On December 12, 1977, the U.S. Department of Justice, State of Alaska, and Midcontinent Petroleum Product Shippers (Petitioners) filed a "Petition for Administrative Review and for Suspension of Procedural Dates" in the above-designated proceeding. By notice issued January 4, 1978, (43 FR 1532, January 10, 1978) the time for filing briefs ordered by the Presiding Judge was postponed to February 15, 1978.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4655 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1591]

**SOL BURSTEIN**

**Termination**

FEBRUARY 15, 1978.

By Order issued February 5, 1978, Mr. Burstein was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, vice president, Wisconsin Electric Power Co.
Director, vice president (nuclear plant), Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Burstein no longer holds the above-mentioned interlocking positions. Since Mr. Burstein no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1591 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4691 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1791]

**ROBERT H. GORSKE**

**Termination**

FEBRUARY 15, 1978.

By Order issued August 18, 1976, Mr. Gorske was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice president, Wisconsin Electric Power Co.
Director, vice president, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Gorske no longer holds the above-mentioned interlocking positions. Since Mr. Gorske no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1791 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4690 Filed 2-21-78; 8:45 am]





[6740-02]

[Project No. 420]

**KETCHIKAN PUBLIC UTILITIES**

**Application for Spillway Modification**

FEBRUARY 15, 1978.

Public notice is hereby given that an application was filed on January 31, 1978, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Ketchikan Public Utilities (Applicant) (Correspondence to: Donald D. Bowey, Assistant City Utilities Manager, Ketchikan Public Utilities, 334 Front Street, P.O. Box 7300, Ketchikan, Alaska 99901) for a modification of the spillway at Project No. 420 known as the Ketchikan Lakes Project. The project is located on Ketchikan Lake in Revillagigedo Island, Alaska, near the City of Ketchikan and affects lands of the United States within the Tongass National Forest.

The Applicant seeks authorization to improve the spillway at the Ketchikan Lake Dam. The work would consist of removal of the existing gated spillway and its replacement by an uncontrolled ogee-crest spillway. There would be no change in normal reservoir levels. This construction is necessary to improve the existing spillway in order that it may pass the probable maximum flood. The Department of Agriculture, U.S. Forest Service, and the Alaska Department of Fish and Game have stated their approval of the proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4688 Filed 2-21-78; 8:45 am]

[6740-2]

[Docket No. CP77-424]

**MIDWEST NATURAL GAS CORP. AND TEXAS GAS TRANSMISSION CORP.**

**Order Directing Physical Connection of Facilities and Delivery of Natural Gas; Correction**

FEBRUARY 10, 1978.

In FR Doc. 77-35522, issued December 6, 1977 and appearing at page 62535 in the FEDERAL REGISTER for Tuesday, December 13, 1977, make the following correction:

On page 62535, third column, three lines from the bottom of the third full paragraph, add the word "proposal" after the words "* * * under the * * *".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4694 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1575]

**JOHN P. REEVE**

**Termination**

FEBRUARY 15, 1978.

By Order issued May 26, 1969, Mr. Reeve was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Reeve no longer holds the above-mentioned interlocking positions. Since Mr. Reeve no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1575 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4687 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1769]

**NICHOLAS A. RICCI**

**Termination**

FEBRUARY 15, 1978.

By Order issued December 31, 1975, Mr. Ricci was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice president, Wisconsin Electric Power Co.
Vice president, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Ricci no longer holds the above-mentioned interlocking positions. Since Mr. Ricci no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1769 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4689 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP76-322]

**TENNESSEE GAS PIPELINE CO. AND EAST TENNESSEE NATURAL GAS CO.**

**Petition To Amend**

FEBRUARY 15, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 F.R. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 6, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, and East Tennessee Natural Gas Co. (East Tennessee), P.O. Box 10245, Knoxville, Tenn. 37919 (Petitioners), filed in Docket No. CP76-322 a petition to amend the order of June 30, 1976 (56 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for Stauffer Chemical Co. (Stauffer) for an additional source, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of June 30, 1976, Petitioners were authorized, inter alia, to transport up to 1,700 Mcf of natural gas per day for Stauffer, which volumes were to be produced by Texas Pacific Oil Co., Inc. (Texas Pacific) from wells located in Calcasieu Parish, La. Petitioners indicate that they are presently transporting such volumes for Stauffer pursuant to such authorization and pursuant to a transportation contract dated March 29, 1976, among Petitioners and Stauffer. Such transportation contrast is on file in Tennessee's FERC Gas Tariff, Sixth Revised Volume No. 2 as Rate Schedule T-34, and in East Tennessee's FERC Gas Tariff, Original Volume No. 2 as Rate Schedule T-1, it is stated.

The petition indicates that production from the Texas Pacific wells in the Beckwith Creek Field has declined to a total production, for the three industrial consumers involved in this proceeding, of between 600 and 800 MCF of gas per day, and that as a result of this declining production and in view of Stauffer's continued need for these volumes of gas, Stauffer has arranged to purchase additional gas supplies, for the remainder of the term for which authorization herein has been granted, from Texas Pacific Oil Co. (UK), Inc. (Texas Oil) at an initial price of $2 per million Btu's. It is stated that the gas to be sold by Texas Oil to Stauffer would be produced from the Waveland Field in Hancock County, Miss. It is indicated that Texas Oil and Stauffer have entered into a gas purchase agreement dated December 14, 1977, which provides for the delivery to Tennessee, for the account of Stauffer, of up to 650 Mcf of natural gas per day.

Tennessee is requesting authorization herein to transport gas for Stauffer from an additional receipt point. It is stated that Tennessee and Stauffer have entered into a new transportation contract dated February 2, 1978, which contract supersedes the March 29, 1976 transportation contract (Tennessee's Rate Schedule T-34) and provides for an additional receipt point. It is further stated that East Tennessee is also a party to the contract, however, there is to be no change in the transportation service rendered by East Tennessee. Tennessee would receive gas from Texas Oil at Tennessee's Side Valve 530B-102 in Hancock County, Miss., and transport equivalent volumes to Tennessee's Lobelville sales meter station delivery point to East Tennessee for the account of Stauffer, it is stated.

The petition states that Tennessee would charge Stauffer each month for transportation service a charge of 22.17 cents per Mcf delivered by Tennessee to East Tennessee for the account of Stauffer. It is stated that such transportation charge is based on Tennessee's system average haul cost applied to the miles of haul from the principal receipt point (Side Valve 530B-102) to the delivery point to East Tennessee. Tennessee would receive each day, for its fuel and use requirements, a volume of natural gas equal to 3.2 percent of the volumes transported for Stauffer each day, it is said.

Petitioners indicate that the total volumes they propose to transport would not exceed the previously authorized maximum daily transportation quantity for Stauffer. It is indicated that the additional source of gas proposed to be transported hereunder is not available to the interstate market, and that the subject gas would be used by Stauffer for priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4692 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. G-6508]

**TEXAS EASTERN TRANSMISSION CORP. AND TRUNKLINE GAS CO.**

**Petition To Amend**

FEBRUARY 15, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 3, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001 (Petitioners), filed in Docket No. G-6508 a petition to amend the order of October 19, 1976 (57 FPC), issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for an increase in the total authorized cost to construct facilities necessary to establish the additional exchange point in Beauregard Parish, La., and an increase in the size of the meter run from 4-inch to 10-inch, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of October 19, 1976, Petitioners were authorized to construct an additional point of exchange located at the intersection of Petitioners pipelines in Beauregard Parish, La. Such additional exchange point was to consist of taps, interconnecting piping and a single 4-inch measureing and regulating station, all at an estimated cost of $66,179, it is stated.

Petitioners state that after completion of construction and compilation of total costs of the project it became apparent that the total costs would exceed the estimated and authorized costs. Petitioners further state that after initial filing of the petition to amend on May 7, 1976, it was determined that a 10-inch meter run together with larger valves and piping should be installed, and that due to an oversight petitioners failed to file, or discuss with its construction personnel the necessity therefor.

Consequently, Petitioners request that the Commission amend its order of October 19, 1977, so as to provide for the construction of a 10-inch meter run at a total cost of $141,379. Petitioners assert that increased costs are attributable to (1) an increase in the size of the meter run and (2) underestimating or omission of appurtenant facilities and installation costs.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4693 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1487]

**HOWARD L. WARHANEK**

**Termination**

FEBRUARY 15, 1978.

By Order issued October 28, 1969, Mr. Warhanek was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Secretary, Wisconsin Electric Power Co.
Secretary, assistant treasurer, Wisconsin-Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Warhanek no longer holds the above-mentioned interlocking positions. Since Mr. Warhanek no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1487 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4686 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-211]

**ALABAMA POWER CO.**

**Notice of Filing**

FEBRUARY 15, 1978.

Take notice that Alabama Power Co. (Alabama) on February 7, 1978, tendered for filing an agreement with the Utilities Board of the city of Foley, intended as an initial rate schedule. Alabama states that the filing is for the proposed Belforest delivery point of the Utilities Board of the city of Foley. Alabama further states that the agreement contains a change in the Spanish Fort delivery point, which will be changed from a delivery voltage of 44 kv to 115 kv and the capacity required to be maintained will be increased from 18,000 kva to 25,000 kva. Alabama indicates that in connection with the above new Belforest delivery point and the Spanish Fort changes, the existing delivery points of Point Clear and Fairhope will be canceled.

According to Alabama copies of this filing were served upon the Utility Board of the city of Foley.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4638 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1588]

**CHARLES S. McNEER**

**Termination**

FEBRUARY 15, 1978.

By Order issued December 18, 1975, Mr. McNeer was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, President, Wisconsin Electric Power Co.
Director, President, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. McNeer no longer holds the above-mentioned interlocking positions. Since Mr. McNeer no longer serves in interlocking positions for which authorization under Section 305(b) is necessary, Docket No. ID-1588 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4639 Filed 2-21-78; 8:45 am]

[6740-02]

[Project No. 2818]

**CITY AND BOROUGH OF SITKA, ALASKA**

**Land Withdrawal**

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commisison (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

On September 19, 1977, the City and Borough of Sitka, Alaska, filed, as part

of an application for new license (major), map Exhibit K-1 through K-4, inclusive, for the proposed Green Lake Project, designated as Project No. 2818, and located on the Vodopad River near the City of Sitka in the State of Alaska.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States, is from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

COPPER RIVER MERIDIAN, AKASKA

All portions of the following described subdivisions lying within 100 feet of the centerline of the transmission line and access roads as delimited on map Exhibits K-1 and K-2:

T. 55 S., R. 64 E. (unsurveyed),
Sec. 34, U.S. Survey No. 3665.
T. 56 S., R. 64 E. (unsurveyed),
Sec. 2, W½NW¼, N½SW¼, SW¼SW¼;
Sec. 3, U.S. Survey No. 3665, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 11, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 12, NW¼SW¼, S½SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼, SE¼;
Sec. 24, N½NE¼, SE¼NE¼.
T. 56 S., R. 65 E. (unsurveyed),
Sec. 18, S½NW¼, N½SW¼;
Sec. 19, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 29, NW¼;
Sec. 30, N½NE¼, SE¼NE¼.

All portions of the following described subdivisions lying within the project boundary as delimited on map Exhibits K-3 and K-4:

T. 56 S., R. 65 E. (unsurveyed),
Sec. 21, S½SW¼;
Sec. 26, S½SW¼;
Sec. 27, S½NW¼, S½;
Sec. 28, S½NE¼, NW¼, N½SW¼, SE¼;
Sec. 29, NE¼, NE¼NW¼, S½NW¼;
Sec. 33, NE¼NE¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 36, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 57 S., R. 66 E. (unsurveyed),
Sec. 4, NE¼NE¼.

NOTE.—The aforementioned project subdivisions are described by the use of protraction diagrams based upon computations by the State of Alaska, Division of Lands.

The total area of U.S. lands affected by this notice is approximately 1,474 acres of which approximately 29 acres are utilized for transmission line purposes and approximately 172 acres are utilized for both transmission line and project works purposes. Most of the project reservoir area was previously reserved for power purposes, on December 2, 1970, by a withdrawal for Power Site Classification No. 459.

Copies of the aforementioned map exhibits have been transmitted to the Geological Survey, Bureau of Land Management, and Forest Service.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4646 Filed 2-21-78; 8:45 am]

[6740-02]

[Project Nos. 130, 253, 351, 630, and 997]

COLORADO

Order Vacating Land Withdrawals

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawals for project Nos. 130, 253, 351, 630, and 997 be vacated insofar as they affect national forest lands, thereby requiring Federal Energy Regulatory Commission consideration under section 24 of the Federal Power Act. This order pertains to all lands withdrawn for these projects. The lands affected by the withdrawals are described in the attached land list.

The applicants for project Nos. 130 and 253 contemplated construction of small diversion-conduit developments on Chalk and Denny Creeks, respectively, tributaries of the Arkansas River, near the town of Buena Vista, in Chaffee County, Colo. Plans for both of these projects were abandoned and the licenses were surrendered over 50 years ago.

The applicant for project No. 351 contemplated construction of a 2,000-horsepower diversion-conduit development on South Colony Creek, near Crestone Peak, in the upper Arkansas River basin. The preliminary permit for this project expired on March 6, 1925, and an application for license was not filed.

The applicant for project No. 630 contemplated construction of a small diversion-conduit development on West Lake Creek, a tributary of the Eagle River, in the upper Colorado River basin. The application for this project was denied on January 12, 1933.

Project No. 997 was a small (less than 100 horsepower) diversion-conduit development on Gypsum Creek, a tributary of the Eagle River.

SIXTH PRINCIPAL MERIDIAN, COLORADO

1. Project No. 130 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on December 18, 1920, of an application for license for project No. 130 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated January 27 and 29, 1921:

T. 15 S., R. 79 W.,
Sec. 28, S½NE¼SE¼, NW¼SE¼, SW¼;
Sec. 29, SE¼SW¼SE¼, SW¼SE¼SE¼, E½SE¼SE¼.

(Approximately 260 acres.)

All portions of the following tracts lying within 25 feet of the center line of the transmission line location shown on a map designated as "Exhibit C" and entitled "Detail Map Transmission Line," and filed in the office of the Federal Power Commission on December 18, 1920:

T. 15 S., R. 79 W.,
Sec. 13, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 23, NE¼SE¼, S½SE¼;
Sec. 24, SW¼NW¼, NW¼SW¼;
Sec. 26, NE¼NW¼, SW¼NW¼;
Sec. 27, S½NE¼.

(Approximately 17 acres.)

2. Project No. 253 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on September 28, 1921, of an application for license for project No. 253 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letter dated November 4, 1921:

T. 14 S., R. 80 W.,
Sec. 21, W½SE¼.

(Approximately 80 acres.)

3. Project No. 351 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on August 21, 1922, of an application for preliminary permit for project No. 351 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letter dated October 14, 1922, as corrected by letter dated May 17, 1941:

T. 24 S., R. 73 W.,
Sec. 10, SE¼SE¼;
Sec. 11, N½, W½SW¼;
Sec. 12, W½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, NE¼NE¼, W½NE¼, S½NW¼;
Sec. 16, SE¼NE¼, SW¼, N½SE¼;
Sec. 17, S½NE¼, SE¼.

(Approximately 1,280 acres.)

4. Project No. 630 (White River National Forest). Portions (acreage not determined) of protracted sections 12 and 13 of unsurveyed T. 6 S., R. 82½ W., were withdrawn pursuant to the filing on July 28, 1925, of an application for preliminary permit for project No. 630. A notice of land withdrawal was not issued for this project.

5. Project No. 997 (White River National Forest). The following described lands were withdrawn pursuant to the filing on June 14, 1929, of an application for license for project No. 997 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letters (2) dated August 8, 1929:

T. 6 S., R. 85 W.,





Sec. 4, S½SW¼;
Sec. 9, NW¼NW¼.

(Approximately 120 acres.)

All portions of the following tracts lying within 50 feet of the center line of the transmission line location shown on a map designated "Exhibit F" and entitled "Map of the Dam, Powersite, Pipe, and Transmission Lines," and filed in the office of the Federal Power Commission on June 14, 1929:

T. 5 S., R. 85 W. (outside National Forest),
Sec. 32, lots 5, 6.
T. 6 S., R. 85 W.,
Sec. 4, W½W½.

(Approximately 13 acres.)

The Commission accepted the surrender of the license for project No. 997 by order issued October 25, 1951 (10 FPC 1467), after the project works were removed from the Federal lands involved.

The subject lands have no significant power value.

The Geological Survey has recommended that the land withdrawals for the aforementioned projects be vacated in their entirety.

The Commission orders: The land withdrawal for project Nos. 130, 253, 351, 630, and 997 are hereby vacated in their entirety.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4647 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP77-165]

COLUMBIA GAS TRANSMISSION CORP.

Petition To Amend

FEBRUARY 14, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Take notice that on February 6, 1978, Columbia Gas Transmission Corp. (petitioner), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP77-165 a petition to amend the order of June 13, 1977, issued by the Federal Power Commission in the instant docket (57 FPC ——) pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for Wheeling-Pittsburgh Steel Corp. (Wheeling-Pittsburgh), for an extended period of time, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of June 13, 1977, petitioner was authorized to transport up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh for 1 year, without prejudice to petitioner's filing for authorization to extend the subject service upon determination of a firm price for the second year of the gas purchase contract.

Petitioner states that Wheeling-Pittsburgh and McGoldrick joint ventures No. 1-73 (McGoldrick) have agreed to a firm price of $1.85 per Mcf for the second year of the gas purchase contract.

Consequently, petitioner proposes to transport the subject gas for Wheeling-Pittsburgh for an extended period of 1 year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hering therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary,*

[FR Doc. 78-4619 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-210]

EDISON SAULT ELECTRIC

Proposed Supplement to Electric Service Contract

FEBRUARY 15, 1978.

Take notice that Edison Sault Electric Co. (Edison), on February 6, 1978, tendered for filing a supplemental agreement No. 1 between Edison and Upper Peninsula Power Co. (Upper Peninsula), dated November 10, 1977, which agreement will supplement an existing contract for electric service, dated September 19, 1976, between the same two parties. Edison states that the contract between the two parties, dated September 19, 1976, has been designated FPC rate schedule No. 7 (Docket No. ER77-98). Edison further states that the proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates."

Edison proposes an effective date of November 10, 1977, and therefore requests waiver of the Commission's notice requirements.

According to Edison copies of this filing were mailed to Upper Peninsula Power Co. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4640 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Amendment to Petition To Amend

FEBRUARY 14, 1978.

Take notice that on February 3, 1978, El Paso Natural Gas Co. (petitioner), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP74-126 an amendment to this petition to amend





filed herein on Novemeber 23, 1977,

Petitioner proposes to finance the

teen (15) days after issuance of this



cember 5, 1967, and designated KPL

All such petitions or protests should

[6740-02]

filed herein on Novemeber 23, 1977, pursuant to section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain tap facilities necessary to effectuate the exchange of natural gas with Natural Gas Pipeline Co. of America (Natural) at a proposed new exchange point located in Lea County, N. Mex. all as more fully set forth in the amendment of file with the Commission and open to public inspection.

Petitioner indicated that no November 23, 1977, it filed with the Commission in the instant docket a petition to amend the Federal Power Commission's (FPC) order of April 2, 1975, as amended, in Docket Nos. CP74-162 and in the instant docket, so as to authorize the establishment of the Eddy No. 7 exchange point in Eddy County, N. Mex. It is indicated that the subject petition is pending before the FERC. It is stated that Natural had acquired additional natural gas supplies in Eddy County, N. Mex., in close proximity to petitioner's existing gathering system which Natural desire to cause to be delivered to petitioner under the existing gas exchange agreement dated September 24, 1973, as amended, between petitioner and Natural. Petitioner and Natural have entered into amendatory agreement No. 8 dated October 12, 1977, further amending the exchange agreement in order to provide for the Eddy No. 7 exchange point, it is said.

Applicant states that subsequent to its filing of November 23, 1977, in the instant docket, Natural advised petitioner that it had volumes of natural gas which Natural had contracted to purchase from Perry R. Bass and Bass Enterprises Production co. attributable to their working interest in production from the Cleary Federal E. Comm No. 1 well which is located in proximity to an existing gathering system of petitioner. It is stated that in order that Natural may obtain such additional natural gas supply, petitioner and Natural have executed amendatory agreement No. 9, dated December 1, 1977, further amending the exchange agreement, which amendatory agreement provides that Natural would deliver, or cause the delivery of natural gas for its account, to petitioner at a point on petitioner's existing gathering system in Lea County, N. Mex. (Lea No. 4 exchange point).

Petitioner states that in order to effectuate the exchange of natural gas between Natural and petitioner at the Lea No. 4 exchange point, it would be necessary for petitioner to construct and operate certain tap facilities as follows:

A 4½-inch O.D. tap and valve assembly with appurtenances, located on petitioner's existing 6⅝-inch O.D. Belco Petroleum Corp.-Bass Federal No. 1 well-tie pipeline in Lea county, N. Mex.

Petitioner proposes to finance the cost of the facilities constructed under the instant proposal through use of internally generated funds. Natural would construct, at its sole expense, operate and maintain all facilities necessary for the delivery and measurement of exchange gas deliveries at the Lea No. 4 exchange point, it is stated. It is indicated that the estimated total cost of the above-described facilities is $4,350/

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to praticipate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4620 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP72-8 Ignition Fuel and Flame Stabilization]

**EL PASO NATURAL GAS CO.**

**Presiding Administrative Law Judge's Certification of Question to Commission**

FEBRUARY 14, 1978.

Take notice that on February 7, 1978, Presiding Administrative Law Judge William Jensen certified to the Commission the following question in the above-captioned case:

Were the rulings of the Presiding Administrative Law Judge on December 15 and 16, 1977, reported at transcript pages 2102-2104, 2407-2409, supported by the applicable rules of evidence as applied to the record herein, as not to be arbitrary or capricious? The controversy concerns the admission for limited purposes of alleged evidence tendered by Pacific Gas & Electric Co., Southern California Edison Co., and San Diego Gas & Electric Co. The materials were subject to a "hearsay" type objection for want of any circumstantial guarantees of trustworthiness.

Any person desiring to be heard with reference to the certified questions should file comments no later than fifteen (15) days after issuance of this notice with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's rules of practice and procedure and the regulations under the Natural Gas Act. All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in the hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4631 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1732]

**JERRY G. REMMEL**

**Termination**

FEBRUARY 15, 1978.

By Order issued August 30, 1974, Mr. Remmel was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Treasurer, Wisconsin Electric Power Co.
Treasurer, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Remmel no longer holds the above-mentioned interlocking positions. Since Mr. Remmel no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1732 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4641 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-209]

**KANSAS POWER AND LIGHT CO.**

**Proposed Changes on Rates and Charges**

FEBRUARY 15, 1978.

Take notice that on February 6, 1978, The Kansas Power and Light Co. (KPL) tendered for filing a newly executed renewal contract dated January 16, 1978, with the City of Alma, Kans. for wholesale service to that community. KPL states that this is a renewal of a similar contract dated December 5, 1967, and designated KPL Rate Schedule FPC No. 98. The proposed effective date is February 1, 1978, and KPL requests that the Commission waive the notice requirements as allowed in section 35.11 of its regulations. According to KPL, the net billing for the 12 months succeeding the proposed change in agreements will be $126,701.61. In addition, KPL states that copies of the contract have been mailed to the City of Alma and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F.PLUMB,
*Secretary.*

[FR Doc. 78-4643 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-208]

**KANSAS CITY POWER & LIGHT CO.**

**Proposed Tariff Change**

FEBRUARY 15, 1978.

Take notice that on February 6, 1978, Kansas City Power & Light Co. (KCPL) tendered for filing Amendatory Agreement No. 1 to the Municipal Participation Agreement between KCPL and the City of Independence, Mo. (City), KCPL's Rate Schedule No. 56.

KCPL states that the purpose of the filing is to: (a) Provide for additional points of interconnection and delivery between the parties; (b) update Service Schedule rate levels to those presently in effect for other systems interconnected with KCPL; and (c) provide for transmission service by KCPL to the City.

KCPL requests an effective date 30 days after the filing date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4642 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP73-97 PGA(78-2)]

**KENTUCKY WEST VIRGINIA GAS CO.**

**Proposed Change in Rates**

FEBRUARY 14, 1978.

Take notice that Kentucky West Virginia Gas Co. (Kentucky West) on January 30, 1978, tendered for filing with the Commission Sixth Revised sheet no. 27 to its FPC Gas Tariff, First Revised Volume No. 1, to become effective March 1, 1978. Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in section 9, General Terms and Conditions of FPC Gas Tariff, Original Volume No. 1. approved by the Commission in Docket No. RP73-97 and the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FPC Gas Tariff, First Revised Volume No. 1, approved by the Commission in Docket No. RP76-93.

Kentucky West states that a copy of its filing has been served upon the purchasers and interested state commissions and upon each party on the service list of Docket No. RP76-93.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Captiol Street NE., Washington, D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4632 Filed 2-21-78; 8:45 am]

[6740-02]

[Project Nos. 220 and 691]

**WYOMING**

**Order Vacating Land Withdrawals**

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawals for Project Nos. 220 and 691 be vacated in their entirety, thereby requiring Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act.

The following described lands (in Medicine Bow National Forest) were withdrawn pursuant to the filings on June 1, 1921, and January 30, 1926, of applications for preliminary permit for Projects Nos. 220 and 691 respectively.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 15 N., R. 78 W.,
Sec. 8, SE¼NW¼, SW¼ (except patented mineral lands). Approximately 200 acres.

A notice of land withdrawal from Project No. 220 was sent to the General Land Office (now Bureau of Land Management) by letter dated June 25, 1921. A notice of land withdrawal was not sent for Project No. 691.

The lands lie along the Middle Fork Little Laramie River, near the town of Centennial, in Albany County, Wyo. The applicants for Project Nos. 220 and 691 contemplated construction of a small (100-horsepower) diversion-conduit development on the Middle Fork Little Laramie River; however, both applications were rejected. The lands have no significant waterpower value as the average flow of this reach of the river is only about 10 cfs.

*The Commission orders:* The land withdrawals for Project Nos. 220 and 691 are hereby vacated in their entirety.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4618 Filed 2-21-78; 8:45 am]





[6740-02]

amended, it will make available to San



tion Agreement with Utah Power and

indicates that the terms of the Letter

Montana indicates that the terms of

[6740-02]

[Docket No. RP78-37]

LAWRENCEBURG GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 13, 1978.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on January 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1.

The proposed changes would increase revenues from jurisdictional sales and service by $33,120 based on the twelve months period ended September 30, 1977 as adjusted. In addition, the proposed change would initiate the use of deferred accounting in Lawrenceburg's Purchase Gas Adjustment.

Lawrenceburg states that the increase in tariff rates has been occasioned by increases in costs which are known and measurable, and which are now effective or will become effective within nine months of September 30, 1977. These increased costs include (1) operating expenses, (2) costs associated with increased curtailment, and (3) increase in rate of return.

Lawrenceburg also requests permission to modify section 2 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1 to provide for a Purchase Gas Cost Clearing Account as provided for in section 154.38(d)(4)(iv) of the Commission's regulations under the Natural Gas Act.

Copies of this filing were served upon Lawrenceburg's two jurisdictional wholesale customers and to the interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4615 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RI77-130]

MAURICE L. BROWN CO.

Amended Petition for Special Relief

FEBRUARY 14, 1978.

Take notice that on January 31, 1978, the Maurice L. Brown Co. (Brown), 9229 Ward Parkway, Kansas City, Mo. 64114, filed an amended petition for special relief in the captioned docket, pursuant to section 2.76 of the Commission's Rules of Practice and Procedure. In its amended petition, Brown requests authorization to charge $1.3257 per Mcf for gas sold to United Gas Pipeline Co. from Newton-Whiteside Gas Unit No. 1, Harrison County, Tex.

In its original petition for special relief, filed on September 9, 1977 and noticed on September 29, 1977, Brown requested authorization to charge $2.33 per Mcf for the sale of the same gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4621 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-599]

MONTANA POWER CO.

Agreement for Sale of Non-Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing in accordance with section 35 of the Commission's Regulations a Letter Agreement dated February 16, 1977, between Montana and San Diego Gas and Electric Co. ("San Diego") providing for the sale of non-firm provisional energy. Montana also tendered for filing in accordance with section 35 of the Commission's Regulations a Letter Agreement dated July 27, 1977, that amended the February 16, 1977 Agreement.

Montana states that under the terms of this Letter Agreement, as amended, it will make available to San Diego non-firm energy and that San Diego will make a like amount of energy available to Montana at Montana's request prior to June 30, 1977.

Montana indicates that the terms of the Letter Agreement, as amended, have been agreed to by the parties and would provide to Montana revenues from jurisdictional sales of $31,106.43 and to San Diego revenues from jurisdictional sales of $12,544 based on the period commencing December 1, 1976 and ending June 30, 1977, the expiration date of the Letter Agreement, as amended.

Montana states further that the rate for non-firm energy sold to San Diego under this Letter Agreement, as amended, is twelve mills per kilowatt-hour ($0.012) which is approximately the maximum specified in Montana's FERC Electric Tariff M-1, Rate M-1.3, which was submitted for filing on August 6, 1976. Montana further states that the rate for energy to Montana under this Letter Agreement, as amended, was negotiated to be sixteen mills ($0.016) per kilowatt-hour for energy purchased prior to June 30, 1977.

An effective date of December 1, 1976 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4634 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-600]

MONTANA POWER CO.

Agreement for Sale of Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing, in accordance with section 35 of the Commission's Regulations, a Service Schedule designated MU-1 under the Interconnection Agreement with Utah Power and Light Co. ("Utah") designated Rate Schedule No. 27. Montana states that this Service Schedule provides for the sale of firm energy between Montana and Utah and provides for wheeling therefor. Montana indicates that the proposed Service Schedule MU-1 would provide revenues from jurisdictional energy sales of $2,350,080 and from jurisdictional wheeling service therefor of $35,728.50 based upon the term of the Agreement that commenced September 8, 1976 and ended August 31, 1977.

Montana states that under the terms of the proposed Service Schedule MU-1, Montana will make available to Utah a firm amount of energy per month according to a predetermined schedule as given in the Service Schedule and will provide wheeling therefor.

Montana states that the rate for firm energy under this Service Schedule MU-1 is essentially the same as the total rate realized under Service Schedule K-1 between Montana and Utah (Supplement No. 17 to Rate Schedule FERC No. 3).

An effective date of September 8, 1976 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with with the Federal Energy Regulatory Commission, 825 North Capitol Street NE. Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4636 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-601]

MONTANA POWER COMPANY

Sales of Non-Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing a Letter Agreement dated March 7, 1977, between Montana and Portland General Electric Co. ("Portland") providing for the sale of non-firm energy. Montana indicates that the terms of the Letter Agreement have been agreed to by the parties and would provide to Montana revenues from jurisdictional sales of $160,560 based on the two sales that occurred during August and September of 1975.

Montana states that under the terms of this Letter Agreement, Montana will make available to Portland non-firm energy to prevent the imminent consumption of oil in Portland's combustion turbine units.

Montana states that the rate for non-firm energy in this Letter Agreement is the same as the rate in Montana's agreement with the Los Angeles Department of Water and Power dated January 8, 1971, (Rate Schedule FERC No. 33).

An effective date of August 9, 1975, is proposed and waiver of the Commission's notice requirement is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropraite action to taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4633 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-611]

MONTANA POWER CO.

Agreement for Sale of Firm Energy and Reserve Capacity

FEBRUARY 14, 1978.

Take notice that The Montana Power Co. ("Montana") on February 2, 1978, tendered for filing, in accordance with section 35 of the Commission's Regulations, an Agreement designated MW-2 between Montana and The Washington Water Power Co. ("Washington") for the sale of firm energy and reserve capacity.

Montana states that under the terms of this Agreement designated MW-2, Montana will make available to Washington a firm amount of energy per month and Washington will make available to Montana reserve capacity according to predetermined schedules as given in the Agreement.

Montana indicates that the terms of the Agreement have been agreed to by the parties and would provide to it revenues from jurisdictional energy sales of $1,055,480, and provide to Washington revenues from jurisdictional service of $245,000, based on the ten month period ending on June 30, 1977, the expiration date of the proposed Agreement.

Montana states that the rate for firm energy under the Agreement designated MW-2 compares favorably with the total rate realized under Service Schedule K-1 between Montana and Utah Power and Light Co. (Supplement No. 17 to Rate Schedule FERC No. 3). Montana states further that the rate for capacity under this Agreement is the same as in several recent supplements to Montana's Rate Schedule FERC No. 13.

An effective date of September 1, 1976, is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4635 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP78-144]

NORTHWEST PIPELINE CORP.

Amendment to Application

FEBRUARY 14, 1978.

Take notice that on February 2, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-144 an amendment to its application filed in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for certain operating arrangements between Applicant and Colorado Interstate Gas Co. (CIG), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is indicated that pursuant to the original application filed in the instant





docket, Applicant requested authoriza-



[6740-02]

ers were authorized to transport up to

(a) the total of the daily volumes de-

docket, Applicant requested authorization to transport up to 105 billion Btu's of natural gas for the account of Natural Gas Pipeline Co. of America (Natural). The amendment states that CIG proposes to sell to Natural up to 100,000 Mcf of natural gas per day during the period January 1978 through December 31, 1978 and that Applicant and El Paso Natural Gas Co. (El Paso) propose to transport for the account of Natural such volumes of natural gas as Natural purchases from CIG, all as more fully set forth in the application filed herein and the applications filed by Natural, CIG and El Paso in Docket Nos. CP78-133, CP78-147 and CP78-159, respectively.

Applicant states that in conjunction with its agreeing to transport the gas sold by CIG to Natural, Applicant and CIG have informally agreed to certain operating arrangements which would be in effect during the term of the sale to Natural. It is indicated that the operating arrangements between Applicant and CIG are paraphrased as follows:

on any day during the period when CIG is making a short-term sale to Natural, CIG would first reduce its purchase from Applicant in the amount of 50,000 Mcf and such volume would be released to Applicant for allocation to other long-term on-system customers of Applicant. On any day that CIG does not require any or all of its remaining contract demand then such excess volume would be sold by CIG to Natural.

On any day when Applicant's long-term on-system customers are unable to use the first 50,000 Mcf released by CIG then such volumes would be offered by CIG for sale to Natural. On any day that Natural is unable to purchase this 50,000 Mcf then Applicant may dispose of this volume by either sale to a short-term customer or by a reduction in its purchase from a Canadian supplier.

It is stated that in addition to the foregoing, CIG expects that their sales to Natural would be fairly uniform during any given month and that any daily fluctuations in CIG's Rocky Mountain Sales would be handled through CIG's storage operations thereby stabilizing their purchases from Applicant.

It is further stated that the operating agreements have the potential of making up to 50,000 Mcf of natural gas available to Applicant's other customers should Applicant experience gas supply shortage during the months of maximum demand on Applicant's system and that the arrangement would also permit the husbanding of storage inventories during the 1978 heating season to the extent CIG does not require its full contract demand; i.e., that demand in excess of 102,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4622 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-165]

**PHILADELPHIA ELECTRIC CO.**

**Accepting Filing**

FEBRUARY 13, 1978.

On January 24, 1978, the Borough of Lansdale, Pa. (Lansdale), filed a "Petition to Extend Date for Filing Protest and Motion to Reject" in response to the proposed tariff change tendered for filing by Philadelphia Electric Co. on December 30, 1977, and noticed January 6, 1978, in the captioned docket. Lansdale's Protest and Motion to Reject was filed concurrently on January 24, 1978.

Upon consideration, notice is hereby given that the Protest and Motion to Reject filed January 24, 1978, is accepted.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc 78-4616 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. OR78-6]

**POWDER RIVER PIPELINE CORP.**

**Complaint**

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the functions of the Interstate Commerce Commission (ICC) pertaining to the transportation of petroleum and petroleum by-products by pipeline were transferred to the Secretary of the Department of Energy (DOE) and to the Federal Energy Regulatory Commission (FERC). FERC is an independent commission within the DOE, and was activated on October 1, 1977.

By complaint filed January 4, 1978, complainants (Powder River Pipeline Corp. and The Crude Co.) allege, inter alia, that the defendant (Amoco Pipeline Co.) is a common carrier by pipeline subject to the Interstate Commerce Act (IC Act) and by its actions is in violation of that Act. Specifically, complainants contend that defendant has failed to fulfill its duties and obligations prescribed in section 1(4) of the IC Act (49 USC §1(4)); and that defendant has unduly prejudiced complainants vis-a-vis complainant's competitors in violation of section 3(1) of the IC Act (49 USC § 3(1)).

Section 705 of the DOE Act provides that the ICC's rules of practice remain in effect and govern the handling of all oil pipeline matters by the FERC until superseded by lawful order of the FERC.

Rule 33(c) (49 CFR § 1100.33(c)) requires the defendant to answer a formal complaint within 30 days after the day on which the complaint was served. Rule 32 (49 CFR § 1100.32) directs the Commission (FERC) to serve the complaint on the defendant. Service will coincide with issuance of this notice.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4617 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1596]

**RUSSELL W. BRITT**

**Termination**

FEBRUARY 15, 1978

By Order issued December 31, 1975, Mr. Britt was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Vice President, Controller, Wisconsin Electric, Power Co.
Director, Vice President, Wisconsin Michigan, Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Britt no longer holds the above-mentioned interlocking positions. Since Mr. Britt no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1596 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4644 Filed 2-21-78; 8:45 am]





[6740-02]

[Docket No. CP77-297]

**TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC., AND EAST TENNESSEE NATURAL GAS CO.**

**Petition To Amend**

FEBRUARY 14, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 6, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, and East Tennessee Natural Gas Co. (East Tennessee), P.O. Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP77-297 a petition to amend the order of April 29, 1977 (57 FPC ——), issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for William L. Bonnell Co. (Bonnell) from an additional source, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of April 29, 1977, Petitioners were authorized to transport up to 1,200 Mcf of natural gas per day for Bonnell, which volumes were to be produced by McLain J. Forman, d.b.a. Forman Exploration Co., et al., (Forman) from a well located in Ouachita Parish, La. It is indicated that Tennessee is presently transporting and delivering such volumes of gas to East Tennessee for redelivery by East Tennessee to Middle Tennessee Natural Gas Utility District (MTUD), for the account of Bonnell, pursuant to the above-mentioned authorization and pursuant to a transportation contract between Petitioners and Bonnell, dated February 17, 1977, which transportation contract is on file in Tennessee's FERC Gas Tariff, Sixth Revised Volume No. 2, as Rate Schedule T-41 and in East Tennessee's Gas Tariff, Original Volume No. 2 as Rate Schedule T-5.

It is stated that gas production from the Foreman well has declined to a total production of approximately 800 Mcf of gas per day, and that Bonnell has been advised that even this level of production may decline. As a result of this, Bonnell has contracted to purchase additional gas supplies, for the remainder of the term ending May 31, 1979, for which authorization herein has been granted, from Texas Pacific Oil Co. (UK), Inc. (Texas Pacific) at an initial price of $2 per million Btu's, it is said.

Consequently, Petitioners request amendment of the order April 28, 1977, so as to provide for the transportation of gas from a second souce, for the account of Bonnell. Petitioners state that the second source gas is to be produced by Texas Pacific from the Waveland Field, Hancock County, Miss. Petitioners further state that they have entered into a transportation contract dated January 27, 1978, which contract supercedes the February 17, 1977, contract and provides for an additional receipt point by Tennessee. Tennessee has agreed to receive gas for the account of Bonnell at an additional point of receipt at the interconnection of the facilities of Tennessee and those of Texas Pacific at Tennessee's Side Valve 530B-102, located in Hancock County, Miss., and to deliver such volumes, less volumes for the related fuel and use requirements, to East Tennessee at Tennessee's existing Greenbrier Sales No. 2 Delivery Point to East Tennessee, for the account of Bonnell, it is stated.

The petition states that Bonnell would pay Tennessee each month for volumes received at both receipt points and transported hereunder: (1) a demand charge to be determined by multiplying $1.12 by the maximum daily quantity, less any demand charge credit provided therein, if applicable; and (2) a volume charge equal to 14.32 cents per Mcf multiplied by (a) the total of the daily volumes delivered during such month or (b) the number of days in said month multiplied by 66⅔ percent of the maximum daily quantity, whichever is greater, less any applicable annual minimum bill credit as provided therein. The petition further states that Tennessee would receive each day for its fuel and use requirements a volume of natural gas equal to 3 percent of the volume transported for such day, which rate is a negotiated rate based on Tennessee's system average haul cost applied to the mileage for the Hancock County receipt point.

It is indicated that the additional source of gas proposed to be transported hereunder is not available to the interstate Market, and that Bonnell would use the subject gas for high priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4623 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP75-73 AP(78-1)]

**TEXAS EASTERN TRANSMISSION CORP.**

**Proposed Changes in FERC Gas Tariff**

FEBRUARY 14, 1978.

Take notice that Texas Eastern Transmission Corp. on January 30, 1978, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Thirty-eighth Revised Sheet No. 14
Thirty-eighth Revised Sheet No. 14A
Thirty-eighth Revised Sheet No. 14B
Thirty-eighth Revised Sheet No. 14C
Thirty-eighth Revised Sheet No. 14D

Texas Eastern is reducing its rates due to repayment of advance payments for gas pursuant to Article V of the Stipulation and Agreement under Docket No. RP75-73. The proposed effective date of this reduction in rates is March 1, 1978.







formation and data; Security of data; FOR FURTHER INFORMATION

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4637 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1770]

**THOMAS J. CASSIDY**

**Termination**

FEBRUARY 15, 1978.

By Order issued December 31, 1975, Mr. Cassidy was authorized, pursuant to Section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice President, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Cassidy no longer holds the above-mentioned interlocking positions. Since Mr. Cassidy no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1770 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4645 Filed 2-21-78; 8:45 am]

[3128-01]

[DOE/EIS-0003-D]

**PROTON-PROTON STORAGE ACCELERATOR FACILITY (ISABELLE) BROOKHAVEN NATIONAL LABORATORY, UPTON, N.Y.**

**Availability of Draft Environmental Impact Statement**

Notice is hereby given that the U.S. Department of Energy (DOE), the successor to the Energy Research and Development Administration (ERDA), has issued a draft Environmental Impact Statement, DOE/EIS-0003-D, Porton-Proton Storage Accelerator Facility (Isabelle), Brookhaven National Laboratory, Upton, N.Y. The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969 to provide environmental input into DOE's proposed legislative action requesting funds for the construction and operation of a proton-proton colliding beam accelerator (Isabelle). The statement assesses the potential incremental environmental impacts associated with the construction and operation of Isabelle at the Brookhaven National Laboratory.

Copies of the draft Environmental Impact Statement have been distributed for review and comment to appropriate Federal, New York State and local agencies, and other organizations and individuals who are known to have an interest in the activities at the site.

Copies of the statement are available for public inspection at the DOE public document rooms located at:

DOE Headquarters, 20 Massachusetts Avenue NW., Washington, D.C.
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, N. Mex.
Brookhaven National Laboratory, Research Library, Upton, N.Y.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.
Richland Operations Office, Federal Building, Richland, Wash.
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Comments and views concerning the draft Environmental Impact Statement are requested from other interested agencies, organizations and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, U.S. Department of Energy, Washington, D.C. 20545, 301-353-4241. Comments should be sent to the same address.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft Environmental Impact Statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. However, it would assist in the review of the comments if the comments were organized in a manner consistent with the structure of the draft Environmental Impact Statement. Emphasis should be placed specifically on the assessment of the environmental impacts of construction and operation of Isabelle, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the proposed action. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments received on the draft Environmental Impact Statement will be placed in the above referenced locations for inspection and will be considered in the preparation of the final Environmental Impact Statement, if received on or before April 24, 1978.

Dated at Washington, D.C. this 14th day of February 1978.

For the United States Department of Energy.

WILLIAM S. HEFFELFINGER,
*Director of Administration.*

[FR Doc. 78-4649 Filed 2-21-78; 8:45 am]

[3128-01]

**VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM**

**Meeting**

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 2 and 3, 1978, at the offices of Standard Oil Co. of California, 575 Market Street, San Francisco, Calif., beginning at 9:30 a.m. on March 2. The agenda is as follows:

1. Opening remarks.
2. Second IEA Allocation Systems Test, including:

A. Government Clearances and Security—Status of U.S. Government and EEC clearances; Exchange of information and data; Security of data; Restrictions on ISAG members' use of information and data; ISAG communications; U.S. Government and EEC monitoring; and Recordkeeping requirements.

B. Organization—ISAG organization; Secretariat organization; and Relationship with other groups.

C. Administration—OECD facilities, offices, meals; Reference material and working aids; Housing; Arrvial and departure of personnel; and Handling of costs.

D. Review ISAG Data Formats.

E. Procedures—Review ISAG functions, Supply Coordination Group, Country Supply Group, and Supply Analysis Group. Review Secretariat, NESO activity, Review activities during a cycle, and Detailed handling of Voluntary Offers.

F. March 9-10 Reporting Company meeting agenda.

3. Closing Remarks/Future Meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., February 15, 1978.

WILLIAM S. HEFFELFINGER,
*Director of Administration,*
*Department of Energy.*

[FR Doc. 78-4751 Filed 2-21-78; 8:45 am]





[3128-01]

[ERA Docket Nos. 77-007-LNG and 77-011-LNG, and FPC Docket Nos. CP70-196, CP77-216, and CP77-217]

**DELEGATION AND ASSIGNMENT OF FUNCTIONS BY THE SECRETARY OF ENERGY TO THE FEDERAL ENERGY REGULATORY COMMISSION RELATING TO DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.**

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Notice is hereby given of the delegation and assignment by the Secretary of Energy to the Federal Energy Regulatory Commission of the authority to carry out functions vested in the Secretary under the Department of Energy (DOE) Organization Act as those functions relate to the decision of all issues pending for resolution in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket Nos. 77-007-LNG and 77-011-LNG, FPC Docket Nos. CP70-196, et al., CP77-216, and CP77-217, to the extent such issues have not been decided by the Order on Importation of Liquefied Natural Gas from Algeria in ERA Docket No. 77-011-LNG, December 31, 1977.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin S. Kaufman, Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 5116, Washington, D.C. 20461, Telephone: 202-566-9380.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) was established by the DOE Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, et seq. (1977) (the Act), which was enacted on August 4, 1977. The effective date of the Act was prescribed as October 1, 1977 by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977).

Sections 401-407, 503 and 504 of the Act set forth the jurisdiction and authority of the Federal Energy Regulatory Commission (the Commission), the independent regulatory commission within DOE. These sections describe those functions previously performed by the Federal Power Commission and the Interstate Commerce Commission that are transferred to, and vested in, the Commission by the Act. These sections also describe the role with respect to appeals of certain Remedial Orders issued by the Secretary, and its role with respect to denials of adjustments to certain rules, regulations and orders issued by the Secretary.

In addition to jurisdiction over the functions transferred to, and vested in, the Commission by the Act, section 402(e) provides that the Commission will have jurisdiction over other matters that the Secretary may assign to it, after public notice is given of such assignment:

In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice * * *.

Section 642 of the Act gives the Secretary a general power of delegation:

Except as otherwise expressly prohibited by law, and except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

Pursuant to these provisions of the Act, public notice is hereby given that the Secretary delegates and assigns to the Commission the authority to carry out certain functions which by the Act are transferred to, and vested in, the Secretary. The assignment is in the form of a delegation, as are all delegations of authority made by the Secretary.

On December 31, 1977 the Administrator of the Economic Regulatory Administration, acting pursuant to DOE Delegation Order 0204-4, October 1, 1977, issued an Order on Importation of Liquefied Natural Gas from Algeria in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket No. 77-011-LNG. That Order approved the importation of LNG into the U.S. from Algeria.

The delegation herein gives to the Commission the authority to carry out such functions as are vested in the Secretary to regulate natural gas imports under Section 301 and 402(f) of the DOE Act with respect to all of the issues remaining to be decided in related applications currently pending before DOE. These include issues relating to environment and safety inherent in the siting of an LNG terminal facility at Everett, Massachusetts, the construction of additional facilities at that site, approval of rates and tariffs, and authorization of sales for resale, in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket Nos. 77-007-LNG and 77-011-LNG, FPC Docket Nos. CP70-196, et al., CP77-216 and CP77-217, which issues arise out of the applications filed by Distrigas Corp. and Distrigas of Massachusetts Corp., to the extent that such issues have not been decided by the Order on Importation of Liquefied Natural Gas From Algeria, ERA Docket No. 77-011-LNG, December 31, 1977. The delegation order authorizes the Commission to impose such contingency plan requirements as the Commission deems necessary and appropriate.

(Department of Energy Organization Act, Pub. L. 95-91; E. O. 12009, 42 FR 46267.)

Issued in Washington, D.C., on February 15, 1978.

WILLIAM S. HEFFELFINGER,
*Director of Administration.*

DEPARTMENT OF ENERGY, DELEGATION ORDER NO. 0204-14, TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") and by sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91), (the "DOE Act") there is hereby delegated and assigned to the Federal Energy Regulatory Commission ("FERC") the authority to carry out such functions as are vested in the Secretary pursuant to his authority to regulate the exports or imports of natural gas under sections 301 and 402(f) of the DOE Act with respect to all issues which are the subject of applications in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, Federal Power Commission Docket Nos. CP70-196, et al., CP77-216 and CP77-217. In exercising the authority delegated by this Order the FERC is specifically authorized to exercise any authority otherwise vested in the Secretary to impose such contingency plan requirements as the FERC deems necessary and appropriate.

These matters are delegated and assigned to the FERC only to the extent that they have not been decided in the Order on Importation of Liquefied Natural Gas from Al-

geria, in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket No. 77-011-LNG, December 31, 1977.

The authority delegated to FERC may be further delegated in whole or in part, as may be appropriate.

All actions pursuant to authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective February 22, 1978.

JAMES R. SCHLESINGER,
*Secretary of Energy.*

[FR Doc. 78-4752 Filed 2-17-78; 12:08 pm]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 78-56 and 78-57; File Nos. 6967-C2-P-70 and 6968-C2-P-70]

### AIR COMMUNICATIONS CO. AND WESTERN MOBILPHONE, INC.

**Memorandum Opinion and Order; Designating Applications for Consolidated Hearing on Stated Issues**

Adopted February 10, 1978.

Released: February 15, 1978.

In re applications of Air Communications Co. for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service at Albuquerque, N. Mex. and Western Mobilphone, Inc. for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service at Albuquerque, N. Mex.

1. The Commission, by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it an application filed on April 27, 1970, by Air Communications Company, File No. 6967-C2-P-70, and an application filed on April 27, 1970, by Western Mobilphone, Inc., File No. 6968-C2-P-70. Each application is for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) at Albuquerque, N. Mex. Three other applications to establish new air-ground facilities in the DPLMRS at Albuquerque, N. Mex. were also received, but were subsequently withdrawn at various times. Amendments to the applications presently under consideration were requested and received during the processing period. Attempts to settle this matter without a hearing have proved fruitless.

2. Since the above-referenced applications request authority to serve the same location,[1] a comparative hearing must be held to determine which applicant, if any, would best serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945). In this regard, we find the applicants to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities.

3. In view of the foregoing, *It is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the application of Air Communications Co., File No. 6967-C2-P-70, and the application of Western Mobilphone, Inc., File No. 6968-C2-P-70, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications, would best serve the public interest, convenience and necessity.

4. *It is further ordered*, That the hearing shall be held at the Commission's offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

5. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

PHILIP V. PERMUT,
*Acting Chief,*
*Common Carrier Bureau.*

[FR Doc. 78-4674 Filed 2-21-78; 8:45 am]

[6712-01]

[SS Docket No. 78-55; File No. 9046-PS-28]

### MARTHA SUSAN TOMS

**Memorandum Opinion and Order Designating Application for Hearing on Stated Issues**

Adopted: February 14, 1978.

Released: February 15, 1978.

By the Chief, Safety and Special Radio Services Bureau:

In re applications of Martha Susan Toms, t/a Gene's 24 Hour Towing Service, 9900 Cherry Tree Lane, Silver Spring, Md. 20901, for authorizations for new facilities in the automobile emergency radio service.

1. The Chief, Safety and Special Radio Services Bureau (the Bureau), has before him for consideration the above-captioned application filed February 6, 1978, by Martha Susan Toms t/a Gene's 24 Hour Towing Service (Toms) and related correspondence from Toms.

2. The applicant has stated to the Bureau that in 1977 an application was filed, in longhand, in her behalf for the radio authorization she here seeks, but it was returned by the Bureau because our procedures require that such applications be typewritten. The application was resubmitted, but was again returned to Toms because of other defects.

3. When the application was returned to Toms for the second time, she telephone the Bureau to state that she could not understand the reason for return of her application because it had been granted and she had been operating her radio facilities for two months. She added that she had a radio license posted on the wall of her premises which bore a call sign. She told the Bureau that she had purchased the radios from her employee, David L. Bissett (Bissett), and Robert C. Gibson (Gibson), who is not her employee but who holds a Second Class Radiotelephone Operator's Permit from the Commission; that Bissett had performed certain acts to install the radios in her vehicles and premises; and that she understood that an authorization had been obtained from the Commission for her use of the radios. The Bureau advised Toms that no license had been issued to her; that no call letters had been assigned; and that her use of the radios was illegal and should be terminated immediately.

4. Toms has amended and refiled her application, which is now before the Bureau, together with a written summary which she has provided of her oral statements to our staff and oral statements by Bissett and Gibson. The Bureau has been told by Gibson that he warned her not to operate without an authorization. It is apparent that a serious violation of the Communications Act of 1934, as amended, and the Commission's Rules has occurred. Clearly, many material facts are in dispute, and certainly no finding pursuant to section 309(a) of the Communications Act can be made that a grant of Toms' application would serve the public interest, convenience and necessity without first determining whether Toms' unlicensed operation was willful. Therefore, the application must, in accordance with section 309(e) of the Act, be designated for evidentiary hearing.

5. Accordingly, *It is ordered*, That in accordance with the provisions of section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned application of Martha Susan Toms t/a Gene's 24 Hour Towing Service, File No. 9046-PS-28, is, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine if Martha Susan Toms t/a Gene's 24 Hour Towing Service has willfully violated the Communications Act of 1934, as amended, and the Commission's Rules by operating unlicensed radio facilities.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinabove, whether Martha Susan Toms t/a Gene's 24 Hour Towing Service possesses the requisite character qualifications to receive a grant of the application which is subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned application will best serve the public interest, convenience and necessity.

6. *It is further ordered*, That Martha Susan Toms t/a Gene's 24 Hour Towing Service, David L. Bissett, Robert C. Gibson and the Chief, Safety and Special Radio Service Bureau, are made parties to this proceeding.

7. *It is further ordered*, That the burden of proceeding with the evidence and the burden of proof on the issues specified in paragraph 5 hereinabove are, pursuant to section 309(e) of the Act and § 1.254 of the Commission's Rules, upon Martha Susan Toms t/a Gene's 24 Hour Towing Service.

8. *It is further ordered*, That each of the parties named in paragraph 6 hereinabove, in order to avail themselves of the opportunity to be heard, shall, within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he or she will appear on the date to be fixed for hearing and present evidence on the issues specified in this Order, as prescribed in § 1.221 of the Commission's rules.

9. *It is further ordered*, That the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon each of the parties (except the Bureau) named in paragraph 6 hereinabove.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
*Chief, Safety and Special Radio Services Bureau.*
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-4673 Filed 2-21-78; 8:45 am]

[6712-01]

[SS Docket No. 78-58 and 78-59; File Nos. 277-A-L-97 and 37-A-L-117]

### WEIR AIRCRAFT SERVICE

**Order Designating Applications for Consolidated Hearing on Stated Issues**

Adopted: February 15, 1978.

Released: February 16, 1978.

In re application of Weir Aircraft Service, Mineral Wells, Tex., City of Mineral Wells, Mineral Wells, Tex., for an aeronautical advisory station to serve Mineral Wells Municipal Airport, Mineral Wells, Tex.

1. Weir Aircraft Service (hereinafter called Weir), and City of Mineral Wells (hereinafter called Mineral Wells) have each filed an application for authority to operate an aeronautical advisory station at the same airport. Weir and Mineral Wells have both filed for new station authorizations. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing, *it is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 9.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;
(2) Hours of operation;
(3) Personnel available to provide advisory service;
(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;
(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;
(6) Proposed radio system including control and dispatch points; and
(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) which is conclusory.

4. *It is further ordered*, That to avail themselves of an opportunity to be heard, Weir and Mineral Wells, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
*Chief, Safety and Special Radio Services Bureau.*

[FR Doc. 78-4675 Filed 2-21-78; 8:45 am]

[6712-01]

### NATIONAL INDUSTRY ADVISORY COMMITTEE; CITIZENS BAND RADIO COMMUNICATIONS SUBCOMMITTEE

**Change in Meeting Schedule**

FEBRUARY 10, 1978.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Citizens Band Radio Communications Subcommittee of the National Industry Advisory Committee to be held Tuesday, March 28, 1978. The Subcommittee will meet at the Federal Communications Commission, Room 8210, 2025 M Street NW., Washington, D.C. at 10 a.m. This meeting was previously scheduled for March 16, 1978.[1]

PURPOSE: Initial meeting to organize the subcommittee and to consider emergency communications matters.

AGENDA: As follows:

ITEMS:

1. Chairman's opening remarks.
2. Organization.
3. Membership.
4. Goals and plans.
5. Other business.
6. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commit-

[1] See 43 FR 5572, Feb. 9, 1978.

[1] In Docket No. 16073, 22 FCC 2d 716 (1969), the Commission decided that no more than one licensee may be authorized to operate at any given location. Id. at 720.

tee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, 202-632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-4676 Filed 2-21-78; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1607]

### NORMA E. SANCHEZ

#### Reinstatement of License

By Federal Maritime Commission Order served and published in the FEDERAL REGISTER, Norma E. Sanchez's Independent Ocean Freight Forwarder License No. 1607 was revoked, effective December 24, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was served January 23, 1978.

An appropriate surety bond has been received in favor of Norma E. Sanchez and compliance pursuant to section 44, Shipping Act, 1916, and section 510.9 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) section 5.01(a), dated August 8, 1977, Independent Ocean Freight Forwarder License No. 1607 shall be reissued to Norma E. Sanchez, effective December 23, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Norma E. Sanchez.

LEROY F. FULLER,
*Director, Bureau of Certification and Licensing.*

[FR Doc. 78-4709 Filed 2-21-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE BOARD

### FIRST BANCORP, INC.

#### Acquisition of Bank

First Bancorp, Inc., Corsicana, Tex., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Clifton Bank, Clifton, Tex. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 9, 1978.

Board of Governors of the Federal Reserve System, February 14, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4695 Filed 2-21-78; 8:45 am]

[6210-01]

### NORTHERN INVESTMENT CO.

#### Formation of Bank Holding Company

Northern Investment Company, Fort Collins, Colo. has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Northern Bank & Trust, Fort Collins, Colo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Northern Investment Company, Fort Collins, Colo., has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to engage in the sale of credit related insurance. Notice of the application was published on January 18, 1978, in the *Golden Triangle Review*, a newspaper circulated in Fort Collins, Colo.

Applicant states that it would engage in the activities of selling credit related insurance, such as credit life and credit accident and health insurance to persons borrowing from Northern Bank & Trust, Fort Collins, Colo. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 8, 1978.

Board of Governors of the Federal Reserve System, February 15, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4696 Filed 2-21-78; 8:45 am]

[6820-24]

## GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-460]

### FEDERAL PROPERTY MANAGEMENT REGULATIONS

#### Subject: Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Maryland Public Service Commission involving the application of the Baltimore Gas & Electric Co. for revisions in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
*Administrator of General Services.*

FEBRUARY 9, 1978.

[FR Doc. 78-4594 Filed 2-21-78; 8:45 am]





[4110-39]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### National Institute of Education

### INFORMATION AND DATA ACQUISITION ACTIVITY

#### Collection; Opportunity for Comments

Pursuant to Section 406g(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Institute of Education is proposing an information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity as described below is also subject to review by the HEW Education Data Acquisition Council.

Written comments on the proposed activities are invited. Comments should refer to the form number and must be received on or before March 24, 1978, and should be addressed to the Administrator, National Center for Education Statistics ATTN: Management Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Further information may be obtained from the Project Officer, Berlin L. Kelly, School Capacity for Problem Solving Group, National Institute of Education, 202-254-6090.

Dated: February 17, 1978.

RICHARD S. WERKSMAN,
*Forms Clearance Officer, National Institute of Education.*

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Study of the impact of parent advisory councils on the management and administration of Title I programs at the local level.

2. AGENCY/BUREAU/OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER NIE 189

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"(e)(1) In order to carry out the objectives of the Institute, the Director is authorized • • • to conduct educational research; collect and disseminate findings of educational research; • • • assist and foster such research, collection, dissemination • • • through grants • • • or jointly financed cooperative arrangements with public or private organizations • • •." (Sec. 405(e)(1) of the General Education Provisions Act as amended; 20 U.S.C. 1221e.)

"(a)(1) • • • the Institute shall undertake a thorough evaluation and study of compensatory education programs, including • • • such programs conducted under title I of the Elementary and Secondary Education Act of 1965. Such study shall include • • • an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes.

"(c) The Institute shall make interim reports to the President and to the Congress not later than December 31, 1976 and September 30, 1977, and shall make a final report thereto no later than September 30, 1978, on the result of its study conducted under this section." (Secs. 821(a)(1) and (c) of the Education Amendments of 1974 as amended; 20 U.S.C. 1221e.)

5. VOUNTARY OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

*Congressional Mandates.* The information, as part of the compensatory education study, will assist the National Institute of Education in meeting its Congressional mandates. Data will be used in drafting required final report.

*Institute policy planning.* Data collected will further Institute policy planning and development regarding the role of Parent Advisory Councils (PAC's) in Title I, ESEA. An analytical report will address questions of current interest to policy-makers in NIE, Federal, State, and local education agencies, and non-governmental entities. These questions include: The nature of State Education Agency (SEA) and Local Education Agency (LEA) contexts for PAC involvement; the number and character of PAC management responsibilities and activities; the characteristics of PAC membership; the nature of PAC recruitment procedures; the role of external constituencies in the actions performed by PAC's; and the role of PAC's in decision-making regarding Title I.

*Research.* The study will improve the research base for future work regarding Parent Advisory Councils by providing comprehensive information about their actions in a small number of school districts. Hypotheses pertaining to the dynamics of Parent Advisory Councils will be offered for exploration by other researchers.

*Communities concerned with parent involvement.* The data will provide support for actions taken by groups and agencies concerned with parent involvement in the Title I Program. The groups and agencies include, but are not limited to, Federal, State, and local education agencies, Parent Advisory Councils, and organizations supporting parent involvement in education. The report will be made available to such groups and agencies upon request.

7. DATA ACQUISITION PLAN

a. Method of Collection: Personal Interviews.

b. Time of Collection: Spring, 1978.

c. Frequency: Single time.

8. RESPONDENTS

a. Type: LEA Central Office and Title I Staff.

b. Number: Sample (32).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: District Title I Parent Advisory Council Members.

b. Number: Sample (29).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: Title I Principals.

b. Number: Sample (38).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: School-Level Title I Parent Advisory Council Chairpersons.

b. Number: Sample (38).

c. Estimated Person-Hours Per Respondent: 0.75.

9. INFORMATION TO BE COLLECTED

The study will seek information about the role of Parent Advisory Councils in Title I. Information will be sought about SEA and LEA orientations toward PAC involvement, PAC management responsibilities and activities, PAC interactions with other organizations, PAC recruitment and characteristics, and PAC role in the management and administration of Title I programs.

[FR Doc. 78-4815 Filed 2-21-78; 8:45 am]

[4110-92]

**Office of Human Development Services**

[Program Announcement No. 13629-783]

## REHABILITATION SHORT-TERM TRAINING PROJECTS OF REGIONAL SCOPE

**Announcement of Grants for Fiscal Year 1978**

The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted until April 21, 1978, from State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education, wishing to compete for grants in fiscal year 1978 under the Rehabilitation Short-Term Training Grant Program of Regional Scope, authorized by section 203 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and considered for an award.

Regulations governing rehabilitation short-term training were published in the FEDERAL REGISTER in Subpart A and Subpart E, Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362) on November 25, 1975.

Scope of this Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Rehabilitation Short-Term Training Program of Regional Scope for Fiscal Year 1978.

### A. PROGRAM PURPOSE

The purpose of short-term training grants in vocational rehabilitation is to improve the professional practice skills of vocational rehabilitation workers serving the severely physically and mentally disabled.

### B. ELIGIBLE APPLICANTS

Applications may be submitted by State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

### C. AVAILABLE FUNDS

$1 million is available nationally for rehabilitation short-term training grants of regional scope in fiscal year 1978. The availability of funds within each region is indicated below. All projects to be funded are new and Federal funding is limited to projects which will extend no more than 12 months. It is expected that approximately 60 grants will be awarded and the amount of the grants will range from $7,500 to $50,000.

### D. PROGRAM OBJECTIVES AND PRIORITIES FOR FUNDING

1. Rehabilitation short-term training of regional scope includes workshops, institutes, seminars, or other short-term training courses designed for the direct training of employees of State vocational rehabilitation agencies or employees of cooperating vocational rehabilitation agencies or facilities, or other individuals with a special interest in the vocational rehabilitation of the severely physically and mentally disabled. Trainees participating within a regional short-term training course are limited to those residing within a geographical region designated by the Department of Health, Education, and Welfare.

2. In fiscal year 1978 the following program priorities have been identified for short-term training of regional scope:

#### REGION I ($80,000)

(a) Case recording and documentation;
(b) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program;
(c) Rehabilitation of the SSI-SSDI Client;
(d) Program and financial management; and
(e) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973.

#### REGION II ($100,000)

(a) Case recording and documentation;
(b) Vocational rehabilitation of the severely disabled;
(c) Techniques of daily living;
(d) Job placement for the severely handicapped;
(e) Vocational rehabilitation services for disabled veterans;
(f) The rehabilitation of the homebound severely disabled;
(g) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973;
(h) Program and financial management;
(i) Program evaluation;
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;
(k) Removal of architectural and transportation barriers;
(l) Research utilization in vocational rehabilitation; and
(m) Supervision in vocational rehabilitation.

#### REGION III ($100,000)

(a) Program evaluation;
(b) Rehabilitation of the deaf and deaf-blind;
(c) The use of similar benefits in vocational rehabilitation;
(d) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973, as amended; and
(e) The rehabilitation of the homebound severely disabled.

#### REGION IV ($150,000)

(a) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program;
(b) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;
(c) Techniques of daily living;
(d) Program and financial management;
(e) Special problems in the vocational rehabilitation of the deaf and hard-of-hearing;
(f) The rehabilitation of the homebound severely disabled;
(g) Program evaluation;
(h) Job placement for the severely handicapped;
(i) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973; and
(j) Supervision in vocational rehabilitation.

#### REGION V ($140,000)

(a) Job placement for the severely handicapped;
(b) Vocational rehabilitation of the severely disabled;
(c) Research utilization in vocational rehabilitation;
(d) The implementation of the Randolph-Sheppard Act;
(e) The rehabilitation of the homebound severely disabled;
(f) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973;
(g) Vocational rehabilitation service delivery in urban areas;
(h) Program evaluation;
(i) The rehabilitation of handicapped migratory agricultural workers; and
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;

#### REGION VI ($115,000)

(a) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973;
(b) Vocational rehabilitation of the industrially injured;
(c) Supervision in vocational rehabilitation;
(d) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973 and in interagency cooperation in the rehabilitation of severely handicapped youth;
(e) Rehabilitation of the blind and visually impaired;
(f) Rehabilitation of the SSI-SSDI client;
(g) Case recording and documentation;
(h) Job placement of the severely handicapped;
(i) Vocational rehabilitation service delivery in rural areas;
(j) Rehabilitation of the severely disabled; and
(k) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program.

#### REGION VII ($80,000)

(a) Vocational rehabilitation role in implementation of Title V of the Rehabilitation Act of 1973, as amended;
(b) The implementation of the Randolph-Sheppard Act;
(c) Program evaluation;
(d) Program and financial management;
(e) Removal of architectural and transportation barriers; and
(f) Vocational rehabilitation of the industrially injured.

#### REGION VIII ($70,000)

(a) Special problems in the vocational rehabilitation of the deaf and hard of hearing;





(b) Special problems in the vocational rehabilitation of the blind and visually handicapped;
(c) Special problems in cancer rehabilitation;
(d) The rehabilitation of handicapped migratory agricultural workers;
(e) Vocational rehabilitation service delivery in rural areas;
(f) Job placement for the severely handicapped;
(g) Rehabilitation of the SSI-SSDI client;
(h) The rehabilitation of the homebound severely disabled;
(i) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973;
(j) Program and financial management;
(k) Program evaluation;
(l) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program; and
(m) Supervision in vocational rehabilitation.

#### REGION IX ($95,000)

(a) Special problems in vocational rehabilitation of the mentally ill;
(b) Vocational rehabilitation of the severely disabled;
(c) Job placement for the severely handicapped;
(d) Program evaluation as an element in program and financial management;
(e) Vocational rehabilitation's role in the implementation of Title V of the Rehabilitation Act of 1973; and
(f) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program.

#### REGION X ($70,000)

(a) Case recording and documentation;
(b) Special problems in cardiac rehabilitation;
(c) Special problems in rehabilitation of cerebral palsy;
(d) Special problems in the vocational rehabilitation of the deaf and hard of hearing;
(e) Special problems in the vocational rehabilitation of the blind and visually handicapped;
(f) Vocational rehabilitation service delivery in rural areas;
(g) Job placement for the severely handicapped;
(h) Vocational rehabilitation's role in the implementation of Title V of the Rehabilitation Act of 1973;
(i) Program and financial management;
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program; and
(k) Research utilization in vocational rehabilitation.

Applications in areas other than those listed above will also be reviewed and evaluated but will be considered only to the extent that funds are available after applications submitted under priority training areas have been considered.

### E. GRANTEE SHARE OF PROJECT

It is expected that grantees will provide some of the total project costs. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q. Institutions of higher learning and other nonprofit institutions may consider actual indirect costs in excess of the 8 percent allowed on training grants as part of the grantee contribution to the project.

### F. THE APPLICATION PROCESS

*OMB Circular A-95 Clearinghouse Notice.* Applicants for rehabilitation short-term training grants of regional scope are not routinely required to notify the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. States are authorized to extend the project notification and review procedures of OMB Circular A-95 to include training grants. If the applicant's State has extended the coverage of OMB Circular A-95 to this program, however, the clearinghouse procedures must be observed.

*State Vocational Rehabilitation Agency Review.* Applicants are advised to consult with their State vocational rehabilitation agency in the initial stages of application development. Applications submitted under this program are not expected to have State vocational rehabilitation agency approval before submission to the Rehabilitation Services Administration. State vocational rehabilitation agencies are requested to review and comment on the application after formal submission.

*Application Submission.* In order to be considered for a rehabilitation short-term training grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner, Rehabilitation Services Administration, in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for the Rehabilitation Short-Term Training Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two copies of all completed applications should be submitted to the Regional Office official designated in the application kit.

*Application Consideration.* The Regional Director, Office of Rehabilitation Services determines the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified non-Federal consultants experienced in the training of rehabilitation personnel. The Regional Director takes into account the competitive review by the non-Federal consultants, the comments of the State vocational rehabilitation agencies, and the Rehabilitation Services Administration Regional Office program staff, in reaching a decision on each competing application.

After the Regional Director, Office of Rehabilitation Services has reached a decision either to disappove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

*Grant Awards.* The Regional Director, Office of Rehabilitation Services makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded which sets forth in writing the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation. The initial award also specifies the project period for which support is contemplated.

### G. CRITERIA FOR REVIEW AND EVALUATION OF GRANT APPLICATIONS

All applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. The relevance of the content of the proposed short-term training to the administratively established objectives of the public rehabilitation program, the objectives of the Rehabilitation Act of 1973, as amended, the objectives of the rehabilitation short-term training program of regional scope, and the fiscal year 1978 priorities for rehabilitation short-term training;

2. The qualifications of the instructional staff and the facilities and resources of the applicant organization;

3. The reasonableness of the budget in relation to the proposed project and the anticipated results;

4. The methodology to be employed in implementing the project and its feasibility for the achievement of the established educational objectives;

5. The financial and other resources of the applicant for accomplishing the objectives of the training project and how much the applicant plans to contribute to the total cost of the project;

6. The criteria to be used for the selection of individuals to whom traineeships are to be awarded;

7. Evidence that the training institution is architecturally accessible to the handicapped;

8. Where appropriate, evidence of current accreditation by the designated accrediting agency;

9. The extent to which application instructions are adequately addressed,

including both the narrative statement and budget justification;

10. The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure the achievement of the objectives of the training program; and

11. The evidence of a working relationship with an appropriate State vocational rehabilitation agency and other agencies providing vocational rehabilitation services.

H. CLOSING DATE FOR RECEIPT OF APPLICATIONS

Applications are due by close of business on April 21, 1978. Applications will be judged on time if:

1. The application was sent by registered of certified mail not later than April 21, 1978, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, the Office of Human Development Services or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than close of business April 21, 1978, in any case.

I. LATE APPLICATIONS

Applications received after the closing date are not accepted and applicants are notified accordingly.

J. AVAILABILITY OF APPLICATION FORMS

Application kits which contain the prescribed application forms and information for the applicant, including each regional office fiscal year 1978 plan for Rehabilitation Short-Term Training of Regional Scope with a description of each priority training area, may be obtained from:

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Room 2011, Government Center, Boston, Mass. 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 26 Federal Plaza, Room 4106, New York, N.Y. 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, P.O. Box 13716, Philadelphia, Pa. 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 101 Marietta Street NW., Suite 903, Atlanta, Ga. 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 31st Floor, Chicago, Ill. 60606.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Fidelity Union Life Building, Room 340, 1511 Bryan Street, Dallas, Tex. 75201.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare,601 East 12th Street, Room 384, Kansas City, Mo. 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 11037, 19th and Stout Streets, Denver, Colo. 80294.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 United Nations Plaza, San Francisco, Calif. 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Wash. 98101.

(29 U.S.C. 763.)

(Catalog of Federal Domestic Assistance No. 13.629, Rehabilitation Training.)

Dated: February, 7, 1978.

ROBERT R. HUMPHREYS,
*Commissioner, Rehabilitation Services Administration.*

Approved: February 14, 1978.

ARABELLA MARTINEZ,
*Assistant Secretary for Human Development Services.*

[FR Doc. 78-4661 Filed 2-21-78; 8:45 am]

[4110-85]

**Office of the Secretary**

**NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL**

**Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: March 13, 1978 (10 a.m. to 5 p.m.) March 14, 1978 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Inependence Avenue SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Health Practice Assessment, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

Dated: February 1, 1978.

WILLIAM B. MUNIER,
*Executive Secretary, National Professional Standards Review Council.*

[FR Doc. 78-4595 Filed 2-21-78; 8:45 am]

[4210-01]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Secretary**

[Docket No. N-78-843]

**ANNUAL REVIEW OF FEDERAL ADVISORY COMMITTEES**

**Invitation for Public Comment**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice requesting public comment.

SUMMARY: The Office of Organization and Management Information, Assistant Secretary for Administration has been assigned the duty of reviewing the functions and effectiveness of HUD-chartered Federal advisory committees in accordance with the Federal Advisory Committee Act. As part of the review process, public comment is invited, and will be considered in the formulation of HUD's recommendations for continuation or termination of the following committees:

1. National Mobile Home Advisory Council.[1]
2. *Task Force on Housing Costs.[2]
3. *Task Force on Tenant Participation in the Management of Low-Income Public Housing.[3]

DATE: Written public comments should be submitted by March 7, 1978, to the Rules Docket Clerk.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR ADDITIONAL INFORMATION CONTACT:

Douglas C. Brooks, Departmental Committee Management Officer, 202-755-5208, or Donald K. McLain, Committee Management Staff Contact, 202-755-5333.

SUPPLEMENTARY INFORMATION: The recommendations in the annual review will be based on the following factors:

(1) The number of times the committee has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the committee in the past year.

(3) A description of how the committee's reports, recommendations, or advice have been used in agency policy formulations, program planning, decisionmaking, achieving economies, etc.

(4) An explanation of why the recommendations or information cannot be obtained from other sources, elsewhere within the agency, from other agencies or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within the agency, or with other agencies.

(6) The relationship of the cost of the committee to the reports, recommendations, or information provided.

(7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced—the views, areas of expertise, etc., included.

The public is invited to comment on these, or any other relevant factors for consideration in the final recommendations.

(Federal Advisory Committee Act, Pub. L. 92-463; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 17, 1978.

WILLIAM A. MEDINA,
*Assistant Secretary for Administration.*

[FR Doc. 78-4830 Filed 2-21-78; 8:45 am]

[1] The National Mobile Home Advisory Council advises the Department to the extent feasible prior to the establishment, amendment or revocation of any mobile home construction or safety standard.

[2] The Task Force on Housing Costs reviews the factors affecting the cost of houring to the consumer; considers possible actions the Federal Government, especially the Department of Housing and Urban Development, might take to reduce such costs; and makes recommendations to the Secretary concerning such actions.

[3] The Task Force on Tenant Participation in the Management of Low-Income Public Housing reviews and considers alternative recommendations to the Secretary concerning the development of a comprehensive regulation which will govern tenant participation in the management of low-income public housing assisted by the Department.

*Indicates a committee established for a specified duration. Both committees thus indicated are scheduled to expire during calendar year 1978.

[4310-84]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**OUTER CONTINENTAL SHELF OFF THE SOUTH ATLANTIC COAST**

**Proposed Oil and Gas Lease Sale No. 43, March 28, 1978**

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331—1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids for the oil and gas lease sale on tracts described in paragraph 13 herein, will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, only by personal delivery to the De Soto Hilton Hotel, 15 East Liberty Street, Savannah, Ga. 31401, between the hours of 8 to 9:30 a.m., e.s.t., March 28, 1978. Bids received by the Manager other than the times and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., March 28, 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 42 FR 54881, October 11, 1977.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., March 28, 1978," must be submitted for each tract. A suggested bid format appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on OCS Official Protraction Diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash, or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents required of bidders are listed under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Cash Bonus Bids With a Fixed Sliding Scale Royalty.* Bids on tracts 43-57 through 43-67, 43-146 through 43-148, 43-155 through 43-158, 43-162 through 43-166, and 43-169 through 43-225 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale royalty formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than $1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million dollars by which the adjusted quarterly value of production exceeds $1.5 million. In no instance will the royalty due exceed 50 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places. (For example, 19.75341 percent.)

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less than or equal to 1.5, then $R=16.66667$;

(2) If V is greater than 1.5, then $R=16.66667+(V-1.5)$;

(3) If R calculated from equation (2) is greater than 50, then R = 50.

Where: V = the quarterly value of production, adjusted for inflation, in millions of dollars, rounded to the fifth digit past the decimal point; R = the percent royalty that is due and payable in amount or value of all production saved, removed or sold.

The sliding scale royalty formula is illustrated in Figure 1.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation using the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date.

TABLE 1.—*Hypothetical quarterly royalty calculations*

| (1) Actual value of quarterly production (millions of dollars) | (2) GNP fixed weight price index | (3) Inflation factor[1] | (4) Adjusted value of quarterly production[2] (millions of dollars) | (5) Percent royalty rate (R) | (6) Royalty payment[3] (millions of dollars) |
|---|---|---|---|---|---|
| 1.5 | 197 | 1.35 | 1.11 | 16.66667 | .2500 |
| 3.0 | 197 | 1.35 | 2.22 | 17.38667 | .5216 |
| 4.5 | 197 | 1.35 | 3.33 | 18.49667 | .8324 |
| 6.0 | 197 | 1.35 | 4.44 | 19.60667 | 1.1764 |
| 12.0 | 197 | 1.35 | 6.89 | 24.05667 | 2.8868 |
| 24.0 | 197 | 1.35 | 17.78 | 32.94667 | 7.9072 |
| 48.0 | 197 | 1.35 | 35.56 | 50.00000 | 24.0000 |
| 65.0 | 197 | 1.35 | 48.15 | 50.00000 | 32.5000 |
| 1.5 | 219 | 1.50 | 1.00 | 16.66667 | .2500 |
| 3.0 | 219 | 1.50 | 2.00 | 17.16667 | .5150 |
| 4.5 | 219 | 1.50 | 3.00 | 18.16667 | .8175 |
| 6.0 | 219 | 1.50 | 4.00 | 19.16667 | 1.1500 |
| 12.0 | 219 | 1.50 | 8.00 | 23.16667 | 2.7800 |
| 24.0 | 219 | 1.50 | 16.00 | 31.16667 | 7.4800 |
| 48.0 | 219 | 1.50 | 32.00 | 47.16666 | 22.6400 |
| 65.0 | 219 | 1.50 | 43.33 | 50.00000 | 32.5000 |

[1] Col. (2) divided by 146 (assumed value of GNP fixed weighted price index at time leases are issued).
[2] Col. (1) divided by col. (3).
[3] Col. (1) times col. (5); all values are rounded.

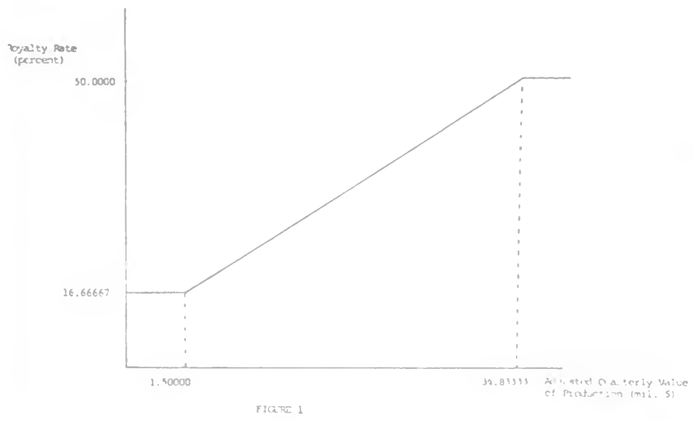


FIGURE 1

Table 1 provides hypothetical examples of quarterly royalty calculations using the above formula under two different price index values. Calculated royalty rates vary from 16.66667 to 50 percent to illustrate the range of the hypothetical royalty schedule.

Leases awarded on the basis of a cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $8 per hectare or franction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

A suggested bid form is shown in paragraph 17 of this Notice.

5. *Bonus Bidding.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $8 per hectare or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17.





6. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., e.s.t., March 28, 1978, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. *Bid Opening.* Bids will be opened on March 28, 1978, beginning at 10 a.m., e.s.t., in the De Soto Hilton Hotel at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March 28, 1978, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. *Deposit of Payments.* Any cash, cashier's checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction Diagrams.* Tracts offered for lease may be located on the following Outer Continental Shelf Official Protraction Diagrams which may be purchased for $2 each from the Manager, New Orleans Outer Continental Shelf (OSC) Office, Bureau, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130.

(1) NI 17-12, James Island;
(2) NH 17-2, Brunswick;
(3) NH 17-5, Jacksonville.

13. *Tract Descriptions.* The tracts offered for bid are as follows:

NOTE.—There is a gap in the sequence of the numbers of the tracts listed. One of the blocks identified in the final environmental statement is not included in this notice.

OCS OFFICIAL PROTRACTION DIAGRAM, JAMES ISLAND, NI 17-12

(Approved June 11, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-1 | 115 | All | 2,304 |
| 43-2 | 153 | All | 2,304 |
| 43-3 | 154 | All | 2,304 |
| 43-4 | 159 | All | 2,304 |
| 43-5 | 160 | All | 2,304 |
| 43-6 | 197 | All | 2,304 |
| 43-7 | 198 | All | 2,304 |
| 43-8 | 199 | All | 2,304 |
| 43-9 | 203 | All | 2,304 |
| 43-10 | 204 | All | 2,304 |
| 43-11 | 241 | All | 2,304 |
| 43-12 | 242 | All | 2,304 |
| 43-13 | 243 | All | 2,304 |
| 43-14 | 244 | All | 2,304 |
| 43-15 | 245 | All | 2,304 |
| 43-16 | 246 | All | 2,304 |
| 43-17 | 247 | All | 2,304 |
| 43-18 | 285 | All | 2,304 |
| 43-19 | 286 | All | 2,304 |
| 43-20 | 287 | All | 2,304 |
| 43-21 | 288 | All | 2,304 |
| 43-22 | 289 | All | 2,304 |
| 43-23 | 290 | All | 2,304 |
| 43-24 | 291 | All | 2,304 |
| 43-25 | 292 | All | 2,304 |
| 43-26 | 329 | All | 2,304 |
| 43-27 | 330 | All | 2,304 |
| 43-28 | 331 | All | 2,304 |
| 43-29 | 332 | All | 2,304 |
| 43-30 | 333 | All | 2,304 |
| 43-31 | 334 | All | 2,304 |
| 43-32 | 335 | All | 2,304 |
| 43-33 | 336 | All | 2,304 |
| 43-34 | 373 | All | 2,304 |
| 43-35 | 374 | All | 2,304 |
| 43-36 | 375 | All | 2,304 |
| 43-37 | 376 | All | 2,304 |
| 43-38 | 377 | All | 2,304 |
| 43-39 | 378 | All | 2,304 |
| 43-40 | 379 | All | 2,304 |
| 43-42 | 417 | All | 2,304 |
| 43-43 | 418 | All | 2,304 |
| 43-44 | 419 | All | 2,304 |
| 43-45 | 420 | All | 2,304 |
| 43-46 | 421 | All | 2,304 |
| 43-47 | 422 | All | 2,304 |
| 43-48 | 423 | All | 2,304 |
| 43-49 | 462 | All | 2,304 |
| 43-50 | 463 | All | 2,304 |
| 43-51 | 464 | All | 2,304 |
| 43-52 | 843 | All | 2,304 |
| 43-53 | 844 | All | 2,304 |
| 43-54 | 886 | All | 2,304 |
| 43-55 | 887 | All | 2,304 |
| 43-56 | 888 | All | 2,304 |

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK, NH 17-2

(Approved Apr. 29, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-57 | 256 | All | 2,304 |
| 43-58 | 299 | All | 2,304 |

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK, NH 17-2—Continued

(Approved Apr. 29, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-59 | 300 | All | 2,304 |
| 43-60 | 301 | All | 2,304 |
| 43-61 | 342 | All | 2,304 |
| 43-62 | 343 | All | 2,304 |
| 43-63 | 344 | All | 2,304 |
| 43-64 | 345 | All | 2,304 |
| 43-65 | 387 | All | 2,304 |
| 43-66 | 388 | All | 2,304 |
| 43-67 | 389 | All | 2,304 |
| 43-68 | 608 | All | 2,304 |
| 43-69 | 609 | All | 2,304 |
| 43-70 | 610 | All | 2,304 |
| 43-71 | 611 | All | 2,304 |
| 43-72 | 651 | All | 2,304 |
| 43-73 | 652 | All | 2,304 |
| 43-74 | 653 | All | 2,304 |
| 43-75 | 895 | All | 2,304 |
| 43-76 | 896 | All | 2,304 |
| 43-77 | 739 | All | 2,304 |
| 43-78 | 740 | All | 2,304 |
| 43-79 | 781 | All | 2,304 |
| 43-80 | 782 | All | 2,304 |
| 43-81 | 783 | All | 2,304 |
| 43-82 | 784 | All | 2,304 |
| 43-83 | 825 | All | 2,304 |
| 43-84 | 826 | All | 2,304 |
| 43-85 | 827 | All | 2,304 |
| 43-86 | 868 | All | 2,304 |
| 43-87 | 869 | All | 2,304 |
| 43-88 | 870 | All | 2,304 |
| 43-89 | 871 | All | 2,304 |
| 43-90 | 872 | All | 2,304 |
| 43-91 | 873 | All | 2,304 |
| 43-92 | 874 | All | 2,304 |
| 43-93 | 911 | All | 2,304 |
| 43-94 | 912 | All | 2,304 |
| 43-95 | 913 | All | 2,304 |
| 43-96 | 914 | All | 2,304 |
| 43-97 | 915 | All | 2,304 |
| 43-98 | 916 | All | 2,304 |
| 43-99 | 917 | All | 2,304 |
| 43-100 | 918 | All | 2,304 |
| 43-101 | 920 | All | 2,304 |
| 43-102 | 953 | All | 2,304 |
| 43-103 | 954 | All | 2,304 |
| 43-104 | 956 | All | 2,304 |
| 43-105 | 956 | All | 2,304 |
| 43-106 | 957 | All | 2,304 |
| 43-107 | 958 | All | 2,304 |
| 43-108 | 959 | All | 2,304 |
| 43-109 | 960 | All | 2,304 |
| 43-110 | 961 | All | 2,304 |
| 43-111 | 962 | All | 2,304 |
| 43-112 | 963 | All | 2,304 |
| 43-113 | 964 | All | 2,304 |
| 43-114 | 993 | All | 2,304 |
| 43-115 | 994 | All | 2,304 |
| 43-116 | 997 | All | 2,304 |
| 43-117 | 998 | All | 2,304 |
| 43-118 | 999 | All | 2,304 |
| 43-119 | 1000 | All | 2,304 |
| 43-120 | 1001 | All | 2,304 |
| 43-121 | 1002 | ALL | 2,304 |
| 43-122 | 1003 | ALL | 2,304 |
| 43-123 | 1004 | ALL | 2,304 |
| 43-124 | 1005 | ALL | 2,304 |
| 43-125 | 1006 | ALL | 2,304 |
| 43-126 | 1007 | ALL | 2,304 |

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5

(Approved Apr. 29, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-127 | 25 | ALL | 2,304 |
| 43-128 | 26 | ALL | 2,304 |
| 43-129 | 27 | ALL | 2,304 |
| 43-130 | 28 | ALL | 2,304 |
| 43-131 | 29 | ALL | 2,304 |
| 43-132 | 30 | ALL | 2,304 |
| 43-133 | 33 | ALL | 2,304 |
| 43-134 | 34 | ALL | 2,304 |
| 43-135 | 35 | ALL | 2,304 |





OCS OFFICIAL PROTRACTION DIAGRAM,

OCS OFFICIAL PROTRACTION DIAGRAM,

In the following stipulations the



termine if indications are present suggesting

trawling gear, and other uses as determined

invitees, independent contractors or subcon-

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5—Continued

(Approved Apr. 29, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-136 | 36 | ALL | 2,304 |
| 43-137 | 37 | ALL | 2,304 |
| 43-138 | 38 | ALL | 2,304 |
| 43-139 | 68 | ALL | 2,304 |
| 43-140 | 69 | ALL | 2,304 |
| 43-141 | 70 | ALL | 2,304 |
| 43-142 | 71 | ALL | 2,304 |
| 43-143 | 72 | ALL | 2,304 |
| 43-144 | 73 | ALL | 2,304 |
| 43-145 | 74 | ALL | 2,304 |
| 43-146 | 76 | ALL | 2,304 |
| 43-147 | 77 | ALL | 2,304 |
| 43-148 | 78 | ALL | 2,304 |
| 43-149 | 81 | ALL | 2,304 |
| 43-150 | 114 | ALL | 2,304 |
| 43-151 | 115 | ALL | 2,304 |
| 43-152 | 116 | ALL | 2,304 |
| 43-153 | 117 | ALL | 2,304 |
| 43-154 | 118 | ALL | 2,304 |
| 43-155 | 120 | ALL | 2,304 |
| 43-156 | 121 | ALL | 2,304 |
| 43-157 | 122 | ALL | 2,304 |
| 43-158 | 123 | ALL | 2,304 |
| 43-159 | 158 | ALL | 2,304 |
| 43-160 | 159 | ALL | 2,304 |
| 43-161 | 160 | ALL | 2,304 |
| 43-162 | 164 | ALL | 2,304 |
| 43-163 | 165 | ALL | 2,304 |
| 43-164 | 166 | ALL | 2,304 |
| 43-165 | 167 | ALL | 2,304 |
| 43-166 | 168 | ALL | 2,304 |
| 43-167 | 202 | ALL | 2,304 |
| 43-168 | 203 | ALL | 2,304 |
| 43-169 | 207 | ALL | 2,304 |
| 43-170 | 208 | ALL | 2,304 |
| 43-171 | 209 | ALL | 2,304 |
| 43-172 | 210 | ALL | 2,304 |
| 43-173 | 211 | ALL | 2,304 |
| 43-174 | 250 | ALL | 2,304 |
| 43-175 | 251 | ALL | 2,304 |
| 43-176 | 252 | ALL | 2,304 |
| 43-177 | 253 | ALL | 2,304 |
| 43-178 | 293 | ALL | 2,304 |
| 43-179 | 294 | ALL | 2,304 |
| 43-180 | 295 | ALL | 2,304 |
| 43-181 | 296 | ALL | 2,304 |
| 43-182 | 339 | ALL | 2,304 |
| 43-183 | 345 | ALL | 2,304 |
| 43-184 | 382 | ALL | 2,304 |
| 43-185 | 383 | ALL | 2,304 |
| 43-186 | 384 | ALL | 2,304 |
| 43-187 | 389 | ALL | 2,304 |
| 43-188 | 390 | ALL | 2,304 |
| 43-189 | 426 | ALL | 2,304 |
| 43-190 | 427 | ALL | 2,304 |
| 43-191 | 428 | ALL | 2,304 |
| 43-192 | 431 | ALL | 2,304 |
| 43-193 | 432 | ALL | 2,304 |
| 43-194 | 433 | ALL | 2,304 |
| 43-195 | 434 | ALL | 2,304 |
| 43-196 | 470 | ALL | 2,304 |
| 43-197 | 471 | ALL | 2,304 |
| 43-198 | 472 | ALL | 2,304 |
| 43-199 | 475 | ALL | 2,304 |
| 43-200 | 476 | ALL | 2,304 |
| 43-201 | 477 | ALL | 2,304 |
| 43-202 | 478 | ALL | 2,304 |
| 43-203 | 519 | ALL | 2,304 |
| 43-204 | 520 | ALL | 2,304 |
| 43-205 | 521 | ALL | 2,304 |
| 43-206 | 557 | ALL | 2,304 |
| 43-207 | 558 | ALL | 2,304 |
| 43-208 | 559 | ALL | 2,304 |
| 43-209 | 562 | ALL | 2,304 |
| 43-210 | 563 | ALL | 2,304 |
| 43-211 | 564 | ALL | 2,304 |
| 43-212 | 565 | ALL | 2,304 |
| 43-213 | 601 | ALL | 2,304 |
| 43-214 | 602 | ALL | 2,304 |
| 43-215 | 606 | ALL | 2,304 |
| 43-216 | 607 | ALL | 2,304 |
| 43-217 | 608 | ALL | 2,304 |
| 43-218 | 609 | ALL | 2,304 |
| 43-219 | 650 | ALL | 2,304 |
| 43-220 | 651 | ALL | 2,304 |
| 43-221 | 652 | ALL | 2,304 |
| 43-222 | 653 | ALL | 2,304 |

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5—Continued

(Approved Apr. 29, 1975)

| Tract No. | Block | Description | Hectares |
|---|---|---|---|
| 43-223 | 696 | ALL | 2,304 |
| 43-224 | 740 | ALL | 2,304 |
| 43-225 | 784 | ALL | 2,304 |

14. *Lease Terms and Stipulations.* Leases issued as a result of this sale will be on Form 3300-1 (December 1976), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 12. For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, Form 3300-1 will be amended as follows:

Sec. 3(b)(1) *Royalty on Production.* To pay the lessor a royalty of that precent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows.

When the quarterly value of production, adjusted for inflation, is less than or equal to $1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than $1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million dollars by which the adjusted quarterly value of production exceeds $1.5 million. In no instance will the royalty due exceed 50 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places. (For example, 19.75341 percent).

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less that or equal to 1.5, then $R=16.66667$;

(2) If V is greater than 1.5, then $R=16.66667+(V-1.5)$;

(3) If R calculated from equation (2) is greater than 50, then $R=50$.

Where:

V=the quarterly value of production adjusted for inflation in millions of dollars, rounded to the fifth digit past the decimal point;

R=the precent royalty that is due and payable in amount or value of all production saved, removed or sold.

Sec. 3(b)(3). When paid in value, royalties on production shall be due and payable monthly on the last day of the month next following the month in which the production is obtained, except that the Secretary may establish such other requirements for the timing of royalty payments as he determines are necessary. In no case will the royalty payments be required prior to the last day of the month next following the month in which production is obtained. Each such determination regarding the timing of royalty payments shall be made only after due notice to the Lessee and a reasonable opportunity has been afforded to the Lessee to be heard. When paid in production, . . . .

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

In the following stipulations the term Supervisor refers to the Atlantic Area Oil and Gas Supervisor for operations of the Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

*Stipulation No. 1*

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the Supervisor as part of his exploration and/or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum one-mile radius of the proposed exploration or production activity site.

For the purpose of this stipulation, live bottom areas are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the Supervisor photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas.

(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas.

(c) The transportation of drilling fluids and cuttings to approved disposal sites.

(d) The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

*Stipulation No. 2*

If the Supervisor, having reason to believe that a site, structure or object of historical or archaeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing survey as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased areas, he shall report immediately such findings to the Supervisor and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

*Stipulation No. 3*

The lessee shall conduct remote sensing and/or other surveys as specified by the Supervisor to determine the existence of any unexploded ordnance (munitions, mines, or bombs). The lessee's report to the Supervisor should document all indications of magnetic or sidescan sonar anomalies on the sea floor.

*Stipulation No. 4*

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an inter-governmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed:

All vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a).

*Stipulation No. 5*

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors, doing business with the lessee in connection with any activites being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56 and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225. The lessee assumes this risks whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents or employees. The lessee further agrees to indemnify and save harmless the Unites States against, and to defend at its own expense the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractor or subcontractors doing business with the lessee in connection with the programs and activities of the United States, its contractors or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the appropriate onshore military installation, Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56, and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight testing or operational activites, conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agent, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.'

(c) The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the appropriate onshore military installation, Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56, and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

*Stipulation No. 6*

Unless the lessee can demonstrate to the satisfaction of the Supervisor that it would not be in the interests of conservation, all reservoirs underlying this lease which extend into one, or more other leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on a method acceptable to him.

*Stipulation No. 7*

(a) (To be included only in leases resulting from this lease sale for tracts 43-25, 43-33, 43-40, 43-47, 43-46, 43-195, 43-202, 43-212, 43-218, and 43-222). Portions of these tracts may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure.

(b) (To be included only in leases resulting from this lease sale for tracts 43-97 and 43-98). Portions of this tract may contain a shallow "Bright Spot" seismic anomaly which may be indicative of a gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless the lessee can demonstrate to the Supervisor's satisfaction that a potential hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed or drilling plans designed to insure safe operations in the area above the anomaly.

*Stipulation No. 8*

(To be included in any leases resulting from this sale for the fixed sliding scale roy-

alty bidding tracts listed in paragraph 4 of this notice.)

(a) The fixed sliding scale royalty rate of production saved removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)), except that the Director, Geological Survey may approve an application for a reduction in fixed sliding scale royalty on this lease only when it is necessary in order to increase the ultimate recovery of oil and gas and in the interest of conservation. The Director may grant a reduction for only one year at a time. Reduction of fixed sliding scale rates will not be approved unless production has been underway for one year or more.

Although the fixed sliding scale royalty rates as determined from the formula in section 3(b)(1) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the leased area may be taken as fixed sliding scale royalty in amount, except as provided in section 6(c) of this lease; the fixed sliding scale royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the leased area.

*Stipulation No. 9*

Lessees shall comply with regulations which affect activities under this lease and which are promulgated under applicable statutes by other Federal agencies, including the Department of Energy, the Department of Transportation, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. State laws are applicable to the Outer Continental Shelf in accordance with 43 U.S.C. 1333(a)(2).

15. *Information to Lessees.* The Department of the Interior will seek the advice of the States of North Carolina, South Carolina, Georgia, and Florida and other Federal agencies, to identify areas of special concern which might require the burial of pipelines, appropriate protective measures for live bottom areas, and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM and the States, will require the lessee to undertake any measures deemed economically, environmentally, and technically feasible to protect live bottom areas.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any structures in or over any navigable waters of the United States pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and for artificial islands and fixed structures located on the Outer Continental Shelf in accordance with Section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333(f)). Corps of Engineers permits for discharge of dredged or fill material into the navigable waters may be required pursuant to 33 U.S.C. 1344.

Bidders are advised that the Secretary of the Interior has directed that a development stage environmental impact statement be prepared for the South Atlantic area. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

In applying safety, environmental, and conservation laws and regulations, the Supervisor will require the use of the best available and safest technology which is determined to be economically achievable. To the extent practicable, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

If nationally recommended routes for boat traffic lanes are established by the Coast Guard, lessees will be required to use them to transport supplies to the lease area.

The U.S. Congress is considering OCS Lands Act Amendments which would institute many new provisions in the leasing and administration of the resources on the OCS. Two of these provisions, (1) the Fishermen's Gear Compensation Fund, and (2) the Oil Spill Liability Fund will, if enacted, establish programs to repay damages and the costs of oil spills resulting from OCS activities. These funds may be supported by assessments levied on lessees and operators. Bidders are hereby notified that these and certain other provisions of the OCS Lands Act Amendments may apply to leases resulting from sale No. 43.

The Department's regulations found in 30 CFR and 43 CFR, as amended, are applicable to this lease sale. Recent amendments to these regulations are found in 42 FR 53956, October 4, 1977 (suspension of leases); 43 FR 3880, January 27, 1978 (oil and gas operations and oil and gas information program); and 43 FR 3892, January 27, 1978 (environmental assessment and oil and gas information program).

All bids, other than the highest bids, will be returned by the BLM to the bidder, as soon as possible, from the New Orleans OCS Office at the address stated in paragraph 12.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all South Atlantic Orders, as of their effective date.

17. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, New Orleans Outer Continental Shelf Office, in the following form:

All tracts offered for cash bonus bidding:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

| Tract No. | Total amount bid | Amount per hectare | Amount of cash bonus submitted with bid |
|---|---|---|---|
| | | | |

Proportionate interest of company(s) submitting bid

Qualification No. ..... % .....

Company

.....

Address

.....

Signature

(Please type signer's name under signature)

18. *Required Joint Bidders Statement.* In the case of joint bids, it is suggested that each joint bidder execute the following statement before a notary public and submit it with his bid:

JOINT BIDDER'S STATEMENT

I hereby certify that ———— (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature ————————————

(Please type signer's name under signature.)

Sworn to and subscribed before me this —— day of ———— 19——.

Notary Public ————————————

State of ————————————

County of ————————————

GEORGE L. TURCOTT,
*Acting Director,*
*Bureau of Land Management.*

Approved: February 14, 1978.

CECIL D. ANDRUS,
*Secretary of the Interior.*

[FR Doc. 78-4482 Filed 2-21-78; 8:45 am]





[4510-30]

## NATIONAL COMMISSION FOR MANPOWER POLICY

### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on March 10, 1978, in the Federal Room of the Capital Hilton Hotel, located at 16th and K Streets NW., Washington, D.C. The meeting will begin at 9 a.m. and adjourn at 5 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (P.O. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Comgress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda will cover a variety of issues concerned with the net employment effects of the public service employment programs of Title II and Title VI of the Comprehensive Employment and Training Act.

Members of the general public or other interested individuals may attend the Commission meeting. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written applications must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members of other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters located at 1522 K Street NW., Room 300, Washington, D.C.

Signed at Washington, D.C., this 15th day of February 1978.

ISABEL V. SAWHILL,
*Director, National Commission for Manpower Policy.*

[FR Doc. 78-4838 Filed 2-21-78; 8:45 am]

[7590-01]

## NUCLEAR REGULATORY COMMISSION

[Project Nos. P-657 and P-657A]

### NEW YORK STATE ELECTRIC & GAS CORP. AND LONG ISLAND LIGHTING CO.

### Receipt of Partial Application for Construction Permit and Facility License, Time for Submission of Views on Antitrust Matters

New York State Electric & Gas Corp. and the Long Island Lighting Co. (applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed one part of an application, dated January 10, 1978, in connection with their plans to construct and operate 2 pressurized water reactors at either the "New Haven" site, near Lake Ontario, or the "Stuyvesant" site, near the Hudson River in New York State. The designated site will be identified in the Preliminary Safety Analysis Report and Environmental Report, which are scheduled to be submitted in October and November 1978, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR 50, Appendix L.

A copy of the partial application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Project Nos. P-657 and P-657A have been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have their views on the antitrust matters of the application presented to the Attorney General for consideration or who desires additional information regarding the matter covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before April 24, 1978.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
*Chief, Light Water Reactors Branch No. 3 Division of Project Management.*

[FR Doc. 78-4538 Filed 2-21-78; 8:45 am]

[7590-01]

### REGULATORY GUIDE 1.104, "OVERHEAD CRANE HANDLING SYSTEMS FOR NUCLEAR POWER PLANTS"

### Public Meeting

The Offices of Standards Development and Nuclear Reactor Regulation will conduct a public meeting to discuss Regulatory Guide 1.104, "Overhead Crane Handling Systems For Nuclear Power Plants," which was published for comment on February 19, 1976.

Regulatory Guide 1.104 describes acceptable methods for complying with the Commission's regulations with regard to the design, fabrication, and testing of overhead crane systems used for reactor refueling and spent fuel handling operations. It applies to all nuclear powerplants for which applicants elect to provide a single-failure-proof overhead crane handling system, where "single-failure-proof" means that a load carried by an overhead crane handling system would not fail if any single component part of the crane handling system failed or malfunctioned. The guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Single copies (which may be reproduced) may be obtained upon written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The meeting will be held on March 20, 1978, in Room P-118 of the Commission's offices at 7920 Norfolk Avenue, Bethesda, Md., from 9 a.m. to 5 p.m. Representatives of the Offices of Standards Development and Nuclear Reactor Regulation will be present.

The meeting is intended to provide opportunities for the NRC staff and other interested persons to discuss questions, comments, and suggestions on the guide and the associated licensing review method. It is anticipated

that the meeting will provide a valuable exchange of information both for the NRC staff and the public with regard to the subject areas covered by the guide. Written comments may be submitted to the Commission staff at the meeting or at any time to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Interested persons are invited to attend and ask questions or present oral or written statements on the guide. Any person who intends to make an oral statement should notify Mr. Laurids Porse. Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-6928, by March 15, 1978. it is expected that oral statements will be limited to 10 minutes. Persons desiring additional information regarding the meeting should also contact Mr. Porse.

(5U.S.C. 552(a).)

Dated at Rockville, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director,*
*Office of Standards Development.*

[FR Doc. 78-4583 Filed 2-21-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-3, 50-247, 50-286]

**CONSOLIDATED EDISON CO. OF NEW YORK, INC., POWER AUTHORITY OF THE STATE OF NEW YORK**

**Issuance of Amendments to Operating Licenses**

The U.S. Nuclear Regulatory Commission (the commission) has issued to Consolidated Edison Co. of New York, Inc. (Con Ed), amendment No. 18 to provisional operating license No. DPR-5 for the Indian Point nuclear generating unit No. 1 and amendment No. 37 to facility operating license No. DPR-26 for the Indian Point nuclear generating unit No. 2, and has issued to Con Ed and the Power Authority of the State of New York, amendment No. 11 to facility operating license No. DPR-64 for Indian Point nuclear generating unit No. 3. These amendments revised technical specifications for operation of Indian Point units Nos. 1, 2, and 3 located in Buchanan, Westchester County, N.Y. The amendments are effective as of the date of issuance.

These amendments revise the technical specifications to change requirements for administrative controls.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The applications for amendments transmitted by letters dated November 2, 1977, (2) amendment No. 18 to license No. DPR-5, (3) amendment No. 37 to license No. DPR-26, (4) amendment No. 11 to license No. DPR-64, and (5) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) through (5) may be obtained upon request addressed to the U,S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-4584 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket Nos. 50-269, 50-270, 50-287]

**DUKE POWER CO.**

**Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment Nos. 56, 56, and 53 to facility operating licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Co. which revised technical specifications for operation of the Oconee nuclear station unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective within 30 days of the date of issuance.

These amendments revise the common Oconee technical specifications to incorporate changes to the Oconee unit No. 3 pressurization heatup and cooldown limitations.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated September 14, 1977, (2) amendment Nos. 56, 56, and 53 to licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, (3) the Commission's related safety evaluation, and (4) the Commission's safety evaluations, dated February 23, 1977, and November 4, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Oconee County Library, 201 South Spring, Walhalla, S.C. 29691. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 8th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-4585 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

**JERSEY CENTRAL POWER & LIGHT CO.**

**Issuance of Amendment to Provisional Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 27 to provisional operating license No. DPR-16 issued to Jersey Central Power & Light Co. which revised technical specifications for operation of the Oyster Creek nuclear generating station, located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment will delete the requirement for an annual operating report in order to be consistent with recent Commission guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment, dated January 19, 1978, (2) amendment No. 27 to license No. DPR-16, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethseda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-4586 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

**JERSEY CENTRAL POWER & LIGHT CO.**

**Issuance of Amendment to Provisional Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 26 to provisional operating license No. DPR-16 issued to Jersey Central Power & Light Co. which revised technical specifications for operation of the Oyster Creek nuclear generating station, located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment revises section 6.3.1 of the technical specifications relating to the qualifications of the Supervisor—Radiation Protection, in response to a request made by the NRC in a letter to the licensee dated February 18, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated June 7, 1977, (2) amendment No. 26 to license No. DPR-16, and (3) the Commission's related evaluation contained in the Commission's letter to the licensee dated All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No.3 Division of Operating Reactors.*

[FR Doc. 78-4587 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

**METROPOLITAN EDISON CO., JERSEY CENTRAL POWER & LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 37 to facility operating license No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised technical specifications for operation of the Three Mile Island nuclear station, unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of the date of its issuance.

This amendment deletes the requirement for an annual report, except for annual submission of occupational exposure and aircraft traffic data. The amendment also adds the requirement for submission of a monthly operating report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 13, 1978, (2) amendment No. 37 to license No. DPR-50, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-4588 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26 and 20 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Co. (the licensee), which revised technical specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minn. The amendments are effective as of their date of issuance.

The amendments incorporate fire protection technical specifications on the existing fire protection equipment and add administrative controls related to fire protection at the facilities. This action is being taken pending completion of the Commission's overall fire protection review of the facilities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determinded that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated January 31, 1977, as amended by filing dated December 22, 1977, (2) Amendment Nos. 26 and 20 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's related Safety Evaluation dated December 2, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
*Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc. 78-4589 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 18, 1977, as revised by letters dated July 11 and December 13, 1977, (2) the Commission's Safety Evaluation Report dated November 23, 1977, (3) Amendment No. 38 to License No. DPR-40, and (4) the Commission's letter dated February 14, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-4590 Filed 2-21-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS NUCLEAR REGULATORY COMMISSION

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 9-11, 1978, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, MARCH 9, 1978

8:30 a.m. to 9:15 a.m.: Executive Session (Open). The Committee will hear and discuss the report to the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding a heat transfer correlation (Westinghouse WRB-1 Critical Heat Flux Correlation, WCAP-8762) and a thermal design procedure (Westinghouse Improved Thermal Design Procedure, WCAP-8567) proposed by the Westinghouse Electric Corp. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter.

9:15 a.m. to 11:15 a.m.: Westinghouse Electric Corp. Heat Transfer Correlation (WCAP-8762) and Improved Thermal Design Procedure (WCAP-8567) (Open). The Committee will hear and discuss presentations by representatives of the NRC Staff and the Westinghouse Electric Corp. related to the proposed use of a revised heat transfer correlation and thermal design procedure for Westinghouse nuclear powerplant fuel. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter.





11:15 a.m. to 12 noon: Executive Session (Open). The Committee will discuss a proposed report to the Nuclear Regulatory Commission regarding decommissioning of nuclear facilities.

1 p.m. to 1:30 p.m.: Executive Session (Open). The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present on the NRC safety research program for improved safety system concepts.

1:30 p.m. to 5 p.m.: NRC Safety Research Program for Improved Safety System Concepts (Open). The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and their contractors and consultants regarding the proposed NRC program on long-term safety research for new or improved safety system concepts.

5 p.m. to 6:30 p.m.: Executive Session (Open). The Committee will hear and discuss reports of Subcommittees, Working Groups, and members on a number of generic matters related to reactor safety including reevaluation of NRC siting policies and practices. This portion of the meeting will be open to the public. The Committee will also discuss its proposed reports to the NRC regarding the proposed NRC Safety Research Program for new or improved safety system concepts and the Westinghouse Electric Corp. heat transfer correlation and procedure. Portions of this session will be closed as required to protect Proprietary Information related to these matters.

FRIDAY, MARCH 10, 1978

8:30 a.m. to 9:30 a.m.: Executive Session (Open). The Committee will hear and discuss the report of its Subcommittee on Regulatory Activities and consultants who may be present regarding proposed revisions to NRC Regulatory Guides and Regulations including Initial Test Programs for Water-Cooled Nuclear Power Plants (Regulatory Guide 1.68); and Standards for Combustible Gas Control Systems (10 CFR Part 50.44/Regulatory Guide 1.7/General Design Criteria 50-10 CFR Part 50, Appendix A).

9:30 a.m. to 11:30 a.m.: Meeting with NRC Staff (Open). The Committee will hear presentations from and hold discussions with members of the Nuclear Regulatory Commission Staff regarding proposed changes in NRC Regulatory Guides and Regulations; recent licensing actions and operating experience including the seismic bases for the Perkins Nuclear Station, seismic design margins at the North Anna Power Station, Units 1 and 2 and radiation monitoring of process steam at the Midland Nuclear Plant. The NRC staff will also report to the ACRS on generic matters related to nuclear power plant safety including performance of review and audit groups at nuclear facilities. The future schedule for ACRS activities will also be discussed.

11:30 a.m. to 12:30 p.m.: Executive Session (Open). The Committee will discuss its proposed reports to the Nuclear Regulatory Commission regarding matters considered at this meeting. Portions of this session will be closed if required to discuss Proprietary Information related to these matters.

1:30 p.m. to 5:30 p.m.: Executive Session (Open). The Committee will hear and discuss reports of its Subcommittees, Working Groups and Members regarding generic safety related matters, ARCS procedures, and the qualifications of candidates for appointment to the Committee. Portions of this session will be closed if required to protect information, the release of which would represent an undue invasion of personal privacy.

The Committee will discuss its proposed reports to NRC regarding matters discussed during this meeting and a request for seismic information regarding the North Anna Power Station. Portions of this session will be closed as required to protect Proprietary Information related to these matters.

SATURDAY, MARCH 11, 1978

8:30 a.m. to 12 noon: Executive Session (Open). The Committee will complete its reports to the Nuclear Regulatory Commission regarding matters discussed during this meeting. Portions of this session will be closed as necessary to protect Proprietary Information related to these matters.

Procedures for the conduct of and participation in this meeting were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), and to protect information the release of which would represent an undue invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.s.t.

Dated: February 17, 1978.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc. 78-4772 Filed 2-21-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

FEDERAL INTERACTION WITH VOLUNTARY CONSENSUS STANDARDS-DEVELOPING BODIES

Proposed OMB Circular, Extension of Time

On December 22, 1977, the Office of Management and Budget issued a proposed OMB Circular establishing a uniform policy for all executive branch agencies in working with voluntary consensus standards-developing bodies (published January 3, 1978, 43 FR 48). Comments were requested not later than February 17, 1978. This date is hereby extended to April 17, 1978.

LESTER A. FEITIG,
*Administrator.*

[FR Doc. 78-4596 Filed 2-21-78; 8:45 am]

[1505-01]

BUDGET RECISSIONS AND DEFERRALS

*Correction*

In FR Doc. 78-2888 appearing at page 4391 in the issue for Wednesday, February 1, 1978, the designation "Cumulative Report" should be deleted from both the title page (page 4391) and the heading of the text (page 4392).

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel; Human Resources Task Force.
Date: March 10, 1978.
Place: Federal Building, Room 2886, 915 Second Avenue, Seattle, Wash. 98174.
Type of Meeting: Open.
Contact Person: Mr. Louis H. Blair, Office of Science & Technology Policy, Executive Office of the President; telephone 202-395-4586. Anyone who plans to attend should contact Mr. Blair by March 7, 1978.

*Purpose of the Panel:* The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel

is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

*Minutes of the meeting:* Executive minutes of the meeting will be available from Mr. Blair.

TENATIVE AGENDA

1. Discussion of State and local government experiences with Federal Human Services Research Dissemination and Utilization Activities.

2. Discussion of the role of Science and Technology in the delivery of State and local government human services.

3. Development of recommendations for U.S. Department of Health, Education and Welfare on improved research dissemination and utilization efforts.

WILLIAM J. MONTGOMERY,
*Executive Officer, Office of Science and Technology Policy.*

FEBRUARY 15, 1978.

[FR Doc. 78-4665 Filed 2-21-78; 8:45 am]

[7555-02]

## REVIEW PANEL ON DAM SAFETY PROGRAMS

### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Review Panel on Dam Safety Programs.

DATE: March 9, 1978.

TIME: 9:30 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF REVIEW PANEL: The Office of Science and Technology Policy in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local governmental units, and the private sector to insure the safety of dams which are in any way affected by a Federal role.

AGENDA: 9:30 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM MONTGOMERY,
*Executive Officer.*

[FR Doc 78-4666 Filed 2-21 78; 8:45 am]

[3190-01]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-14]

### AMERICAN INSTITUTE OF MARINE UNDERWRITERS

### Change of Hearing Date

By FEDERAL REGISTER Notice of January 26, 1978 (43 FR 3635) hearings were scheduled on the petition filed by the American Institute of Marine Underwriters, to be held February 28, 1978, and if necessary March 1, 1978.

Due to a scheduling conflict in the office of the Special Representative for Trade Negotiations, those hearings have been rescheduled for Tuesday, March 7, 1978, and if necessary March 8, 1978. The hearings will be held at the office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., Room 730.

The time for submission of requests to present oral testimony is extended until February 28, 1978. Written briefs from those persons not wishing to present oral testimony should be received in the office of the Special Representative by the date of the hearing, March 7, 1978, in order to be considered by the section 301 committee.

Interested parties are referred to the FEDERAL REGISTER of January 26, 1978 (43 FR 3635-3636) for further details on the petition and procedures for the hearings.

SHIRLEY A. COFFIELD,
*Chairman, 301 Committee, Office of the Special Representative for Trade Negotiations.*

[FR Doc. 78-4685 Filed 2-21-78; 8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14460; File No SR-Amex-77-28]

### AMERICAN STOCK EXCHANGE, INC.

### Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 23, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as stated below. On December 29, 1977 the Amex filed an amendment to File No. SR-Amex-77-28 to reflect rule changes which are pending in File No. SR-Amex-77-5.[1] The Amex granted an extension of time for Commission consideration of proposed amendments to Amex Article IV, sections 2(e)(7) (redesignated as 2(f)(7)) and new section 2(e)(5) and Rule 342(a) pending a Commission determination on amendments to section 2(e)(7) and Rule 342(a) as proposed in File No. SR-Amex-77-5.

AMEX'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its Constitution, rules and policies relating to membership to permit a regular or options principal member to be associated with a member firm without requiring that he or she be a general partner in the firm. The principal change is the addition of a new section 2(e) to Article IV (attached as Exhibit A), which sets forth conditions of Exchange approval of member firms substantially parallel to those required of member corporations. Numerous technical conforming changes are proposed throughout the Constitution and rules, to delete reference to "general partner" or "general partners" where the context raises the inference that, within a member firm, only general partners may be members.

AMEX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed Constitutional and rule changes is to bring membership requirements for partnerships into conformity with requirements for corporations, and to increase the flexibility of the Exchange's membership structure.

The basis under the Act for adopting the proposed changes is to carry out the purposes of the Act; to remove unnecessary restrictions on the ability of persons to become members of the Exchange; and to remove impediments to a free and open market.

The proposed amendments will not impede the Exchange's ability to enforce member compliance, consistent

[1] The Commission postponed action on amendments to Article IV, section 2(e)(7) and Rule 342(a) as proposed in File No. SR-Amex-77-5 and approved the remainder of that rule filing. See Securities Exchange Act Release No. 14272 (December 14, 1977), 42 FR 63969 (December 21, 1977).





with section 6(b)(1) of the Act, since the requirement that every general partner of a regular or options principal member firm must be a regular, options principal or allied member of the Exchange will be retained.

The proposed amendments are consistent with section 6(b)(2) of the Act in that they increase flexibility of membership and broaden opportunities for qualified persons to become members of the Exchange.

The proposed amendments are consistent with section 6(b)(6) of the Act in providing that non-partner members associated with a member firm, as well as members who are partners, are subject to disciplinary action for violations of the Act, the rules and regulations thereunder, and the Constitution and rules of the Exchange.

The Amex has determined that no burden on competition will be imposed by the proposed rule changes.

On or before March 29, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Comission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 13, 1978.

AMEX EXHIBIT A

Article IV, section 2(e) is redesignated 2(f) and a new section (e) is added, to read as follows:

*Conditions of approval of member firms.*

*(e) The Exchange shall not approve a firm as a regular or options principal member firm unless:*

*(1) a regular or options principal member of the Exchange is associated with the firm;*

*(2) every general partner in the firm is a regular, options principal or allied member of the Exchange;*

*(3) every member of the Exchange who is associated with the firm actively engages in its business (unless he is in active government service or health does not permit);*

*(4) every party required by the Exchange to be an allied member or approved person of the firm has qualified as such;*

*(5) the principal purpose of the firm is the transaction of business as a broker or dealer in securities; and*

*(6) the firm complies with such additional requirements as the Board of Governors may from time to time prescribe by rule.*

[FR Doc. 78-4652 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 10121; 811-1163]

### FIRST WEST TEXAS CAPITAL CORP.

### Proposal To Terminate Registration

FEBRUARY 14, 1978.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that First West Texas Capital Corp. ("Fund"), c/o Jimmie B. Todd, Esq., P.O. Box 1311, Odessa, Tex. 79762, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Information in the Commission files indicates that Fund, a small business investment company, was organized under Texas law and registered under the Act on April 11, 1962. Such information also indicates that following a shareholder vote, Fund was liquidated and ceased to exist on or about April 1, 1972.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4650 Filed 2-21-78; 8:45 am]

[8010-01]

[File No. 81-310]

### MANHATTAN LIFE INSURANCE CO.

### Application and Opportunity for Hearing

FEBRUARY 14, 1978.

Notice is hereby given that The Manhattan Life Insurance Co. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the filing requirements of section 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a New York corporation subject to the reporting provisions of section 15(d) of the 1934 Act.

2. The Applicant is a wholly-owned subsidiary of The Manhattan Life Corp.

3. There is no public market for the Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 15(d) of the 1934 Act including an annual report on Form 10-K for the fiscal year ended December 31, 1977.

The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than March 13, 1978 may submit to the Commission in writing his views or any sub-

stantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4651 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 34-14469; File No. SR-NSCC-78-2]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 1, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

Rule 3, Section 1 of the Rules of the SCC Division of National Securities Clearing Corporation (NSCC) states that the SCC Division shall maintain a list of securities which may be the subject of contracts cleared through the SCC Division and which are called "Cleared Securities" and that the SCC Division may from time to time add securities to such list.

The SCC Division of NSCC proposes to add to its list of Cleared Securities all municipal securities, as that term is defined in Section 3(a) (29) of the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change increases the number of securities issues for which comparison may be effected. Mechanisms currently exist for participants to settle transactions in municipal securities through the facilities of the NCC and SCC Divisions of NSCC. This rule change will permit SCC Division members to use the comparison and clearance facilities of NSCC in a similar manner to which they now use NSCC's facilities for other debt securities.

By permitting transactions in municipal securities to be compared and cleared as well as settled through NSCC, participants will be able to more effectively process such trades. This should also relieve the back offices of participants of some of the time and paperwork burdens of comparing trades and preparing receive and deliver tickets.

The proposed rule change relates to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions by permitting the use of NSCC-SCC Division facilities for comparison as well as settlement of transactions in municipal securities.

Comments concerning the proposed rule change were not solicited by NSCC.

NSCC does not perceive that the proposed rule change would constitute a burden on competition.

On or before March 29, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 14, 1978.

[FR Doc. 78-4653 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 34-14459; File No. SR-PHLX 78-2]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 10, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc., (PHLX) proposes a new rule and supplementary material establishing a late charge for delinquent payment of dues, fees, fines, or other charges imposed by the Exchange on members and member organizations. The text of the amendment follows (brackets indicate deletions, new material italicized):

*Rule 50. There shall be imposed upon any member or member organization using the facilities or services of the Exchange, or enjoying any of the privileges therein, a late charge until payment is received of dues, fees, fines, or other charges imposed by the Exchange and not paid within thrity (30) days after notice thereof has been mailed. The amount of such late charge shall be fixed from time to time by the Board of Governors. If any member or member organization shall fail to pay such dues, fees, fines or other charges, including late charges, within ninety (90) days after notice thereof has been mailed, the Controller shall so notify the Board of Governors which shall take such action as it may deem appropriate.*

*Supplementary Material*

*The amount of the late charge authorized by Rule 50 has been established at the rate of one per cent (1%) per month. Rule 50 and the rate herein established shall become effective on and after February 9, 1978.*

The basis and purpose of the foregoing proposed rule amendments is as follows:

The purpose of the rule is to promote efficiency in Exchange operations and adequate cash flow for the provision of services in a membership organization.

The proposed rule is consistent with the requirement that an exchange's rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members using its facilities. Members whose payments are delinquent should not expect to be indirectly subsidized by the Exchange and members who are timely in payments. The timely payment period and the amount of the delinquent charge are in line with standard commercial usage. A delinquent charge is an equitable allocation made to encourage uniformity in timely payment.

No comments have been received or solicited from members and others on the proposed rule change.

No burden on competition will be imposed by the proposed amendments.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit views, data and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 13, 1978.

[FR Doc. 78-4654 Filed 2-21-78; 8:45 am]





[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1418; Amdt. No. 1]

ARKANSAS

Declaration of Disaster Loan Area

The above-numbered declaration (see 43 FR 2966) is amended by adding St. Francis and White Counties and adjacent counties, within the State of Arkansas, and extending the time for filing applications for physical damage to April 10, 1978, and for economic injury until November 10, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978.

PATRICIA M. CLOHERTY,
*Deputy Administrator.*

[FR Doc. 78-4572 Filed 2-21-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1431]

KENTUCKY

Declaration of Disaster Loan Area

Pike County and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by snow, ice, and flooding which occurred on January 12-23, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 13, 1978, and for economic injury until the close of business on November 10, 1978, at:

Small Business Administration, District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, Ky. 40202

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978..

PATRICIA M. CLOHERTY,
*Deputy Administrator.*

[FR Doc. 78-4573 Filed 2-21-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1432]

NEW JERSEY

Declaration of Disaster Loan Area

The Englishtown Auction buildings located at 90 Wilson Avenue, Englishtown, Monmouth County, N.J., constitute a disaster area because of damage resulting from a fire which occurred on December 15, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 13, 1978, and for economic injury until the close of business on November 10, 1978, at:

Small Business Administration, District Office, 970 Broad Street, Room 1635, Newark, N.J. 07102

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978.

PATRICIA M. CLOHERTY,
*Deputy Administrator.*

[FR Doc. 78-4574 Filed 2-21-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-318; Reference: ATF 0 1100.6A]

ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT)

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 201, to the Assistant Director (Regulatory Enforcement), and provides for redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Cancellation.* ATF 0 1100.6, Delegation Order—Authorities of the Director in 26 CFR Part 201, Distilled Spirits Plants Regulations, dated October 4, 1974 (39 FR 36611), is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the approval of activities at regulated plants. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 201, Distilled Spirits Plants, belong at and should be delegated to a lower organizational level.

4. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco, and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 201, Distilled Spirits Plants:

(a) To prescribe all forms required by regulations, under 27 CFR 201.61; and to prescribe certain forms which are provided by users at their own expense, under 27 CFR 201.613.

(b) To approve applications for:

(1) Alternate methods, procedures, or operations, including alternate construction or equipment in lieu of methods or procedures specifically

prescribed in regulations, under 27 CFR 201.62(a).

(2) Emergency variations from requirements for construction, equipment, and methods of operations, under 27 CFR 201.62(b).

(c) To withdraw authorization of any alternate method or procedure or of any variation whenever the revenue is jeopardized or the effictive administration of the regulations is hindered by the continuation of such authorization or variation, under 27 CFR 201.62.

(d) To waive any provision of law and regulations for temporary pilot or experimental operations, and to designate any plant for such operations, under 27 CFR 201.63.

(e) To waive any provision of law and regulations to effectuate the purposes of 26 U.S.C. 5312(b), and to authorize and approve, pursuant to written application, the establishment and operation of experimental distilled spirits plants, under 27 CFR 201.64 and 27 CFR 201.65.

(f) To determine the nonpotability of a by-product, to waive any provision of law and regulations, and to approve applications for waiver of requirements, under 27 CFR 201.66.

(g) To authorize the carrying on of other businesses on premises of distilled spirits plants, under 27 CFR 201.67.

(h) To temporarily exempt a proprietor of any plant from provisions of law and regulations by reason of disaster, under 27 CFR 201.69.

(i) To require the discontinuance of the use of storage facilities and to require supervision of spirits to be transferred, under 27 CFR 201.71.

(j) To waive any provision of law and regulations to effectuate the purposes of 26 U.S.C. 5312(a); to authorize and approve, pursuant to written application, experimental or research operations by scientific institutions and colleges of learning; and to require the filing of bonds and any additional information and the submission of records, under 27 CFR 201.72.

(k) To approve the use of meters or other devices or methods for controlling the denaturation of spirits, under 27 CFR 201.90.

(l) To authorize the use of meters or other devices or methods for volumetrical measurement of spirits (including denatured spirits) or wines, under 27 CFR 201.91.

(m) To approve all seals, locks, or other devices, that are to be used on conveyances in which spirits are transferred in bond, withdrawn free of tax, or withdrawn without payment of tax, under 27 CFR 201.100(b)(1).

(n) To approve applications to establish a warehouse without regard to the minimum storage requirements, and to limit the type of operations to be conducted and any expansion or changes thereto, under 27 CFR 201.112.

(o) To authorize regional regulatory administrators to approve registrations of plants with separated areas, under 27 CFR 201.117.

(p) To approve other materials and methods for plats and plans, under 27 CFR 201.155.

(q) To approve applications by successors to adopt the approved ATF F 27-B Supplemental, Formula and Process for Rectified Products, of predecessors, under 27 CFR 201.165.

(r) To approve meters or other devices or methods or manner for safeguarding the security of the closed distilling system and the protection of processing equipment, under 27 CFR 201.240.

(s) To approve:

(1) Other devices or methods or other means to secure openings in tanks and to control the flow of spirits in and out of tanks on bonded or bottling premises, under 27 CFR 201.243 (b) and (c).

(2) Fences or walls to enclose tanks on bonded premises used as receptacles for spirits, under 27 CFR 201.243(b).

(t) To approve pipelines which may not be readily examined, under 27 CFR 201.244.

(u) To approve other methods for identification of pipelines, under 27 CFR 201.245.

(v) To approve other measuring devices for weighing or measuring materials, spirits (including denatured spirits), and denaturants, under 27 CFR 201.246.

(w) To approve:

(1) Meters or other methods or other devices (comparable in accuracy and security to meters) to accurately determine the production gauge of spirits and the total quantity filled into containers, under 27 CFR 201.269 (a), (c), and (d).

(2) The manner and type of governmental supervision of proprietors' production gauges, under 27 CFR 201.269(d).

(x) To approve other methods for determining the quantities of chemical byproducts produced, under 27 CFR 201.277.

(y) To authorize the spirits content of chemicals to exceed 10 percent by volume including chemical byproducts of spirits production, and to approve methods to test chemicals for spirits content, under 27 CFR 201.278.

(z) To approve:

(1) Meters or other devices to measure and control the flow of spirits into and out of storage tanks or other containers which permit a determination of the quantity being deposited and removed, under 27 CFR 201.291 (b) and (c).

(2) Applications to store packages and cases in any manner which adequately safeguards the interests of the Government, under 27 CFR 201.291(c).

(aa) To waive the requirement of showing information on labels, under 27 CFR 201.331.

(bb) To approve applications and issue permits on ATF F 1444, Tax-Free Spirits for Use of United States, for the procurement of spirits for use by the United States or a governmental agency, to receive evidence of authority to sign for the head of a department or independent bureau or agency, and to cancel permits returned by a governmental agency, under 27 CFR 201.391.

(cc) To authorize the disposition of excess spirits in the possession of a governmental agency, under 27 CFR 201.392.

(dd) To require the testing of approved synthetic oils or essential oils or pure chemicals or other denaturants, under 27 CFR 201.404.

(ee) To approve meters or other devices for measurement of spirits and denaturants, under 27 CFR 201.407.

(ff) To authorize other methods for adding denaturants to spirits, and to require a flow diagram of the intended process or method of adding denaturants, under 27 CFR 201.408.

(gg) To approve the conversion and use of specially denatured alcohol, under 27 CFR 201.411.

(hh) To approve ATF F 27-B Supplemental and to require a diagram, drawing or other pictorial depiction of process, under 27 CFR 201.422.

(ii) To approve ATF F 27-B Supplemental and riders to the formulas, and to accept surrender of original formulas, under 27 CFR 201.425.

(jj) To approve ATF F 27-B Supplemental, under 27 CFR 201.443.

(kk) To waive the requirement of showing information on labels to be affixed to bottles containing spirits bottled for export, under 27 CFR 201.467.

(ll) To approve other types of containers or the use of containers made of other materials, under 27 CFR 201.501.

(mm) To approve the use of bulk conveyances for withdrawal of spirits free of tax to a specified consignee, under 27 CFR 201.507.

(nn) To approve applications to locate the required marks on a container at a place other than that prescribed by regulations, and to aprove other durable methods of marking and branding, under 27 CFR 201.515.

(oo) To approve applications for other designations and branding of distilled spirits for which a designation is not prescribed, under 27 CFR 201.517(c).

(pp) To approve other extraneous matter to printed on caution labels, under 27 CFR 201.523.

(qq) To approve applications for designs or other marks to be placed on the Government side of cases, under 27 CFR 201.527(b), under 27 CFR 201.528(b), under 27 CFR 201.529(b), and 27 CFR 201.530.

(rr) To approve, pursuant to applications accompanied by specimen bottles or acceptable models or representations, distinctive liquor bottles which are found not afford a jeopardy to the revenue and which are suitable for the intended purpose, under 27 CFR 201.540b.

(ss) To approve applications to receive and reuse liquor bottles, under 27 CFR 201.540f.

(tt) To disapprove for use as a liquor bottle any bottle which is determined to be decptive, under 27 CFR 201.540i.

(uu) To require the State of distillation to be shown on labels or to permit other labeling to negate any misleading or deceptive impressions, under 27 CFR 201.540o.

(vv) To approve overprinting strip stamps with the class and type of product or with an appropriate abbreviation or symbol, under 27 CFR 201.541.

(ww) To authorize labels or State stamps to be affixed to containers so as to partially obscure strip stamps, and to approve the use of any cup, cap or seal after receiving a sample of the closure and container, under 27 CFR 201.545.

(xx) To approve applications to modify and use certain prescribed forms, and to withdraw the use of such forms, under 27 CFR 201.614.

(yy) To approve processes for reproducing records and the types of records to be reproduced, under 27 CFR 201.616.

(zz) To approve applications to estimate the weight or volume of nonliquid distilling materials, under 27 CFR 201.618.

5. *Redelegation.* (a) The authorities in paragraphs 4(a) through 4(p), in paragraphs 4(r) through 4(gg), and in paragraphs 4(kk) through 4(zz) above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

(b) The authorities in paragraphs 4(q), 4(hh), 4(ii), and 4(jj) above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist (GS-11).

(c) The authorities in paragraphs 4(b)(2), 4(g), 4(h), 4(i), 4(o),, 4(p), 4(s)(2), 4(t), 4(u), 4(w)(2), 4(z)(2), 4(cc), 4(mm), 4(ss), 4(vv), 4(ww), and 4(zz) above, may be redelegated to regional regulatory administrators, who may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

d. The authorities in paragraphs 4(k), 4(l), 4(r), 4(s)(1), 4(v), 4(w)(1), 4(z)(1), 4(ee), 4(ff), and 4(yy) above, may be redelegated to regional regulatory administrators for approval of identical meters, devices, methods or materials, and processes for reproducing records and the types of records to be reproduced, which have been previously approved in Bureau Headquarters. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

Effective date: This order becomes effective on February 15, 1978.

REX D. DAVIS,
*Director.*

FEBRUARY 15, 1978.

[FR Doc. 78-4629 Filed 2-21-78; 8:45 am]





[4810-22]

## Customs Service

[T.D. 78-67]

### IMPRESSION FABRIC OF MAN-MADE FIBER FROM JAPAN

#### Antidumping American Manufacturer's Desire To Contest Negative Fair Value

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of desire to contest a determination under the Antidumping Act, 1921, as amended.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has received notification from certain American manufacturers of impression fabric of man-made fiber of their desire to contest a decision made under the Antidumping Act of 1921, as amended, with respect to such products sold by two Japanese companies.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Berniece Browne, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-2938.

SUPPLEMENTARY INFORMATION: On December 30, 1977, a notice of "Determination of Sales at Less Than Fair Value, Exclusion From, and Final Discontinuance of Antidumping Investigation" in the matter of impression fabric of man-made fiber from Japan was published in the FEDERAL REGISTER (42 FR 65344-5). This notice excluded from the determination of sales of less than fair value impression fabric of man-made fiber from Japan sold by Asahi Chemical Industry Co., Ltd. (Asahi), and discontinued the antidumping investigation with respect to merchandise produced by Shirasaki Tape Co., Ltd. (Shirasaki). Except for the merchandise sold by these two producers, the case was referred to the U.S. International Trade Commission for a determination whether the sales at less than fair value are causing, or are likely to cause, injury to an industry in the United States.

Notification was received by the Secretary of the Treasury on January 16, 1978, of the desire of Bomont Industries, Schwarzenbach-Huber, and Standard Products Corp., American manufacturers, producers or wholesalers of the same class or kind of merchandise, to contest in the U.S. Customs Court the failure to include in the determination of sales at less than fair value, such merchandise sold by Asahi and Shirasaki.

In accordance with the provisions of section 516 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516), notice is hereby given that certain American manufacturers, producers or wholesalers have given notice that they desire to contest the failure to include in the determination of sales of less than fair value, impression fabric of man-made fiber sold by Asahi and Shirasaki.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, and the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, insofar as they pertain to the publication of a notice by an American manufacturer, producer, or wholesaler to contest a determination by the Secretary of the Treasury under section 201 of the Antidumping Act, 1921, as amended (19 U.S.C. 160) by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 15, 1978.

[FR Doc. 78-4789 Filed 2-21-78; 8:45 am]

[4810-35]

## Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 10]

### SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $50,000 has been established for the company.





*Name of Company, Business Address, and*

Merit Review Board for Oncology Programs

1978 (3 days), at New York, NY in a hear-



Issued at Washington, D.C. Febru-

Issued at Washington, D.C. Febru-

[7035-01]

| *Name of Company, Business Address, and State in Which Incorporated* |
|---|
| Amwest Surety Insurance Company |
| 10960 Wilshire Boulevard |
| Los Angeles, California 90024 |
| California |

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 14, 1978.

D. A. PAGLIAI,
*Commissioner, Bureau of Government Financial Operations.*

[FR Doc. 78-4671 Filed 2-21-78; 8:45 am]

[8320-01]

## VETERANS ADMINISTRATION

### ANNUAL REVIEW OF ADVISORY COMMITTEES

**Request for Public Comment**

The Veterans Administration is conducting a Comprehensive Review of all of its Federal Advisory Committees. The committees are listed as follows:

Actuarial Advisory Committee
Administrator's Education and Rehabilitation Advisory Committee
Central Office Education and Training Review Panel
Veterans Administration Wage Committee
VA Special Medical Advisory Group
Veterans Administration Voluntary Service National Advisory Committee
Cooperative Studies Evaluation Committee
Health Manpower Grants Review Committee
Merit Review Board for Basic Science Programs
Merit Review Board for Behavioral Science Programs
Merit Review Board for Cardiovascular Programs
Merit Review Board for Clinical Pharmacology, Alcoholism and Drug Dependence Programs (formally Alcoholism and Drug Dependence Programs)
Merit Review Board for Endocrinology Programs
Merit Review Board for Gastroenterology Programs
Merit Review Board for Hematology Programs
Merit Review Board for Immunology Programs
Merit Review Board for Infectious Disease Programs
Merit Review Board for Nephrology Programs
Merit Review Board for Neurobiology Programs
Merit Review Board for Oncology Programs
Merit Review Board for Respiration Programs
Merit Review Board for Surgery Programs
Advisory Committee on Cemeteries and Memorials
Advisory Committee on Structural Safety of Veterans Administration Facilities

These committees furnish advice and consultation to the Administrator of Veterans Affairs in the areas of medicine, health care, education and rehabilitation, government-administered life insurance programs, and wage schedules. The 14 Merit Review Boards evaluate the scientific merit of research conducted by Veterans Administration investigators working in Veterans Administration hospitals and clinics. Each covers a different professional specialty or program area. Their assessments provide impartial expert advice that guides program improvement and funding at both the national and local levels.

The public is invited to provide comments, in writing, by March 17, 1978 to the Associate Deputy Administrator of Veterans Affairs.

Dated: February 15, 1978.

RUFUS H. WILSON,
*Deputy Administrator.*

[FR Doc. 78-4667 Filed 2-21-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 594]

### ASSIGNMENT OF HEARINGS

FEBRUARY 16, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114211 (Sub 307), Warren Transport, Inc., is assigned for continued hearing on March 21, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC-C-9854, Marotta Air Service, Inc.—Investigation of operations now being assigned April 10, 1978 (1 day), at New York, NY in a hearing room to be later designated.

MC 143121 (Sub 4), Tillamook Carriers, Inc., now being assigned April 11, 1978 (1 day), at New York, NY in a hearing room to be later designated.

MC 117119 (Sub 843), Willis Shaw Frozen Express, Inc., now being assigned April 12, 1978 (3 days), at New York, NY in a hearing room to be later designated.

MC 117068 (Sub 88), Midwest Specialized Transportation, Inc., now being assigned February 27, 1978 (1 day), at Kansas City, MO and will be held in Room 609, Federal Office Building, 911 Walnut Street.

AB 43 (Sub 37), Illinois Central Gulf Railroad Co. Abandonment near Dyersburg, TN, and Hickman, KY, in Dyer and Lake Counties, TN, and Fulton County, KY, now assigned March 8, 1978, at Dyersburg, TN, is canceled and reassigned for March 8, 1978 (2 days) at Dyersburg, TN, and will be held at the Dyersburg Electric Co.; 211 East Court Street; and for March 10, 1978 (1 day), at Hickman, KY, and will be held at the Country Club, Union City Highway, Route 125.

MC 1515 (Sub 222), Greyhound Lines, Inc., is assigned for continued hearing on March 20, 1978 (1 week), at Atlantic City, New Jersey, and will be held at Howard Johnson's Motor Lodge, Pacific and Arkansas Avenues; and on March 27, 1978 (1 week), at New York, NY, and will be held in the Court of Claims, Room 238, Courtroom A, 26 Federal Plaza.

MC 107403 (Sub-No. 1032), Matlack, Inc. and MC 116077 (Sub-No. 389), Robertson Tank Lines, Inc., now being assigned April 26, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 133095 (Sub-No. 175), Texas Continental Express, Inc., now being assigned April 20, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC-F-13197, Jack C. Robinson, d.b.a. Robinson Freight Lines—Control—Cumberland Express, Inc., and MC-F-13238, *Atlanta Motor Lines, Inc. et al. v. Cumberland Express, Inc., et al.*, now assigned March 13, 1978, at Atlanta, GA, are postponed indefinitely.

MC 118989 (Sub 165), Container Transit, Inc., is now assigned for hearing March 17, 1978 (1 day), at Chicago, IL, and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124947 (Sub 72), Machinery Transports, Inc., now assigned March 17, 1978, at Chicago, IL, is canceled and application dismissed.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4704 Filed 2-21-78; 8:45 am]

[7035-01]

[Amendment No. 2 to Exemption No. 142]

### EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

TO: The Baltimore and Ohio Railroad Co. Consolidated Rail Corp.

Upon further consideration of Exemption No. 142 issued January 18, 1978.

*It is ordered,* That under authority vested in me by Car Service Rule 19, Exemption No. 142 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire February 28, 1978.

This amendment shall become effective February 10, 1978.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4699 Filed 2-21-78; 8:45 am]





[7035-01]

[Revised Exemption No. 144]

### EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the States named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) ND,[1] SD, MN, IA, WI, MI.

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof as having the following mechanical designations:

Plain Boxcars: "XM", "XMI."
Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT."
Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA."
Flat Cars: "FM", less than 200,000 lb. capacity.

*It is further ordered,* That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective February 10, 1978

Expires February 17, 1978.

[1] Illinois, Indiana, Kentucky, Ohio, New York, and Pennsylvania eliminated.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4702 Filed 2-21-78; 8:45 am]

[7035-01]

[Sixteenth Revised Exemption No. 129; Rule 19; Ex Parte No. 241]

### EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

It appearing, that the railroads named herein own numerous 40-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with car service rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

*It is ordered,* That, pursuant to the authority vested in me by car service rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," with inside length 44 feet 6 inches or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of car service rules 1(a), 2(a), and 2(b).

[1] Atlanta & Saint Andrews Bay Railway Co.
Reporting marks: ASAB.
Bessemer & Lake Erie Railroad Co.
Reporting marks: BLE.
Chicago, West Pullman & Southern Railroad Co.
Reporting marks: CWP.
Detroit & Mackinac Railway Co.
Reporting marks: D&M-DM.
Illinois Terminal Railroad Co.
Reporting marks: ITC.
Louisville, New Albany & Corydon Railroad Co.
Reporting marks: LNAC.
[2] . . .
New Hope & Ivyland Railroad Co.
Reporting marks: NHIR.
Richmond, Fredericksburg & Potomac Railroad Co.
Reporting marks: RFP.

Effective 12:01 a.m., February 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4703 Filed 2-21-78; 8:45 am]

[1] Addition.
[2] Missouri-Kansas-Texas Railroad Co. eliminated.

[7035-01]

### FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1978.

These application for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before March 9, 1978.

FSA No. 43506, Southwestern Freight Bureau, Agent's No. B-729, rates on chemicals, between points in LA and TX, on the one hand, and, on the other, Bay City and Midland, MI, and Sarnia, ON, Canada, in sup. 29 to its tariff 12-K, ICC 5272, to become effective March 14, 1978. Grounds for relief—rate relationship and kindred articles.

FSA No. 43507, Traffic Executive Association—Eastern Railroad, Agent's E.R. No. 3064, rates filed pursuant to sections 15(8)(b) and 15(8)(c) of the Act on candy or confectionery, between points in official terrritory, in sup. 155 to its tariff E-2009-I, ICC C-1008, to become effective February 25, 1978. Grounds for relief—revised rate structure.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4705 Filed 2-21-78; 8:45 am]

[7035-01]

[Finance Docket No. 28676]

### GRAND TRUNK WESTERN RAILROAD CO.—CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of waiver and time extension.

SUMMARY: Waiver of certain requirements of the Commission's railroad acquisition, control, consolidation, coordination project, trackage rights, and lease procedures was granted. An extension of time regarding one requirement was also granted. This action was taken on a petition filed by Grand Trunk. It will facilitate the filing of Grand Trunk's application. This proceeding is inconsistent with Finance Docket No. 28499 (Sub-No. 1), Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—Control—Detroit, Toledo & Ironton Railroad Co.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Assistant Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

SUPPLEMENTARY INFORMATION: Upon petition by Grand Trunk, the

Commission has waived certain requirements of the railroad acquisition, control, merger, consolidation, coordination project, trackage rights, and lease procedures, 42 FR 14871, March 17, 1977, in connection with the application in this proceeding. Specifically, filing of "corporate entity" data for Grand Trunk's car ferry subsidiary, directors' and shareholders' resolutions of Detroit, Toledo & Ironton Railroad Co. and of Detroit, Toledo & Shore Line Railroad Co., and opinions of counsel for the latter two carriers has been excused. Grand Trunk was granted an additional 30 days in which to file DT&I and DT&I Enterprise balance sheet and income statement data.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4707 Filed 2-21-78; 8:45 am]

**[7035-01]**

[Amdt. No. 2 to ICC Order No. 43 Under Revised Service Order No. 1252]

**REROUTING TRAFFIC**

To all railroads: Upon further consideration of ICC Order No. 43 (Chicago, Milwaukee, St. Paul & Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered*, That: ICC Order No. 43 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 17, 1978, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4698 Filed 2-21-78; 8:45 am]

**[7035-01]**

[Amdt. No. 2 to ICC Order No. 47 Under Revised Service Order No. 1252]

**REROUTING TRAFFIC**

To all railroads: Upon further consideration of ICC Order No. 47 (Chicago, Milwaukee, St. Paul & Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered*, That: ICC Order No. 47 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 17, 1978, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4700 Filed 2-21-78; 8:45 am]

**[7035-01]**

[Amdt. No. 1 to ICC Order No. 49 Under Revised Service Order No. 1252]

**REROUTING TRAFFIC**

To all railroads: Upon further consideration of ICC Order No. 49 (Chicago & North Western Transportation Co.) and good cause appearing therefor:

*It is ordered*, That: ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[FR Doc. 78-4701 Filed 2-21-78; 8:45 am]

**[7035-01]**

[Notice No. 9]

**SPECIAL PROPERTY BROKERS**

FEBRUARY 15, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness on or before March 24, 1978. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposing concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation April 10, 1978.

B-78-12, filed January 25, 1978. Applicant: JOHN S. CONNOR, INC., 33 South Gay Street, Baltimore, MD 21202.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4706 Filed 2-21-78; 8:45 am]





# sunshine act meetings

This section of the Federal Register contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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**[6320-01]**

1

[M-100, Amdt. 2, February 15, 1978]

NOTICE OF DELETION OF ITEM FROM THE FEBRUARY 15, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 15, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2. Docket 21448, Spokane-Montana Points Service Investigation, Order on Discretionary Review (Memo No. 7766, OGC).

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This item was deleted from the February 15, 1978 agenda so that the Board could give more consideration to the issues involved. Accordingly, the following Members have voted that agency business requires the deletion of item 2 from the February 15, 1978 agenda and rescheduled for the February 23 agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Elizabeth E. Bailey

[S-386-78 Filed 2-17-78; 10:13 am]

**[6351-01]**

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 24, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-389-78 Filed 2-17-78; 11:08 am]

**[6704-01]**

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGES IN SUBJECT MATTER OF AGENCY MEETING

At its closed meeting held at 2 p.m. on Thursday, February 16, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition of the following matters to the agenda for the meeting, on less than 7 days' notice to the public:

Requests from an insured State nonmember bank for consent to retire outstanding Class A subordinated capital debentures, to issue a convertible subordinated capital debenture, and to issue and retire at its maturity a subordinated capital note.

Application of Hardwick Bank & Trust Co., Dalton, Ga., an insured State nonmember bank, for consent to purchase the assets and assume the liabilities of Normandy Carpets Employees' Credit Union, Dalton, Ga.

Recommendation (Case No. 43,415-L) regarding the liquidation of assets acquired by the Corporation from The Drovers' National Bank of Chicago, Chicago, Ill.

In voting to add the matters to the agenda, the Board further determined, on motion of Chairman LeMaistre, seconded by Director Heimann, that its deliberations with respect to the matters were exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) thereof (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)) since the public interest did not require consideration of the matters in a meeting open to public observation.

The Board further voted, on motion of Chairman LeMaistre, seconded by Director Heimann, to withdraw from the agenda for the meeting a recommendation (Case No. 43,338-L (Amended)) regarding the liquidation of assets acquired by the Corporation from International City Bank and Trust Co., New Orleans, La., for additional staff consideration.

In voting for the changes, the Board determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: February 16, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION.
ALAN R. MILLER,
*Executive Secretary.*

[S-396-78 Filed 2-17-78; 3:33 pm]

**[6740-02]**

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7082, February 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 22, 1978.

CHANGE IN THE MEETING: The following items have been added:

*Item No., Docket No., and Company*

RP-8—RP72-149 (PGA77-10), Mississippi River Transmission Corp.
ER-8—ER78-70 and ER78-71, Pennsylvania Power and Light Co.

KENNETH F. PLUMB,
*Secretary.*

[S-393-78 Filed 2-17-78; 2:31 pm]

**[6720-02]**

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., February 23, 1978.





PLACE: 1700 G Street NW., Sixth

CONTACT PERSON FOR MORE IN-

**[7590-01]**



tions set forth in 5 U.S.C.

*G. Real property transactions*

comparative hearing for a UHF TV sta-

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED: Consideration of New Building Status Report; Consideration of Authority to Purchase Loans; Termination and Appointment of Regional Assistant Secretary; Advisory Committee Restructuring; and Discussion of Loan-to-Value Ratio on Refinance Loans.

Announcement is being made at the earliest practicable time. No. 138, February 17, 1978.

RONALD A. SNIDER,
*Assistant Secretary.*

[S-391-78 Filed 2-17-78; 2:31 pm]

[6720-02]

6

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: At the conclusion of the open meeting to be held at 2:30 p.m., February 23, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED: Consideration of Advisory Committee appointment.

Announcement is being made at the earliest practicable time. No. 139, February 17, 1978.

RONALD A. SNIDER,
*Assistant Secretary.*

[S-392-78 Filed 2-17-78; 2:31 pm]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7083, February 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: February 22, 1978, 10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the closed session: Status of Pacific Far East Line as holder of Certificates of Financial Responsibility for passenger vessel operation.

Deletion of the following item from the closed session: Matson Navigation Co. general rate increase in the West Coast/Hawaii trade.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-395-78 Filed 2-17-78; 3:33 pm]

[6210-01]

8

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS.

TIME AND DATE: 10 a.m., Friday, February 24, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Possible amendments to section 23A of the Federal Reserve Act to be submitted to the Congress. This matter was originally announced for a meeting on February 15, 1978. 2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 17, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[S-387-78 Filed 2-17-78; 10:13 am]

[7545-01]

9

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Wednesday, February 22, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Administrative Law Judge personnel matter. Selection of Regional Director for Region 24 (Hato Rey, P.R.).

CONTACT PERSON FOR MORE INFORMATION:

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated, Washington, D.C., February 17, 1978.

By direction of the Board:

GEORGE A. LEET,
*Associate Executive Secretary, National Labor Relations Board.*

[S-390-78 Filed 2-17-78; 2:00 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 20, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 21; 1:30 P.M.

Item 2—Briefing on OIA Report on Apollo Testimony. (Approximately 1 hour.) (Closed—Exemptions 1, 6, 9; postponed from February 16, 1978.)

THURSDAY, FEBRUARY 23; 3 P.M.

1. Discussion of NRDC Petition on Tarapur Export License (XSNM-1060). (Approximately 1 hour—public meeting.)
2. Affirmation Items. (Approximately 5 minutes—(public meeting.)

FRIDAY, FEBRUARY 24, 2 P.M.

NRC/DOE Management Meeting under the Interagency Policy Agreement. (Approximately 2 hours—public meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: February 16, 1978.

WALTER MAGEE,
*Office of the Secretary.*

[S-388-78 Filed 2-17-78; 11:08 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 5646, February 9, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional meetings held.

The Commission held a closed meeting on Thursday, February 16, 1978, following the 10 a.m. open meeting, to discuss the following matters:

Settlement of Administrative Proceeding of an enforcement nature.
Chapter X proceeding.
Formal order of investigation.
Other litigation matters.

The Commission also held a closed meeting later this date, at 4:45 p.m., to discuss the following matter:

Discussion of regulatory matters arising from or bearing enforcement implications.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the items considered at the closed meetings were so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(9) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the additional matters to be considered and that no earlier notice thereof was possible.

Dated: February 16, 1977.

[S-394-78 Filed 2-17-78; 2:31 pm]





[8120-01]

12

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, February 23, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

*A. Personnel actions*

1. Change of Status—Charlesetta V. Moore, from Assistant to the Director to Assistant Director of Equal Employment Opportunity, Knoxville, Tenn.

*B. Consulting and personal service contracts*

None.

*C. Purchase awards*

1. Amendment to contracts with Veebro, Inc., and Brown Badgett, Inc., for coal for TVA steam plants.
2. Req. No. 822922—Shield Building steam tunnel embedments for Hartsville and Phipps Bend Nuclear Plants.
3. Rejection of bids in response to Invitation No. 4-821174 (reissue) for direct-current distribution panels for Hartsville and Phipps Bend Nuclear Plants.
4. Req. No. 822825—Indefinite quantity term contract for pipe, fittings, tubing, bolting material, gaskets, and accessories for Hartsville and Phipps Bend Nuclear Plants.

*D. Project authorizations*

1. No. 3309—Convert the Carthage, Tenn., 161-13-kV substation to 161-46-13-kV.
2. No. 3244.1—Amendment to project authorization for freeze protection at Cumberland Steam Plant.
3. No. 3312—Construction of a new ash disposal pond at John Sevier Steam Plant.

*E. Fertilier items*

None.

*F. Power items.*

1. Acquisition of interest in uranium properties in McKinley County, N. Mex., under option agreement with Mobil Oil Corp.
2. New power contract with the city of Lewisburg, Tenn.
3. New power contract with the city of Muscle Shoals, Ala.
4. New power contract with the city of Columbus, Miss.
5. New power contract with the city of Etowah, Tenn.
6. New power contract with Bowater Southern Paper Corp., Calhoun, Tenn.
7. Letter agreement with the Department of Energy (DOE)—power supply for Oak Ridge and Paducah projects.

*G. Real property transactions*

1. Filing of condemnations suits.
2. Abandonment of portion of TVA's Lebanon-Gallatin transmission line right of way in Wilson County, Tenn.—tract LG-44.

*H. Unclassified*

1. Memorandum of Understanding between Mississippi Game and Fish Commission and TVA concerning development and protection of fish and wildlife resources.
2. Supplemental agreement with Bear Creek Development Authority for clearing of the Cedar Creek Reservior.

Following the formal meeting, the Board will complete its quarterly review of current and anticipated conditions and costs affecting TVA's power operations, and the adequacy of revenues to meet the requirements of the TVA Act and the tests and provisions of its bond resolutions. The Board will determine whether an adjustment of the rates and charges for the sale of electric power will be necessary during the quarter beginning April 1, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information also is available at TVA's Washington Office, 202-566-1401.

Dated: February 16, 1978.

[S-385-78 Filed 2-17-78; 10:13 am]

[6712-01]

13

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., Open Commission Meeting, Wednesday, February 22, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

*Agenda, Item No., and Subject*

Complaints and compliance—1—Results of investigation into the operations of WJPD-AM and FM, Ishpeming, Mich.
Complaints and compliance—2—Field investigations into the operations of KODE-TV, Joplin, Mo., KOAM-TV, Pittsburg, Kan., and KTVJ, Joplin, Mo.
Hearing—1—Petition for special relief in the Rhinelander, Wis. TV renewal proceeding (Docket No. 21266).
Hearing—2—Motions to certify record in the Orlando, Fla. television proceeding (Docket Nos. 11083, 17339, 17341, 17342, and 17344).
Hearing—3—Comments of seven applicants for a construction permit for an AM station in Los Angeles, Calif. (Docket Nos. 15752, 15754, 15755, 15756, 15764, 15785, and 15766).
Hearing—4—Petition filed by Midwest St. Louis, Inc. for a declaratory ruling in a comparative hearing for a UHF TV station in St. Louis, Mo. (Docket Nos. 20820, 20821).
Hearing—5—Applications for review of a final Review Board decision in the KTVO, Inc. Kirksville Mo., television proceeding (Docket No. 20100).
Hearing—6—Petition for reconsideration filed by Talton Broadcasting Co., of a Commission decision in the renewal proceeding of WHBB-AM, Selma, Ala. (Docket No. 20723).
Hearing—7—Draft Decision in the Oil Shale Broadcasting Company (KWSR), Rifle, Colo. renewal proceeding (Docket No. 20231).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978.

[S-401-78 Filed 2-17-78; 4:02 pm]

[6712-01]

14

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 22, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

*Agenda, Item No. and Subject*

General—1—Amendent of Parts 2, 13, 81 and 83 of the Commission's Rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).
General—2—Inquiry into problems of public coast radiotelegraph stations (Docket No. 19544).
Common Carrier—1—Complaint of John C. Ringen against AT&T and New York Telephone Co. (File No. TS 34-75).
Common Carrier—2—Application of RCA Global Communications, Inc., to close radiotelegraph station KHK and radiotelephone station KQM, Kahuku, Hawaii.
Common Carrier—3—Declaratory ruling concerning inter-connection obligations of AT&T.
Common Carrier—4—AT&T's petitions to suspend Southern Pacific Communications Co.'s Transmittal No. 113, revising its Tariff FCC No. 6 to offer Sprint Option V service.
Common Carrier—5—MTS and WATS Market Structure.
Common Carrier—6—Modification of procedures in Docket No. 20814, investigation into AT&T's Multi-Schedule Private Line (MPL) tariff.
Common Carrier—7—Petitions to reject, suspend and investigate American Satellite Corp. revisions to its Tariff FCC No. 1.
Common Carrier—8—Western Union Tariff FCC No. 254 revising rates and rate structure for low-speed private line services.

Common Carrier—9—RCA American Tariff FCC No. 1 revising rates and regulations for fixed-term transponder service.

Cable Television—1—Petition for special relief, filed by CPI, serving North Little Rock and Sherwood, Ark. and opposition pleadings filed by Combined Communications Corp., (KARK-TV), and Leaske TV, Inc., (KATV), both of Little Rock, Ark.

Cable Television—2—Petition for reconsideration, filed by Blytheville TV Cable Co., Blytheville, Ark. and opposition pleading filed by KAIT-TV, Jonesboro, Ark. (CSR-988).

Cable Television—3—Petition, filed by Texas Community Antennas, Inc., (Nacogdoches Cable TV), directed against the Commission's decision in Texas Community Antennas, FCC 77-131, 63 FCC 2d 339 (1977) (CSC-124, CSR-1002).

Cable Television—4—Applications filed by San Joaquin Cable TV, Inc., for certificates of compliance to serve Fresno, Calif (CAC-05821, CAC-06971).

Cable Television—5—Petitions for reconsideration of Commission decision in Vanhu, Inc. (Seattle, Wash.), filed by United Community Antenna Systems, Community Telecable of Seattle and Tele-Vue Systems.

Cable Television—6—Petition for waiver of section 78.11(a) of the Commission's Rules in the Cable Television Relay Service, filed by Hayward Cable Television, Inc. (CAR 12131-11).

Assignment of License and Transfer of Control—1—Applications for assignment of licenses for WNOK(AM)(FM)(TV), Columbia, S.C., from Palmetto Radio Corp. to Capital Communications, Inc. (BAL-9045) (BALH-2518) (BALCT-650).

Renewal—1—Petition to deny the renewal application of Gulf Television Corporation for KHOU-TV, Houston, Texas.

Renewal—2—By-direction letters requiring certain broadcast stations to submit EEO Progress Reports.

Renewal—3—Renewal applications filed by Scripps-Howard Broadcasting Company for WMC-AM-FM-TV, Memphis, Tennessee and petition to deny filed by People United to Save Humanity, et al.

Aural—1—Application filed by Gulf South Communications (WTMP), Tampa, Fla., to change the city of license to Tampa-Temple Terrace, Fla. and Application filed by Hagadone Capital Corp. (KISA), Honolulu, Hawaii, for nighttime operation.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978, February 16, 1978.

[S-400-78 Filed 2-17-78; 4:02 pm]

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[6712-01]

15

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 16, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTER TO BE CONSIDERED:

*Agenda, Item No., Subject*

Assignment of License and Transfer of Control—1—Petition for stay and reconsideration of applications to exchange ownership of TV Stations in Washington, D.C. (WJLA) and Oklahoma City, Oklahoma (KOCO).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978.

[S-399-78 Filed 2-17-78; 4:02 pm]

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[6714-01]

16

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., February 24, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

*Request for consent to the modification of a capital condition previously imposed in connection with the approval of an application for Federal deposit insurance*

The Peoples Commercial Bank, East Greenbush, N.Y., for consent to modification of the capital condition imposed in connection with approval of the bank's application for Federal deposit insurance.

*Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank*

Name of person and of bank authorized to be exampt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

*Application for consent to merge and to establish branches*

East River Savings Bank, New York (Manhattan), N.Y., an insured mutual savings bank, for consent to merge under its charter and title with Erie Federal Savings and Loan Association, Buffalo, N.Y., a federally insured savings and loan Association, and for consent to establish the four offices of the latter institution as branches of the resultant bank.

*Applications for consent to merge, to establish branches, and to redesignate the main office locations*

Barnett Bank of Auburndale, Auburndale, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Barnett Bank of East Polk County," with Barnett Bank of East Polk County, National Association, Winter Haven, Fla.; for consent to establish the three offices of the latter bank as branches of the resultant bank; and for consent to redesignate the main office location of the resultant bank to the present main office site of Barnett Bank of East Polk County, National Association.

Arlington Trust Co., Inc., Herndon, Va., an insured State nonmember bank, for consent to merge under its charter, and with the title of "First American Bank of Virginia," with Clarendon Bank & Trust, McLean, Va., and with Alexandria National Bank of Northern Virginia, Springfield, Va.; for consent to establish the 17 offices of Clarendon Bank & Trust (including an approved but unopened branch) and the 12 offices of Alexandria National Bank of Northern Virginia as branches of the resultant bank; and for consent to redesignate the main office location of the resultant bank to the present main office site of Clarendon Bank & Trust.

*Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets*

Case No. 43,357-SR (amended)—Franklin Bank, Houston, Tex.

Case No. 43,400-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,401-L—International City Bank & Trust Co., New Orleans, La.

Case No. 43,403-NR—United States National Bank, San Diego, Calif.

Case No. 43,405-NR—United States National Bank, San Diego, Calif.

Case No. 43,406-L—First State Bank of Northern California, San Leandro, Calif.

Case No. 43,407-SR—Franklin Bank, Houston, Tex.

Case No. 43,409-L—The Hamilton Bank & Trust Co., Atlanta, Ga.

Case No. 43,410-L—The Hamilton Bank & Trust Co., Atlanta, Ga.

Case No. 43,412-L—Northeast Bank of Houston, Houston, Tex.

*Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks*

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

*Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.*

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-398-78 Filed 2-17-78; 4:02 pm]





[6714-01]

17

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., February 24,1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED:

*Disposition of minutes of previous meetings*

*Application for consent to establish a branch*

New Canaan Savings Bank, New Canaan, Conn., for consent to establish a branch at 33 Old Ridgefield Road, Wilton, Conn.

*Request for consent to an extension of time in which to establish a branch*

Citizens Bank and Trust Co. of Maryland, Riverdale, Md., for consent to an extension of time to February 17, 1979, in which to establish a branch at the southeast corner of the intersection of Central Avenue and Enterprise Road (proposed Kettering Shopping Center), Prince George's County, Md.

*Recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets*

Case No. 43,418-L—The Drovers' National Bank of Chicago, Chicago, Ill.

*Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities*

Kaye, Scholer, Pierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Co., New York, N.Y.

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

*Recommendation with respect to the amendment of Corporation rules and regulations*

Memorandum and resolution proposing the final adoption of amendments to Part 330 of the Corporation's rules and regulations, entitled "Clarification and Definition of Deposit Insurance Coverage," to provide specifically for insurance coverage of beneficial interests in pension and other trusteed employee benefit plans and to provide for coverage of nonvested beneficial interests in the same manner as vested interests.

*Memorandum and resolution proposing that the Cororation indemnify First Alabama Bancshares, Birmingham, Ala., parent holding company of First Alabama Bank, N.A., Notasulga, Ala., against any loss, cost, or expense resulting from its being made a party defendant in a suit involving the closing of First Bank of Macon County, Notasulga, Ala.*

*Memorandum regarding the leasing of space in the Federal Home Loan Bank Board Building, Washington, D.C., for the expansion of the Washington headquarters office*

*Memorandum proposing the leasing of 4,800 square feet of spacc in the building located at 1729 E Street NW., Washington, D.C., for the expansion of the Washington headquarters office*

*Reports of committees and officers*

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Final report of the Chief, Accounting and Budget Branch, Office of the Controller, with respect to the termination of the receivership of Bank of Pineapple, Pineapple, Ala.

Reports of security transactions authorized by the Chairman,

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-397-78 Filed 2-17-78; 4:02 pm]

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Federal Register

WEDNESDAY, FEBRUARY 22, 1978
PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Health Care Financing Administration

■

# CONDITIONAL PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

## Assumption of Review Responsibility; Conclusive Effect of Determinations on Claims Payment and Correlation of Title XI Functions



[4110-35]

Title 42 of the CFR and transferred

review of health care and because



the PSRO to exercise review responsi-

7. One commentator suggested that into a written and signed

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 463—REVIEW RESPONSIBILITY AND AUTHORITY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (PSRO's)

Assumption of Review Responsibility by Conditional PSROs; Conclusive Effect of PSRO Determinations on Claims Payment; Correlation of Title XI Functions With Functions Required Under Title XVIII and Title XIX of the Act

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rules.

SUMMARY: These rules: (1) Establish procedures for conditional Professional Standards Review Organizations (PSROs) to assume responsibility for review of the medical necessity, quality, and appropriateness of health services for which payment may be made under the Social Security Act; (2) require that Medicare fiscal agents and Medicaid State agencies, in paying claims for health services, accept as conclusive PSRO determinations as to medical necessity, quality, and appropriateness; and (3) establish policies to assure correlation of PSRO activities with other review, certification, and payment activities relating to health care. These provisions implement several sections of Title XI-B of the Social Security Act.

The intent is to assure: (1) That services paid for under Title XVIII (Medicare) or Title XIX (Medicaid) of the Act are medically necessary, appropriate, and of acceptable quality; and (2) to preclude duplication of review and certification activities.

EFFECTIVE DATE: These regulations are effective on February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Larry Sobel, Legal Analyst, Room 16A-40, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, phone 301-443-2808.

SUPPLEMENTARY INFORMATION: On January 24, 1977 three Notices of Proposed Rulemaking were published in the FEDERAL REGISTER (42 FR 4256; 4259; and 4260). They proposed to add, to 42 CFR Part 101, three subparts:

Subpart D—Assumption of Review Responsibility by Conditional PSRO's.
Subpart E—Conclusive Effect of PSRO Determinations on Claims Payment.
Subpart F—Correlation of functions under Title XI Subpart B of the Social Security Act with Other Provisions of the Act.

Regulations effective October 1, 1977 established a new Chapter IV in Title 42 of the CFR and transferred all Health Care Financing Administration regulations to that new chapter. Accordingly, these final regulations are codified under Subchapter D, Professional Standards Review, of 42 CFR Chapter IV as Part 463. Comments relating to the proposed §§ 101.401 through 101.605 are discussed in relation to redesignated §§ 463.1 through 463.28.

A total of 36 comments was received from PSRO's, State Medicaid agencies, health care providers and other interested groups. All comments were considered and are summarized below, along with our responses to them and the changes made in the proposed rules.

In addition to the comments received, these regulations reflect provisions of the "Medicare-Medicaid Anti-Fraud and Abuse Amendments" enacted as Pub. L. 95-142 on October 25, 1977. Numerous provisions of this law relating to PSRO's were similar to provisions of these proposed regulations, particularly the provisions involving PSRO/State relationships. These provisions were the result of extensive discussions among State, PSRO, and Department representatives which resulted in the eventual framework for PSRO/State relationships incorporated in Pub. L. 95-142.

Sections 463.2(e)(3) and (e)(4) of these regulations restate section 1155(a)(7) of the Act, added by Pub. L. 95-142, and provide that a PSRO will have responsibility for review in intermediate care facilities only if the State requests the PSRO to perform the review or if the Department finds that the State review in those facilities is ineffective or (in combined facilities) inefficient. The Department will in the future propose regulations to establish criteria for Department determinations of effectiveness and efficiency under §§ 463.2(e)(3) and (e)(4).

### A. Assumption of Review Responsibility

#### Evaluation of PSRO Capability

1. Two comments were received that more specific criteria should be listed regarding the Secretary's evaluation of an organization for conditional designation as a PSRO. These criteria will be provided in regulations which are under development within the Department relating to agreements between the Secretary and PSRO's.

2. One commentator believed that the recommendations of the Medicare fiscal agents and State Medicaid and Title V agencies should be deleted as an evaluation criterion, in § 463.2(a), and another commentator suggested that the comments be reviewed by the organization seeking conditional designation as a PSRO.

The Department believes that, because of their fiscal interest in PSRO review of health care and because PSRO determinations are conclusive for payment purposes in the Medicaid program, the State Medicaid agencies should be specifically provided with an opportunity to comment on the PSRO's capability. In addition, PSRO consultation with State Medicaid agencies is now required by section 1152(h)(1) of the Act, added by Pub. L. 95-142. However, a State fiscal interest is not present in the Medicare program, and PSRO determinations are not conclusive for payment purposes on Title V agencies. Therefore, § 463.2(a) adopts the proposed rule with respect to State Medicaid agency consultation and comments. The Department further believes that an organization seeking conditional designation as a PSRO should have the opportunity to respond to comments regarding its capability to perform review. Therefore, § 463.2(c) provides this opportunity.

3. A comment was received that provision for increased consumer input should be made when a PSRO is evaluated for conditional designation. Sections 463.2(a), (d), and (e)(2) have been revised to broaden the opportunity for input when a PSRO is being evaluated for conditional designation and for expansion into the areas of long-term care and ambulatory review. These sections now provide that the Governor of the State in which the organization is located will be provided with an opportunity to comment at such times and to further comment if his views regarding the organization's capability are different from the views of the Department. These provisions have been included in recognition of section 1152(h) of the Act, added by Pub. L. 95-142, and the significant fiscal interest which States have in the operation of the Medicaid program. The Governor may, of course, utilize his Office of Consumer Affairs as well as State health officials in the formulation of his comments regarding the PSRO's capability.

4. In order to ensure that the Department is sufficiently informed of PSRO review activities subsequent to conditional designation and to make clear that the Department will evaluate the capability of the PSRO to expand into the areas of long-term care and ambulatory care review, language has been added in § 463.2(e) which clarifies that PSRO's will submit to the Department at least once each year any modifications to their approved formal plan for review, and that the Department will review amendments to the PSRO's formal plan to expand into long-term or ambulatory care review. Section 463.3(a) of the regulations, as adopted, also clarifies that the Department will provide separate notification to the PSRO of the Department's authorization to





the PSRO to exercise review responsibility for hospital review, for long-term care review, and for ambulatory care review.

#### PSRO Assumption of Review Responsibility and Notifications

5. Comment was received, regarding § 463.4(a), that the timing for the initiation and pace of PSRO assumption of review responsibility in area institutions should be based upon the time of each of the PSRO's notifications to the Department, rather that upon the phase-in schedule, which is more accurately an estimate of PSRO phase-in which is frequently revised. Experience has indicated that the PSRO's phase-in timetables frequently have required revision as a result of various factors such as the negotiation of memoranda of understanding with the fiscal agents, and that the emphasis in these regulations on estimates for phase-in has been confusing and administratively burdensome. Therefore, although the requirement of an estimated phase-in schedule (updated as necessary) in the PSRO's formal plan has been retained, the final regulations clarify that the date of the PSRO's assumption of review responsibility relates to the PSRO's notification in the newspaper and to the Department and affected health care institutions of its exact date of assumption of review responsibility in the institutions in accordance with § 463.8.

6. The regulations, under §§ 463.3(b) and 463.9(b), also clarify that the Department has the discretion under section 1154(b) of the Social Security Act to authorize the conditional PSRO to perform review which is not conclusive for payment purposes for a period of time and to delay the PSRO's assumption of review responsibility in health care institutions for appropriate reasons other than those listed in § 463.9(b). The Department may authorize the conditional PSRO to perform nonbinding review for a period of time in order to allow for a more gradual phase-in of PSRO review responsibility in such areas as long-term care and ambulatory care review. This more gradual phase-in may be necessary in order for sufficient time to work out PSRO/fiscal agency administrative relationships and facilitate the PSRO's understanding of and experience with Medicare and Medicaid level-of-care rules. The Department may also decide to delay PSRO assumption of review responsibility in health care institutions in order to take account of the occasional need for the Department to coordinate PSRO review activity with health care demonstration projects (such as the Evaluation of Alternative Review Systems (EARS) project in Public Health Service hospitals) and other similar activities.

7. One commentator suggested that since the PSRO has the responsibility to notify health care institutions and the public of its assumption of review responsibilities, the PSRO (rather than the Department) should also be given the responsibility to notify the fiscal and survey agencies as well. PSRO's will establish close working relationships with the fiscal agents, but are not required to interact to the same extent with the State survey and certification agencies. Therefore, the final regulations, in § 463.8(a), adopt this comment with respect to PSRO notifications to the Medicare fiscal agents and Medicaid and Title V State agencies, but place the responsibility with the Department to notify the State survey agencies of the dates of PSRO assumption of review responsibility in particular institutions.

8. One commentator suggested, regarding §§ 463.4(b) and 463.8(a), that publication in a newspaper of the PSRO's assumption of review responsibility be required once a week for three consecutive weeks instead of one time, and that only newspapers qualified to publish public notices under applicable State law should be utilized. Another commentator suggested that the notice be published in a newspaper or general circulation distributed in the affected institution's area, rather than distributed in the PSRO area. The Department believes that the requirement of publication in one newspaper provides for adequate notice, since § 463.8(a) requires the PSRO to inform affected health care institutions of its assumption of review responsibility in the institutions as well as to publish notice in a newspaper. In addition, the Department believes that a requirement of qualification to publish public notices under applicable State laws would cause confusion as to interpretation of State law and that the proposed requirement of publication in a newspaper of general circulation adequately informs the public. The Department has adopted the comment regarding distribution of the newspapers in the affected institution's area to ensure that those parties most likely to be affected by the PSRO'S assumption of review responsibility will be informed of this fact.

#### PSRO Memoranda of Understanding (MOU's) With State Agencies and Fiscal Agents

9. Several commentators suggested that the procedures specified for assumption of review responsibility by a conditional PSRO are unduly detailed and restrictive, that the regulations should provide more support for the negotiation process between PSRO's and the fiscal agents, and that the administrative procedures developed between the PSRO's and the fiscal agent should be required to be incorporated into a written and signed memorandum of understanding. The Department believes that the general concept of timetables for the assumption of review responsibility by PSRO's is necessary in order to ensure the timely implementation of PSRO review. However, for easy reference, an Appendix to Subpart A has been provided listing the various PSRO time frames for action. This section has also been restructured to take account of the requirement in section 1171(a) of the Act, added by Pub. L. 95-142, for an MOU between the PSRO and the State Medicaid agency under ordinary circumstances. The Department agrees with the commentators who indicate that the discussion and negotiation process between PSRO's and the Medicare fiscal agents, as well as the State agencies, is important in order to establish sound working relationships, to enable each party to respond to problems of concern to the other, and to set the basis for amicable resolution of future problems which may arise. Therefore, § 463.5(a) has been modified to require an MOU between the PSRO and the Medicaid and Title V State agencies and the Medicare fiscal agents, unless the Secretary waives that requirement because the fiscal agency or agent does not desire to enter into an MOU with the PSRO, refuses to negotiate in good faith or in a timely manner with the PSRO or insists on provisions in the MOU which are not consistent with the provisions of the Social Security Act. This section also includes the requirement in section 1171(b) of the Act, added by Pub. L. 95-142, that the PSRO include in the MOU reasonable review goals and methods requested by the State Medicaid agency.

10. Two commentators suggested that in order to ensure PSRO accountability to State Medicaid agency fiscal concerns, and to ensure arms-length negotiating, a separate contract be required between the agency and the PSRO's which would place final responsibility for the expenditure of State Funds with the State agency. These comments were not adopted because the Department believes it is important that the PSRO review program be a uniform program capable of application to the Medicare and Medicaid and Title V programs. To allow PSRO's to contract separately with all the State Medicaid agencies for the performance of PSRO duties and functions would prevent the development of such a unified review system and weaken the effectiveness of PSRO review of health care. Various provisions have been included in the final regulations which are responsive to State fiscal concerns, including input by Governor under § 463.2, the requirement for an MOU between the PSRO and the State Medicaid agency,

under § 463.5, and the provision in § 463.10 for State monitoring of PSRO review and the Department's suspension of PSRO binding review authority in the event of unsatisfactory PSRO review performance.

11. Two commentators suggested that there be a positive act of approval by the Department of the PSRO's memoranda of understanding with the fiscal agents and agencies and that any disapproval of the procedures be made in writing. The Department agrees with these comments and has adopted them in § 463.5(c). One commentator also suggested that any disapproval of the procedures by the Department be communicated to the health care institutions in the PSRO's area. This comment has not been adopted because if the PSRO's procedures have been disapproved by the Department, the fiscal agents and agencies will continue to perform review in the health care institutions until the procedures are approved. Prior to PSRO assumption of review responsibility in each health care institution, the institution will be so notified by the PSRO in accordance with § 463.8.

12. One commentator suggested that these regulations should apply to all PSRO's, including those which commenced review activities prior to adoption of these regulations. Although MOU's which have previously been approved by the Department need not be resubmitted for approval, these regulations do apply to all PSRO's and provisions in the proposed regulations which may have implied otherwise have been deleted.

MONITORING OF PSRO'S

13. Numerous commentators questioned the legal basis and appropriateness of the Department's temporary suspension of binding review authority by a conditional PSRO, prior to a full reevaluation of the PSRO by the Department, when a State provides reasonable documentation to the Department that the PSRO's determinations have caused a detrimental impact on either State Medicaid expenditures or the quality of care received by Medicaid patients. Concern was expressed particularly that the increase in State Medicaid expenditures could be appropriately the result of improvement in the quality of health care as a result of PSRO review activities and therefore not be "detrimental" nor warrant such suspension of PSRO authority. Commentators also strongly objected to such suspension of authority as a violation of the PSRO's due process interests because the suspension would take effect prior to a full and formal investigation of the merits of the complaint by the Department and without ample opportunity for the PSRO to investigate and refute the charges.

The Department's authority to suspend a conditional PSRO's binding review authority is inherent in its responsibility under section 1154(b) of the Social Security Act to require the PSRO to perform only those duties and functions which it determines the PSRO is capable of performing. In addition, section 1171(d) of the Act, added by Pub. L. 95-142, now specifically provides for a temporary suspension of PSRO authority, but only if there is an unreasonable and detrimental impact from PSRO review on both the cost and appropriateness of health care that the PSRO has not corrected. These provisions have been included in § 463.10(d). At the time the Department conducts a full investigation of the PSRO's performance, under § 463.11, the PSRO will have the opportunity to meet with officials of the Department and refute the State's allegations.

14. Comment was received that the State Medicaid agency should be required to monitor the effectiveness of PSRO review of Medicaid services, that Federal matching funds be made available for the cost of such monitoring, and that the PSRO provide to the agency, upon request, any records or reports maintained or produced by the PSRO which are necessary to monitor and evaluate PSRO performance.

The Department does not believe it is appropriate to require State Medicaid agencies to monitor PSRO review performance if the State agency does not wish to do so. However, § 463.10(b) has been revised in accordance with section 1171(d)(1) of the Act, to clarify that the State Medicaid agency may monitor PSRO's if it wishes in accordance with a State monitoring plan which has been approved by the Secretary, and that Federal matching funds will be made available for the cost of such monitoring. PSRO data or information which the State agency needs in accordance with its approved monitoring plan will be available to the State agency under section 1166(a) of the Social Security Act in order to fulfill the purposes of the PSRO program. However, pursuant to the restrictions on disclosure of PSRO data and information in section 1166, the State agency must use the data only for the purpose of monitoring PSRO performance.

15. One commentator suggested that State monitoring of PSRO's with Federal assistance should be permitted only if this monitoring does not duplicate other monitoring activities of the Department. Another commentator suggested that the regulations should provide for the phaseout of monitoring by the fiscal agents when a PSRO is no longer in the conditional phase. The Department believes that, in order to ensure the appropriate use of Federal matching funds, the State monitoring activities should not duplicate the purposes of PSRO review and that such monitoring should be less intensive over time and focus on problem areas which have been identified. Therefore, § 463.10(b)(2), as adopted, provides that the Department will approve a State's monitoring plan only if the plan does not duplicate the purposes of PSRO review and meets such other relevant criteria as the Department may determine.

16. One commentator recommended that the fiscal agent's criteria for monitoring be included in the regulations. The Department does not believe that all State Medicaid agencies which desire to monitor PSRO review will have developed criteria for evaluating PSRO performance at the inception of State monitoring because at this stage it may be difficult to judge what are reasonable performance standards. However, § 463.10(b), as adopted, includes the provision in section 1171(d)(2) of the Act, that a State monitoring plan may contain performance criteria for evaluating PSRO review effectiveness.

REEVALUATION OF PSRO CAPABILITY

17. Several commentators believed that the provision for reevaluation of the capability of conditional PSRO's by the Department, under § 463.11, did not provide adequate due process to the PSRO's because of failure to specify all of the reevaluation factors, failure to notify and solicit comments from the PSRO prior to the reevaluation, or provide the PSRO with the comments of the fiscal agents and agencies, failure to provide a formal hearing, failure to specify all of the actions which the Department might appropriately take if the PSRO is found to be performing unsatisfactorily, and failure to provide adequate time for the PSRO to respond to the Department's intended actions or to provide a reconsideration of or appeal from the Department's decision. One commentator suggested that the regulations should provide for periodic evaluation of PSRO performance by the Department with, for just cause, a reevaluation of the working relationships.

A formal hearing is not required by the statute in order for the Department to take action with respect to a conditional PSRO which the Department believes is not performing satisfactorily. These regulations, however, provide the PSRO with the grounds for the Department's belief and its intended actions and the opportunity for a informal meeting. This is a fair procedure which will enable the PSRO sufficiently to be apprised of the Department's findings and to offer rebuttal to those findings.

In response to the comments received, § 463.11(d) of the final regulations provides that the PSRO will have an opportunity to respond to any comments of the fiscal agents and State agencies regarding the Department's proposed action and allows the PSRO 30 days rather than 14 days to respond to the Department's intended action. Sections 463.10(a) and 463.11(a) provide for periodic evaluation of PSRO performance with, for good reason, a reevaluation of the PSRO's capability. Section 463.10(a) includes the provision in section 1171(e)(1) of the Act, added by Pub. L. 95-142, for State medicaid agencies to be represented on PSRO assessments conducted by the Department.

18. Comment was received that the Department be required to notify affected health care institutions of any decision resulting from the Department's reevaluation of a PSRO's capability. The Department agrees with this comment and has adopted it in the final regulations under § 463.11(d).

DISCUSSION OF MISCELLANEOUS COMMENTS

19. The Department does not agree that the proposed rule would be improved as suggested by some commentators and has rejected the following suggestions:

(a) That PSRO's do not have authority to review services paid for under Part B of the Medicare program when the practitioner does not accept an assignment of benefits from the patient. Section 1155(a)(1) of the Social Security Act authorizes PSRO's to review all health care services "for which payment may be made (in whole or in part) under this Act," including services paid for under Part B of the Medicare program irrespective of whether the practitioner has accepted an assignment of benefits from the patient.

(b) That reference to Title V of the Social Security Act be omitted from the regulations. Although § 1158(a) of the Act and Subpart B of these regulations provide that PSRO medical necessity determinations are only advisory to the Title V State agency, PSRO's are required to review health care services provided by or in institutions "for which payment may be made (in whole or in part) under this Act," including services provided to Title V recipients.

(c) That "health care institution" be defined more specifically in the regulations. It is not feasible to attempt to delineate all of the organizations which may be involved "in the delivery of health care services and items for which reimbursement may be made in whole or in part under the Act." The types of organizations so involved constitute a constantly changing mix of health care facilities.

(d) That an appeal mechanism be provided to an organization seeking conditional designation as a PSRO in the event the Department makes an adverse determination as to the organization's capability. Title XI, Part B of the Social Security Act does not provide such an appeals mechanism, although appeals rights are specifically provided in the PSRO statute under other circumstances. Although no formal appeal right is provided, the Department intends to continue its practice of considering any comments made by the organization regarding the Department's evaluation and to take appropriate action in light of those comments.

(e) That if the Department determines to utilize "other relevant factors" in evaluating the capability of an organization seeking conditional designation as a PSRO, PSRO input regarding those factors should be obtained by the Department. The Department believes that the determination of these factors should not be subject to prior consultation, since it is the Department's responsibility to make an objective evaluation of PSRO capability. However, as indicated above, the Department will propose more specific evaluation criteria in subsequent PSRO regulations which are under development within the Department relating to agreements between the Department and PSRO's.

(f) That a public notice be provided listing those agreements between the Department and each PSRO which were approved prior to the effective date of the final regulations. The agreements between the Secretary and the PSRO's are not the subject of these regulations, which deal with agreements between PSRO's and fiscal agents and agencies, and PSRO's and health care institutions. This comment will be considered in connection with the development of PSRO regulations relating to agreements between the Department and PSRO's.

(g) That the hospital delegation criteria should include specific performance criteria and should be subject to review and approval by the State Medicaid agency. Provisions for State agency review and comment on the PSRO's proposed hospital delegation criteria are routinely included in the MOUs between PSRO's and State Medicaid agencies. However, it is not reasonable to expect PSRO's to develop performance criteria and evaluate the review performance of hospitals against these criteria before the PSRO has begun to perform review itself. Under section 1155(e) of the Social Security Act, it is the PSRO and not the State Medicaid agency which has the responsibility to evaluate the capability of the hospital to perform review efficiently and effectively.

(h) That hospitals be required to seek to enter into agreements with the PSRO within a certain period of time, such as 120 days, following conditional designation of the PSRO, as a condition for continued participation in the Medicare program. A hospital's failure to enter into an agreement with a PSRO may not be made a grounds for exclusion from participation in the Medicare program. However, refusal of a hospital to allow PSRO entry and performance of review constitutes a violation of Titles XI and XVIII of the Social Security Act and is grounds for a PSRO recommendation of sanctions against the hospital under section 1160(a)(1)(C) of the Act (see § 101.715 of the proposed PSRO Hospital Review regulations (42 FR 4624, January 25, 1977)).

(i) That the PSRO be required to provide a 60-day prior notice to the health care institution of the exact date of assumption of review responsibility by the PSRO in the institution. Experience has indicated that, as a result of various factors such as negotiation of memoranda of understanding, PSRO's often must revise their estimate of the date of assumption of review responsibility in institutions. Therefore, a publication date 30 days prior to the exact assumption of review responsibility in an institution is more reasonable than 60 days.

(j) That the PSRO be required to consult with nondelegated institutions at least 60, rather than 45 days prior to PSRO assumption of review responsibility in the institution. However, prior to consultation, the PSRO is required to determine whether a hospital desires to seek delegation of review functions, which may take up to 40 days under the proposed regulations relating to the Relationship of the PSRO to Hospitals and Utilization of Hospital Review Committees (42 FR 4633, January 25, 1977). The Department believes that an additional 60 days for consultation could result in excessive delays in PSRO review implementation and that 45 days is a reasonable time frame for consultation.

(k) That PSRO's and hospitals should be given more flexibility to determine which time frames for development of agreements are workable for them, and that the Department should attempt to resolve disagreements between PSRO's and hospitals which are obstacles to the signing of such agreements before the PSRO implements nondelegated review in the institutions without an agreement. It is important to establish these time frames in order to enable expeditious review implementation in hospitals by PSRO's determined to be capable of such implementation by the Department. Experience has indicated that hospitals which desire a delegation of review functions and are found capable of performing the review by the PSRO are ordinarily able to reach agreement with the PSRO without

the need for the Department's intervention.

(l) That an agreement between the PSRO and health care institution be required with nondelegated as well as delegated institutions. Agreements with delegated institutions are essential in order to delineate the division of review functions as between the PSRO and the delegated institution. Consultation with nondelegated institutions regarding the PSRO's administrative and review procedures in the institution is required under § 463.7(a), and the PSRO and the institution may, if they both wish, incorporate these procedures into a written agreement under § 463.7(b)(2). A requirement for such an agreement is not necessary, since the PSRO will be performing all of the PSRO review functions in the institution.

(m) That the Department does not have the authority to subject PSRO activities to review and monitoring by Medicare fiscal agents or State Medicaid agencies. The Department is authorized to obtain information and monitor PSRO's under section 1155(f) of the Social Security Act, and Medicare fiscal agents and State Medicaid agencies act as agents of the Department in performing monitoring of PSRO review performance. Section 1171(d)(1) of the Act, added by Pub. L. 95-142, specifically provides for monitoring of PSRO's by State Medicaid agencies under State monitoring plans approved by the Department.

(n) That the State Medicaid agency's monitoring results should not serve as the basis for a temporary suspension of PSRO review authority for the Medicare program unless the Medicare fiscal agent provides documentation of similar problems compiled through its monitoring activities of the PSRO, and that if there is a difference of opinion regarding PSRO review performance between the monitoring agencies, a complete investigation should be made by the Department before any review is suspended. Although the monitoring results from the Medicare fiscal agent will be considered by the Department when it makes a full investigation of the PSRO's performance, a temporary suspension of PSRO authority based solely on the State's documentation is warranted because of the State fiscal contibution to health care services approved by the PSRO. Section 1171(d)(3) of the Act specifically provides for this temporary suspension.

(o) That if the Department temporarily suspends a PSRO's authority, this suspension should affect the entire PSRO area and not be done on an institution-by-institution basis. It is important for the Department to retain the flexibility to suspend the PSRO's authority only with respect to certain types of health care institutions, since it may be apparent from the State's documentation that the problems in PSRO review performance relate only to those types of institutions. Section 1171(d)(3) of the Act provides for a suspension of PSRO authority "in whole or in part."

(p) That during a period of temporary suspension of a PSRO's binding review authority, the State Medicaid agency be authorized to establish alternate review procedures to assure the appropriateness and quality of care. Although the PSRO's review determinations will be only advisory to the State Medicaid agency during the temporary suspension period, it is important to retain the PSRO review system in place. This is only a temporary suspension, prior to a full evaluation of the PSRO's performance by the Department, and it would be wasteful, confusing, and inefficient to allow duplicative review systems to operate during this period, with the possibility of reinstatement of the PSRO's binding review authority after a full evaluation. This is particularly the case since institutions are relieved of responsibility for the performance of utilization review when the PSRO assumes review responsibility in the institutions.

(q) That the Statewide Professional Standards Review Councils assist the Department in monitoring the performance of PSRO's and be substituted for the fiscal agents in performing this monitoring. Statewide Councils have the responsibility under section 1162(c)(2) of the Social Security Act to assist the Department in evaluating the performance of each PSRO. However, it is important to have a variety of mechanisms to monitor the performance of PSRO's. Therefore, Statewide Councils will not be substituted for the monitoring of the fiscal agents but may review the findings of other monitoring bodies to assist the Department in determining their significance.

(r) That the State Medicaid agency should be able to request a hearing by, and provide testimony to, the Department and be present at any meeting regarding the review effectiveness of a conditional PSRO. Provision is made in § 463.11(c) for the Department to notify the fiscal agents and State agencies of his intended action after a reevaluation of PSRO capability and to solicit their comments regarding his intended action. This should provide sufficient opportunity for the State agency to communicate its views to the Department regarding the PSRO's review capability.

(s) That if the Department intends to terminate an agreement with a conditional PSRO upon 90 days notice to the PSRO, an appeals mechanism should be available to the PSRO. Section 1154(c) of the Social Security Act provides only for 90 days notice in the event the Department terminates the agreement of a conditional PSRO. Although not required by the statute, § 463.11(d) of the regulations provides for an informal meeting if the Department intends to take an action against a conditional PSRO as a result of a finding of unsatisfactory performance, including termination of the conditional PSRO's agreement with the Department.

B. CONCLUSIVE EFFECT OF PSRO DETERMINATIONS ON CLAIMS PAYMENT

1. Several commentors approved of the provisions in § 463.16 that make PSRO determinations conclusive for payment purposes. One commentator objected to these provisions because of the payment of State monies for services in the Medicaid program. The Department believes that binding review authority is essential to enable PSRO's to progressively assume review functions and duties during the conditional period, to permit an accurate appraisal of PSRO effectiveness, and to maintain physician support for, and participation in, the PSRO program. The fiscal concerns of States are adequately protected through the strong monitoring role provided to State Medicaid agencies and the provision for temporary suspension of PSRO binding review authority by the Department based upon reasonable documentation by the State of unsatisfactory PSRO review performance (see § 463.10). Section 1158(c) of the Act, added by Pub. L. 95-142, specifically requires that PSRO determinations relating to the medical necessity and appropriateness of health care shall constitute the conclusive determination on those issues for purposes of payment.

2. A comment was received that the PSRO should be required to notify both the practitioner and the provider of an adverse review decision, and to notify both Medicare and Medicaid agencies when a patient is expected to receive financing benefits under more than one program. The language of § 463.16(b)(2) does require the PSRO to notify both the practitioner and provider of its adverse decision if both provided, or proposed to provide, the health care services. The requirement of notification to the financing programs of the PSRO's adverse determinations has been deleted from these regulations because it will be included in the PSRO Hospital Review regulations (issued as proposed rulemaking on January 25, 1977, at 42 FR 4624).

3. A comment was received that PSRO medical necessity and quality determinations should be conclusive with respect to all claims made under the Social Security Act, including determinations by the Department to exclude services rendered by a provider or health care practitioner from coverage under the Medicare program. This determination by the Department under sections 1862(d) and 1866(b) of the Act to exclude services means that those services may not be paid for under the Act and therefore are not within the PSRO's responsibility to review.

4. Three commentators suggested that the requirement that the claim for payment be supported by evidence of the PSRO's medical necessity certification could cause cash flow problems for providers by impeding the billing process and recommended that providers be routinely paid for claims with a subsequent deduction from future paid claims if the PSRO disapproves the services. This suggestion was not adopted because the billing process should not be impeded by the PSRO's medical necessity certification, since ordinarily such certification is made prior to submittal of the claim for payment and is included on the claim for payment. Moreover, sufficient flexibility in the form of such certification is provided in § 463.16(a)(1), since "evidence of PSRO review and approval, routine certification, or other appropriate action" may be provided by the PSRO.

5. Section 1158(d) of the Act, added by Pub. L. 95-142, prohibits payment for more than 1 day of institutional care after a PSRO disapproval of the care, unless the PSRO determines that up to 3 days are required to arrange postdischarge care. This provision is implemented for the Medicare program in § 463.17(a). The appropriate implementation of this provision for the Medicaid program and its relationship to payment for "administratively necessary" days in that program are under study within the Department and will be considered in the development of the proposed PSRO regulations relating to determinations by the Department that a claimant is "without fault" under section 1158(a) of the Act.

6. Objection was made to termination of payment for health care provided to a Medicaid or Medicare patient after a PSRO medical necessity denial prior to the conduct of a full evidentiary hearing on the issue when requested by the individual or the individual's doctor. The Department has required State Medicaid agencies to provide an evidentiary hearing before terminating benefits to Medicaid recipients, including health care benefits (see 45 CFR 205.10). However, the provisions which entitle a Medicaid recipient to a fair hearing under such circumstances are not applicable when PSROs are performing review, because under section 1159(c) of the Social Security Act, the PSRO medical necessity review system and the Federal hearing conducted by the Bureau of Hearings and Appeals of the Social Security Administration (see the PSRO, hearings and appeals regulations at 42 FR 4676, January 25, 1977) replace the State medical necessity review system and the State fair hearing (see § 463.27(e) of these regulations).

Under section 1158(a) of the Social Security Act, payment with Federal funds may not be made after a PSRO medical necessity denial unless the Department determines that the claimant is "without fault." Regulations are under development within the Department to implement this provision which will give the public an opportunity to comment on the circumstances under which a claimant should be considered without fault and therefore entitled to payment. However, the Department has determined that Medicaid inpatients in skilled nursing and intermediate care facilities and psychiatric and tuberculosis hospitals should be considered to be "without fault" under section 1158 for the period until completion of a PSRO reconsideration if the request for reconsideration is received by the PSRO within 2 days of the individual's receipt of the PSRO's denial notice. This is because the patients often have established a continuing care arrangement in those institutions, they lack financial resources, and they have raised a question as to the correctness of the PSRO determination. The Department believes that 2 days is a reasonable time period to provide for the reconsideration request if payment is to be continued until completion of the reconsideration even when the reconsideration decision is adverse to the patient. The question of the applicability of this payment provision to the Medicare program when PSRO's are performing review is under study within the Department and will be considered in the development of the proposed PSRO "without fault" regulations.

Currently, procedures for reconsiderations with which the PSRO's must comply under agreements with the Department are set forth in Chapter XIX of the PSRO Program Manual issued by the Department. Under these procedures, a PSRO must conduct a reconsideration within 3 working days after a request from a patient in a health care institution, the patient and his physician are entitled to make an oral presentation at an informal PSRO reconsideration proceeding, and to present witnesses on the claimant's behalf. Copies of the PSRO Program Manual may be obtained from the appropriate Regional Office of the Department of Health, Education, and Welfare or from the Office of the Acting Associate Administrator, Health Standards and Quality Bureau, Room 16A55, 5600 Fishers Lane, Rockville, Md. 20857.

On the other hand, the Department does not believe that payment should be made through the Federal hearing required under section 1159(b) of the Social Security Act and 42 CFR 101.1402 because the PSRO reconsideration proceeding will provide a fair opportunity for the claimant to present testimony and witnesses on the medical necessity issues in dispute. Medical necessity issues ordinarily do not involve significant factual issues which need be resolved through cross-examination of parties and witnesses and other judicial or quasi-judicial procedures.

The Department believes that it is appropriate to provide for this payment to patients in long-term care institutions and psychiatric and tuberculosis hospitals, but not in acute-care hospitals, because the nature of the services provided in long-term care institutions is often on a continuing, rather than one-time basis. In addition, the denial of payment to a nursing home resident and the necessity of the patient to relocate his residence will ordinarily cause greater hardship than in the acute-care setting.

Section 463.17(b) provides that payment will be made until the conclusion of a PSRO reconsideration of an adverse medical necessity decision which has been requested with respect to a Medicaid recipient who is in a skilled nursing facility, intermedate care facility, psychiatric hospital, or tuberculosis hospital. This change is effective on February 22, 1978, because the Medicaid regulations that authorize payment under similar circumstances are not applicable when PSRO's are performing review and it is in the public interest to permit this payment to Medicaid patients immediately. However, because of the significance of this provision, additional comment regarding this change is encouraged and will be considered by the Department for purposes of revision of these regulations.

Interested persons are invited to submit written comments, suggestions or objections concerning § 463.17(b) to the Director, Office of Professional Standards Review Organizations, Room 16A55, 5600 Fishers Lane, Rockville, Md. 20857, on or before April 24, 1978. All comments received in timely response will be considered and will be available for public inspection in the above-named office during regular business hours.

C. COORDINATION OF PSRO FUNCTIONS WITH OTHER FUNCTIONS REQUIRED UNDER THE SOCIAL SECURITY ACT

1. Several commentators indicated approval of the provisions eliminating duplicative review requirements under Title XVIII and XIX of the Social Security Act when a PSRO assumes review responsibility under Title XI, Part B of the Act. These provisions are now required by section 1152(e) of





the Act, as amended by Pub. L. 95-142, PSRO reviews and appeals and for



42 CFR Chapter IV is amended by

(f) "MOU" stands for

cept to other types of review, such as

the Act, as amended by Pub. L. 95-142, unless the Department specifies otherwise. The provision in section 1158(c) of the Act, added by Pub. L. 95-142, which prohibits reviews for purposes of payment by Medicare fiscal agents and State Medicaid agencies with respect to a PSRO's medical necessity decisions, has been included in §§ 463.26(c)(2) and 463.27(c)(2).

2. One commentator suggested that the requirement that State Medicaid agencies accept the affirmative decisions of a PSRO (pursuant to §§ 463.16(c) and 464.27(c)) would be unenforceable without specific provision in the regulations for sanctions in the event the State agency fails to make payment for the approved services. The Preamble to the proposed regulations indicated that "The State Medicaid agencies are also bound by PSRO decisions under section 1164 of the Act, which makes the provisions of Title XI, Part B, directly applicable to the State Medicaid plans." Although this statutory provision would be a sufficient basis for a compliance action, under section 1904 of the Act, by the Department against a State Medicaid agency which did not abide by PSRO medical necessity determinations, in order to clarify this relationship between Title XI and Title XIX of the Social Security Act, the substance of this provision has been included in § 463.27(f) relating to correlation of Title XI functions with Title XIX functions.

3. A comment was received that the relationship of Medicare coverage requirements to PSRO review determinations should be further clarified and that the consistency of PSRO judgments with Medicare coverage rules should be determined by the Medicare intermediary. Conversely, a comment was received that the delineation of responsibility between the PSRO and the fiscal agents was clear and that the regulations should prohibit the fiscal agents from including medical determinations as part of their prerogative to set limits on coverage. Sections 463.26(c) and 463.27(c) make clear that the Department under Title XVIII and the States under Title XIX may establish the services that are covered on a uniform basis (scope of benefits). However, to the extent individual medical judgments are required to implement these coverage rules, it is the PSRO's responsibility and authority to make these medical judgments which must be followed by the Medicare fiscal agents and State Medicaid agencies. Therefore, these sections have not been changed (see also the discussion of PSRO binding review authority in the Preamble to Subpart B).

4. Language has been included in §§ 463.26(e) and 463.27(e) clarifying that provisions for notification of PSRO reviews and appeals and for payments pending a PSRO reconsideration decision are in lieu of Medicare and Medicaid notification provisions and Medicaid provisions for payment pending a State agency hearing decision.

5. Provision has been made in § 463.27(a)(2) for relief of the State's review responsibility and fiscal penalty in skilled nursing facilities and intermediate care facilities based upon the PSRO's approved time table for review in those facilities, rather than the exact date of PSRO assumption of responsibility. This is because prospective relief of the State's responsibility to perform the annual inspections required under medical review and independent professional review in those facilities will enable the State and the PSROs to plan more effectively for cooperative review efforts and result in more efficient long-term care review in the State. However, individual long-term care facilities remain responsible for fulfilling physician certification requirements and applicable utilization review requirements until the PSRO actually implements review in the facility.

6. The Department does not agree that the proposed rule would be improved as suggested by some commentators and has rejected the following suggestions:

(a) That the regulations should provide for the State survey agency to continue a small sampling activity to monitor PSRO review performance in hospitals. Pursuant to § 463.10, PSRO's will be extensively monitored by the Department, by Medicare intermediaries, and by State Medicaid agencies (at the option of the State agency). Under the State survey agency's contract with the Department, the Department may, at its discretion, utilize the agency to monitor PSRO's if it finds such monitoring useful.

(b) That the Department grant a waiver from the application of PSRO review procedures under these regulations to State Medicaid agencies which are found to be equal or superior in review effectiveness to the PSRO. The "superior sytems waiver" applies only to authorization for a State Medicaid agency, under section 1903(i)(4) of the Act, to utilize its own review system to satisfy Title XIX utilization review requirements in lieu of utilizing the Title XVIII Medicare utilization review requirements (see 42 CFR 450.19(b)). The PSRO review system required under Title XI of the Social Security Act replaces both Title XVIII and Title XIX review requirements, and may not be "Waived" under Title XI for another review sytem.

(c) That until PSRO review effectiveness is proven for reviewing hospital services, regulations should not be promulgated to expand the PSRO concept to other types of review, such as medical review (section 1902(a)(26) of the Act) and independent professional review (section 1902(a)(31) of the Act) in long-term care institutions.

Section 1155(a) of the Act, as amended by Pub. L. 95-142, requires that PSRO's review services in skilled nursing facilities and, under certain circumstances, in intermediate care facilities (see § 463.2(e)). Section 1154(b) of the Act requires that PSRO's be "substantially carrying out" all their required functions by the end of their conditional period. Hence, it is necessary and appropriate for these regulations to provide for PSRO review in long-term care institutions.

However, an expansion of PSRO review responsibility to long-term care institutions takes place only if the Department finds, pursuant to section 1154(b) of the Act and after an evaluation of the PSRO's plan for such review, that the PSRO is "capable of performing" such functions. In addition, under § 463.2, the Department will provide the Governor of the State with an opportunity to comment on the PSRO's capability and to have further input if his views regarding the PSRO's capability differ from the views of the Department. It was because the Medicare fiscal agents and State Medicaid agencies were determined not to be performing effective utilization review by Congress that the Congress instituted the PSRO concept and the concept of gradual increase in PSRO responsibility without a requirement of "proven" PSRO effectiveness (S. Rept. No. 92-1230, 92d Cong., 2d sess. (1972, pp. 255-257)). The PSRO concept has been reaffirmed by Congress in Pub. L. 95-142.

The Department believes that PSRO review will, in fact, be effective and that the provisions in Subpart A for State input prior to PSRO assumption of review responsibility in long-term care institutions, for State monitoring of PSRO review performance, and for the Department to suspend a PSRO's binding review authority in case of unsatisfactory performance, are responsive to State concerns regarding effective performance of PSRO's.

NOTE.—The Health Care Financing Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Dated: January 6, 1978.

ROBERT A. DERZON,
*Administrator, Health Care Financing Administration.*

Approved: February 7, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*





42 CFR Chapter IV is amended by adding a new Part 463 to read as follows:

**Subpart A—Assumption of Review Responsibility by Conditional PSRO's**

Sec.
463.1 Definitions.
463.2 Evaluation of capability.
463.3 Notification of designation and capability.
463.4 General requirements.
463.5 Coordination with other agencies and agents.
463.6 Procedures for delegation of PSRO review functions to hospitals.
463.7 Consultation with nondelegated institutions.
463.8 Notices regarding assumption of responsibility.
463.9 Revision of phase-in timetable.
463.10 Monitoring.
463.11 Reevaluation of capability.
Appendix—Time frames for PSRO action.

**Subpart B—Conclusive Effect of PSRO Determinations on Claims Payment**

463.15 Basic requirement.
463.16 Effect of PSRO action.
463.17 Duration of payment after PSRO disapproval.
463.18 Coverage determinations.

**Subpart C—Correlation of Title XI Functions With Functions Required Under Title XVIII and Title XIX of the Act**

463.25 Applicability.
463.26 Correlation of title XI functions with title XVIII functions.
463.27 Correlation of title XI functions with title XIX functions.
463.28 Continuation of functions not assumed by PSRO's.

AUTHORITY: Title XI, Part B of the Social Security Act, 86 Stat. 1429 et seq. (42 U.S.C. 1320c et seq.); sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302).

**Subpart A—Assumption of Review Responsibility by Conditional PSRO's**

**§ 463.1 Definitions.**

As used in this part, unless otherwise specified: (a) "Act" means the Social Security Act (42 U.S.C. Chapter 7)

(b) "Conditional PSRO" means a Professional Standards Review Organization designated on a conditional basis in accordance with sections 1152(a) and 1154 of the Act.

(c) "Health care institution" means an organization involved in the delivery of health care services or items for which reimbursement may be made in whole or in part under the Act.

(d) "Medicaid State agency" means the State agency that is established or designated to administer the State plan for medical assistance under Title XIX of the Act.

(e) "Medicare fiscal agents" means intermediaries which are parties to agreements entered into by the Secretary pursuant to section 1816 of the Act and carriers which are parties to contracts entered into by the Secretary pursuant to section 1842 of the Act.

(f) "MOU" stands for memorandum of understanding.

(g) "Phase-in timetable" means a schedule, contained in the PSRO's formal plan and updated as necessary, specifying the estimated dates when a conditional PSRO will assume review responsibilities in particular health care institutions either directly or through delegation to the health care institutions.

(h) "Review responsibility" means (1) the responsibility of the PSRO to perform review functions prescribed under Title XI, Part B of the Act and the regulations of this part; and (2) the authority of a PSRO to make conclusive determinations regarding the medical necessity, quality and appropriateness of health care.

(i) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated a specified authority.

(j) "State survey agency" means an agency performing provider surveys under section 1864(a) of the Act.

(k) "Title V State agency" means an agency established or designated to administer the State plan for maternal and child health and crippled children services under Title V of the Act.

**§ 463.2 Evaluation of capability.**

(a) *Formal plan.* (1) An organization wishing to be designated as a conditional PSRO shall submit to the Secretary a formal plan detailing the necessary tasks and a phase-in timetable for the orderly assumption and implementation of review responsibility.

(2) During the development and preparation of its formal plan, and prior to its submission to the Secretary, the organization shall consult with the Medicaid State agency.

(3) The organization shall submit the plan, including any comments by the State agency, to the Governor of the State at the time of its submission to the Secretary.

(4) The Governor of the State shall have 30 days from the date of receipt of the formal plan to submit his copmments on the plan to the Secretary.

(b) *Evaluation by the Secretary.* The Secretary will evaluate the capability of the organization to exercise review responsibility and determine whether to designate it as a conditional PSRO, on the basis of the following factors:

(1) The formal plan, and any modification or amendments submitted by the organization;

(2) Comments by the Governor of the State submitted in accordance with paragraph (a)(4) of this section regarding the organization's capability to assume review responsibility; and

(3) Other relevant factors, as determined by the Secretary.

(c) *Opportunity for organization to respond.* The Secretary will provide the organization an opportunity to respond to comments submitted in accordance with paragraph (a)(4) of this section.

(d) *Consultation with the Governor.* If the Secretary intends to make a determination (under paragraph (b) of this section), which is adverse to the comments of the Governor, the Secretary will advise the Governor of his intended action and the basis for the action, and provide the Governor at least 30 days to submit additional evidence and comments prior to taking final action.

(e) *Extension of PSRO review activities.* (1) Once designated, the conditional PSRO shall submit to the Secretary, at least once a year, any modification to the formal plan; and any amendments to extend the PSRO's review activities to:

(i) Skilled nursing facilities, as defined in section 1861(j) of the Act;

(ii) Intermediate care facilities, as defined in section 1905(c) of the Act [see paragraphs (e)(3) and (e)(4) of this section]; or

(iii) Ambulatory care services.

(2) Paragraphs (a) through (d) of this section (relating to the Secretary's evaluation of an organization's capability to be designated as a conditional PSRO and input by the State) apply to any amendments to extend a PSRO's review activities to these facilities and services.

(3) Except as provided in paragraph (e)(4) of this section, a PSRO shall assume review responsibility in intermediate care facilities (as defined in section 1905(c) of the Act) and in public institutions for the mentally retarded (as described in section 1905(d)(1) of the Act) only if:

(i) The Secretary finds, on the basis of such documentation as he may require from the State, that the Medicaid State Agency is not performing effective review of the quality and necessity of health care services provided in those facilities and institutions; or

(ii) The State requests the PSRO to assume this responsibility.

(4) A PSRO shall assume review responsibility in intermediate care facilities that are also skilled nursing facilities (as defined in section 1861(j) of the Act) to the extent that the Secretary finds that the performance of this function by the Medicaid State agency is inefficient.

**§ 463.3 Notification of designation and capability.**

(a) *Notice of Secretary's decision.* The Secretary will send written notice to the organization of his determinations regarding:

(1) Whether to designate it as a conditional PSRO; and

(2) Its capability to exercise review responsibility:

(i) In hospitals;

(ii) In long-term care facilities;
(iii) For ambulatory care services.

(b) *Review not conclusive for claims payment.* (1) The notification under paragraph (a)(2) of this section may include a time limited authorization for the PSRO to perform review which is not conclusive for purposes of claims payment.

(2) During this time, the Title XVIII and Title XIX requirements regarding utilization review and control, physician certifications, and State agency surveys and certifications shall be deemed to be satisfied.

(c) *Notice to fiscal and survey agencies.* (1) The Secretary will notify the appropriate Medicaid, State survey and Title V State agencies and the Medicare fiscal agents of the PSRO's approved phase-in timetable at the time of designation.

(2) He will also inform them of any later revisions in that time table.

(d) *Notification to health care institutions and the public.* (1) A PSRO designated under paragraph (a) of this section shall, within 30 days of the notice from the Secretary:

(i) Provide a copy of its approved phase-in timetable to each health care institution listed in the timetable;

(ii) Publish, in at least one local newspaper (see § 463.4(b)), a notice indicating:

(A) That the Secretary has found it capable to assume review responsibility in designated health care institutions;

(B) That the estimated phase-in timetable for review, approved by the Secretary, is available for public inspection in the PSRO's principal business office; and

(C) That the PSRO will publish the exact dates on which it will assume review responsibility in particular health care institutions, 30 days before those dates.

(2) Conditional PSRO's designated before the effective date of this subpart shall comply with the requirements of this section if they have not already done so.

### § 463.4 General requirements.

(a) *Timing of assumption of review responsibility in particular health care institutions.* A PSRO that has been found capable of exercising review responsibility and so notified by the Secretary shall assume that responsibility in accordance with its published notices of exact dates. (See § 463.8.)

(b) *Publication in newspapers.* Publication required by these regulations shall be in newspapers that:

(1) Have general circulation; and

(2) Are distributed in the area of the institution that is subject to the PSRO review activities.

(c) *Public access.* The PSRO shall maintain and make available for public inspection, at its principal business office:

(1) A copy of each set of MOU's (or other administrative procedures) with Medicaid and Title V State agencies and Medicare fiscal agents; and

(2) A copy of its current approved phase-in timetable.

### § 463.5 Coordination with other agencies and agents.

(a) *Procedures for MOU's.* If a Medicaid or Title V State agency or Medicare fiscal agent notifies the PSRO that it wishes a written memorandum of understanding incorporating their administrative procedures:

(1) The PSRO and the agency or agent shall negotiate in good faith in an effort to reach written agreement.

(2) If they cannot reach agreement, the Secretary will assist them in resolving matters in dispute.

(3) The PSRO is required to incorporate its procedures into an MOU approved by the Secretary, before it may make conclusive determinations for the Medicaid and the Medicare programs, unless the Secretary finds that the agency or agent has:

(i) Refused to negotiate in good faith or in a timely manner; or

(ii) Insisted on including in the MOU provisions which are not consistent with the provisions of the Act.

(4) The MOU shall include procedures for:

(i) Informing Medicaid and Title V State agencies and Medicare fiscal agents of PSRO approval or disapproval of health care services and items;

(ii) Exchanging data or information;

(iii) Modifying the procedures when additional PSRO review responsibility is authorized by the Secretary; and

(iv) Dealing with any other matters that are necessary for coordination.

(5) A Medicaid State agency may request the PSRO to include in the MOU a specification of review goals or methods that are not included in the PSRO's formal plan.

(6) If they cannot reach agreement regarding this specification, the Secretary will require that it be included in the MOU to the extent that he finds that the review goals or methods:

(i) Are consistent with the PSRO's functions under Title XI, Part B of the Act and with Title XIX of the Act and the approved State plan; and

(ii) Do not seriously impact on the effectiveness and uniformity of the PSRO's review of health care services paid for under Title XVIII and Title XIX of the Act.

(b) *Administrative procedures.* If a Medicaid or Title V State agency or Medicare fiscal agent does not notify the PSRO that it wishes an MOU:

(1) The PSRO shall develop administrative procedures that include the items specified in paragraph (a)(4) of this section.

(2) During the development of its procedures, and prior to their submission to the Secretary, the PSRO shall consult with the agency or agent.

(c) *Action by the Secretary.* (1) At least 30 days prior to the timetable date for initial assumption of review responsibility, the PSRO shall submit to the Secretary for approval its MOUs or administrative procedures, including any comments by the agencies or agents.

(2) If the Secretary approves the MOUs or procedures, the PSRO shall follow them.

(3) If the Secretary disapproves the MOUs or procedures, he will:

(i) Notify in writing the PSRO and the appropriate agencies and agents, stating the reasons for disapproval; and

(ii) Require the PSRO to revise its MOUs or procedures and, if necessary, modify its timetable.

(d) *Modification of MOUs.* The MOUs or procedures may be modified, with the Secretary's approval:

(1) Through a revised MOU with the agency or agent; or

(2) In the case of procedures, by the PSRO, after providing opportunity for comment by the agencies and agents.

### § 463.6 Procedures for delegation of PSRO review functions to hospitals.

(a) *Development of requirements and procedures.* (1) At least 90 days before the first date in the phase-in timetable, the PSRO shall submit to the Secretary prior to use:

(i) Models of procedures for the coordination of PSRO and institutional administrative and review activities in:

(A) Hospitals to which all PSRO review functions will be delegated;

(B) Hospitals in which review activities will be apportioned between the PSRO and the institution; and

(C) Hospitals in which the PSRO will perform all review functions; and

(ii) A model notification letter, including the factors the PSRO will consider in evaluating the capability of hospital review committees to perform delegated review functions. The factors shall not be used by the PSRO unless approved by the Secretary.

(b) *Notification to hospitals.* (1) At least 60 days before the first date in the phase-in timetable, the PSRO shall provide copies of the coordination procedures to all hospitals in its area.

(2) Prior to initiation of review in a particular hospital, the PSRO shall send that hospital a notification letter informing it of:

(i) The requirements and procedures for delegation of review functions; and

(ii) The factors which the PSRO will consider in evaluating the hospital review committee's capability to perform review functions.

(c) *PSRO evaluation and decision regarding delegation.* If the particular hospital requests delegation of review functions, the PSRO shall:





(1) Evaluate the hospital review committee's capability to perform them; and

(2) Notify the hospital of its decision.

(d) *Agreements with delegated hospitals.* (1) The PSRO shall enter into a written agreement with any hospital to which it proposes to delegate all or part of its review functions.

(2) That agreement shall include:

(i) Coordination procedures;

(ii) Provisions for administrative resolution of disputes; and

(iii) Any other provisions that the Secretary may require.

(e) *Action when agreement cannot be reached.* If agreement cannot be reached, the PSRO shall not delegate review functions, but shall initiate review in the hospital on the date indicated by public notice. (See § 463.8(a))

### § 463.7 Consultation with nondelegated institutions.

(a) *Consultation.* (1) At least 45 days before initiating review in any institution to which it does not propose to delegate review functions, the PSRO shall consult with that institution regarding administrative and review procedures.

(2) These procedures shall include the items specified in § 463.6(d)(2).

(b) *Modification and agreement.* After consideration of any comments made during consultation:

(1) The PSRO shall make such modifications as it deems appropriate for the particular institution, consistent with items specified in § 463.6(d)(2); and

(2) The PSRO may incorporate the procedures in a written agreement that includes the items specified in § 463.6(d)(2).

### § 463.8 Notices regarding assumption of responsibility.

(a) *Notice of exact date.* (1) At least 30 days before initiation of review in any health care institution, the PSRO shall:

(i) Publish a notice of the date in at least one local newspaper; and

(ii) Notify the health care institutions, the Secretary, and the appropriate Medicaid and Title V State agencies and Medicare fiscal agents.

(2) The Secretary will in turn notify the State survey agency.

(3) The requirements of paragraph (a)(1) of this section are applicable regardless of whether review is to be performed by the PSRO or delegated to the institution.

(b) *Notice of delay in assumption of responsibility.* If the PSRO is unable to assume responsibility on the date announced under paragraph (a) of this section it shall, prior to that date:

(1) So notify the health care institutions, the appropriate agencies and agents, and the Secretary; and

(2) State the reason for its inability.

(c) *Effect of delay in PSRO's assumption of responsibility.* (1) Except as provided in § 463.27(a)(2), the activities required under titles XVIII and XIX of the Act, as specified in Subpart C of this part, shall continue in effect in the institution until the PSRO is able to assume responsibility.

(2) The Secretary will take such action as he deems necessary. That action may include, but is not limited to:

(i) Revision of the PSRO's phase-in timetable; (See § 463.9)

(ii) Monitoring arrangements; (See § 463.10) or

(iii) Reevaluation of the PSRO's capability. (See § 463.11)

### § 463.9 Revision of phase-in timetable.

(a) *PSRO request.* If a conditional PSRO anticipates a delay of more than 90 days in meeting the estimated date for the assumption of review responsibility in any health care institution, it shall, prior to such estimated date, notify the Secretary of the anticipated delay and request a revision of its approved phase-in timetable.

(b) *Action by the Secretary.* The Secretary may, at any time after designation, revise the approved phase-in timetable of any conditional PSRO, in accordance with a request under paragraph (a) of this section or on the basis of his reevaluation of the PSRO's capability in accordance with § 463.11, or for other appropriate reason.

### § 463.10 monitoring.

(a) *Use of appropriate agencies and agents.* (1) The Secretary will periodically evaluate the review performance of conditional PSRO's. He may arrange to have Medicare fiscal agents or State agencies assist him in monitoring the activities of a conditional PSRO.

(2) The Medicaid State agency shall have the opportunity to be represented on any project assessments conducted by the Secretary with respect to a PSRO located within its State.

(3) If monitoring is authorized, the PSRO shall take all necessary and appropriate actions to facilitate monitoring activities.

(b) *State monitoring plan.* (1) The Medicaid State agency may monitor the PSRO's performance of review responsibilities in accordance with a State monitoring plan that is developed after review and comment by the PSRO's and is approved by the Secretary.

(2) The Secretary will approve a State's monitoring plan if the plan does not duplicate the purposes of PSRO review and meets such other relevant criteria as the Secretary may determine.

(3) The costs of activities of the State agency under and in accordance with such plan are reimbursable as an expense of the State agency under section 1903(a) of the Act.

(4) A State monitoring plan may include a specification of performance criteria for judging the effectiveness of the PSRO's review performance.

(5) If the agency and the PSRO's cannot agree regarding the criteria, the Secretary will assist them in resolving the matters in dispute.

(c) *Meetings.* (1) If a monitoring agency considers that PSRO performance is not effective, it shall

(i) Notify the PSRO and meet with it to discuss methods for improving effectiveness; and

(ii) Promptly notify the Secretary of any serious problems and of the results of its meeting with the PSRO.

(2) The Secretary may decide to reevaluate the PSRO's capability or take other appropriate action.

(d) *State complaints and temporary suspension of PSRO authority.* (1) If a Medicaid State agency and a PSRO are unable to resolve their problems, the State may file a written complaint requesting:

(i) Corrective action by the Secretary; or

(ii) Temporary suspension of the PSRO's authority to make determinations that are conclusive for claims payment.

(2) If the State requests a temporary suspension of the PSRO's authority, the Secretary will, within 30 days from the date of receipt of documentation from the State, determine if the State has provided reasonable documentation that the PSRO's review determinations, and not other factors, have caused an unreasonable and detrimental impact on:

(i) Total State Medicaid expenditures; and

(ii) The appropriateness of care received by Medicaid patients.

(3) If the Secretary determines that the State has provided this documentation, he will determine whether the PSRO has taken appropriate corrective action.

(4) If the PSRO has not taken this action, the Secretary will immediately suspend the PSRO's authority, in whole or in part, to make conclusive determinations.

(5) This suspension of authority will remain in effect until the Secretary:

(i) Reevaluates the PSRO's performance and determines that the performance does not have this unreasonable and detrimental impact; or

(ii) Determines that the PSRO has taken appropriate corrective action.

(6) Any determination made by the Secretary under this paragraph shall be final and shall not be subject to judicial review.

(e) *Effect of suspension.* During a temporary suspension of PSRO authority:

(1) The PSRO shall continue its review activities.

(2) The PSRO's determinations shall not be conclusive for claims payment purposes but only advisory to Medicaid State agencies and Medicare fiscal agents.

(3) The Title XVIII and Title XIX requirements regarding utilization review and control, physician certifications, and State agency surveys and certifications shall be deemed to be satisfied.

(f) *Notifications.* (1) The Secretary will notify, in writing, the appropriate State agencies and Medicare fiscal agents, and the PSRO involved, of

(i) His determinations under paragraph (d) of this section and their effect;

(ii) Any subsequent actions that he takes; and

(iii) The basis of his actions.

(2) The Secretary will notify, in writing, the appropriate committees of the United States House of Representatives and the Senate of:

(i) Any documentation that a State agency submits under paragraph (d) of this section; and

(ii) The actions that he takes.

### § 463.11 Reevaluation of capability.

(a) *Reevaluation factors.* For good reason, the Secretary will reevaluate a conditional PSRO's capability to perform review functions. He will consider:

(1) The progress of the PSRO in carrying out its formal plan;

(2) Any comments or recommendations submitted by Medicaid or Title V State agencies or Medicare fiscal agents; and

(3) Other relevant factors as determined by the Secretary.

(b) *Notice of tentative determination and intended action.* If, after such reevaluation, the Secretary has reason to believe that the conditional PSRO is not performing in a satisfactory manner the duties and functions which it was found capable of performing, he will notify the conditional PSRO of the grounds for this belief and of the action that he proposes to take. This action may include:

(1) Placing restrictions upon the exercise of review responsibility or the performance of certain duties and functions by the conditional PSRO, including revision of the conditional PSRO's phase-in timetable;

(2) Requiring the conditional PSRO to take corrective action, including the acceptance of technical assistance to improve its performance;

(3) Suspending the authority of the PSRO to make conclusive determinations. (For the effect of suspension, see § 463.10(e).)

(4) Terminating the agreement with the conditional PSRO upon 90 days notice to the PSRO, pursuant to section 1154(c) of the Act;

(5) Any other action the Secretary may deem appropriate.

(c) *Notice to State and Medicare fiscal agencies.* The Secretary will, as soon as practicable:

(1) Notify the appropriate Medicaid and Title V State agencies and Medicare fiscal agents, and affected health care institutions of his belief and intended action under paragraph (b) of this section; and

(2) Solicit their comments on the action he proposes to take.

(d) *Informal meeting and decision.* (1) The notice to the conditional PSRO under paragraph (b) of this section shall offer the conditional PSRO an opportunity

(i) To respond to any comments of the State agencies and the Medicare fiscal agents;

(ii) To submit written material; and

(iii) To meet informally with an official designated by the Secretary to show cause why the action proposed by the Secretary should not be taken.

(2) If the conditional PSRO does not submit written material or request an informal meeting within 30 days after receipt of the Secretary's notice, the Secretary's tentative decision shall become final and he will so notify the PSRO, Medicaid and Title V agencies, and Medicare fiscal agent(s) and affected health care institutions, and state the basis for his decision.

(3) If the conditional PSRO submits written material within 30 days, the Secretary will consider this material prior to making a final decision.

(4) If the conditional PSRO requests an informal meeting within 30 days after receipt of the Secretary's notice, a meeting will be scheduled as soon as practicable.

(5) After this meeting, the official designated by the Secretary will render promptly a recommended decision to the Secretary.

(6) The Secretary will adopt, revise or set aside the recommended decision and will notify the PSRO, appropriate agencies and affected health care institutions of his decision and the basis for it.

APPENDIX—TIME FRAMES FOR PSRO ACTION

1. Within 30 days after the Secretary's notification of conditional designation and capability to exercise review responsibility: Provide notice to health care institutions and public. (See § 463.3(d))

2. At least 90 days before the earliest date in the phase-in timetable: Submit to the Secretary copies of the models of procedures for coordination of PSRO and institutional administrative and review activities in hospitals and the model notification letter. (See § 463.6(a)(1))

3. At least 60 days prior to initiation of review activities in any hospital: Provide copies of administrative and review procedures to all hospitals in the PSRO area. (See § 463.6(b)(1))

4. In a timely manner, prior to initiation of review activities in any hospital: Notify that institution of the procedures and requirements for delegation of review functions. (See § 463.6(b)(2))

5. At least 45 days prior to initiation of review activity in any institution to which the PSRO does not propose to delegate any of its review functions: Provide the institution an opportunity for consultation regarding the approved administrative and review procedures. (See § 463.7(a)(1))

6. At least 30 days before the timetable date for initial assumption of review functions: Submit to the Secretary for approval, copies of administrative procedures or MOUs with appropriate State agencies and Medicare fiscal agents. (See § 463.5(c)(1))

7. At least 30 days prior to initiation of review activities: Notify the institution, the public, the Secretary, and the appropriate State agencies and Medicare fiscal agents of the exact date of initiation. (See § 463.8(a)(1)).

## Subpart B—Conclusive Effect of PSRO Determinations on Claims Payment

### § 463.15 Basic requirement.

No Federal funds appropriated under Title XVIII or XIX of the Act shall be used (directly or indirectly) for the payment of any claim for services or items provided in a health care institution where a PSRO is exercising review responsibility for those services unless the conditions of this subpart are met.

### § 463.16 Effect of PSRO action.

(a) *Conditions of payment.* Payment shall not be made unless:

(1) The claim for payment is accompanied or supported by evidence of PSRO review and approval, routine certification, or other appropriate action indicating that the PSRO has not disapproved the services or items; or

(2) The services or items have been approved in accordance with section 1159 of the Act relating to PSRO reconsiderations and appeals; or

(3) The Secretary determines that the claimant is without fault.

(b) *PSRO disapprovals.* Payment shall not be made if:

(1) The PSRO has disapproved of the services or items giving rise to the claim; and

(2) The PSRO has notified the practitioner or provider who provided, or proposed to provide, the services or items, and the individual who received, or was proposed to receive them, of its disapproval of the provision of those services or items.

(c) *Conclusive effect on payment agencies.* Unless services or items have been disapproved by the PSRO or disapproved under section 1159 of the Act, payment shall not be denied by a Medicare fiscal agent or a Medicaid State agency on the grounds that the services:

(1) Were not medically necessary; or

(2) Were not of a quality which meets professionally recognized standards of health care; or





(3) Were provided inappropriately on an inpatient basis, or could have been provided more economically in an inpatient health care facility of a different type.

### § 463.17 Duration of payment after PSRO disapproval.

(a) *The Medicare program.* In any case in which a PSRO disapproves institutional care provided or proposed to be provided to a Medicare beneficiary:

(1) Payment may be made for the services furnished before the second day after the day on which the provider received notice of the disapproval; or

(2) If the PSRO determines that more time is required in order to arrange post discharge care, payment may be made for the services furnished before the fourth day after the day on which the provider received the notice.

(b) *The Medicaid program.* In any case in which a PSRO receives a request to reconsider its disapproval of institutional care provided or proposed to be provided to a medicaid recipient, assistance to the individual shall not be suspended, reduced, discontinued, or terminated until the reconsideration decision is rendered if:

(1) At the time of the PSRO disapproval, the individual is in a psychiatric hospital, a tuberculosis hospital, a skilled nursing facility, or an intermediate care facility, as defined in sections 1861 (f) and (g) and 1905 of the Act; and

(2) The PSRO receives the request for reconsideration in writing and within 2 days of the date on which notification of its disapproval was provided to the individual.

### § 463.18 Coverage determinations.

Nothing in this part shall be construed as precluding the Secretary, a medicare fiscal agent, or a Medicaid State agency, in the proper exercise of its duties and functions, from reviewing claims to determine whether they meet the coverage requirements of Titles XVIII and XIX. (See § 463.26 (b) and (c) and § 463.27(c))

## Subpart C—Correlation of Title XI Functions with Functions Required Under Title XVIII and Title XIX of the Act

### § 463.25 Applicability.

The provisions of this subpart are applicable only to health care services and items provided by or in health care institutions in which a PSRO has assumed review responsibility in accordance with the applicable provisions of Subpart A of this part.

### § 463.26 Correlation of Title XI functions with Title XVIII functions.

(a) *Utilization review activities.* PSRO review activities under section 1155(a) of the Act shall be in lieu of the utilization review and evaluation activities required of health care institutions under sections 1861(e)(6), 1861(j)(8), 1861(j)(12), 1861(k) and 1865 of the Act.

(b) *Certifications.* (1) The certifications made by attending physicians under section 1156(d) of the Act with regard to the medical necessity of health care services, shall be in lieu of the physician certifications required under sections 1814(a)(2) (A), (B), (C) and (E), 1814(a)(3), and 1835(a)(2)(B) of the Act.

(2) However, pertinent coverage regulations and guidelines authorized and established under those provisions of title XVIII of the Act shall continue to apply to payment determinations.

(3) A medicare beneficiary is not eligible for a period of presumed coverage under section 1814(h) of the Act if a PSRO determines that the care specified in section 1814(a)(2)(C) of the Act is not medically necessary or appropriate.

(c) *Payment determinations by Medicare intermediaries and carriers.* (1) PSRO determinations under section 1155(a) of the Act with regard to the medical necessity, quality and appropriate level of care of health care services, shall be conclusive with regard to those issues on decisions of Medicare intermediaries and carriers under sections 1814(a)(4), 1814(a)(5), 1814(a)(6), 1862(a)(1) and 1862(a)(9) of the Act.

(2) Reviews with respect to those determinations shall not be conducted, for purposes of payment, by Medicare intermediaries and carriers.

(3) However, pertinent coverage regulations and guidelines authorized and established under those provisions of title XVIII of the Act continue to apply to payment determinations, and claims payment agencies shall not be precluded from rendering coverage and reimbursement determinations with regard to issues that are not subject to PSRO determinations.

(d) *Survey, compliance and assistance activities.* PSRO review and monitoring activities shall be in lieu of the survey, compliance and assistance activities required of State survey agencies under section 1864(a) with respect to sections 1861(e)(6), 1861(j)(8), 1861(j)(12), and 1861(k) of the Act, and intermediaries and carriers under sections 1861(b)(1)(B) and 1842(a)(2)(A) and (B) of the Act.

(e) *Review and appeals activities.* Any reviews, appeals, and notifications of PSRO determinations provided under sections 1159 (a) and (b) of the Act shall be in lieu of reviews, appeals and notifications provided under sections 1842(b)(3)(C) and 1869(b) of the Act with respect to the issues of the medical necessity, quality and appropriate level of care of health care services.

### § 463.27 Correlation of Title XI functions with Title XIX functions.

(a) *Review activities.* (1) PSRO review activities under section 1155(a) of the Act shall be in lieu of the medical, utilization and independent professional review activities required under sections 1902(a)(26), 1902(a)(30), 1902(a)(31), 1903(g)(1) and 1903(i)(4) of the Act.

(2) For purposes of a State's review responsibility and its relief of financial penalty under section 1903(g)(1) of the Act, the PSRO's assumption of review responsibility in skilled nursing facilities and intermediate care facilities shall be based upon the PSRO's approved timetable for review in those facilities.

(b) *Certifications.* Certifications made by attending physicians under section 1156(d) of the Act shall be in lieu of physician certifications required under section 1903(g)(1)(A) of the Act.

(c) *Payment determinations.* (1) PSRO determinations under section 1155(a) of the Act, with regard to the medical necessity, quality and appropriate level of care of health care services, shall be conclusive with regard to those issues on decisions of Medicaid State agencies under sections 1903(g) and 1903(i)(4) of the Act.

(2) Reviews with respect to those determinations shall not be conducted, for purposes of payment, by Medicaid State agencies.

(3) However, such PSRO determinations shall not preclude appropriate coverage determinations under the provisions of Title XIX of the Act with regard to issues that are not subject to PSRO determinations.

(d) *Survey and compliance activities.* PSRO review and monitoring activities shall be in lieu of the validation procedures performed by the Secretary under section 1903(g)(2) of the Act and the survey procedures required of State survey agencies under section 1902(a)(33) of the Act.

(e) *Review and appeals activities.* (1) Any reviews, appeals and notifications of PSRO determinations provided under sections 1159 (a) and (b) of the Act shall be in lieu of fair hearings before State agencies and notifications provided under section 1902(a)(3) of the Act with respect to the issues of the medical necessity, quality and appropriate level of care of health care services.

(2) The provisions of § 463.17(b) relating to payment pending a PSRO reconsideration decision are in lieu of the provisions of 45 CFR 205.10(b)(1) relating to payment pending a State agency hearing decision.

(f) *State plans.* The provisions of this part shall apply to the operation of State plans and programs approved under Title XIX of the Act.

§ 463.28 Continuation of functions not assumed by PSROs.

Any of the duties and functions of a PSRO under Title XI, Part B of the Act for which a PSRO has not assumed responsibility shall be performed in the manner and to the extent otherwise provided for under the Act.

[FR Doc. 78-4301 Filed 2-21-78; 8:45 am]



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federal register

WEDNESDAY, FEBRUARY 22, 1978
PART III

# DEPARTMENT OF STATE

# FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

## Applications for Permits To Fish Off the Coasts of the United States

[4710-01]

## DEPARTMENT OF STATE

[Public Notice 593]

### FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

### Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the fishery conservation zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Government of Japan, and are published herewith.

Dated: February 13, 1978.

LARRY L. SNEAD,
*Acting Director,*
*Office of Fisheries Affairs.*

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0822

1. Name of Vessel: Eikyu Maru No. 26
2. Visual Identifier (Call Sign): 8KPN
3. Type of Vessel: Longliner / Pot Longliner / Gillnet
4. Length: 48 M
5. Gross Tonnage: 299 M.T
6. Net Tonnage: 130 M.T
7. Maximum Speed (knots): 13 kt
8. Owner's Name and Address: Eikyu Gyogyo Kabushiki Kaisha
92, Nishi, Ochiishi, Nemuro, Hokkaido, Japan
9. Types of Processing Equipment: Flash Freezer
10. Fisheries for which Permit is Requested

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| SBL | Sablefish | Bottom longline | X | X | |
| BSA | Pollock | Bottom longline | X | X | |
| | Yellowfin sole | Bottom longline | X | X | |
| | Other flounders | Bottom longline | X | X | |
| | Pacific ocean perch | Bottom longline | X | X | |
| | Sablefish | Bottom longline | X | X | |
| | Pacific cod | Bottom longline | X | X | |
| | Others | Bottom longline | X | X | |
| | Herring | Gillnet | X | X | |
| CRB | Tanner Crab | Traps ( pots ) | X | X | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)





FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0870

1. Name of Vessel: HOYO MARU NO.67
2. Visual Identifier (Call Sign): JJKU
3. Type of Vessel: LONGLINER/POT
4. Length: 45 M.
5. Gross Tonnage: 463 M.T.
6. Net Tonnage: 196 M.T.
7. Maximum Speed (knots): 13
8. Owner's Name and Address: HOYO GYOGYO K.K.SHOKUJI KAISHA
1-3-17 HONNA MACHI, KESENUMA-SHI, MIYAGI PEF., JAPAN
9. Types of Processing Equipment: FLASH FREEZER, SHELL SHELL BREAKER
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| [illegible] | [illegible] | [illegible] | X | X | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0878

1. Name of Vessel: KYUSHO MARU NO.1
2. Visual Identifier (Call Sign): 8LLJ
3. Type of Vessel: LONGLINER/POT
4. Length: 48M.
5. Gross Tonnage: 463 M.T.
6. Net Tonnage: 221 M.T.
7. Maximum Speed (knots): 11
8. Owner's Name and Address: SUSUMU TSURUYA
5-13, IRIFUNE-CHO, HAKODATE-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment: FLASH FREEZER, SNALL SHELL BREAKER
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| SNA | SNAILS | TRAPS(POTS) | X | X | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1064

1. Name of Vessel: TAKASHIRO MARU NO.78
2. Visual Identifier (Call Sign): J E L R
3. Type of Vessel: CARI TRAWLER
4. Length: 64 M
5. Gross Tonnage: 949 M.T.
6. Net Tonnage: 502 M.T.
7. Maximum Speed (knots): 11
8. Owner's Name and Address: TAKASHIRO MARU KAIUN KABUSHIKI KAISHA
719-6, AZA-CHO-TA KAMIBETSU, KATAKAI-GUN, MIE-KEN, 514-01, JAPAN
9. Types of Processing Equipment:
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Catching | Processing | Other Support |
|---|---|---|---|---|---|
| NWA | HAIBASHIRA SQUID | | | | X |
| | OR ATLANTIC SQUID | | | | X |
| | BUTTER FISH | | | | X |
| | OTHER FLOUNDER | | | | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| | [illegible]

No. JA-78-1127

1. Name of Vessel [illegible] 2. Visual Identifier (Call Sign) [illegible]
3. Type of Vessel [illegible] 4. Length [illegible]
5. Gross Tonnage 14[illegible] M.T. 6. Net Tonnage [illegible] M.T. 7. Speed (knots) 11
8. Owner's Name and Address [illegible]
9. Types of Processing Equipment [illegible]
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | X |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag
[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

No. JA-78-1128

1. Name of Vessel KENSEIMA MARU 2. Visual Identifier (Call Sign) JPKY
3. Type of Vessel GARGO/TRANSPORT 4. Length 67M Maximum
5. Gross Tonnage 1,999. MT 6. Net Tonnage 1,096. MT 7. Speed (knots) 14
8. Owner's Name and Address TAITO KISEN K.K.
4-57, TORANOMIMORI, MINAMI-KU, OSAKA, JAPAN
9. Types of Processing Equipment -
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| BSA | POLLOCK | | | | X |
| | PACIFIC COD | | | | X |
| | YELLOW FIN SOLE | | | | X |
| | SABLE FISH | | | | X |
| | HERRING | | | | X |
| | OTHER FLOUNDERS | | | | X |
| | SQUID | | | | X |
| | PACIFIC OCEAN PERCH | | | | X |
| | OTHER GROUNDFISH | | | | X |
| GOA | POLLOCK | | | | X |
| | PACIFIC COD | | | | X |
| | FLOUNDERS | | | | X |
| | PACIFIC OCEAN PERCH | | | | X |
| | OTHER ROCKFISHES | | | | X |
| | SQUID | | | | X |
| | ATKA MACKEREL | | | | X |
| | OTHER GROUNDFISH | | | | X |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag
[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

Attached Page

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| BSA | [illegible] | [illegible] | [illegible] | [illegible] | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| | [illegible] | | | | X |
| SMA | [illegible] | | | | X |
| SBL | [illegible] | | | | X |

No. JA-78-1129

1. Name of Vessel AKATSUKI MARU NO.1 2. Visual Identifier (Call Sign) JQLO
3. Type of Vessel DANISH SEINER 4. Length 31 M. Maximum
5. Gross Tonnage 97 M.T. 6. Net Tonnage 29 M.T. 7. Speed (knots) 10
8. Owner's Name and Address HISASHI WATANABE
4-1, TOYOKAWA-CHO, OTARU-SHI, HOKKAIDO, 047, JAPAN.
9. Types of Processing Equipment -
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| BSA | POLLOCK | BOTTOM TRAWL | X | | |
| | PACIFIC OCEAN PERCH | BOTTOM TRAWL | X | | |
| | SABLEFISH | BOTTOM TRAWL | X | | |
| | YELLOWFIN SOLE | BOTTOM TRAWL | X | | |
| | OTHER FLOUNDERS | BOTTOM TRAWL | X | | |
| | PACIFIC COD | BOTTOM TRAWL | X | | |
| | OTHER GROUNDFISH | BOTTOM TRAWL | X | | |
| | HERRING | BOTTOM TRAWL | X | | |
| | SQUID | BOTTOM TRAWL | X | | |
| | SABLEFISH | BOTTOM TRAWL | X | | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-4575 Filed 2-21-78; 8:45 am]



federal register

WEDNESDAY, FEBRUARY 22, 1978
PART IV

# DEPARTMENT OF THE TREASURY

## Comptroller of the Currency

federal register

# LOANS BY NATIONAL BANKS IN AREAS HAVING SPECIAL FLOOD HAZARDS





from a seller or lessor that such seller or lessor has notified the borrower

APPENDIX—SAMPLE NOTICES TO BORROWER

However, such assistance will be unavailable

[4810-33]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This amendment revises the Comptroller's regulations on loans by national banks in areas having special flood hazards (12 CFR Part 22) in order to conform them to recent statutory changes. The substance of the amendment incorporates the statutory change which rescinds the former prohibition as to loans in non-participating communities and replaces such prohibition with a notification requirement.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219. Telephone No. 202-447-1880.

SUPPLEMENTARY INFORMATION: Section 703(a) of the Housing and Community Development Act of 1977, Pub. L. 95-128 (the "Act") changes the National Flood Insurance Program by amending Section 202(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234. Prior to its amendment by the Act, Section 202(b) required the Comptroller of the Currency to issue regulations which, with certain exceptions, prohibited national banks from making any loans secured by improved real estate or a mobile home located or to be located in a designated flood hazard area unless the community in which the area is situated was then participating in the National Flood Insurance Program. Section 703(a) of the Act has now removed this prohibition. It provides instead that the Comptroller of the Currency shall by regulation require national banks, as a condition of making, increasing, extending, or renewing any loan secured by property located in a flood hazard area, to notify the purchaser or lessee of such property whether Federal disaster relief assistance may be available for the property if the property is damaged by a flood in a federally declared disaster.

The Act does not affect Section 102(b) of the Flood Disaster Protection Act of 1973, which provides that the Comptroller of the Currency shall by regulation direct national banks not to make any loans secured by improved real estate or a mobile home located or to be located in a flood hazard area "in which flood insurance has been made available under (the National Flood Insurance Act of 1968)" unless the building or mobile home and any personal property securing such loan is covered by federal flood insurance. Thus, when federal flood insurance is available for a community in a designated flood hazard area (i.e., when a community is participating in the National Flood Insurance Program), a national bank still cannot make loans secured by improved real estate or mobile homes located or to be located in the community unless the property securing the loan is covered by flood insurance.

Revised 12 CFR Part 22 is being published in full because several portions of the regulation have been redrafted to achieve language simplification. The only substantive change is a technical one designed to conform 12 CFR Part 22 with existing statutory authority. Therefore, the Comptroller for good cause finds that the procedures prescribed by 5 U.S.C. 553 relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose.

DRAFTING INFORMATION

The principal drafter of this document is William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency.

ADOPTION OF AMENDMENT

The Comptroller hereby revises 12 CFR Part 22 in its entirety to read as follows:

Sec.
22.0 Authority and scope.
22.1 Definitions.
22.2 Requirement to purchase flood insurance in participating communities.
22.3 Exemption.
22.4 Notice of special flood hazards and of availability of federal disaster relief assistance.
22.5 Records of compliance.
Appendix—Sample notices to borrower.

AUTHORITY: Secs. 102(b), 202(b) and 205(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, and sec. 703 of the Housing and Community Development Act of 1977, Pub. L. 95-128.

§ 22.0 Authority and scope.

This part is issued by the Comptroller of the Currency pursuant to sections 102(b), 202(b) and 205(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, and section 703 of the Housing and Community Development Act of 1977, Pub. L. 95-128. It applies to certain loans secured by improved real estate made by banks in areas determined by the Secretary of Housing and Urban Development to be areas having special flood hazards.

§ 22.1 Definitions.

(a) The term "bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) The term "loan" means any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards.

(c) The term "community" means a state or a political subdivision thereof which has building code jurisdiction over a particular area having special flood hazards.

(d) The phrase "participating community" means a community which has complied with the requirements for participating in the National Flood Insurance Program as set forth in § 1909.22 of the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development (24 CFR 1909.22) and in which flood insurance is currently being sold.

(e) The phrase "nonparticipating community" means a community which has jurisdiction over an area having special flood hazards and which is not participating in the National Flood Insurance Program.

§ 22.2 Requirement to purchase flood insurance in participating communities.

No bank shall make, increase, extend, or renew any loan as defined in § 22.1(b) in a participating community where flood insurance is available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for its entire term by flood insurance. The amount of that insurance must be at least equal to the lesser of the outstanding principal balance of the loan or the maximum limit of coverage available for the particular type of property under the Act.

§ 22.3 Exemption.

Notwithstanding the provision of § 22.2, flood insurance shall not be required on any State-owned property that is covered under an adequate policy of self-insurance satisfactory to the Secretary of Housing and Urban Development who shall publish and periodically revise the list of States falling within the exemption provided by this section.

§ 22.4 Notice of special flood hazards and of availability of federal disaster relief assistance.

(a) In making, increasing, extending, or renewing any loan as defined in § 22.1(b), each bank shall mail or deliver a written notice to the borrower stating (1) that the property securing the loan is in a flood hazard area (or in lieu of this notification, a bank may obtain satisfactory written assurance from a seller or lessor that such seller of lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in such an area) and (2) whether Federal disaster relief assistance may be available in the event of damage to the property caused by flooding in a federally declared disaster. Each bank shall require the borrower, prior to closing, to acknowledge in writing that the borrower realizes that the property securing the loan is in a flood hazard area and that the borrower has received the notice regarding Federal disaster relief assistance.

(b) A bank which provides written notice containing the language presented in the Appendix to this regulation within the time limits prescribed above will comply with the notice requirements of paragraph (a) of this section.

§ 22.5 Records of compliance.

For all loans secured by improved real estate or a mobile home, each bank shall maintain sufficient records to indicate the method used in determining whether such loans fall within the provisions of this regulation.





APPENDIX—SAMPLE NOTICES TO BORROWER

(1) NOTICE TO BORROWER OF SPECIAL FLOOD HAZARD AREA

Notice is hereby given to ———— that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Secretary of the Department of Housing and Urban Development as a special flood hazard area. This area is delineated on ————'s Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1 percent chance of being flooded within any given year. The risk of exceeding the 1 percent chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26 percent chance of being flooded.

(2) NOTICE TO BORROWER ABOUT FEDERAL DISASTER RELIEF ASSISTANCE

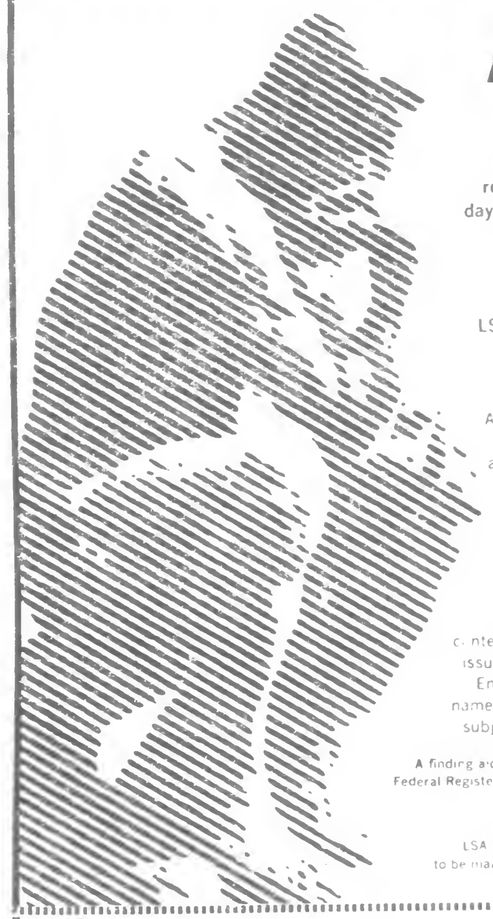
(a) *Notice is Participating Communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event such property is damaged by flooding in a federally declared disaster, Federal disaster relief assistance may be available. However, such assistance will be unavailable if the community has been identified for at least one year as a flood hazard area and is not participating in the National Flood Insurance Program at the time the assistance would be approved. This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of your flood insurance.

(b) *Notice in Nonparticipating Communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is not participating in the National Flood Insurance Program. This means that such property is not eligible for Federal flood insurance. In the event the property is damaged by flooding in a federally declared disaster, Federal disaster relief assistance will be unavailable if the community has been identified for at least one year as a flood hazard area. Such assistance may be available only if, at the time the assistance would be approved, the community is participating in the National Flood Insurance Program or has been identified as a flood hazard area for less than one year.

Dated: February 13, 1978.

JOHN G. HEIMANN,
*Comptroller of the Currency.*

[FR Doc. 78-4581 Filed 2-21-78; 8:45 am]



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| Monday | Tuesday | Wednesday | Thursday | Friday |
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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

## Title 7—Agriculture

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 432]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 24—March 2, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.*—Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market through out the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on February 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges remains generally firm, although there is some weakness in the sales of choice fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.732 Navel Orange Regulaton 432.

*Order.* (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 24, 1978, through March 2, 1978, are established as follows:

(1) District 1: 1,001,000 cartons;

(2) District 2: 299,000 cartons;

(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 22, 1978.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-5014- Filed 2-22-78, 11:33 am]

[3410-07]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

## PART 1800—ADMINISTRATIVE PROVISIONS

### Subpart C—Delegations of Authority

### Priority of Federal Law and Titles of State Office Staffs and Their Authorities

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding the priority of Federal law and also regarding the titles of State Office Staffs, and their authorities. This action is necessary because the titles of certain State Office positions and the authorities delegated to them have been changed due to reorganizations and administrative decisions. The intended effect of this action is to inform the public of the correct titles and authorities of FmHA State Office officials and to provide that loan instruments be construed and enforced in accordance with applicable Federal law.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph H. Linsley, Chief, Directives Management Branch, phone 202-447-4057.

SUPPLEMENTARY INFORMATION: Sections 1600.22 and 1800.23 of Subpart C, Part 1800, Chapter XVIII, Title 7, Code of Federal Regulations, are amended and § 1800.26 is added. This amendment is set forth to clarify the titles of Farmers Home Administration State Office officials and their authorities. Since these sections were last revised administrative decisions and Agency reorganizations have changed the titles and authorities of certain positions. This amendment brings these titles and authorities into a current status and also makes an editorial change. A new section is added to provide that Federal law controls FmHA loan instruments. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstand-

ing the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published as a final rule and not for prior rulemaking since the effect of the action is merely to inform the public of current internal position titles and authorities of approving officials and to reiterate the applicability of Federal law over Agency instruments, and as such does not constitute a substantive change. Thus publication as a prior rule is unnecessary.

Therefore, §§ 1800.22 and 1800.23 are amended and § 1800.26 is added and reads as follows:

**§ 1800.22 National Office Staff and State Directors.**

. . . . . .

(k) [Deleted and Reserved]

. . . . . .

(q) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

. . . . . .

**§ 1800.23 State Office Staff and County Office Employees.**

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of, and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (l) to (s), both inclusive, of § 1800.22: Chief, Farmers Programs/Specialist; Chief, Rural Housing/Specialist; Chief, Community Programs/Specialist; Chief, Business and Industry/Specialist; Property Management Specialist; and State Supervisor; each District Director, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence of disability of any such official or employee, the person acting in his position.

. . . . . .

**§ 1800.26 Applicable law.**

(a) Loans made by FmHA are authorized and executed pursuant to public laws adopted by Congress to achieve national purposes of the U.S. Government.

(b) All loan and security instruments in which FmHA is involved will be construed and enforced in accordance with applicable Federal law.

(c) In order to expedite the processing of loans by FmHA the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible. However, the use of local procedures shall not be deemed or construed to be any waiver by FmHA of any Federal immunity for any local control, limitation, penalty, or liability.

(d) Any person, corporation, or organization that applies for and receives any benefit or assistance from FmHA, or that offers any assurance or security upon which FmHA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

((7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301); sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 15, 1978.

DENTON E. SPRAGUE,
*Acting Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-4786 Filed 2-22-78; 8:45 am]

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[6705-01]

**Title 12—Banks and Banking**

**CHAPTER VI—FARM CREDIT ADMINISTRATION**

**PART 614—LOAN POLICIES AND OPERATIONS**

**PART 615—FUNDING AND FISCAL AFFAIRS LOAN POLICIES AND OPERATIONS AND FUNDING OPERATIONS**

**Miscellaneous Amendments**

AGENCY: Farm Credit Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to amend its regulations pertaining to the loan policies and operations of the institutions of the Farm Credit System, and the System's funding operations. The changes to the regulations covering loan policies and operations are technical and are being made for clarification purposes only. These changes will have no impact on the operations of the Farm Credit institutions. The regulations on funding operations are being amended to provide for the issuance of consolidated Farm Credit bonds in book-entry form only as of January 1, 1978.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greenelsen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578, 202-755-2181.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations which (1) clarify that lending limits specified in the regulations shall continue to apply to the Federal land banks, Federal intermediate credit banks, and banks for cooperatives even though they sign the Systemwide loss sharing agreements, which are being developed; (2) better define how a Farm Credit bank or association is to compute its lending limit where guarantors are involved; and (3) specify that, effective January 1, 1978, the consolidated bonds of each of the three banking groups, that is, the Federal land banks, the Federal intermediate credit banks, and the banks for cooperatives, which, prior to January 1, 1978, were issued in both definitive and book-entry form, will be issued only in book-entry form. The only funding instrument to be issued in definitive form will be consolidated Systemwide notes issued under the Discount Note Program. This approach is in line with security issuance systems of other agencies and the current trend toward book-entry handling of government securities.

By notice published in the FEDERAL REGISTER on December 15, 1977 (42 FR 63179), interested persons were afforded the opportunity to file written comments or suggestions on these proposed regulations. Ten responses each were received on §§ 614.4350 and 615.5450. All were either in favor of or had no objection to the proposed regulations. Of the 11 responses received on § 614.4360, 8 were in favor of the proposed regulations as written. Two responses suggested a need for clarifying subsections (b) and (c). As a result, subsection (b) was rewritten, and the term "principal maker" substituted for "original maker." Subsection (c) was rewritten to clarify that the regulations permit "those parties authorized to enter in loss sharing agreements" to enter into guaranty agreements. All responses received were considered in arriving at the final regulations. As changed, the proposed regulations were adopted by the Federal Farm Credit Board.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 614.4350, 614.4360 and 615.5450 as follows:

**§ 614.4350 General.**

No Farm Credit bank or association shall make a loan, advance or commitment which will result in any one borrower being obligated to such bank or association in excess of limits stated herein. When these limitations are approached, banks or associations should consider the feasibility of arranging participation in large loans with other banks or associations to properly serve the credit needs of deserving large borrowers.

**§ 614.4360 Computation of obligation for lending limit determination.**

(a) Participation loans shall be included in the computation by a bank or association only to the extent of the amount of participation which that bank or association holds.

(b) The obligation of an individual or legal entity shall be the total unpaid principal of indebtedness to the bank or association for which the individual or entity is liable as a borrower, as a result of being guarantor, endorser or maker on loans to other individuals or legal entities, or as a result of drafts, accounts, contracts, or purchases owed. Exemption from this computation may be permitted if the lending bank or association can, after a thorough credit evaluation of the principal maker of the endorsed or guaranteed obligation, certify in writing that the principal maker can reasonably be depended upon for repayment of the guaranteed or endorsed obligation.

(c) A loan partially or fully guaranteed by a Farm Credit institution, pursuant to the provision of § 614.4345 on guaranty agreements, shall be included in the computation by the guarantor bank or association to the extent of the amount of guaranty and excluded to a like extent by the originating bank or association.

**§ 615.5450 Consolidated bonds.**

(a) The 12 Federal land banks will issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form in denominations of $1,000 or multiples thereof. Consolidated bonds dated before January 1, 1978 will continue to be available in both definitive form in denominations of $1,000, $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $1,000 or multiples thereof.

(b) The 12 Federal intermediate credit banks will issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form in denominations of $5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

(c) The 13 banks for cooperatives will issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form in denominations of $5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620,621)

DONALD E. WILKINSON,
*Governor,*
*Farm Credit Administration.*

[FR Doc. 78-4789 Filed 2-22-78; 8:45 am]

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[4910-13]

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 77-WE-33-AD; Amdt. 39-3143]

**PART 39—AIRWORTHINESS DIRECTIVES**

**AiResearch Model TPE331-1, -2, -3, -5, -6, and TSE331-3 Series Engines**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes service life limits of new turbine wheels based upon engine operating cycles. This AD also requires a service life limit and an inspection interval in terms of operating hours for all turbine wheels presently operating in AiResearch TPE331-1, -2, -3, -5, and -6 turboprop and TSE331-3 turboshaft engines. This AD is needed because thermal fatigue cracks originating in the rivet holes of Part No. 895539-1 turbine wheel rim have resulted in three recent failures of a segment of the rim followed by rapid destruction and in one case separation of the turbine assembly. Compliance with this AD will reduce the probability of this type wheel failure.

EFFECTIVE DATE: March 24, 1978.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: The applicable Service Bulletin TPE/TSE331-72-0019, Revision 5, dated February 15, 1978, or later FAA approved revisions, may be obtained from:

AiResearch Mfg. Co. of Arizona, P.O. Box 5217, Phoenix, Ariz. 85010, Telephone: 602-267-3011.

Also, a copy of this service bulletin amendment may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA, Western Region, 15,000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: On October 17, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to AiResearch TPE331-1, -2, -3, -5, -6, turboprop and TSE331-3 turboshaft engines (42 FR 55474). This AD establishes service life limits in terms of operating cycles for all turbine wheels introduced into service in the subject engines in the future and a service life limit of 4250 operating hours for all turbine wheels currently in service. Furthermore, the AD imposes an operating time interval for inspecting for rivet hole cracks those wheels which are currently operating to the 4250 hour time limit. The proposal was prompted by three instances of separation of a portion of the rim on integrally cast third-stage turbine wheels, P/N 895539-1, a significant number of turbine wheels removed from service and rejected for thermal fatigue cracks, and the submittal by AiResearch of life limit data and analysis for all turbine wheels used in the subject engines.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking.

In response to the proposal the engine manufacturer recommended that the wheel cycle lives be published in and controlled by an FAA approved revision to Service Bulletin TPE/TSE331-72-0019 and that this bulletin be referenced in the AD. The FAA concurs with this suggestion and has advised the manufacturer regarding this decision.

One commenter contends that the turbine wheel cycle life limits proposed are unduly restrictive considering the service history of each wheel. The FAA has carefully considered all available service history together with a low cycle fatigue analysis presented by the manufacturer and does not agree that cycle life limits are unduly restrictive.

Several comments were received from commuter air carrier operators who cumulate a relatively high number of cycles per engine operating hour contending that they would be penalized by the proposed cycle life

limits, especially when considering the Part No. 895539-1 turbine wheel life of 2400 cycles. In consideration of this comment the FAA has found no high cycle operator who currently has or is expected to have new zero-time turbine wheels, Part No. 895539-1, on the anticipated effective date of this AD.

Furthermore, Paragraph (a) of this AD contains a provision to allow for cumulation of a greater number of cycles if an operator can show that his engines experience a less severe thermal cycle. However, at the closing date for comments to this proposal, neither adequate substantiation to justify a count of less than one cycle for the less severe thermal cycle nor any proposal for effectively monitoring these cycles in actual operation had been received by the FAA.

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

AIRESEARCH MANUFACTURING CO. OF ARIZONA

Applies to AiResearch Engine Model TSE331-3 and TPE331-1, -2, -3, -5, and -6 Series Engines.

Compliance is required as indicated unless already accomplished.

To establish turbine wheel life limits based upon operating cycles in lieu of operating hours on TPE/TSE331 turbine wheels, and to inspect such turbine wheels for thermal fatigue cracks originating at the rivet holes in order to reduce the possibility of rapid destruction of the engine turbine resulting from separation of a portion of the turbine wheel rim, accomplish the following:

(a) As of the effective date of this AD, paragraph 2.A of AiResearch Service Bulletin TPE/TSE331-72-0019, Revision 5, dated February 5, 1978, or later FAA approved revisions, establishes the service life limits in cycles of new (zero-time) turbine wheels introduced into service after the effective date of this AD. Turbine wheels specified in this bulletin may not be operated in service in excess of these service life limits except as otherwise may be approved by the Chief, Aircraft Enginering Division, FAA Western Region.

NOTE: Formerly, turbine wheel life limits were published in AiResearch Service Bulletin TPE/TSE331-72-0019, Revision 4, dated December 6, 1976, as 4250 operating hours.

The initial life limits in cycles of new (zero-time) wheels published in Service Bulletin TPE/TSE331-72-0019, Revision 5, are as follows:

(1) First stage turbine wheel, Part Number 867569-1, is revised from 4250 operating hours to 4900 operating cycles.

(2) Second stage turbine wheel, Part Number 868272-1, is revised from 4250 operating hours to 4900 operating cycles.

(3) Third stage turbine wheel, Part Number 868630-1, is revised from 4250 operating hours to 5400 operating cycles.

(4) Third stage turbine wheel, Part Number 895539-1, is revised from 4250 operating hours to 2400 operating cycles.

NOTE: For purposes of this AD, except as otherwise may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, an operating cycle is defined as any operating sequence involving an engine start, aircraft takeoff and landing, followed by engine shutdown and one cycle shall be counted for each such operational sequence.

(b) Turbine wheels part numbers 895539-1, 868530-1, 868272-1, and 867569-1, which have operated in service prior to the effective date of this AD, may be continued in service to their current life limit of 4250 operating hours provided they are inspected at intervals as described in Paragraph (c) and (d) of this AD.

(c) Turbine wheels continuing in service to the current life limit of 4250 operating hours as provided in Paragraph (b) of this AD which have accumulated fewer than 1700 operating hours on or after the effective date of this AD must be inspected in accordance with the existing FAA approved maintenance manual for the applicable TPE/TSE 331 engine or later FAA approved revision to that manual before accumulating 1800 operating hours unless previously accomplished within the preceding 1800 operating hours and at intervals not to exceed 1800 operating hours in service thereafter. All wheels found to have crack indications by the procedure specified above must be replaced.

(d) Turbine wheels which have accumulated 1700 or more operating hours in service without being inspected since new or since last inspected in accordance with the procedure specified in Paragraph (c) of this AD, and which are continuing in service to the life limit of 4250 operating hours as provided in Pararaph (b) of this AD, must be inspected in accordance with such procedure within 100 operating hours after the effective date of this AD and at intervals not to exceed 1800 operating hours in service thereafter. All wheels found to have crack indications by the procedure specified in Paragraph (c) of this AD must be replaced.

(e) Turbine wheels now in service which have current life limits of 4250 operating hours referred to in Paragraph (b) of this AD may be continued in service to the operating cycle life limit established by Paragraph (a) of this AD, provided the number of operating cycles for that turbine wheel can be determined from the aircraft and/or engine log books based on the operating cycle definition in Paragraph (a) of this AD.

If the total number of cycles cannot be determined from the log books, those operating hours for which cycles are unknown may be converted to cycles on the basis of 1.5 cycles per hour.

Turbine wheels which are operated to cycle life limits as provided by Paragraph (a) are not required by this AD to have the interim life inspections required by Paragraphs (c) and (d) of this AD.

(f) Equivalent procedures and/or limits may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize operation of aircraft to a base where these inspections or modifications required by this AD may be performed.

This amendment becomes effective March 24, 1978.

(Secs. 313(a) 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, Calif. on February 10, 1978.

HERMAN C. BLISS,
*Acting Director,*
*FAA Western Region.*

[FR Doc. 78-4658 Filed 2-22-78; 8:45 am]

[4910-13]

[Docket No. 78-NW-4-AD; Amdt. 39-3144]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Several instances of cracks in the floor beams of Boeing 747's have been reported. This Amendment requires inspection of the cabin floor support beams in the vicinity of the body gear wheel well, and repair if necessary. The cracked floor beams may cause seat tracks to fail which in turn would degrade the seat restraint system. This amendment is issued to prevent floor support failures.

EFFECTIVE DATE: February 23, 1978.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Iven Connally, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: Several instances of floor beam cracks have been reported. In one instance, the entire floor beam had failed through the web and both upper and lower caps. The seat track constitutes the upper beam cap for the longitudinal beams in the body landing gear wheel well area. In one instance, the lower pressure deck was found with a 4-inch long crack. The cracked beams reportedly resulted in increased floor flexibility and loose seats.

Failure of the floor support structure could result in cabin depressurization and unrestrained passenger seats. This directive is issued to prevent such floor support failures.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, and Richard Salwen, Acting Regional Counsel, Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

BOEING

Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2176 with more than 6,000 landings. Compliance required as indicated. To prevent floor beam failures accomplish the following:

A. Within 100 landings after the effective date of this AD, unless already accomplished, visually inspect the floor structure from fuselage station 1420 to 1460 for cracks as described in Boeing Service Bulletin 747-53-2176 or later FAA approved revisions.

B. If no cracks are found, repeat the above visual inspection at intervals not to exceed 1200 flights.

C. If no more than one beam is found cracked and the crack is less than 3 inches in the beam web, it is permissible to stop drill the crack and visually inspect the crack at intervals not to exceed 50 landings for evidence of further crack progression. Such cracks must be permanently repaired in accordance with D or E within 1200 landings.

D. If cracks exceed 3 inches in the beam web, repair before further flight in accordance with the Structural Repair Manual, or Boeing Service Bulletin 747-53-2176 or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, ANW-210.

Following repair, inspections per paragraph B shall continue until the modifications per paragraph E are accomplished.

E. Modification of the beams in accordance with the terminating action procedures prescribed in Boeing Service Bulletin 747-53-2176 or later FAA approved revision, or procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action under the provisions of this AD.

F. For purposes of complying with this AD subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

G. Aircraft may be ferried unpressurized to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective February 23, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (490 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A107.

Issued in Seattle, Wash., on February 13, 1978.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. WALK, Jr.,
*Director, Northwest Region.*

[FR Doc. 78-4657 Filed 2-22-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-06; Amdt. 39-3134]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp. Model G-1159 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires that all Grumman American Model G-1159 airplanes having part number 1159SC-L202-11 or -13 side brace/actuators in the landing gear assemblies be removed, inspected, and replaced, if necessary, with units known to be airworthy. One Model G-1159 airplane experienced difficulty in extending the landing gear which was determined to be due to a fault in the locking segments within the actuators. Failure of one of the segments could result in the inability to cycle the landing gear.

EFFECTIVE DATE: February 3, 1978. Compliance as required in the body of the A. D.

ADDRESSES: Grumman American Aviation Corporation Customer Bulletin No. 261 may be obtained from Grumman American Aviation Corp., P.O. Box 2206, Savannah, Ga. 31402, 912-964-3000. A copy of the customer bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

George Carver, Systems Engineering Section, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, 404-763-7781.

SUPPLEMENTARY INFORMATION: There has been a report of a Model G-1159 airplane having difficulty in extending one main landing gear to the down and locked position. The problem has been determined to be due to one or more faulty lock segments within the side brace/actuating cylinders which were not properly machined and polished. These segments have a tendency to gall the cylinder walls which can be extensive enough to prevent full travel of the cylinder, resulting in landing gear extension difficulties. Actuator part numbers 1159SC-L202-11 and -13 are suspected to contain these faulty lock segments.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires the removal, inspection and replacement, if necessary, of these actuators. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are George Carver, Flight Standards Division, and Keith May, Office of the Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:





GRUMMAN AMERICAN AVIATION CORP.

ACTION: Final rule.



governed by the applicable provisions

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tron February audience survey

GRUMMAN AMERICAN AVIATION CORP.

Applies to Grumman American Aviation Corporation Model G-1159 airplanes, all serial numbers certificated in all categories.

COMPLIANCE: Compliance is required as indicated. To prevent possible main landing gear failures, accomplish the following:

(A) Inspect the main landing gear prior to the next flight after the effective date of this A. D. to determine if part number 1159SC-L202-11 or 1159SC-L202-13 side brace actuating cylinders are installed.

(B) Within the next ten landing gear operating cycles after the effective date of this A. D., replace all P/N 1159SC-L202-13 actuators with modified units identified as 1159SC-L202-13A in accordance with Grumman American Aviation Corporation Mandatory Customer Bulletin No. 261 dated January 27, 1978.

(C) Within the next 100 landing gear operating cycles after the effective date of this A. D., inspect all P/N 1159SC-L202-11 actuators in accordance with Grumman American Mandatory Customer Bulletin No. 261 dated January 27, 1978, and if found defective, replace with modified units identified as 1159SC-L202-11A or -13A.

(D) Remove from the aircraft any 1159SC-L202-11A or 1159SC-L202-13A actuator upon accumulating more than 500 actuator cycles and replace with an allowable actuator having less than 500 cycles.

(E) An alternate method of compliance with paragraphs (B), (C), or (D) of this A. D. may be used if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective February 3, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c), 14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., January 27, 1978.

GEORGE R. LA CAILLE,
*Acting Director,*
*Southern Region.*

[FR Doc. 78-4627 Filed 2-22-78; 8:45 am]

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[6560-01]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE**

[FRL 853-8]

**PART 35—STATE AND LOCAL ASSISTANCE**

**Subpart D—Reimbursement Grants**

EXTENSION OF ELIGIBILITY DATES

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment to the State and Local Assistance Construction Grant Reimbursement Regulations implements the amendment to section 206(a) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) contained in section 29 of the Clean Water Act of 1977 (Pub. L. 95-217). The amendment to section 206(a) extends the period of eligibility for reimbursement to include the period from July 1, 1972 to June 30, 1973. Applications for assistance must be submitted by the statutory deadline date of March 27, 1978, which is ninety (90) days after the enactment of the Clean Water Act of 1977.

DATES: Effective date: February 23, 1978; comments may be made on or before March 16, 1978.

ADDRESS: Comments should be sent in triplicate, if possible, to: Mr. Alexander J. Greene, Director, Grants Administration Division, Attention: PM-216-P Subpart D Reimbursement, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert L. Pelmoter, Municipal Construction Division (WH-547), Environmental Protection Agency, 401 M Street SW., Room E 1211 A, Washington, D.C. 20460, 202-426-8902.

SUPPLEMENTAL INFORMATION: Eligibility for reimbursement of State or local funds under this amendment is limited to wastewater treatment facilities for which a Federal grant was awarded under section 8 of Pub. L. 84-660 and construction was initiated after June 30, 1972, but before July 1, 1973.

Congress has resolved the prior controversy as to the definition of the term "initiation of construction" as used in Title II of the Federal Water Pollution Control Act, as amended. The EPA definition of this term was put into question in the case of *Dobbs v. Costle*, No. 75-4444 (5th Circuit, September 21, 1977). However, Congress, in enacting the amendment to section 206, clarified the issue before the Court and reaffirmed the EPA definition of the term "initiation of construction" (see 40 CFR 35.875 and 35.905-4). Accordingly, EPA found it unnecessary to recommend to the Department of Justice that a petition for certiorari be filed in the *Dobbs* case.

In order to implement the extended eligibility period, substantive changes are required throughout Subpart D. In addition, changes have been made to simplify language and to eliminate provisions no longer applicable. Applicable provisions of the previously promulgated regulations (39 FR 3678, January 29, 1974, and 39 FR 40855, November 21, 1974) will remain in effect for applications which were due January 31, 1974.

Payments from monies previously appropriated have been allocated pursuant to statutory provision and are not available for payment of claims for the newly eligible projects (i.e., those on which construction was initiated after June 30, 1972, but before July 1, 1973). Neither have funds been appropriated specifically to permit grants to be awarded for newly eligible projects. If funds are made available, allocation will be made as provided by law and grants will be made to newly eligible projects on a pro rata basis to reimburse State or local funds until full reimbursement has been accomplished.

These regulations are effective immediately to permit eligible municipalities to apply for reimbursement grants by march 27, 1978, the deadline established in the Clean Water Act of 1977. The Agency, therefore, finds that public notice and comment prior to the promulgation of final rules would be impracticable and contrary to the public interest. In accordance with 40 CFR 30.125 comments on all grant regulations may be submitted on a continuous basis. However, in order to be considered prior to the statutory application deadline, comments on these regulations must be submitted, in triplicate, if possible, to the address and within the time shown above.

Accordingly, 40 CFR Part 35 Subpart D is revised in its entirety to read as follows:

**Subpart D—Reimbursement Grants**

Sec.
35.850 Purpose.
35.855 Project eligibility.
35.860 Eligible and ineligible costs.
35.865 Applications.
35.870 Grant amount.
35.875 Initiation of construction.
35.880 Disputes.

AUTHORITY: Sec. 206, Federal Water Pollution Control Act Amendments of 1972, as amended by Pub. L. 93-207 and section 29 of Pub. L. 95-217.

**Subpart D—Reimbursement Grants**

§ 35.850 Purpose.

(a) This subpart governs funding under section 206(a) of the Federal Water Pollution Control Act, as amended, for publicly owned sewage treatment works on which construction was initiated after June 30, 1972, but before July 1, 1973, which was authorized by Pub. L. 95-217, December 27, 1977.

(b) Funding under section 206 for publicly owned sewage treatment works on which construction was initiated after June 30, 1956 but before July 1, 1972, and for which applications were due January 31, 1974, is governed by the applicable provisions of the previously promulgated Subpart D regulations (39 FR 3678, January 29, 1974 and 39 FR 49855, November 21, 1974).

§ 35.855 Project eligibility.

Grants maybe made for reimbursement of State or local funds used for public sewage treatment works projects on which construction was initiated after June 30, 1972, but before July 1, 1973, and for which a grant was awarded under section 8 of Pub. L. 84-660.

§ 35.860 Eligible and ineligible costs.

(a) Eligible costs of construction include costs of preliminary planning to determine the economic and engineering feasibility of treatment works; the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(b) Ineligible costs include collector sewer lines and land acquisition.

§ 35.865 Applications.

(a) An application for a grant must be received by the appropriate Regional Administrator on or before March 27, 1978.

(b) An application for reimbursement shall be made in writing (if mailed, a return receipt should be requested) and shall contain the following information:

(1) Brief description of project.

(2) Total actual or estimated eligible cost of project as of March 27, 1978.

(3) Total amount of Pub. L. 84-660 funds and any other Federal assistance received to date.

(4) Amount of additional Federal financial assistance requested under section 206 of the Act.

(5) The dates (actual or estimated) of initiation and completion of construction.

(6) Evidence of approval by State agency.

(c) The applicant must furnish such other information as may be required for determination of eligibility for and amount of reimbursement under this subpart.

§ 35.870 Grant amount.

(a) For a project described in § 35.855, the grant amount shall not exceed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under Pub. L. 84-660 (as amended) for the project, and 50 percent of the allowable costs of the project (or 55 percent of the costs where the Administrator determines that project construction was undertaken in conformity with a comprehensive metropolitan treatment plan). However, reimbursement for project costs from all Federal grant sources may not exceed 80 percent of the costs of the project.

(b) A reimbursement grant will be rounded to the nearest hundred dollars. Reimbursement grants will not be awarded to projects entitled to reimbursement of less than $1,000.

§ 35.875 Initiation of construction.

The phrase "initiation of construction," as used in this subpart, means the issuance to a construction contractor of a notice to proceed, or, if no such notice is required, the execution of a construction contract.

§ 35.880 Disputes.

Determinations by the Regional Administrator concerning applicant eligibility, the amount to which an applicant is entitled, or allowability of costs shall be final and conclusive unless appealed within 30 days in accordance with the "Disputes" article (Article 8) of the EPA General Grant Conditions (Appendix A to Part 30 of this subchapter). (See also Subpart J to Part 30 of this subchapter.)

Dated: February 16, 1978.

DOUGLAS M. COSTLE,
*Administrator.*

[FR Doc. 78-4854 Filed 2-22-78; 8:45 am]

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[6712-01]

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 21115; FCC 78-93]

**PART 73—RADIO BROADCAST SERVICES**

**Providing a Changed Method of Determining "Top 50 Markets" to Which Commission's Television Prime Time Access Rule Applies in Any Given Year**

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Report and Order was issued amending the Federal Communications Commission's "prime time access rule" to change the method by which the "top 50 markets" are determined for the purpose of applying that rule in any given year. The basic arrangement provided in the new rule, to be effective in September 1980, provides that the top 50 markets will be determined for a 3-year period on the basis of average-quarter hour prime time audiences for all stations in the market, as determined by an average of the audience data as shown by Arbitron February audience survey "sweeps" approximately 2½ and 3½ years before the September effective date (the September 1980 list will be based on the average of February 1977 and February 1978 sweeps). Until fall 1980, the provisions of the present rule will apply, with the 1978-79 listing based on Arbitron November 1977 market ranking (excluding "Syracuse-Elmira" because it is no longer a single market, and including Salt Lake City), and the 1979-80 list will be based on the Arbitron November 1978 market ranking. The rule change is designed to give more certainty and stability in station operation, by providing more advance notice and a longer period within or outside of the rule. The proceeding followed a petition for waiver filed by a Toledo station; the waiver was denied but rulemaking was begun to explore the problem.

EFFECTIVE DATE: April 3, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John H. Bass, Jr., Broadcast Bureau, 202-632-6339.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

Adopted: February 8, 1978.

Released: February 23, 1978.

In the matter of effect of changes in TV market rank on applicability of prime time access rule § 73.658(k), request of station WTOL-TV, Toledo, Ohio, for temporary waiver of prime time access rule, BC Docket No. 21115.

1. This proceeding was begun by Memorandum Opinion and Order and Notice of Proposed Rule Making (herinafter "Notice"), FCC 77-115, adopted February 10, 1977.[1] It involves the question of how the television "top 50 markets" should be determined, for the purpose of applying each year the prime time access rule (PTAR), § 73.658(k) of the Commission's Rules. The problem involved is that of a few markets and the stations in them—such as Toledo, Ohio and Station WTOL-TV, mentioned in the caption above—which are around 50th in rank and therefore are sometimes within and sometimes outside of the "top 50" group to which the rule applies. It is claimed that the resulting uncertainty, as to whether "off-network" programming may or may not be used during the "access hour" each evening without counting toward the rule's 3-hour limitation, makes intelligent program planning difficult; and that therefore there is need for more sta-

[1] Released February 18, 1977; 42 FR 10860 (February 24, 1977), see 42 FR 18287, Apr. 6, 1977.

bility, both as to longer advance notice as to whether the rule will apply, and a longer period either within or outside of the group of markets covered by the rule.[2]

BACKGROUND

2. In our February 10, 1977 action, we denied a petition by WTOL-TV for waiver of the rule, which would apply to it because Toledo reentered the top 50 market group for 1977-78 after an absence of 3 years. However, while denying the petition, we recognized the problem and proposed a change in the method by which the 50 markets, covered by the rule each year, are determined.

3. As discussed more fully in the Notice, under Note 1 to § 73.658(k) and present arrangements relating to it, the 50 markets, to which the rule applies each television year, are listed by the Commission in a notice issued early each calendar year, to apply for the 12 months starting the following September. The Commission's listing is based on the Arbitron (American Research Bureau) ranking of markets in order of average prime-time audiences (all stations combined), contained in its annual Television Markets and Rankings Guide usually issued in November; this, in turn, under present Arbitron practice is based on audience data obtained in the previous February-March "sweep", which is published by Arbitron early in April. Thus, the list which becomes effective for PTAR purposes in September is published by the Commission 7 or 8 months before, based on published Arbitron rankings more than 9 months before that September, which in turn are based on audience data available in April some 17 months before that September. However, WTOL-TV's claim was that this is not sufficient; before the data which would govern 1977-78 were available in April 1976, it had made heavy financial commitments for some popular off-network program series, including Mary Tyler Moore, to use in access time starting in September 1977, and if the rule applies to it, it could not do so. It was urged that the very high prices which must be paid for such properties (more than $200,000 for one series) necessitate their being played in prime "access time" to be economically feasible, and necessitate purchase for a large number of runs over periods of several years. It was also asserted that the same intense competitive demand situation which results in such prices also requires a station to commit itself far in advance for such material if it wishes to acquire it. Station WTOL-TV's petition and the Notice also noted the fairly frequent changes of status of some markets in relation to the rule, with 9 markets having been under the rule during some but not all of the years since 1970, and Toledo and two other markets having changed status three or four times during this period. It was further noted that the difference in size of markets at around the 50 level is small, averaging less than 4,500 homes between 50th and 51st over the years since 1970.

4. The Notice proposed to deal with the "stability" problem by greatly increasing the amount of advance notice given stations with respect to the applicability of the rule. The proposal was to apply the list issued by Arbitron in one particular November to the television year starting in September of the third year after that, e.g., the Arbitron ranking published in November 1977 would go into effect for the television year beginning in September 1980, giving some 34 months advance notice. Arrangements for the "transitional period" before fall 1980 were discussed; i. was proposed to apply the November 1977 list to 1978-79 and 1979-80, although comments were invited on whether, instead, the list applying in 1977-78 should simply be continued. It was not proposed to have a given ranking list apply to more than 1 year, although comments were invited on the point; the view was expressed that this might tend to further the purchase of off-network material at the expense of new programing. Suggestions as to alternatives, including retention of the status quo, were also invited.

COMMENTS FILED

5. Initial or reply comments were filed herein by American Broadcasting Companies, Inc. (ABC), Assistant Professor Herbert A. Terry of Indiana University, and by 10 licensees of stations in markets which have at various times been within and outside of the PTAR group. The stations include three in Norfork-Portsmouth-Newport News-Hampton, Va. (WAVY-TV, WTAR-TV and WVEC-TV); two in Toledo (WSPD-TV and petitioner WTOL-TV); two in Wilkes-Barre/Scranton, Pa. (WBRE-TV and WDAU-TV); and one each in Salt Lake City (KTVX), Syracuse-Elmira, N.Y. (WHEN-TV), -and Greensboro/Winston-Salem/High Point, N.C. (WXII).[3]

6. Of the two parties first mentioned, ABC asserts that, while the Commission's proposal is to be favored as lessening uncertainty, it does not do away with the instability inherent in an annually changing list making stations subject to the rule in 1 year but not the next. This, assertedly, makes long-range planning impossible, and discourages both investment in expensive off-network programing to be used if the rule does not apply, and investment in innovative new programing to be used if the rule does govern and which takes time to develop. It is urged that the Commission consider having the rule apply to the same stations for a longer period, such as 5 years, or even a permanent list such as that contained in § 76.51 of the cable rules. Professor Terry, on the other hand, claims that the long-term contracts for off-network material, which give rise to the present problem, should themselves be prohibited, as inconsistent with the Communications Act and Commission policies in that they tie stations to a particular body of programing for a long time and thus impair the independent exercise of licensee program judgment, just as would station affiliation agreements with networks if they were permitted to run for longer than 2 years. He urges that contracts for syndicated material be limited to 2-year terms.[4]

7. The comments of the 10 individual licensee parties can be summarized very briefly as follows. Five parties urge the importance of stability over a period longer than 1 year, important in advance planning and in deciding whether to invest heavily in off-network material, particularly when, as often under present very competitive and high-cost conditions, it is necessary to purchase such material for multiple runs over a period of 5 years

[2] In general, the rule limits network-owned and affiliated stations in top 50 markets to no more than 3 hours of network and off-network programs each evening during prime time (7-11 p.m. E.T., etc.). In practice under the rule, the national networks provide only that amount of prime-time programing which their regular major-market affiliates may carry; therefore it makes little difference, with respect to network programing, whether or not a given station falls under the rule. The question really involved is whether a particular station may or may not carry off-network programs during access time without their counting toward the permissible 3 hours.

[3] The licensees of these stations are respectively, WAVY Television, Inc., WTAR Radio-TV Corp., Peninsula Broadcasting Corp., Storer Broadcasting Co., Cosmos Broadcasting Corp., WBRE-TV, Inc., Scranton Broadcasters, Inc., United Television, Inc., Meredith Corp., and Multimedia, Inc.

[4] It is also claimed that this would benefit stations economically since they would not have to pay money for later runs of material which occur years in the future.

While Mr. Terry's objective appears to apply to all "access period" material, his actual proposed rule would apply only to the stations in the few markets involved here, which "swing" vis-a-vis the rule. His proposed rule would define "off-network programing" to exclude off-network material contracted for when the station was outside of the rule and if the contract is for no more than 2 years. Thus, it would leave untouched the great majority of PTAR markets which do not change position.





or even longer.[5] If the station, having made such an arrangement, suddenly comes under the rule, it will have to move the program to another time, with lesser audience and much lower rates not large enough for such expensive product.[6] The licensee of WAVY-TV (Norfork), urging that a permanent listing be adopted, claims that there is no significant difference in audience size among markets around the 50 mark; therefore the "disruptive annual revision" (which under the Commission's proposal would be deferred but would still remain) has no public-interest justification. Meredith Corporation, licensee of WTVH, Syracuse, carries this argument further, urging that there is no reason to include "marginal" markets—those, including Syracuse-Elmira, which enter and leave the top 50 from time to time—since they do not contribute significant numbers of homes even in the aggregate (six "marginal" markets for 1977-78 total some 1,669,000 prime time homes, only 5.2 percent of more than 30 million prime time homes in the top 50 markets).[7] Therefore, when with 7,000 fewer prime time homes the market would have been outside the top 50 entirely, there is no reason to impose here the hardship of PTAR, which requires WTVH to spend $90,000 more per year for programing than it would otherwise.

8. The licensees of two Wilkes-Barre/Scranton market stations urge that that market should be excluded because of the high cable penetration—50 percent or more—with the cable systems carrying off-network programs during access time from independent New York and Philadelphia stations, programs much more attractive to viewers than the new material to which the local stations are limited in competing with them. The result, assertedly, is that the latter are at an unfair and serious competitive disadvantage, able to afford only the cheapest "access" material and still losing money on the time period and thus making no contribution either to the public or to the development of significant non-network material.[8] Meredith advances the same argument as to Syracuse-Elmira (32 percent penetration), and also urges another specific claim: the market should not be included because the Syracuse stations do not serve Elmira (except one of them through its Elmira satellite), and yet without Elmira and its audience the market is not in the top 50. (See WENY-TV, 59 FCC 2d 1409 (July 1976), in which waiver of PTAR was granted to the regular Elmira station, inter alia because it does not serve Syracuse nor do the Syracuse stations serve Elmira).[9] Peninsula Broadcasting Corp. (Norfolk market) supports the status quo except for having the ranking based on more than one audience sweep to avoid errors; it claims that the Commission's proposal would base the ranking on non-current information.

9. The Notice suggested that a guaranteed period of more than 1 year might be harmful to PTAR objectives by encouraging the purchase of off-network rather than new material. Storer Broadcasting Co. mentions that as its reasons for supporting the Commission's proposal without further changes; on the other hand, WAVY-TV asserts that it is debatable whether potential PTAR applicability is much deterrence if there is really competitive demand for an off-network program, and, in any event, the coverage of the rule should not be expanded by this kind of "in terrorem" consideration.

10. *Comments concerning effective day.* Storer Broadcasting Co. is the only party commenting in response to the Notice's questions concerning the effective date of any new rule arrangement, and what transition-period procedures should be adopted. It urges that it has had to make adjustments in its Toledo station's operation to meet the reapplicability of the rule, and should not now have to make another change in the immediate future. The listing now in effect (based on Arbitron's November 1976 ranking, reflecting February 1976 data) should continue in 1978-79 and 1979-80, with the Commission's proposal effective starting in fall 1980.

DISCUSSION AND CONCLUSIONS

11. *Arrangements adopted.* Upon careful consideration of the foregoing material and other pertinent material discussed below, we reach the following conclusions, for reasons discussed later herein:

(a) *The basic arrangements.* The basic arrangement adopted herein, to apply to the broadcast year starting in fall 1980 and later years, is as follows:

(1) The group of "top 50" markets subject to the rule will change only every 3 years; thus, the first list under the new arrangement will apply for 1980-81, 1981-82 and 1982-83; and the next list will apply for 1983-84, 1984-85 and 1985-86.

(2) The top 50 group for each 3-year period will be based on the average of the data shown in two Arbitron February-March audience "sweeps", those occurring roughly 2½ and 3½ years before the September start of the 3-year period. For the period beginning in September 1980, the list will be based on the average of February 1977 and February 1978 sweep data. As at present, the ranking will be based on average quarter-hour prime time audiences (TV households) for all stations in the market combined. However, since the ranking will represent an average of 2 years' February sweeps, it will not necessarily be the same as Arbitron's ranking for any 1 year as set forth in its November Television Markets and Rankings Guide. Rather, the list will be issued by the Commission in the spring (e.g., spring 1978) as soon as the data from the last of the two sweeps are available.

(b) *Interim arrangements until fall 1980.* Until fall 1980, the present rule will generally apply, i.e., for this coming broadcast year, 1978-79, the markets subject to PTAR will be the top 50 in average prime time audience as listed in the November 1977 Arbitron Television Markets and Rankings Guide, except that "Syracuse-Elmira" (listed as No. 48) will be omitted, and Salt Lake City, listed as No. 51, will be included (see paragraph 23, below).[10] For the following year, 1979-80, the group will be the top 50 as listed in the November 1978 Arbitron publication (which will be determinable earlier for those able to use Arbitron February 1978 sweep data).

12. *The need for the full 50 markets.* As mentioned above, some parties

[5] ABC suggests that the uncertainty may also be disadvantageous in the reverse direction—stations may be unwilling to invest in innovative "access" programing efforts, which take time to develop, if there is a chance they will be operating soon in a non-PTAR market.

[6] The Notice suggested that contracts with suppliers might be modified if the rule unexpectedly becomes effective in a given market. WAVY-TV disputes this possibility, asserting that, in its experience, suppliers are unwilling to make allowances for such contingencies.

[7] Multimedia, Inc. (Greensboro market) makes a similar argument; to be successful, a syndicated program needs to reach 60 percent of the nation's TV homes, and numerically this is reached by the 40th market (with, of course, additional TV homes in lower-ranked markets).

[8] These parties advanced two alternative proposals: either bar importation of access off-network programs on cable systems during access time in the top 50 markets, or lift the off-network requirement for the local stations in situations such as Wilkes-Barre/Scranton. They regard the first as more "pro-PTAR", encouraging to the maximum the use of new material; but they regard the second as preferable in encouraging competition and diversity of programing.

[9] It might be noted that Meredith states that it has no problem with the present rule in respects complained of by WTOL-TV; it has no objection to the Commission's proposal as such although it is inclined to question a period of "lead time" as long as 34 months.

[10] In 1978-79, two markets previously under the rule but not this year, Norfolk-Portsmouth-Newport News-Hampton (Va.), and Greensboro/Winston-Salem/High Point (N.C.), will return; and Toledo will drop out, along with "Syracuse-Elmira" as discussed below.

assert that the objectives of PTAR do not require that stations in the full 50 markets always be subject to the rule, but that "marginal" markets can be excluded, and freed from an unnecessary financial burden in buying access programing, without harm to the rule's objectives. We do not agree. While the contribution to the success of an access program afforded by a Toledo station, or a Greensboro station, may not be great, nonetheless it cannot be concluded that the reduction of the potential market by this much is a matter of no significance. As mentioned in the Notice (par. 9), this would represent the loss of roughly 250,000 homes in potential audience for each market dropping out, or over 500,000 if two such markets were excluded, and we cannot conclude this to be immaterial. The prime time access rule has had its problems over the years of its existence, including the absence of desirable stability; and we do not believe it appropriate to contribute to further instability by providing for a number of markets less than those to which the rule has hitherto applied. Therefore, in our view the arrangement to be adopted herein must provide for 50 markets in all years.

13. *Applying a ranking to more than 1 year, and length of advance notice.* While it is important to have the rule applicable to 50 of the top markets, for the short term it does not matter significantly, at around the 50 level, exactly which markets are in or out. As pointed out in the Notice (par. 5) and above, the differences in average prime-time audience among these markets are small, usually no more than a few thousand homes, and not enough to be material here. Therefore, while some parties argue to the contrary, it is not important that the very latest data be used to determine, for any given year, which market is 50th and to be included, and which is 51st and to be left out. Two conclusions follow from this observation: (1) As proposed in the Notice, it is appropriate to increase stability and planning capability by providing for longer advance notice than that given under present arrangements, rather than using the latest available data and giving shorter notice; and (2) considerations of "currency", by themselves, do not afford any reason to limit the applicability of a particular ranking to 1 year.

14. However, there are limits to which a ranking several years old may appropriately be used for a particular year. For example, if the top 50 market group subject to PTAR has been "frozen" permanently on the basis of the 50 markets first covered by the rule in 1971-72, there would have been permanently excluded two markets which have increased substantially in size, and risen in rank, during the 1970's until they are now between 30 and 40. These are San Diego and Orlando-Daytona Beach. A permanent list, similar to that in § 76.51 of the cable rules, is inappropriate here, since it might, in time, work to deprive the rule and its objectives of the support afforded by the availability of prime time in important markets like those mentioned. It could also result eventually in imposing the restrictions of the rule, and whatever burdens these entail, on stations in the wrong markets. Therefore this suggestion by some parties must be rejected. For similar reasons, we believe the 5-year period suggested by some parties is too long. While we recognize the need for increased stability and planning capability, and recognize that popular off-network programs are now sometimes bought for 5 years or even longer, these concepts can be accommodated only up to a certain point if we are to further the rule's objectives in an appropriate manner. Three years appears an appropriate period, reflecting a suitable balance between stations' need for certainty and stability on the one hand, and, on the other, the obvious desirability of having the list of PTAR markets reflect fairly current conditions as long as it is in effect.

15. The Notice (par. 11) mentioned another reason for not proposing a period of more than 1 year: That it might encourage the purchase of off-network rather than new material. Some parties claimed this argument to be without merit (par. 9, above), and on further consideration we agree, at least as to the provision of a 3-year rather than a 1-year period. Bearing in mind the fact that the material at issue here (footnote 2, above) is basically not network but off-network programing—whose presentation represents the free exercise of licensee judgment—we do not consider it appropriate to limit the period of each ranking's applicability just to make investment in off-network product somewhat risky from an economic standpoint. We conclude it to be sufficient that new "access" material is guaranteed 50 top markets in any year, without acting to provide access to a few additional markets simply through uncertainty.

16. As to advance notice, the Notice herein proposed nearly 3 years, from one November Arbitron ranking to September of the third year following. There was some criticism of this as too long, and we have concluded that the period of notice should be slightly shorter—from spring of 1 year to September of the second year following, e.g., from April 1978 to September 1980. The April 1978 listing will represent an average of the February 1978 and February 1977 sweeps, as mentioned above. The problems of WTOL-TV, the petitioner herein, stemmed from agreements made during and after May 1975, concerning material barred from access time starting in September 1977, and these would be avoided under the arrangement mentioned. We conclude that the period adopted is a reasonable balance between station need for advance commitment and planning, and having the PTAR list reflect fairly current conditions.

17. *Use of data from more than one survey.* Some parties urge that more than one sweep should be used in the ranking determination, in order to minimize the effect of unusual weather or other anomalies. This appears to be a good suggestion, and the long-term arrangement herein provides for the use of the results of two February Arbitron sweeps, averaging the audience shown in each of the two.[11] This should be sufficient to eliminate undesirable anomalies, of which Toledo's inclusion in 1977-78 appears to be an example (Toledo was in the top 50 in Arbitron's February 1978 sweep, but not in February 1975 or February 1977, nor in any other February or October sweep since 1973).

18. *Other arguments.* As noted in par. 8, above, two licensees in the Wilkes-Barre/Scranton market, as well as one in the Syracuse market, along with other arguments, urge that their markets should be exempted at least from the "off-network" restriction, because of high cable penetration, with the cable systems bringing in off-network programs during access time from independent stations in New York City and elsewhere. As far as the present proceeding is concerned, we do not consider this argument to have substance. Conceivably, there is some merit in this contention, but this is an extremely complex subject, one not suitable for exploration in a proceeding aimed essentially at working out a more suitable general mechanism for periodic determination of the "top 50" markets, and not at exploring the particular circumstances of individual markets. For example, in addition to various degrees of cable penetration of a market, the extent to which the outside signals carried bring in off-network programs during access time, etc., we would have to take into account the substantial degree of off-air penetration of some markets by outside signals, sometimes including independent stations, e.g., Baltimore by Washington and vice versa, Dayton by Cincinnati, Toledo by Detroit, etc. To grant the relief requested for the

[11] If a list had been issued in spring 1977 on this basis, and using Toledo as an example, the list would reflect the audience figures shown in the 1976 February sweep, 269,000, and those shown in the 1977 February sweep, 252,000, resulting in an average of 260,500.





reason mentioned would be well beyond the scope of this proceeding. We have refused to act on the basis of this argument before when it was advanced by the Wilkes-Barre licensee in the context of waiver for a particular off-network program (*WBRE-TV, Inc.*, 48 FCC 2d 208 (1974)) and we adhere to this position. That licensee, in its reply comments here, indicated that a rulemaking petition raising this question specifically would be filed shortly; further consideration of this issue must await such a filing.

19. Another argument advanced in the case of the "Syracuse-Elmira" market is that it should be excluded because the Syracuse stations do not serve Elmira, except for one having a satellite there. We cannot accept this as a basic concept warranting exclusion, for one reason because non-coverage by a station of part of a market area is by no means uncommon where the market stations have transmitters in different locations. In at least two PTAR markets where one of the network affiliates has to be located away from the principal city to meet mileage-separation requirements (Grand Rapids-Kalamazoo-Battle Creek (Mich.) and Tampa-St. Petersburg (Fla.)), the degree of non-coverage is likely as great as, or greater than, that involved here. The same is true to a lesser extent of other PTAR markets, particularly "hyphenated" ones. Thus this concept must be rejected as such, although for other reasons "Syracuse-Elmira" is not included in the PTAR group for this coming year.

20. We also note the argument by Professor Terry (par. 6 above), that long-term contracts for off-network programs should be discouraged or barred rather than made easier, just as network affiliation agreements are barred for periods more than 2 years. Here, again, such a concept—which would represent a sweeping departure from present common practices—is not appropriate for consideration in this limited proceeding. As noted in footnote 4, above, Mr. Terry's specific proposal would affect only the few "swing" markets and thus deal with only a very small portion of any problem which may exist. If any consideration is to be given to this subject, it must be in a proceeding more specifically targeted at it, in which the whole matter may be explored.

21. In sum, the rule changes adopted herein are designed to provide stations in markets around the 50 mark with the opportunity for more planning and greater stability in their operations, by increasing the period of advance notice that the rule will or will not apply and increasing the period during which a given market will or will not be under the rule. We have gone as far in these respects as proper attention to the objectives of the rule permits, in our judgment. We have also acted to decrease the significance of anomalous circumstances or statistical variations by providing that the ranking will be based on two surveys rather than one. For reasons mentioned above, we are of the view that the rule must continue to apply at all times in 50 markets, and that it is not appropriate to consider in this proceeding certain arguments as to why specific markets should be excluded. We believe that, as revised herein, the rule will better serve the public interest.

22. *Interim arrangements until fall 1980.* Pending the effectiveness of the basic plan mentioned in fall 1980, we are leaving in effect the arrangements provided by the present rule: for this coming broadcast year, 1978-79, the top 50 markets will be the top 50 listed in the November 1977 Arbitron "Television Markets and Rankings Guide," except that "Syracuse-Elmira" will not be included and Salt Lake City (listed 51st) will be included; and for 1979-80 the group will be that listed in Arbitron's November 1978 publication, based on February 1978 sweep data. While the only comment specifically on this subject (that of WSPD-TV, Toledo) urged that the 1976-77 list be continued to avoid another disruptive change, we do not believe that it is fair or appropriate to retain in longer effect a listing designed to apply only for 1 year, until the whole new arrangement can become effective in fall 1980. Until then, the present system should prevail, especially since Toledo's 1976 inclusion was somewhat anomalous.

23. *Omission of "Syracuse-Elmira" for 1978-79.* In the November 1977 Arbitron "Television Markets and Rankings Guide", the ranking of markets by average prime-time or daily audience include "Syracuse-Elmira", which is listed as tied for 48th and 49th in prime-time audience with the Norfolk market, each having 271,000 homes. This corresponds to the February 1977 sweep results. However, elsewhere in this publication Syracuse and Elmira are listed as separate markets, each with its own Area of Dominant Influence (ADI). A note at the beginning of the book states that the two are now treated as separate markets (a return to the listing before 1974; see *WENY-TV*, 59 FCC 2nd 1409 (1976)). Without the additional audience attributable to the Elmira ABC-affiliated station, Syracuse is not among the top 50.[12] Therefore, it will be excluded for this coming year. Its status for the future will of course depend on the February 1978 sweep. To complete the 50 market group for 1978-79, the Salt Lake City market, listed by Arbitron as 51st in the November 1977 ranking, will be included.

[12] The February 1977 sweep results show the three Syracuse network-affiliated stations (plus an Elmira satellite of one of them) as having a total average prime time audience of 247,000 homes, and the public station with 5,000, a total of 252,000 (the ABC-affiliated Elmira station added 19,000 to make the 271,000 mentioned). 252,000 is less than the 257,000 homes shown for Salt Lake City (249,000 for the three network-affiliated stations).

24. In view of the foregoing: *It is ordered,* That, effective April 3, 1978, Note 1 following § 73.658(k) of the Commission's rules is amended, as set forth below. Authority for this amendment is contained in 4(i) and 303 (g), (i), and (r) of the Communications Act of 1934, as amended.

25. *It is furthered ordered,* That this proceeding, Docket 21115, is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,[13]
WILLIAM J. TRICARICO,
*Secretary.*

Effective April 3, 1978, Note 1 following § 73.658(k) of the Commission's Rules is amended to read as follows:

**§ 73.658 Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements.**

* * * * * * *

(k) * * *

NOTE 1.—The top 50 markets to which this paragraph applies are the 50 largest markets in terms of average prime time audience for all stations in the market. For broadcast years before fall 1980, the 50 markets are the largest 50 as listed in the Arbitron publication "Television Markets and Rankings Guide," generally published in November, which will apply for the broadcast year starting the following fall, except that, for 1978-79, "Syracuse-Elmira" will not be included and the Salt Lake City market will be included. For broadcast years starting in the fall of 1980 and thereafter, the 50 largest markets to which this paragraph applies will be determined at 3-year intervals, on the basis of the average of two Arbitron February-March audience surveys occurring roughly 2½ years and roughly 3½ years before the start of the 3-year period. The 50 markets to which this paragraph will apply for 3 years from fall 1980 to fall 1983 will be determined by an average of the prime time audience figures (all market stations combined) contained in the reports of Arbitron February/March 1977 and February/March 1978 audience surveys. Shortly after the results of the 1978 survey are available the Commission will issue a list of the 50 largest markets to which this paragraph will apply from fall 1980 to fall 1983. The same procedure will take place, on the basis of February/March 1980 and 1981 sur-

[13] Commissioner Lee absent.

veys, for the 3-year period from fall 1983 to fall 1986.

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[FR Doc. 78-4753 Filed 2-22-78, 8:45 am]

[6712-01]

[Docket No. 21399]

PART 89—PUBLIC SAFETY RADIO SERVICES

One-Way Paging Operations in the Special Emergency Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata to Report and Order, Docket No. 21399.

SUMMARY: In the Report and Order in Docket 21399, limitation (25) in § 89.525(f), the phrase "on a secondary basis" was inadvertently omitted. This errata corrects that discrepancy.

EFFECTIVE DATE: March 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Richard Taube, Safety and Special Radio Services Bureau, 632-6497.

SUPPLEMENTARY INFORMATION:

Released: February 16, 1978.

In the matter of amendment of Part 89 of the Commission's rules and regulations concerning one-way paging operations in the Special Emergency Radio Service, Docket 21399.

1. In the appendix to the Report and Order in this proceeding adopted on January 31, 1978, and released on February 8, 1978, (FCC 78-69), and published at 43 FR 5831, February 10, 1978 limitation (25) in § 89.525(f) on page 5833 should have read as follows:

(f) • • •

(25) A licensee regularly conducting two-way communication operations on this frequency may, on a secondary basis, also transmit one-way alert-paging signals to ambulance and rescue squad personnel.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-4817 Filed 2-22-78; 8:45 am]

[6712-01]

[Docket No. 21137; FCC 78-75]

VARIOUS PRIVATE LAND MOBILE RADIO SERVICES

Use of Automatic Morse Code Identification Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The rules provide for the optional use of automatic Morse Code identification equipment in the private land mobile radio services governed by the Commission's rules and regulations (General Mobile Radio Service only).

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

James E. McNally, Jr., Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Room 5120, Washington, D.C. 20554, 202-632-6497.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: February 8, 1978.

Released: February 23, 1978.

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules and regulations to permit the use of the automatic Morse Code identification equipment, Docket No. 21137.

1. On March 4, 1977, the Commission adopted a notice of proposed rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER (42 FR 14124) on March 15, 1977. This action was prompted by numerous requests for permission to use automatic Morse Code identification equipment in the various private land mobile radio services. Since the time frame for the resolution of Docket No. 20351[1] was (and still is) rather uncertain, we felt we should acceed to the desires of our licensees for optional use of automatically[2] transmitted Morse Code. We included the Personal Radio Services in this proceeding in the hope that the novelty of such automatic station identification might be attractive and, at least to a small degree, alleviate the lack of station identification problem in these services. Twenty-one comments and two reply comments were received. A list of participants is given in Appendix A below.

2. The comments from representatives of the Citizens Band Radio Service were very negative. The Citizens Radio Federation of Virginia, Inc., the U.S. Citizen Radio Council, Inc., as well as most of the individuals filing comments, expressed the belief that at 25 words per minute[3] only dedicated radio amateurs or commercial radio telegraph operators would be capable of readily identifying stations. They also argued that the use of Morse Code opens the door for fraudulent identification[4] and moves the Citizens Band Radio Service closer to a "commercial service it never was intended to be." Lastly, they express the opinion that the proposal takes on the appearance of "special interest legislation" which will not benefit most Citizens Band Radio Service licensees.[5]

3. Royce Electronics, a distributor of Citizens Band radio equipment, argued that Morse Code would not be very practical in the Citizens Radio Service because the required transmission time would be at least 4 seconds—about twice as long as it takes for voice identification. Thus, in its opinion, the use of Morse code would be spectrally inefficient and could contribute to channel congestion. Additionally, Royce points out that the cost of filtering out the Morse Code in a Citizens Radio Station receiver could be substantial. Lastly, Royce suggests that the question of automatic transmitter identification be revisited in a Further Notice of Proposed Rulemaking in Docket No. 20351, and that any system proposed provide the capability of selective calling.

4. SBE, Inc., another supplier of Citizens Band Radio equipment, expressed the view that since the proposed rules do not make automatic Morse Code identification mandatory, there will be a definite lack of market penetration. It was suggested that the average "CBer" will not view automatic Morse Code identification as a time or money saving device; but rather, as something that will have no real effect on his day-to-day operation except to cause nagging interruptions of transmissions. The programing problem[6] could also be frightening, warned SBE, particularly if the system were made mandatory. Many radios are sold by mail, and the purchasers of such units would be left completely on their own as to the programing of their call sign. Also, it is by no means evident that licensees would be capable of knowing what code to program or how to verify that it has been done properly. Any sort of "check program" device could be expensive.

5. Commenting along more technical lines, SBE observes that Morse Code is

[1] Docket No. 20351, released by the Commission on February 13, 1975, proposed regulations implementing a system for the automatic identification of station transmissions. See also 42 FR 25881, May 20, 1978.

[2] By "automatic" or "automatically" we mean that it is machine-generated and sent at predetermined or "programed" intervals.

[3] 25 words per minute was the sending rate proposed in the Notice.

[4] Fraudulent identification could be aggravated through the use of Morse Code if the use of an incorrect call sign were possible because voice identification techniques would not apply.

[5] This statement is intended as a reference to the public safety licensees who are most in favor of this proposal.

[6] That is, the encoding of the transmitter with the proper call sign after purchase.





one of the rarest codes encountered in today's digital technology. It is complex, has no synchronizing subcodes or characters, and is not error cognizant or corrective.[7] In short, SBE argues, Morse Code is an antique in an age of microprocessors. Additional complications would arise in implementing and maintaining the desired 40 percent modulation level with the automatic modulation limiting circuitry in use in Citizens Band Radio equipment today.[8] In conclusion, SBE requests that the Citizens Band Radio Service be exempted from this proceeding, and suggests that the Commission pursue Docket 20351.

6. Other comments, such as those of Fanon-Courier, Inc., also argued that the Citizens Radio Service be exempted.

7. After consideration of the foregoing comments, we are inclined to agree that the use of automatic Morse Code in the Citizens Band Radio Service would not be desirable. Accordingly, we have not provided for the use of automatic Morse Code in the Citizens Radio Service in the rules set forth in the Appendix. However, because the General Mobile Radio Service is very similar to the other private land mobile radio services in the manner of its day-to-day operation, we have decided to allow the use of Morse Code there for purposes of automatic station identification.[9]

8. Comments from representatives of the other private land mobile radio services were generally favorable, although several suggestions were made concerning modifications thought to enhance the proposed system.

9. The Arizona Department of Public Safety, The American Petroleum Institute (API) and the Special Industrial Radio Service Association (SIRSA), for example, favored increasing the Morse Code transmission rate from the proposed 25 words-per-minute rate to 40-45 words-per-minute in order to minimize the annoyance factor. It was argued that since most people cannot "copy" 25 words-per-minute anyway, little is lost by increasing the rate as requested. When it becomes necessary to identify a station, all the licensee need do is to tape the Morse Code identification at a high speed (such as 7½ i.p.s.) and play the tape back at a lower speed (such as 1⅞ i.p.s.) which would render it more understandable.

10. At first glance, the idea of substantially increasing the Morse Code transmission rate appears very attractive. However, in view of the fact that in recent years we have seen a proliferation of fixed-speed cassette recorders at the expense of multi-speed reel-to-reel recorders, reduction of a high speed transmission rate could be a most inconvenient, if not impossible task. This, plus the well-recognized difficulty in copying transmissions at 40 words-per-minute (particularly in the presence of voice), requires that we limit the maximum permissible sending rate to 25 words-per-minute.

11. For similar reasons, we deny the request by API that licensees in the Petroleum Radio Service be permitted to use 300 band ASCII for station identification. It is true that in Docket 20777, the Commission has proposed allowing licensees in the Amateur Radio Service to transmit station identification via ASCII; but virtually all enforcement monitoring in that Service is done from monitoring stations at fixed locations. Monitoring of stations in the private land mobile services, however, is done largely from mobile enforcement vans. At the present time, and for the foreseeable future, only the monitoring stations will be equipped with the "eight to five level" converters required to make ASCII readable on the Commission's teletype machinery. Aside from this practical difficulty, we are reluctant to authorize widespread use of station identification methods which could prejudice the outcome of Docket 20351 (ATIS).

12. Various problems were raised with respect to our proposal to require that a 750 Hz (±10Hz) tone be used in the transmission of the automatic Morse Code identification. The Arizona Department of Public Safety expressed its belief that the 10 Hz tolerance was too tight and probably beyond the capability of resistive-capacitive oscillator circuits. The Utilities Telecommunications Council (UTC) indicated that because 750 Hz is not a standard Electronic Industries Association tone signalling frequency, there would be some difficulty in obtaining notch filters. The Land Mobile Section of the EIA indicated that 750 Hz is a tone used in many radio paging systems, and thus could result in the "falsing" of such systems. Mr. Robert L. Bingham pointed out that 750 Hz falls almost in the middle of the average male's speech spectrum (600-800 Hz) and that any notching out of a frequency in that area would lead to degradation of the received signal. In view of these comments, we have decided to withdraw our proposal to "notch out" the Morse Code identification signal. Rather, we have decided to provide some flexibility in the design of automatic Morse Code identification equipment by allowing the use of any tone frequency between 400 and 2000 Hz. This will facilitate the resolution of any interference problem resulting from "falsing" of paging and other types of non-voice signalling systems.

13. Several parties filing comments considered our use of the term, "percent modulation" inappropriate for FM stations, and suggested that we express the desired modulation either in terms of "deviation" (i.e., the absolute value of the instantaneous deviation from the assigned frequency) or "dB below the maximum permissible modulation." It is our feeling that the term "percent modulation" is applicable to FM transmitters in a very real sense, even though the specification of what comprises 100 percent modulation may be arbitrary. In a typical case where 100 percent modulation equates to a deviation of ±5kHz, 40 percent modulation would obviously be 2 kHz. If the maximum permissible deviation were something less than 5 kHz, the deviation associated with 40 percent modulation would be correspondingly reduced. For the sake of simplicity, we have decided to continue to specify the degree of modulation interms of percentage, rather than to attempt to specify the frequency deviation applicable to each type of narrow-band FM system.

14. Our proposed figure of 40 percent modulation was generally supported in the comments, although there were several statements made to the effect that it might be slightly high, and would possibly be more appropriate if it were reduced to about 20 percent. Our past experience with stations in the Amateur Radio Service indicates that if the identification signal is to be clearly legible in the presence of voice, the modulation must be maintained in the vicinity of 40 percent. We therefore intend to retain our initially-proposed standard.

15. Lastly, Mr. Robert Bingham points out that if the Morse Code identification is transmitted only on the half hour for stations in the Public Safety Radio Services, it would seem that where a frequency is shared by two or more licensees it may not be possible to relate the transmitted call sign with the verbal transmissions of the related station.[10] We can only state that in our experience this has

[7] This point is well taken if widespread use of automatic decoding equipment was anticipated. In fact, however, most of the interpretation will probably be done by the Commission's enforcement personnel "manually".

[8] SBE points out that post-limiter injection of the Morse Code would reduce the level of voice modulation to an unacceptable degree; and that it would be difficult to maintain the required Morse Code modulation level (40 percent) if it is injected in a premodulation limiting stage.

[9] We are doing this largely in the absence of comments requesting that the General Mobile Radio Service be exempted along with the Citizens Band Radio Service.

[10] This, of course, refers to the case where station identification and voice transmission do not occur simultaneously.

not been a problem. Generally there are other corroborating factors present which usually help to establish identification (e.g., signal strength and exact operating frequency). Nevertheless, should such a problem develop, the Commission may re-open this proceeding with a view of requiring more frequent automatic station identification.

16. Finally, in revising the Appendix to reflect several of the recommendations made in the comments, we have concluded that some tolerance should also be allowed in the Morse Code sending rate. We have, accordingly, made provision for the use of any sending rate between 20 and 25 words per minute.

17. In view of the foregoing, the Commission has decided to withdraw its proposal to allow the use of automatic Morse Code identification in the Citizens Radio Service. In the General Mobile Radio Service, however, and in the other private land mobile radio services administered under Parts 89, 91, and 93 of our rules, automatic Morse Code may be used for station identification in accordance with the rules set forth below.

18. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective March 24, 1978, Parts 89, 91, 93, and 95 of the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION.
WILLIAM J. TRICARICO,
*Secretary.*

APPENDIX A

Parties filing comments and reply comments in Docket 21137:

COMMENTS

Aerospace & Flight Test Radio Coordination Council
American Petroleum Institute
Arizona Department of Public Safety
Arthur D. Little, Inc.
Bingham, Robert L.
Citizens Radio Federation of Virginia, Inc.
Denver Fire Reporter & Protective Company
Drake, Marilyn J.
Electronic Industries Association (Land Mobile Section)
Forest Industries Telecommunications
International Municipal Signal Association
Mead, Gloria
Mullins, Edward W.
National Association of Broadcasters
Royce Electronics
SBE, Inc.
Special Industrial Radio Service Association
Texas Personal Radio Planning Group
U.S. Citizen Radio Council, Inc.
Utilities Telecommunications Council

REPLY COMMENTS

Electronic Industries Association (Land Mobile Section)
Fanon-Courier, Inc.

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 of the Commission's rules and regulations is amended as follows:

1. In § 89.105, paragraph (a) and paragraph (d)(5) are amended to read as follows:

§ 89.105 Types of emission.

(a) Except as provided in paragraphs (c), (d), (e) and (f) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with § 89.153(i), establishing or maintaining voice communications or to actuate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

• • • • • •

(d) • • •

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

2. In § 89.121, paragraph (d) is amended to read as follows:

§ 89.121 Provisions relating to scrambling devices and digital voice modulation.

• • • • • •

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice or automatic Morse Code) in accordance with the provisions of § 89.153.

3. A new paragraph (j) is added to § 89.153:

§ 89.153 Station identification.

• • • • • •

(j) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ± 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ±800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In § 89.163, paragraph (b) is amended as follows:

§ 89.163 Operator requirements.

• • • • • •

(b) *Operation during the course of normal rendition of service-radiotelegraph.* (1) A station utilizing International Morse Code solely for automatic identification purposes may be operated in accordance with the provisions of any other applicable paragraph of this section.

(2) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator licensee or permit of any class issued by the Commission shall operate a station when transmitting radiotelegraphy by any type of the Morse Code.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

B. Part 91 of the Commission's rules and regulations is amended as follows:

1. In § 91.103, paragraph (a) and paragraph (b)(5) are amended to read as follows:

§ 91.103 Types of emission.

(a) Except as provided in paragraphs (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with § 91.152(i), or establishing or maintaining communications between stations.

• • • • • •

(b) • • •

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

• • • • • •





2. Section 91.121 is amended to read as follows:

§ 91.121 Provisions relating to the use of scrambling devices.

Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission, provided that station identification is transmitted in the unscrambled mode (clear voice or automatic Morse Code) in accordance with the provisions of § 91.152.

3. A new paragraph (i) is added to § 91.152:

§ 91.152 Station identification.

• • • • • •

(i) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ±10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ±800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In § 91.154, paragraph (b) is amended as follows:

§ 91.154 Operator requirements.

• • • • • •

(b) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(1) A station utilizing International Morse Code solely for automatic identification purposes may be operated in accordance with the provisions of any other applicable paragraph of this section.

• • • • • •

PART 93—LAND TRANSPORTATION RADIO SERVICES

C. Part 93 of the Commission's rules and regulations is amended as follows:

1. In § 93.103, paragraph (a) and paragraph (b)(5) are amended to read as follows:

§ 93.103 Types of emission.

(a) Except as provided in paragraphs (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with § 93.152(f) or establishing or maintaining communications between stations.

• • • • • •

(b) • • •

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

• • • • • •

2. Section 93.121 is amended to read as follows:

§ 93.121 Provisions relating to the use of scrambling devices.

Analog scrambling techinques may be employed at any station authorized the use of A3 or F3 emission: *Provided*, That station identification is transmitted in the unscrambled mode (clear voice or automatic Morse Code) in accordance with the provisions of § 93.152.

3. A new paragraph (f) is added to § 93.152:

§ 93.152 Station identification.

• • • • • •

(f) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ±10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ±800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In § 93.154, paragraph (b) is amended as follows:

§ 93.154 Operator requirements.

• • • • • •

(b) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(1) A station utilizing International Morse Code solely for automatic station identification purposes may be operated in accordance with the provisions of any other applicable paragraph of this section.

• • • • • •

PART 95—CITIZENS RADIO SERVICE

D. Part 95 of the Commission's rules and regulations is amended as follows:

1. In § 95.59, paragraph (a) is amended to read as follows:

§ 95.59 Emission types authorized.

(a) Transmitters used at stations in this service will normally be authorized to transmit radiotelephony only. Radiotelephony includes the use of A2 or F2 emission for the purpose of transmitting station identification in International Morse Code.

• • • • • •

2. In § 95.71, paragraph (e) is deleted and paragraphs (a), (b), (c), and (d) are amended to read as follows:

§ 95.71 Station identification.

(a) Except as provided in paragraph (c) of this section, all communications shall be identified by the call sign of the transmitting station during each series of transmissions but at least at intervals not to exceed 15 minutes during a continous exchange of communications.





(b) Except as provided in paragraph

eral Railroad Administrator for use on

The F type couplers listed in amend-



butt ends, but do not have pin bearing

the Locomotive Inspection Act, and the Signal Inspection Act to provide

(4) Section 25(h) of the Interstate

(b) Except as provided in paragraph (d) of this section, the call sign shall be clearly transmitted in the English language. A phonetic alphabet may be used as an aid for identification. A unit designator or special identifier may be used in addition to, but not instead of, the station call sign.

(c) A station need not identify its transmission if:

(1) The station automatically retransmits another station which identifies properly; or,

(2) The station is not being used for telephony emissions.

(d) In lieu of the station identification required by paragraph (b) of this section, automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacture-provided signal input terminal and shall be adjusted to produce 40 percent ±10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ±800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

[FR Doc. 78-4781 Filed 2-22-78; 8:45 am]

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[4910-60]

**Title 49—Transportation**

**CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION**

[Docket No. HM-38; Amdt. 179-21]

**PART 179—SPECIFICATIONS FOR TANK CARS**

**Certain Couplers for Use of Tank Cars Built After January 1, 1971; Approval**

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This rule provides for certain couplers approved by the Federal Railroad Administrator for use on tank cars built after January 1, 1971. The amendments adopted herein are based on requests received from the Committee on Tank Cars of the Railway Progress Institute (RPI), the Union Carbide Corp., E. I. du Pont de Nemours & Co., and the AAR to expand the list of approved couplers because a large number of existing tank cars are now equipped with AAR approved E shelf and F shelf couplers which currently are not approved by the Administrator.

EFFECTIVE DATE: These regulations become effective on February 23, 1978.

ADDRESSES: All material pertinent to this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, 202-426-2748.

SUPPLEMENTARY INFORMATION: On September 15, 1977, the Materials Transportation Bureau (the Bureau) published Amendment Nos. 173-108 and 179-19 (Docket HM-144; 42 FR 46306). These amendments require, as pertinent here, that all DOT classes 112 and 114 tank cars be equipped with special couplers capable of resisting vertical disengagements. Under 179.105-6(d), the E top and bottom shelf couplers and F top shelf couplers as approved by the Administrator were listed for installation without verification testing under § 179.105-6(c).

Under amended § 179.105-6(d), E top and bottom shelf couplers designated by the Association of American Railroads' (AAR) Catalog Nos. SE67BHT, SE67BHTE, SE68BHT or SE68BHTE and F top shelf couplers designated by the AAR Catalog Nos. SF73AHT, SF73AHTE, SF79CHT or SF79CHTE are listed for installation on DOT classes 112 and 114 tank cars.

On November 22, 1977, the Bureau issued Amendment No. 179-20 (Docket No. HM-38; published in the FEDERAL REGISTER on December 5, 1977; 42 FR 61465) to permit, under § 179.14, the use of certain couplers on tank cars built after January 1, 1971.

Under amended § 179.14, F type couplers designated by AAR Catalog Nos. F70CHT, F70CHTE, F73AHT, F73AHTE, F79CHT and F79CHTE, E top and bottom shelf couplers Nos. SE67BHT, SE67BHTE, SE68BHT and SE68BHTE, and F top shelf couplers Nos. SF73AHT, SF73AHTE, SF79CHT, and SF79CHTE are approved by the Administrator for use on tank cars built after January 1, 1971.

The F type couplers listed in amended § 179.14 are of the same design as those couplers now listed in § 179.14(a)(2) except the AAR Catalog Nos. have been changed due to upgraded materials. These F type couplers and the E top bottom shelf couplers listed in amended § 179.14 are those couplers with various shank lengths which have been installed in existing tank cars in order to negotiate sharp curves in some of the older chemical plants. Since these E top and bottom shelf couplers and F top shelf couplers have been installed on existing DOT classes 112 and 114 tank cars and the shelf couplers provide an acceptable coupler restraint system to reduce coupler overriding and resulting head punctures, denting and car damage, they have been listed in amended § 179.105-6.

The amendments adopted herein are based on requests received from the Committee on Tank Cars of the Railway Progress Institute (RPI), the Union Carbide Corp., E. I. du Pont de Nemours & Co., and the AAR to expand the list of approved couplers because a large number of existing tank cars are now equipped with AAR approved E shelf and F shelf couplers which currently are not approved by the Administrator.

It is the Bureau's opinion that the approval of these requested couplers adopted herein will have minimal economic impact. Since the currently approved E and F couplers will continue as alternative approved couplers, no economic hardship will result from issuance of this approval. Moreover, the use of shelf couplers is anticipated to reduce coupler overriding and resulting tank head punctures, denting, and car damage, thereby promoting safety.

Since this amendment merely provides an alternate method of compliance with an existing regulation and does not impose a burden on regulated persons, I find that notice and public procedure thereon are unnecessary and that it may be made effective on less than 30 days' notice.

Primary drafters of this document are William F. Black, Office of Safety of the Federal Railroad Administration, and George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, Part 179 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 179.14, paragraphs (a)(4) and (a)(5) are added to read as follows:

**§ 179.14 Tank car couplers.**

(a) * * *

(4) Effective January 1, 1978, couplers designated by the Association of American Railroads' Catalog Nos. F70CHT, F70CHTE, F73AHT, F73AHTE, F79CHT, and F79CHTE, which have modified shanks and solid butt ends, but do not have pin bearing blocks, are approved.

(5) Effective January 1, 1978, couplers designated by the Association of American Railroads' Catalog Nos. SE67BHT, SE67BHTE, SE68BHT, SE68BHTE, SF73AHT, SF73AHTE, SF79CHT, and SF79CHTE are approved.

2. In § 179.105-6, paragraphs (d)(1) and (d)(2) are revised to read as follows:

§ 179.105-6 Coupler vertical restraint system.

* * * * * * *

(d) * * *

(1) E top and bottom shelf couplers designated by the Association of American Railroads' Catalog Nos. SE60CHT, SE60CHTE, SE67BHT, SE67BHTE, SE68BHT or SE68BHTE; or

(2) F top shelf couplers designated by the Association of American Railroads Catalog Nos. SF70CHT, SF70CHTE, SF73AHT, SF73AHTE, SF79CHT or SF79CHTE.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e))

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on February 14, 1978.

L. D. SANTMAN,
*Acting Director, Materials Transportation Bureau.*

[FR Doc. 78-4600 Filed 2-22-78; 8:45 am]

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[4910-06]

**CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

**PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES**

**PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS**

**Civil Penalty Schedule; Conforming Amendment**

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule provides a statement of agency policy for the implementation of certain amendments to railroad safety statutes effected by the Federal Railroad Safety Authorization Act of 1976 (1976 Authorization Act). That Act changed the penalty sections of the Safety Appliance Acts, the Locomotive Inspection Act, and the Signal Inspection Act to provide that violations would be subject to a penalty between $250 and $2,500. In this document FRA states the specific penalties which it will seek to collect pursuant to the administrative collection procedures established under the Federal Claims Collection Act and the implementing regulations. Penalties of $1,000, $2,000, or $2,500 will be sought according to the severity of the claim. In addition to the penalty schedule, this rule includes a conforming amendment to the signal systems reporting requirements.

EFFECTIVE DATE: Since the 1976 Authorization Act became effective on July 8, 1976, and violators of the acts amended by the 1976 Authorization Act have been subject to the increased penalty sanctions since that date, FRA will seek to impose penalties in the amounts specified in this document for all violations of those acts which occurred on or after July 8, 1976.

FOR FURTHER INFORMATION CONTACT:

J. Thomas Furphy, Assistant Chief Counsel, Enforcement Division, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, 202-426-8285.

SUPPLEMENTARY INFORMATION: On July 8, 1976, the Federal Railroad Safety Authorization Act of 1976 (1976 Authorization Act) (Pub. L. 94-348, 90 Stat. 817 et seq.) was signed into law. Among other matters, the 1976 Authorization Act increased significantly the penalties applicable to three railroad safety statutes administered and enforced by the Federal Railroad Administration (FRA). The 1976 Authorization Act amendments were as follows:

(1) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6), was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than $250 and not more than $2,500."

(2) Section 4 of the Act of April 14, 1910 (45 U.S.C. 13), was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than $250 and not more than $2,500."

These two acts are commonly referred to as the Safety Appliance Acts (45 U.S.C. 1-16, as amended). All further references in this rule to the Safety Appliance Acts will include both of the above-described amendments.

(3) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34), commonly referred to as the Locomotive Inspection Act, was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than $250 and not more than $2,500."

(4) Section 25(h) of the Interstate Commerce Act (49 U.S.C. 26(h)), commonly referred to as the Signal Inspection Act, was amended by striking out "$100 for each such violation" and inserting in lieu thereof "not less than $250 and not more than $2,500" for each such violation.

The duties and responsibilities for carrying out each of these acts have been delegated by the Secretary of Transportation to the Federal Railroad Administrator (49 CFR 1.49 (c) (1), (3), (5), and (g)).

The 1976 amendments were intended by Congress to improve railroad safety, particularly in light of the yearly increase in the number of train accidents since the passage of the Federal Railroad Safety Act of 1970 (1970 Safety Act) (45 U.S.C. 421, 431-441), as amended. The House Committee on Interstate and Foreign Commerce, in reporting on H.R. 11804, which became the 1976 Authorization Act, stated that it "* * * remains hopeful that the railroad industry will become convinced that railroad safety is cost beneficial * * *" (H.R. Rep. No. 94-1166, 94th Cong., 2d Sess. § 9 (1976)). Through these amendments Congress increased penalties under some of the older railroad statutes, making them identical in amount with penalties under section 209 of the 1970 Safety Act.

FRA shares the concern expressed by Congress about the annual increase in the number of train accidents. The agency is particularly troubled because of the increased numbers of violations of all railroad safety requirements which are being discovered by FRA and participating State field inspectors. The agency has handled more claims and collected more monetary settlements in the past fiscal year than at any other time in the agency's existence. Regrettably, however, these increased activities by FRA have not been met with a corresponding decrease in the number of train accidents. While FRA is well aware of the financial conditions which face the nation's railroads, FRA can not evade the clear direction of Congress to vigorously enforce the rail safety statutes and regulations. Indeed, the requirements of the acts amended by the 1976 Authorization Act have been in effect for many years. The industry has been well aware of these requirements and has had more than ample opportunity to adopt effective inspection, testing and repair programs necessary to ensure compliance with the requirements of these acts.

This document reflects a policy decision by FRA with respect to monetary penalties which FRA will strive to collect for violations of the amended acts or regulations under the administrative procedures established by the Federal Claims Collection Act (FCCA)

(31 U.S.C. 951-953) and the implementing regulations (4 CFR Parts 101-105). The Federal Railroad Administrator has been delegated all functions, powers and duties under the FCAA with respect to claims arising out of the activities of, or referred to, FRA. 49 CFR 89.1.

This document is being published to provide notice to those railroads subject to the provisions of the above-described acts of the specific penalty amount which FRA will strive to collect from any railroad for violating the provisions of the previously named laws and those regulations adopted thereunder. In making this determination, FRA has carefully considered the seriousness of noncompliance by a railroad with the provisions of these acts or regulations.

Pursuant to that review and utilizing the agency's expertise in administering and enforcing these acts, FRA will seek the maximum penalty of $2,500 in those instances where: (1) Death or serious injury results from noncompliance with the requirements of the amended acts or regulations, or (2) where noncompliance with the particular requirements of the acts has reached a level which indicates a serious lack of adequate safety procedures on behalf of a railroad, such as failure of a railroad to perform initial terminal air brake inspections fully and adequately. FRA will further seek a penalty of $2,000 in those instances where a particular violation is shown to result from the knowing and willful failure of the railroad, its officers or agents to comply with the requirements of these acts. For all other violations FRA will seek a penalty of $1,000.

All penalties will be sought under procedures established by the FCCA and the implementing regulations. The informal settlement procedures followed by FRA in previous actions involving collection of civil penalties will be utilized in attempting to settle such claims. In no event, however, will a claim under the amended acts be compromised for less than $250, in accordance with section 3(c) of the 1976 Authorization Act.

FRA will continuously monitor the effect of such penalties on railroad safety and will revise them as needed to promote compliance with these railroad safety statutes and regulations.

This statement of policy is issued in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), notice and public procedures regarding this rule being unnecessary.

Finally, FRA is also issuing an amendment to 49 CFR 233.11 to bring that section into conformity with the amendment to the penalty section of the Signal Inspection Act contained in the 1976 Authorization Act. Since this regulatory amendment is merely conforming in nature and does not impose any additional burden on any person, notice and public proceeding upon it are not required.

The primary drafter of this document was Thomas C. Barbour of the Office of Chief Counsel, Federal Railroad Administration.

In consideration of the foregoing, Chapter II of 49 CFR is amended as follows:

(a) Part 209 is amended by adding a new Appendix A to the Part as follows:

APPENDIX A—CIVIL PENALTY, STATEMENT OF AGENCY POLICY

In seeking to collect claims due the United States arising out of alleged violations of the Safety Appliance Acts (45 U.S.C. 1-16, as amended), the Locomotive Inspection Act (45 U.S.C. 22-34, as amended) and the Signal Inspection Act (49 U.S.C. 26) and utilizing the procedures established by the Federal Claims Collection Act (31 U.S.C. 951-953) and the implementing regulations (4 CFR Parts 101-105), the Federal Railroad Administration (FRA) will follow these guidelines:

(1) For violations of the above-described acts which result in death or serious injury, or where violations have reached a level indicating a serious lack of adequate safety procedures on behalf of a railroad, such as failure of a railroad to perform an initial terminal air brake inspection fully and adequately, the FRA will seek the imposition of the maximum penalty of $2,500.

(2) For violations of the above-described acts which result from the knowing and willful failure of a carrier, its officers or agents to comply with the requirements of those acts, the FRA will seek a penalty of $2,000.

(3) For all other violations of the above-described acts, the FRA will seek a penalty of $1,000.

(4) Each day a violation of the Signal Inspection Act continues is a separate offense.

(Sec. 6, 27 Stat. 532 (45 U.S.C. 6), as amended by sec. 3(a), Pub. L. 94-348, 90 Stat. 818; sec. 4, 36 Stat. 299 (45 U.S.C. 13), as amended by sec. 3(b), Pub. L. 94-348., 90 Stat. 818; sec. 9, 36 Stat. 916 (45 U.S.C. 34), as amended by sec. 3(c), Pub. L. 94-348, 90 Stat. 818; sec. 25(h), 41 Stat. 498 (49 U.S.C. 26(h)), as amended by sec. 3(d), Pub. L. 94-348, 90 Stat. 818; § 1.49 (c) (1), (3), (5), and (g), § 89.1(b), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (c), (1), (3), (5), and (g), and 89.1(b).)

(b) Section 233.11 of Part 233 is amended to read as follows:

**§ 233.11 Civil penalty.**

A carrier that fails or refuses to file reports as required by this part is liable to a civil penalty of not less than $250 and not more than $2,500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26. Each day a failure or refusal continues is a separate offense.

(Sec. 25(h), 41 Stat. 498 (49 U.S.C. 26(h)), as amended by sec. 3(d), Pub. L. 94-348, 90 Stat. 818; § 1.49(g), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).)

Issued in Washington, D.C., on February 16, 1978.

JOHN M. SULLIVAN,
*Administrator.*

[FR Doc. 78-4801 Filed 2-22-78; 8:45 am]

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[7035-01]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

### PART 1011—COMMISSION ORGANIZATION: DELEGATION OF AUTHORITY

#### Miscellaneous Amendments

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: By a Notice published in the FEDERAL REGISTER on January 6, 1978 (43 FR 1091), the Chairman of the Interstate Commerce Commission delegated certain authority to specify Commission employees to act in certain matters assigned to the Chairman. The accompanying changes in these rules provide for a minor change in the delegation of authority to dismiss complaints or applications at the request of applicants, and also add a new provision delegating to the director of the Commission's Bureau of Economics the authority to grant or deny access to waybills and statistics reported under orders of the Commission.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, phone 202-275-1912.

Section 1011.7 of Title 49 of the Code of Federal Regulations is amended by revising paragraph (d) and by adding a new paragraph (f) to read as follows:

**§ 1011.7 Delegations of authority by the Chairman of the Interstate Commerce Commission.**

* * * * *

(d) Except as provided in Rule 66(a) of the general rules of practice, 49 CFR 1100.66(a), authority to dismiss complaints at the request of the complainant, or applications at the request of applicants, is delegated to the Director of the Office of Proceedings and the Chief Administrative Law Judge of the Commission.

* * * * *

(f) Authority to grant or deny access to waybills and to statistics reported under orders of the Commission is delegated to the Director of the Bureau of Economics of the Commission.

These delegations of authority are made under the authority contained in section 2 of the Reorganization Plan No. 1 of 1969, 5 U.S.C. Appendix (38 Stat. 59); and 49 CFR 1011.5(a) (1), (2), (4), and (5).

By the Commission, A. Daniel O'Neal, Chairman.

H. G. HOMME, Jr.,
*Acting Secretary.*

FEBRUARY 15, 1978.

[FR Doc. 78-4831 Filed 2-22-78; 8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons on opportunity to participate in the rule making prior to the adoption of the final rules.

[6210-01]

## FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0145]

### NONBANKING ACTIVITIES

**Application to Engage in the Sale of Money Orders and Similar Instruments, Travelers Checks, U.S. Savings Bonds, and Consumer Financial Management Courses, and of Possible Rulemaking With Respect Thereto**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of application and proposed rule.

SUMMARY: In conjunction with its consideration of an application by Citicorp, New York, N.Y., the Board may consider a proposed rule that would permit bank holding companies to engage, directly or indirectly, in the sale of money orders and similar instruments, travelers checks, U.S. Savings Bonds, and consumer-oriented financial management courses and instructional material, subject to Board approval of specific proposals.

DATE: Comments must be received by March 14, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0145.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, 202-452-3274, or James McAfee, Senior Attorney, 202-452-3707, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Notice of application.* Citicorp has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) for permission to engage in the sale of money orders and similar instruments, travelers checks, U.S. savings bonds, and consumer-oriented financial management courses and instructional material. These activities, which the Board has not previously found to be closely related to banking, would be performed by Citicorp Person-to-Person Financial Centers, subsidiaries of Nationwide Financial Services Corp. (a subsidiary of Citicorp) at eight existing offices in Utah. Notice of the application was published November 10, 1977, in the Ogden Standard-Examiner, The Daily Herald, and The Salt Lake Tribune, newspapers circulated in Ogden, Provo, and Salt Lake City, Utah, respectively, and the application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

(2) *Possible rulemaking.* In connection with its consideration of Citicorp's application, the Board, although not required to do so, may also consider whether § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)) should be amended to add the activities proposed by Citicorp to those permissible generally for bank holding companies under section 4(c)(8) of the Bank Holding Company Act. A proposed text of such an amendment, the chief effect of which would be to permit bank holding companies to engage de novo in these activities in normal cases upon 45-days' notice to the public and to the appropriate Federal Reserve Bank, is set forth at the end of this notice.

(3) *Submission of comments.* to aid the Board in its consideration both of Citicorp's application and related rulemaking, interested persons may express their views on the questions whether the proposed activities, or any of them, are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether consummation of Citicorp's proposal, or whether performance of the proposed activities generally by an affiliate of a bank holding company, can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as under concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 14, 1978. All material submitted should include the docket number R-0145. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) *Authority.* This action is proposed pursuant to the Board's authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)).

Section 225.4(a)(5)(iv) of the Board's Regulation Y (12 CFR 225.4(a)(5)(iv)) would be amended and section 225.4 of the Board's Regulation Y (12 CFR 225.4(a)) would also be amended by adding the following new paragraph (13) immediately following § 225.4(a)(12):

**§ 225.4 Nonbanking activities.**

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(5) Acting as investment or financial adviser to the extent of * * *

(iv) Furnishing general economic information and advice, consumer-oriented financial management courses and instructional material, general economic statistical forecasting services and industry studies;[1]

* * * * *

(13) the sale at retail of money orders and other variable denominated instruments, travelers checks, and U.S. savings bonds.

Board of Governors of the Federal Reserve System, February 15, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-4820 Filed 2-22-78; 8:45 am]

[1] This is to be contrasted with "management consulting" which the Board views as including, but not limited to, the provision of analysis or advice as to a firm's (i) purchasing operations, such as inventory control, sources of supply, and cost minimization subject to constraints; (ii) production operations, such as quality control, work measurement, product methods, scheduling shifts, time and motion studies, and safety standards; (iii) marketing operations, such as market testing, advertising programs, market development, packaging, and brand development; (iv) planning operations, such as demand and cost projections, plant location, program planning, corporate acquisitions and mergers and determination of long-term and short-term goals; (v) personnel operations, such as recruitment, training, incentive programs, employee compensation, and management-personnel relations; (vi) internal operations, such as taxes, corporate organization, budgeting systems, budget control, data processing systems

(Continued)





[6714-01]

## FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 344]

### RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

**Notice of Proposed Rulemaking**

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is proposing a new Part 344 (12 CFR) to require that insured State nonmember banks who effect certain securities transactions for customers provide confirmations of and maintain records with respect to such transactions. Commentators are also invited to consider whether and to what extent regulations should be promulgated which would: (1) Expressly recognize the duty of State nonmember banks to obtain the best execution of securities transactions which they effect for customers, (2) establish competency and testing requirements for bank employees engaged in effecting securities transactions for customers. Similar proposals have been published for comment by the Comptroller of the Currency and the Board of Governors of the Federal Reserve System.

DATES: Comments must be received on or before March 31, 1978.

ADDRESS: Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All written comments will be made available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Gervino, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4422.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Securities and Exchange Commission (SEC) published its final report on Bank Securities Activities (the final report), pursuant to its mandate under section 11A(e) of the Securities Exchange Act of 1934. The final report includes a recommendation to Congress that the Federal banking agencies be mandated to issue and enforce specific rules and regulations governing the conduct of banks in effecting transactions in securities for the accounts of others. This recommendation would require that such rules and regulations should cover all aspects of this activity, including personnel competency standards, recordkeeping requirements, and confirmation requirements. This proposal is responsive, in part, to the recommendations of the SEC final report.

An essential element of bank fiduciary activities is the purchase and sale of securities for accounts under management in a trust department, and also for bank customers generally. Because of the growth of these activites, improved supervision is necessary to ensure that banks perform these activities in accordance with the highest standards, in order to protect the public interest. Accordingly, the FDIC proposes to require insured State nonmember banks to establish and maintain uniform procedures to facilitate effective supervision by banks and their supervisory personnel and to assist in protecting the interests of these bank customers.

This proposal would require specific written procedures in connection with effecting securities transactions for customers and the maintenance of certain records with respect to such transactions. As proposed, the recordkeeping requirements would apply to all securities transactions by the bank for customers, but the confirmation requirements would not apply to transactions in U.S. Government obligations, federal agency obligations and obligations of States and municipalities. Insured State nonmember banks that are municipal securities dealers are already required to comply with comparable rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities.

Generally, confirmation of securities transactions would be required to be furnished to customers within 5 business days. In the case of accounts for which the bank exercises investment discretion, collective investment funds and periodic plans administered by the bank, monthly, quarterly or annual statement of transactions and certain other information would be required. Further, bank personnel engaged in effecting securities transactions would be required to advise the bank of their personal transactions in securities, wherever effected.

The FDIC is considering the necessity for regulation in two additional areas addressed in the SEC final report. The final report observed that under traditional agency principles banks, like brokers, have a duty to obtain the best terms for their customers. No specific regulation applicable to insured State nonmember banks articulates this duty in a manner similar to that imposed upon broker/dealers and there is uncertainty as to the degree to which this principle of "best execution" is applicable to banks. The FDIC would appreciate receiving the views of interested parties as to: (a) The need for such a regulation, and (b) the appropriate scope and content of an implementing regulation.

The SEC final report also recommended that bank employees engaged in effecting transactions in securities for others should be subject to competency and testing requirements regarding securities laws and operations of securities markets, as are brokerage personnel similarly engaged, and that banks be required to adopt specific supervisory procedures with respect to these activities. The FDIC invites comment with respect to: (a) The scope and content of competency and testing standards, (b) the scope and content of such regulation, with particular regard to types of personnel who should be subject to competency and testing standards.

The FDIC proposes to add a new Part 344 to its regulations as set forth below:

### PART 344—RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Sec.
344.1 Scope of part.
344.2 Definitions.
344.3 Recordkeeping.
344.4 Form of confirmations.
344.5 Time of confirmation.
344.6 Securities trading policies and procedures.
344.7 Compliance with Municipal Securities Rulemaking Board rules.

AUTHORITY: 12 U.S.C. 1817, 1818, 1819.

**§ 344.1 Scope of part.**

This part is issued by the Federal Deposit Insurance Corporation ("FDIC") and applies to banks which are organized under State law, are insured by the FDIC and are not members of the Federal Reserve System ("bank").

**§ 344.2 Definitions.**

For purposes of this part:

(a) "Customer" shall mean any person including any trust, estate, fi-

duciary account holder, guardianship, committee, or similar person for which a bank effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, dealer bank, or issuer of the securities which are the subject of the transactions;

(b) "Time of transaction" means the time of execution of the customer's order, to the extent feasible;

(c) "Periodic plan" means any written authorization for a bank acting as agent to purchase or sell for a customer a specific security or securities, in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them;

(d) "Collective investment fund" means funds held by a bank as fiduciary and, consistent with local law, invested collectively; (A) In a common trust fund maintained by such bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian, or (B) in a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or similar trusts which are exempt from Federal income taxation under the Internal Revenue Code;

(e) "Security" means any interest or instrument commonly known as a "security", whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness, or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include: (A) A deposit as defined in section 3(*l*) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(*l*), (B) a loan participation, (C) a letter of credit or other form of bank indebtedness incurred in the ordinary course of business, (D) currency, or (E) any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

(f) A bank shall be deemed to exercise "investment discretion" with respect to an account if, directly or indirectly, the bank: (A) Is authorized to determine what securities or other property shall be purchased or sold by or for the account, or (B) makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

**§ 344.3 Recordkeeping.**

Every bank effecting securities transactions for customers shall maintain the following records with respect to such transactions for 6 years:

(a) "Blotters" or other records of original entry, containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate, bond, or note number), all receipts and disbursements of cash with respect to transactions in securities, and all other debits and credits pertaining to transactions in securities. The records of original entry shall also show the account for which each such transaction was effected, the description of the securities, the unit and aggregate purchase or sale price (if any), the trade date and the name or other designation of the person from whom purchased or received or to whom sold or delivered;

(b) Account records for each customer which shall reflect all purchases and sales of securities, all receipts and deliveries of securities, and all receipts and disbursements of cash with respect to transactions in securities for such account and all other debits and credits pertaining to transactions in securities. Account records of bank employees shall be so designated as to be readily identifiable from those records relating to other customers of the bank but need not be segregated;

(c) A separate memorandum (order ticket) of each order to purchase or sell securities, (whether executed or canceled), which shall include:

(1) The account for which the transaction was effected;

(2) Whether the transaction was a market order, limit order, or subject to special instructions;

(3) The time the order was received by the bank employee responsible for effecting the transaction;

(4) The time the order was executed or canceled;

(5) The price at which the order was executed; and

(6) The broker/dealer utilized and the market in which the transaction occurred; and

(d) A record of all broker/dealers used by the bank to effect securities transactions.

**§ 344.4 Form of confirmations.**

Every bank effecting securities transactions for a customer shall furnish to such customer as to all such transactions, written notification disclosing:

(a) The name, address, and telephone number of the bank;

(b) The name of the customer;

(c) The capacity in which the bank effected the transaction;

(d) The name of the person from whom the security was purchased, to whom it was sold, or the fact that such information will be furnished within a reasonable time upon written request of such customer;

(e) The source and amount of any remuneration received or to be received by the bank from the customer or any other source in connection with the transaction, unless remuneration is determined pursuant to a written agreement otherwise than on a transactional basis;

(f) The amount of any remuneration received or to be received, directly or indirectly, by any broker from such customer in connection with the transaction; and

(g) The date and time of the transaction (or the fact that the time of the transaction will be furnished, within a reasonable time, upon written request of such customer) and the identity, price and number of shares or units (or principal amount in the case of debt securities) of such security purchased or sold by such a customer;

*Provided, however,* That the requirements of this § 344.4 shall not be applicable to transactions in: (1) Securities issued or guaranteed as to principal or interest by the United States; (2) Federal agency obligations; or (3) municipal securities as defined in section 3(a)(29) of the Securities Exchange Act of 1934.

**§ 344.5 Time of confirmation.**

A bank which effects securities transactions for a customer shall furnish to such customer the written notification described in § 344.4 within 5 business days from the date of the transaction, unless the transaction is effected with respect to:

(a) Accounts, except collective investment funds, for which the bank exercises investment discretion, in which instance the bank, within 5 business days after the end of each month in which a transaction occurred, shall furnish a written statement disclosing with respect to each transaction effected during the month the information required in § 344.4. This statement shall also include information concerning any dividend or distribution credited to or reinvested for such customer. The bank shall furnish the written statement to the person having power to terminate the account or, if there is no such person, to the ascertained beneficiaries of those accounts or their legal representatives;

(b) A collective investment fund, in which instance the bank shall at least annually furnish the customer a copy of a financial report of the fund, or provide notice that a copy of such report is available and will be furnished upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. This report shall be based upon an audit. It shall contain:

(1) A list of investments in the fund showing the cost and current market value of each investment;

(2) A statement for the period since the previous report showing purchases, with cost; sales, with profit or loss and any other investment changes; income and disbursements;

(3) An appropriate notation as to any investments in default; and

(4) The financial report may include a description of the fund's value on previous dates, as well as its income and disbursements during previous accounting periods; or

(c) A periodic plan, in which instance the bank shall furnish the customer within 5 business days after the end of each quarterly period in which a transaction occurred, a written statement disclosing with respect to each transaction effected during the period the information described in § 344.4 This statement shall include information concerning any dividend or distribution credited to, or reinvested for each customer. In addition, the bank shall furnish the information described in § 344.4 upon written request from the customer within 5 business days of receipt as to transactions during the present quarter, and within 15 business days of receipt as to transactions during previous quarters.

**§ 344.6 Securities Trading policies and procedures.**

Every bank effecting securities transactions for customers shall establish written policies and procedures providing:

(a) Assignment of responsibility for supervision of all officers or employees who trade in securities;

(b) For the fair and equitable allocation of securities and prices to accounts when orders for the same security are received and combined for execution at approximately the same time;

(c) For the crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction; and

(d) That bank officers or employees whose duties include account management or effecting securities transactions for customers, or who supervise such activities, must promptly report to the bank all securities transactions made by them or in their behalf, either at the bank or elsewhere, in which they have a beneficial interest. These reports must be retained by the bank for 6 years.

**§ 344.7 Compliance with Municipal Securities Rulemaking Board rules.**

A bank that is in compliance with rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities shall be considered to be in compliance with the requirements of this Part.

By order of the Board of Directors, February 16, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
*Executive Secretary.*

[FR Doc. 78-4841 Filed 2-22-78; 8:45 am]





[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [14 CFR Part 39]

[Airworthiness Docket No. 78-SW-2]

### AIRWORTHINESS DIRECTIVES

### Bell Model 214B and 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to issue an Airworthiness Directive (AD) that would require installation of a tail fin and tail boom modification for the Bell Model 214B and 214B-1 helicopters to strengthen the tail fin and boom and to prevent possible failure of the tail fin and loss of control of the helicopter. This notice is being issued because of a tail fin on a Model 214 helicopter which failed as a result of a fatigue crack in the left side of the fin forward spar.

DATES: Comments must be received by March 21, 1978. Proposed effective date of the AD will be April 30, 1978.

ADDRESSES: Send comments on this proposal in triplicate to: Regional Counsel, Attn. Docket 78-SW-2, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. The applicable drawing may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration Southwest Region, P.O. Box 1689, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone No. (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: The tail fin on a Bell Model 214B helicopter reportedly failed as a result of a fatigue crack in the left side of the fin forward spar after the tail boom had approximately 300 hours' time in service. The helicopter had been used in external cargo logging operations and allegedly had an unbalanced rotor system during a long flight prior to the logging operation. Failure of the tail fin may result in loss of control of the helicopter. Bell Helicopter Textron issued a message, dated April 11, 1977, requiring a repetitive inspection of the tail fin spar at 25-hour intervals for tail booms with 100 or more hours' total time in service. Bell subsequently issued Service Bulletin No. 214-77-8, Revision A, dated November 30, 1977, requiring a daily inspection of the tail fin forward spar cap angles and spar web for cracks and loose rivets and requiring a 50-hour interval inspection of the tail fin lower web for cracks and loose rivets. The agency has not received any other reports of a cracked tail fin spar cap angle since the message, dated April 11, 1977, was issued. The FAA has approved the Bell tail fin and boom modification No. 214-961-151-1 that primarily replaces the aluminum spar cap angles with steel cap angles for the left side of both spars of the tail fin.

The agency believes tail fin spar cracks may possibly develop in other Bell Model 214B and 214B-1 helicopters used in "heavy lift" type of external cargo operatons, as well as those used in general operations. The model 214B and 214B-1 differ only by their certificated maximum gross weight of 13,800 pounds and 12,500 pounds respectively.

Therefore, the proposed AD would require installation of the modification No. 214-961-151-1 on all Bell Model 214B and 214B-1 helicopters before July 30, 1978, to preclude possible failure of the tail fin by incorporating this significant design improvement.

Interested persons are invited to participate in the development of the final rule by submitting written or oral comments as they desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All comments will be recorded and considered by the Director before taking final action and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regiona Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BELL: Applies to Bell Model 214B and 214B-1 helicopters, S/N 28001 through 28024 and S/N 28032 through 28036, certificated in all categories.

Compliance required by July 30, 1978.

To improve the strength and fatigue resistance of the tail boom and fin and preclude possible failure of the fin, accomplish the following:

Modify the tail boom and fin in accordance with Bell Helicopter Textron Drawing No. 214-961-151 or in accordance with an equivalent means approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on February 7, 1978.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc. 78-4660 Filed 2-22-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-NW-1]

## FEDERAL AIRWAYS

### Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V-4 and V-287 via the Tatoosh, Wash., VORTAC which is to be commissioned at Lat. 48°17'59"N., Long. 124°37'38"W. These airways will be improved by using a VORTAC rather than the Neah Bay, Wash., NDB for air navigation.

DATES: Comments must be received on or before March 10, 1978.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Nortwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-NW-1, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

### COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

### AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

### THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter a segment of V-4 and V-287 (an identical route) to extend from Tatoosh, Wash., to Port Angeles, Wash., rather than from Neah Bay, Wash., to Port Angeles. A VORTAC is installed near Tatoosh, Wash., at Lat. 48°17'59"N., Long. 124°37'38"W., to improve the air navigation system in the area of Neah Bay, Wash. The Tatoosh VORTAC is scheduled to be commissioned on May 18, 1978, at which time it is hoped that this proposal will become a rule.

### DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

### THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows:

1. In V-4 "From Neah Bay, Wash., RBN," is deleted and "From Tatoosh, Wash., via" is substituted therefor.
2. In V-287 "Neah Bay, Wash., RBN." is deleted and "Tatoosh, Wash." is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on February 15, 1978.

B. KEITH POTTS,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 78-4626 Filed 2-22-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-4]

## TRANSITION AREAS

### Proposed Designation of Winnemucca, Nev.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate 700 and 1,200 foot transition areas at Winnemucca, Nev., to provide protection for aircraft executing a new instrument approach procedure (NCB-A) to the Winnemucca Municipal Airport and establish transition routes between the nondirectional radio beacon (NDB) and adjacent VOR airways.

DATES: Comments must be received on or before March 23, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:





### COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written date, views, or arguments as they may disire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before March 23, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

### AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

### DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division, and DeWitte T. Lawson, Jr., Esquire, Office of the Regional Counsel, Western Region.

### THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Winnemucca, Nev., 700 foot and 1,200 foot transition areas. This action will provide additional controlled airspace to accommodate aircraft executing the NDB-A approach procedure to the Winnemucca Municipal Airport and for controlled airspace between adjacent VOR Airways 6 North and 113 and the Winnemucca NDB.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

### WINNEMUCCA, NEV.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Winnemucca Municipal Airport (latitude 40°53'50" N., longitude 117°48'07" W.) and within 9 miles west and 5 miles east of the Winnemucca NDB (latitude 40°53'50" N., longitude 117°48'20" W.) 342° bearing, extending from the 5 mile radius area to 11 miles north of the NDB; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 342° and 162° bearings extending from the NDB to southeast edge of V-113 and the north edge of V-6N.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on February 9, 1978.

FRANK HAPPY,
*Acting Director, Western Region.*

[FR Doc. 78-4659 Filed 2-22-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 263]

[EDR-345; Docket 31479; Dated: February 15, 1978]

### PARTICIPATION OF AIR CARRIER ASSOCIATIONS IN BOARD PROCEEDINGS

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rulemaking would amend 14 CFR Part 263 to allow associations of air carriers to represent their members in Board proceedings on the basis of informal authorizations, which need not be provided to the Board except on request. The action is taken in response to a petition by the National Air Carriers Association. The Board is also proposing, on its own initiative, to amend the rule to apply only to associations of direct air carriers.

DATES: Comments by April 10, 1978. Reply comments by April 25, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extend practicable. Requests to be put on the Service List: March 6, 1978. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 31479, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION:

### RELAXATION OF ASSOCIATION REQUIREMENTS

14 CFR Part 263 provides that an air carrier association may not participate in Board proceedings to present the views of its members unless (1) its articles of association authorizing such participation are approved by the Board (§ 263.2) and (2) the Board, upon motion or its own initiative, grants leave to participate (§ 263.3). The Board will approve the articles of association and grant leave only if each carrier signs and submits a copy of a resolution authorizing the association's participation. This requirement can be satisfied by the filing of a power of attorney signed by an authorized officer of each carrier to be represented. Section 263.3(3) provides that, upon motion of any interested person or upon its own initiative, the Board can require the association to withdraw from the case because of significant divergence of interest or position among its members.

The National Air Carrier Association (NACA) filed a Petition for Rulemaking to amend Part 263 to relax the authorization requirements.[1] NACA would amend the rule to either permit an attorney representing a member air carrier to execute a power of attorney on behalf of his client, or allow an officer of the air carrier association to certify that he has communicated with an authorized official of each carrier to be represented, and that each carrier has knowledge of and consents to representation by the association in that proceeding. NACA also suggested, in a footnote, the elimination of the leave-to-participate requirement of § 263.3 where the association has filed a power of attorney or certification, subject to the Board's power in § 263.3(a)(3) to require it to withdraw from participation for reasons that appear later.

In support of its petition NACA argued that implementation of the

[1] A similar petition by members of NACA was denied in 1971 (Petition for Rulemaking of Member Carriers of NACA, October 26, 1971, Docket 23939). The Board stated that it preferred participation by individual carriers to carrier participation by means of trade associations because "the expression of individual carriers views should be encouraged."

Part 263 requirements has imposed considerable burden and expense on it and its members. Obtaining the needed authorization requires not only the attention of a NACA corporate officer but substantial time for mailing. The fact that none of the member corporations are located in Washington has made it difficult to obtain the necessary powers of attorney on short notice.

Part 263 was originally intended to insure that where an air carrier association participated in a Board proceeding, the Board would have "access to, and the benefit of, the uninhibited expression of the candid views and positions of the individual air carriers." 24 FR 4882, adopted June 10, 1959, effective June 16, 1959.

Attempts by associations to coerce members to adhere to a unified view are objectionably on various grounds.[3] We have little or no evidence, however, that the questioned requirements of Part 263 are necessary to prevent the stifling or ignoring of individual carriers' views. Indeed, despite the policy underlying the existing rule, it has not been uncommon for the Board to encourage or facilitate in association's formulation of an industry view in rulemaking cases. Nothing in the Board's regulations or practice restricts the submission of opinion by an individual carrier, and any carrier disagreeing with the association's views can express its own opinions separately. Modification of Part 263 would also lessen paperwork for the Board and for private parties.

On considering the alternative procedures suggested by NACA, the Board has tentatively decided that formal filings such as certifications and powers of attorney are unnecessary in this area, considering the sanctions in Federal law and Board regulations (e.g., 14 CFR Part 300) that would apply to any misrepresentations in Board proceedings. An association will be held strictly to the requirements of this rule even in the absence of formal declarations in each case. The Board, therefore, is proposing by this notice that Part 263 be modified to require (1) that an association identify those members whom it is representing in a given proceeding, and (2) that its identification of those members be based on specific authorizations with respect to the positions taken, which can be informal and need not be provided to the Board except on request.

[3]The preamble to Part 263, 24 FR 4882 (adopted June 10, 1959, effective June 16, 1959), states, "Attempts by air carrier associations to bring about a unified position of their members vis-a-vis other groups of air carriers or persons whose economic interest conflicts with that of association members appear prima facie to be contrary to antitrust principles."

The Board is expecially interested in receiving comments on the general desirability of having trade associations represent before it broad segments of the affected industries. Comments on this issue, including any antiturst implications, are specifically invited from other Federal agencies, including the Federal Trade Commission and the Antitrust Division of the Department of Justice.

### Application Limited to Direct Air Carriers

The Board is proposing to amend Part 263 to limit its application to associations of direct air carriers, thus removing groups such as charter operators from the rule. An air carrier association is now defined in Part 263 as "an association composed entirely or in part of air carriers which are not exempted from the provisions of section 412 of the act in respect of relationships between one another."

The American Society of Travel Agents (ASTA), an association whose members sometimes act as tour operators (i.e., "indirect air carriers"), petitioned in September, 1976, for leave to intervene in a Board proceeding regarding an application for a foreign indirect air carrier permit.[3] Judge Yoder concluded, in denying the petition, that as "an air carrier association" ASTA was required to meet the requirements of Part 263, and had not done so in filing the petition. ASTA's argument that Part 263 did not apply to associations of indirect air carriers was rejected by Judge Yoder in Order 76-9-71.

The Board took discretionary review of the denial and granted intervention. It relieved associations of indirect carriers of passengers from the requirements of Part 263 (Order 76-12-140) on an interim basis, but indicated that the general issue raised by ASTA's petition would be resolved in a context providing an opportunity for public comment.

The preamble to part 263 states that is was not intended to be applicable to "associations of pilots, aircraft owners, and airport operators, aircraft manufacturers, and chambers of commerce."[4] Since it issued Part 263, the Board has adopted various charter regulations that have created a new class of "carriers" not originally contemplated in the regulation, i.e., charter operators who are indirect air carriers of passengers. Although technically they are "air carriers" included in the Part 263 use of the term, their functional relationship to air transportation is comparable to the types of organizations the Part 263 preamble specifically excluded from coverage.

Where a segment of an affected industry consists of many relatively small members, such as charter operators, the imposition of Part 263 requirements on the industry's association could make it much more difficult for the members to make their views known to the Board. The Board has therefore tentatively concluded that Part 263 should be amended so as to be made expressly inapplicable to these associations. When they participate in our proceedings we will not consider their views as the unified opinion of all their members, but as a convenient channel for some of them. Separate opinions of any interested member will, of course, be encouraged and given serious consideration by the Board in each proceeding.

### New Form of Request for Comments

For this notice the Board is using a new form of request for comments, all of which is contained within the headings at the beginning of the notice. Our new form includes the statement: "Comments and other relevent information received after these dates will be considered by the Board only to the extent practicable." This changes the previous form in two significant respects.

First is the explicit recognition that comments are received by the Docket Section after the close of the comment period that had been announced in the Notice of Proposed Rulemaking. In actual practice, the Board has routinely granted formal motions made by practitioners for leave to file tardy comments as "otherwise unauthorized documents," while informally accepting as "late-filed comments" letters and other written communications from the general public or interested members of Congress that are received by the Board, or any of its members or employees, during the course of a rulemaking proceeding. Our new form of request makes it clear that no formal motions need accompany post-deadline comments, thereby eliminating unnecessary effort both within and outside the Board.

The second change is the inclusion of the phrase "other relevant information." In its informal rulemaking proceedings the Board considers a wide range of information, including its own experience with the subject at issue, in addition to the comments received. To the extent practicable, relevant information is put into the docket and is discussed in the Board's explanations of its rulemaking actions on the subject.

In sum, the new form of request for comments gives notice that relevant material received by the Board following its request for comments will be filed in the docket of the rulemaking and be considered by the Board. However, as stated material received after the Board's announced deadlines will be considered only to the extent that the circumstances of the case make it practicable to do so. Only persons submitting materials before the deadline have the assurance that the Board will not take any action in the rulemaking proceeding before it has had the opportunity to consider their comments.

[3]Tourist Enterprised Corporation "Orbis" d.b.a. Orbis Polish Travel Bureau, Inc. d.b.a. Pargiello Service, Inc., Docket 27914.

[4]24 FR 4883 (adopted June 10, 1959, effective June 16, 1959).

### Proposed Rule

Accordingly, it is proposed that Part 263 of the Economic Regulations (14 CFR Part 263) be revised as follows:

**Part 263—Participation of Air Carrier Associations in Board Proceedings**

Sec.
263.1 Definitions.
263.2 Approval of articles of association.
263.3 Participation.

AUTHORITY: Sec. 102, 204, 412, and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 770, and 778 (49 U.S.C. 1302, 1324, 1382, and 1481).

**§ 263.1 Definitions.**

For the purposes of this part: (a) "Air carrier association" means an association composed entirely or in part of direct air carriers that are not exempted from the provisions of section 412 of the Act in respect of relationships between one another.

(b) "Board proceeding" means any proceeding of the Board to which the Board's procedural regulations apply.

**§ 263.2 Approval of articles of association.**

An air carrier association created by agreement subject to approval under section 412 of the Act, its officers, or its employees may not participate in Board proceedings unless its articles of association contain provisions approved by the Board authorizing such participation.

**§ 263.3 Participation.**

(a) An air carrier association may participate in a Board proceeding only if—

(1) The issues substantially affect the property or financial interests of the association as opposed to an interest derivative from its members;

(2) The association acts as a conduit to the Board of factual information gathered from the members, as distinguished from presentation of opinions or positions on issues; or

(3) The association represents members that are identified in any documents filed with the Board, and that have specifically authorized the positions taken by the association in that proceeding. The specific authorizations may be informal and evidence of them shall be provided only upon request of the Board.

(b) Upon motion of any interested person or upon its own initiative, the Board may issue an order requiring an association to withdraw from a case on the ground of significant divergence of interest or position within the association.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4580 Filed 2-22-78; 8:45 am]





[4810-22]

## DEPARTMENT OF THE TREASURY

**Customs Service**

**[19 CFR Part 134]**

**COUNTRY OF ORIGIN MARKING**

**Withdrawal of Notice of Proposed Change of Position Relating to Country of Origin Marking of Radios, Stereo Systems, Television Sets, and Other Similar Consumer Electronic Products**

FEBRUARY 14, 1978.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed change of position.

SUMMARY: This document withdraws a notice of proposed change of position relating to the country of origin marking of radios, stereo systems, television sets, and other similar consumer electronic products. The proposed change would have required that the country of origin be marked on the front, top, or sides of the products in a manner to ensure the visibility of the marking when the product is on display. The current practice is to permit these products to be marked on the back.

The Customs Service has determined that present marking practices fully comply with statutory requirements and adequately inform prospective purchasers of the country of origin of these products. Accordingly the notice of proposed change of position is withdrawn.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Andrew N. Bernstein, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5765.

SUPPLEMENTARY INFORMATION:

### Background

On August 3, 1977, the Customs Service published a proposal in the FEDERAL REGISTER (42 FR 39227) to require that imported radios, stereo systems, television sets, and similar consumer electronic products be marked with their country of origin on the front, top, or sides of the product in a manner which would ensure the visibility of the marking while on display. Current practice permits the country of origin to be marked on the back of these products. Interested persons were given until September 2, 1977, to submit comments. The date for receipt of comments was extended until October 3, 1977, by a notice published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44246).

### Discussion of Comments

The comments which supported the proposed change welcomed it as a more effective method of indicating the country of origin of these products. Several commenters expressed the view that the proposal would give consumers greater freedom of choice by making them more aware of which products are American-made. Some commenters also suggested that the proposed requirement would promote the purchase of American-made goods, thereby stimulating the economy and creating additional jobs.

One commenter claimed that marking the country of origin on the back of a product fails to meet the requirement of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), that the marking be "in a conspicuous place," because the marking is not plainly visible to all purchasers.

The objection most often cited by those opposed to the change was that marking the country of origin in any of the contemplated locations would have a detrimental effect on the appearance of these products. Many commenters stated that the consumers view electronic products not only as a functional equipment, but as furniture as well, and that the physical appearance of the product is an important factor in the purchaser's choice.

A large number of commenters noted that the back or bottom of a product is a sufficiently conspicuous place in which to mark the country of origin. Several observed that other important information, such as product specifications, serial numbers, and the Underwriters' Laboratory seal of approval, appear on the back of each unit.

Moreover, a number of commenters noted that 19 U.S.C. 1304 has been interpreted, both by Customs and the courts, to require only that the country of origin be marked in a "conspicuous place," not necessarily "the most conspicuous place," and does not require that a product be marked in a manner so as to be visible while on display prior to sale. They suggested that the test for sufficiency of the marking is to be imposed at the time of importation, not the time of sale, and that if

products are displayed by retailers in a manner which appears to prevent the consumer from learning the country of origin, remedial action should be taken by another agency, such as the Federal Trade Commission, and not by Customs.

Several commenters suggested that most consumers are aware of the origin of electronic products which they contemplate buying and that, in any case, the country of origin is not a significant factor in most purchases. Moreover, they claimed persons interested in this information could ask a salesperson the country of origin or examine the product.

In addition, some commenters stated that the proposed change is discriminatory in that it singles out electronic products for special treatment, while disregarging numerous other types of products, such as apparel and automobiles. A number of commenters also expressed the opinion that it was unclear from the notice what products would be covered by the term "similar electronic products" and questioned whether microwave ovens, movie projectors, automobile tape decks, and calculators, for example, would be included.

Some commenters also suggested that the proposal would result in unreasonable cost increases because of the additional labeling required. A number of manufacturers pointed out that redesign and retooling would be costly and that these increased costs would be passed along to consumers in the form of higher prices.

Several commenters claimed that the proposed change would result in non-tariff trade barriers of the type which the General Agreement on Tariffs and Trade, to which the United States is a signatory, seeks to avoid. It also was suggested that the proposal would have a restrictive effect on imports, contrary to the spirit of the Multilateral Trade Negotiations to limit non-tariff barriers to trade.

### Withdrawal of Proposal

Because the Customs Service has concluded that present marking practices comply fully with statutory requirements and adequately inform prospective purchasers of the country of origin, and because of the possible adverse effects resulting from the adoption of the change, as detailed in the comments received, the notice is withdrawn.

### Drafting Information

The principal author of this document was Robert Harris, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

LEONARD LEHMAN,
*Assistant Commissioner*
*Regulations and Rulings.*

[FR Doc. 78-4836 Filed 2-22-78; 8:45 am]

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[4830-01]

**Internal Revenue Service**

**[26 CFR Part 1]**

[LR-154-76]

**INCOME TAX**

**Investment Credit for Movie and Television Films; Public Hearing on Proposed Regulations**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Change of location of public hearing on proposed regulations.

SUMMARY: This document provides notice of a change of location of a public hearing on proposed regulations relating to investment credit for movie and television films and tapes.

Date: The public hearing will be held on March 1, 1978, beginning at 10 a.m. as previously stated in the notice of public hearing published in the FEDERAL REGISTER for Wednesday, December 21, 1977 (42 FR 63903).

ADDRESS: The public hearing will be held in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice appearing in the FEDERAL REGISTER for Wednesday, December 21, 1977 (42 FR 63903), it was announced, among other things, that a public hearing on proposed regulations relating to investment credit for movie and television films and tapes would be held on March 1, 1978, beginning at 10 a.m. in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. The proposed regulations were published in the FEDERAL REGISTER for Tuesday, December 20, 1977 (42 FR 63791).

The room for the public hearing has been changed, and it will be held in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

In all other respects the details with respect to the hearing will remain the same.

ROBERT A BLEY,
*Director, Legislation*
*and Regulations Division.*

[FR Doc. 78-4757 Filed 2-22-78; 8:45 am]

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[4830-01]

**[26 CFR Parts 1 and 20]**

[LR-1-77]

**GROUP-TERM LIFE INSURANCE**

**Extension of Comment Period**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of time for comments and requests for a public hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking with respect to group-term life insurance. The extended deadline for submission of comments and requests for a public hearing is March 23, 1978.

DATE: Written comments and requests for a public hearing must be delivered or mailed by March 23, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

John H. Parcell of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the FEDERAL REGISTER for Thursday, January 5, 1978 (43 FR 976), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1-77), Washington, D.C. 20224, by February 21, 1978. The date by which such comments or requests must be delivered or mailed is hereby extended to March 23, 1978.

ROBERT A. BLEY,
*Director, Legislation*
*and Regulations Division.*

[FR Doc. 78-4785 Filed 2-22-78; 8:45 am]





[4910-60]

## DEPARTMENT OF TRANSPORTATION

**Materials Transportation Bureau**

**[49 CFR Part 172]**

[Docket No. HM-159]

**HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS; FORBIDDEN MATERIALS**

**Advance Notice of Proposed Rulemaking**

AGENCY: Materials transportation Bureau (MTB), DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice requests public comment on the proposal to add the names of materials to the Hazardous Materials Table (49 CFR 172.101) that are known to be too hazardous to be permitted in commercial transportation.

DATE: Comments must be received on or before June 22, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: This action is prompted by a serious explosion that occurred during the transportation of a chemical having properties which made it a forbidden explosive under the regulations governing the transportation of hazardous materials but which was not specifically listed by name in the Hazardous Materials Table. The chemical involved possessed properties which made it a forbidden explosive under the provisions of §§ 173.21, 173.51, and 173.86 of Title 49 CFR. The MTB believes that as a supplement to the basic performance standards describing the kinds of materials barred from transportation, the listing of specific materials known to have, or strongly suspected of having, chemical properties which would require that they be forbidden from transportation in commerce may be helpful in preventing similar accidents in the future.

The regulations now address forbidden materials in one or more of three different fashions: (1) By describing chemical properties which, if possessed by any given substance, make it a forbidden material; (2) by chemical name listings in the Hazardous Materials Table together with the notation "forbidden"; or (3) by chemical name in separate textual provisions within the appropriate topical hazard classification portions of the regulations. The MTB believes that (2) and (3) should be consolidated and supplemented with the chemical names of as many materials as can be readily recognized to possess the chemical properties described in (1). As part of this notice, there are lists of those materials currently addressed in the text of the regulations but not in the Hazardous Materials Table and those not addressed by chemical name anywhere in the regulations but which are considered by MTB to meet the "forbidden" criteria in the regulations.

The primary drafters of this document are Charles W. Schultz, Technical Services Branch, Office of hazardous Materials Operations, and Evan C. Braude, Office of the Chief Counsel, Research and Special Programs Directorate.

The materials shown in the appendices to this notice are grouped as follows:

List IA—Forbidden explosives presently in the Regulations by Name but not Specifically Listed in Section 172.101.
List IB—Forbidden materials presently in the Regulations by Name but not specifically Listed as Forbidden in Section 172.101.
List IIA—Forbidden Explosives not Presently in the Regulations or Hazardous Materials Table by Name.
List IIB—Forbidden Materials not Presently in the Regulations or Hazardous Materials Table by Name.

The principal sources used in compiling these lists are:

1. Title 49, Code of Federal Regulations (Parts 100 to 199), Revised as of December 31, 1976.

2. Compilation of Data on Organic Explosives, A. H. Blatt 1942, National Defense Research Committee of the Office of Scientific Research and Development.

3. The Chemistry of Powder and Explosives, Tenney L. Davis 1943, Angriff Press Hollywood, California.

4. Handbook of Chemistry and Physics 47th Edition 1966-1967, The Chemical Rubber Co., Cleveland, Ohio.

5. Laboratory reports on file with the Bureau of Explosives, Association of American Railroads.

The MTB is requesting comments on the following questions:

1. Should the Hazardous Materials Table be the consolidated central location for the listing of forbidden materials by chemical name or should that listing be placed in a separate section?

2. What, if any, additional materials should be identified in the regulations as forbidden?

3. Are there any materials listed in this notice which do not meet the regulatory criteria making it a forbidden material? If so, identify these materials and explain why they should not be considered forbidden materials.

In responding to Question No. 3, the MTB requests that any comments or specific materials include specific data. General comments, such as "I do not believe copper acetylide should be shown as a forbidden material," without supporting data, are not helpful.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C., on February 16, 1978.

ALAN I. ROBERTS,
*Director, Office of Hazardous*
*Materials Operations.*

LIST IA—FORBIDDEN EXPLOSIVES PRESENTLY IN THE REGULATIONS BY NAME BUT NOT SPECIFICALLY LISTED IN SECTION 172.101

Diazodinitrophenol (dry) (49 CFR 193.70).
Fulminate of mercury (dry) (49 CFR 173.71).
Guanyl nitrosamino guanylidene hydrazine (dry) (49 CFR 173.72).
Lead azide (dry) (49 CFR 173.73).
Lead mononitroresorsinate (dry) (49 CFR 173.70).
Lead styphnate (dry) (49 CFR 173.74).
Nitromannite (dry) (49 CFR 173.75).
Pentaerythrite tetranitrate (dry) (49 CFR 173.77).
Shaped charges containing more than 8 ounces of explosives (49 CFR 173.53(h)).
Tetrazine (dry) (49 CFR 173.78).
Explosive compositions and fireworks that ignite spontaneously or undergo marked decomposition when subjected to a temperature of 75° C. for 48 consecutive hours. (49 CFR 173.51(a)(1).)
Explosives or fireworks containing an ammonium salt and a chlorate. (49 CFR 173.51(a)(2).)
Liquid explosives which can be exploded in Bureau of Explosives Impact apparatus under a drop of less than 10 inches. (49 CFR 173.53(f).)
Firecrackers, flash crackers, or salutes with explosive contents exceeding 12 grains. (49 CFR 173.51(a)(7).)
Firecrackers, salutes, etc., which on functioning, are liable to project or disperse metal, glass, or brittle plastic fragments. (49 CFR 173.51(a)(7).)
Fireworks containing an explosive and a detonator or blasting cap. (49 CFR 173.51(a)(8).)
Fireworks containing copper sulfate and a chlorate. (49 CFR 173.51(a)(9).)
Fireworks containing yellow or white phosphorous. (49 CFR 173.51(a)(10).)
Pest control bombs with explosive content of more than 18 grains. (49 CFR 173.51(a)(7).)
Toy torpedoes containing a cap composed of a mixture of red phosphorous and potassium chlorate exceeding an average of one-half (0.5) grains per cap. (49 CFR 173.51(a)(14).)
Toy torpedoes, the maximum outside dimension of which exceeds ⅝-inch, or toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur with an average weight of explosive composition exceeding four grains. (49 CFR 173.51(a)(13).)

LIST IB—FORBIDDEN MATERIALS PRESENTLY IN THE REGULATIONS BY NAME BUT NOT SPECIFICALLY LISTED AS FORBIDDEN IN SECTION 172.101

Acetyl benzoyl peroxide, solid, or in solution exceeding 40 percent by weight. (49 CFR 173.222.)
Acetyl peroxide, solid, or in solution exceeding 25 percent by weight. (49 CFR 173.222.)
Aluminum or magnesium dross, wet or hot. (49 CFR 173.173.)
Coal briquettes, hot. (49 CFR 173.162(a)(3).)
Monochloroacetone, unstabilized.
Peracetic acid in excess of 40 percent concentration by weight. (49 CFR 173.223.)

LIST IIA—FORBIDDEN EXPLOSIVES NOT PRESENTLY IN REGULATIONS OR HAZARDOUS MATERIALS TABLE BY NAME

Acetylene (liquid).
Acetylene silver nitrate.
Ammonium azide.
Ammonium bromate.
Ammonium fulminate.
Ammonium nitrite.
Azaurolic acid (salt of), dry.
Azidodithiocarbonic acid.
Azidoethyl nitrate.
Azido guanidine pricrate, (dry).
5-Azido-1-hydroxyletrazol.
Azido hydroxy tetrazole (mercury & silver salts).
3-Azido-1,2-propylene glycol dinitrate.
Azotetrazole, (dry).
Benoxidiazoles, (dry).
Benzene diazonium chloride.
Benzene diazonium nitrate (dry).
Benzene triozonide.
Benzoyl azide.
Biphenyl triozonide.
Bis (1-hydroxytetrazole), (dry).
Bromide azide.
Bromosilane.
1,2,4,-Butane triol trinitrate.
Carbazide.
Chlorine azide.
Copper acetylide.
Copper amine azine.
Copper azide.
Copper tetramine nitrate.
Cyano methyl nitrate.
Cyanurid triazide.
Cyclo tetramethylene tetranitramine, (dry), (HMX).
p-Diazidobenzene.
1,2-Diazido ethane.
1,3-Diazido propane.
1,1 Diazoaminonapthalene.
Diazoamino tetrazole (dry).
Diazodiphenylmethane.
Diazonium nitrates, (dry).
Diazonium perchlorates, (dry).
Dibromoacetylene.
Dichloracetylene.
N,N¹-Dichlorazodicarbonamidine (salts of), (dry).
2,6-Dichloro-4-nitrophenol.
Dicyclopentylidene peroxide.
Diethanol Nitrosoamine dinitrate, (dry).
Diethyl gold bromide.
1,8-Dihydroxy-2,4,5,7-tetra-nitroanthraquinone (Chrysamminic acid).
Diidoacetylene.
Dinotro-7,8-dimethylglycouril, (dry).
1,3-Dinitro-5,5-dimethylhydantoin.
1,3-Dinitro-4,5-dinitrosobenzene.
1,1-Dinitroethane, (dry).
1,2-Dinitroethane.
Dinitroglycoluril.
Dinitromethane.
Dinitropropylene glycol.
2,4-Dinitroresourcinol (heavy metal salts of), (dry).
4,6-Dinitroresourcinol (heavy metal salts of), (dry).
3,5-Dinitrosalicylic Acid (lead salt), (dry).
2,2¹-Dinitrostilbene.
2,4-Dinitrostilbene.
2,4-Dinitro-1,3,5-trimethylbenzene.
Dinitrosobenzylamidine & salts of, (dry).
1,4-Dinitro-1,1,4,4-tetramethylol-butanetetranitrate, (dry).
Di(beta-nitroxyethyl)ammonium nitrate
a,a¹-Di(nitroxy)methylether.
1,9-Dinitroxypentamethylene-2,4,6,8-tetramine, (dry).
Ethanol amine dinitrate.
Ethylene diamine diperchlorate.
Ethylene glycol dinitrate.
Ethyl perchlorate
FEFO (Chemical composition is security Classification).
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.
Fulminic acid.
Galactan trinitrate.
Glycerol-1,3-dinitrate.
Glycerol monogluconate trinitrate.
Glycerol monolactate trinitrate.
Hexamethylene triperoxide diamine (dry).
Hexamethylol benzene hexanitrate.
Hexanitroazoxybenzene.
2,4,6,2¹,4¹,6¹ Hexanitro-3,3¹ dihydroxyazo-benzene (dry).
2,4,6,2¹,3¹,4¹-Hexanitrodiphenylamine.
2,4,6,3¹,4¹,6¹-Hexanitrodiphenylether.
N,N¹ (Hexanitrodiphenyl) ethylene dinitramine, (dry).
Hexanitrodiphenyl urea.
Hexanitroethane.
Hexanitro oxanilide.
Hydrazine azide.
Hydrazine chlorate.
Hydrazinedicarbonic acid diazide.
Hydrazine perchlorate, (dry).
Hydrazine selenate.
Hydrazoic acid.
Hydroxyl amine iodide.
Hyponitrous acid.
Idoso and idoxy compounds, (dry).
Initiating explosives, dry.
Inositol Hexanitrate, (dry).
Inulin trinitrate, (dry).
Iodine azide, (dry).
Iridium nitratopentamine iridium nitrate.
Lead picrate, (dry).
Loose mixtures of sulfur and a chlorate.
Mannitan tetranitrate.
Mercurous azide.
Mercury acetylide.
Mercury iodide aquabasic ammonobasic (Iodide of Million's base).
Mercury nitride.
Mercury oxycyanide.
Metal salts of methyl nitramine, (dry).
Methazoic acid.
Methylamine dinitramine and dry salts thereof.
Methylamine nitroform.
Methylamine perchlorate, (dry).
Methylene glycol dinitrate.
a-Methylglucoside tetranitrate.
a-Methylglycerol Trinitrate.
Methyl nitrate.
N-Methyl-N¹-nitro-N-nitrosoguanidine.
Methyl picric acid, (Heavy metal salts of).
Methyl trimethylol methane trinitrate.
Mixtures of phosphorous (either white or red) and a chlorate.
Mixtures of antimony sulfide and a chlorate.
Mixtures of arsenic sulfide and a chlorate.
Naphthalene diozonide.
Naphthyl amine perchlorate.
Nickel picrate.
Nitrated paper (unstable).
Nitrates of diazonium compounds.
N-nitroaniline.
m-Nitrobenzene diazonium perchlorate.
6-Nitro-4-diazotoluene-3-sulfonic acid, (dry).
Nitorethylene polymer.
m-Nitroethyl nitrate.
Nitrogen triiodide.
Nitrogen triiodide monoamine.
Nitroguanidine nitrate.
1-Nitrohydantoin.
N-Nitro-n-methylglycolamide nitrate.
2-Nitro-2-methylproponol nitrate.
m-Nitrophenyldinitro methane.
Nitrosugars, (dry).
1,7-Octadiene-3,5-diyne-1,8-dimethoxy-9-octoadecynoic acid.
Pentanitroaniline, (dry).
m-Phenylenediaminediperchlorate (dry).
Potassium carbonyl.
Pyridine perchlorate.
Quebrachitol pentanitrate.
Selenium nitride.
Silver acetylide, (dry).
Silver azide, (dry).
Silver chlorite, (dry).
Silver fulminate, (dry).
Silver oxalate, (dry).
Silver picrate, (dry).
Sodium picryl peroxide.
Sodium tetranitride.
Sucrose octanitrate (dry).
Tetra azidobenzenequinone.
Tetra ethylammoniumperchlorate (dry).
Tetra methylene diperoxide dicarbamide.
Tetra nitro diglycerin.
2,3,4,6,-Tetranitrophenol.
2.3.4.6-Tetranitrophenyl methyl nitramine.
2,3,4,6-Tetranitrophenylnitramine.
Tetra nitro resorcinol (dry).
2,3,5,6,-Tetranitrosonitrobenzene (dry).
2,3,5,6-Tetranitroso-1,4-dinitrobenzene.
Tetrazolyl azide (dry).
Triazenes.
Triazoles, (dry).
Trichloro methyl perchlorate.
Triformoxime trinitrate.
Trimethylene glycoldiperchlorate.
Trimethylol nitro methane trinitrate.
1,3,5-Trimethyl-2,4,6-trinitrobenzene.
Trinitro acetic acid.
Trinitroacetonitrile.
Trinitro amine cobalt.
2,4,4-Trinitro-1,3-diazobenzene.
Trinitro ethanol.
Trinitroethyl nitrate.
Trinitro methane.
2,4,6,-Trinitoro-3-methyl nitraminoanisol.
1,3,5-Trinitro naphthalene.
2,4,6-Trinitrophenyl guanidine (dry).
2,4,6-Trinitro phenyl nitramine.
2,4,6-Trinitro phenyl trimethylol methyl-nitramine trinitrate (dry).
2,4,6-Trinitro-1,3,5 triazidobenzene, (dry).
Tri (beta-nitroxyethyl) ammonium nitrate.
Tri nitrotetramine cobalt nitrate.
Tris, Bis-Bifluoro aminodiethoxy propane (TVOPA).
Vinyl nitrate polymer.
p-Xylyl diazide.

LIST IIB—FORBIDDEN MATERIALS NOT PRESENTLY IN REGULATIONS OR HAZARDOUS MATERIALS TABLE BY NAME

Acetyl acetone peroxide in excess of 40 percent concentrations by weight.
Cetyl cyclo hexane sulfonyl peroxide: (a) Wetted with less than 12 percent water by weight, (b) solution exceeding 32 percent by weight.
Ascaridole (organic peroxide).
2,2-Bis (4,4-ditertiary butylperoxy cyclohexyl) propane exceeding 42 percent by weight with inert solid.
t-Butyl diperphthalate exceeding 55 percent by weight in solution.
2,2-Bis(t-Butylperoxy) butane exceeding 55 percent by weight in solution.
t-Butyl hydroperoxide exceeding 90 percent by weight in water.
t-Butyl peracetate exceeding 76 percent by weight solution.
t-Butyl perisobutyrate exceeding 77 percent by weight in solution.
n-Butyl peroxydicarbonate exceeding 52 percent by weight in solution.
t-Butyl perneodeconate exceeding 77 percent by weight in solution.
4-Bromo-1,2-dinitrobenzene (unstable at 59° C).
1-Bromo-2-nitrobenzene (unstable at 59° C).
Chlorine dioxide (not hydrate).
Diacetone alcohol peroxides exceeding 57 percent by weight in solution.
Dibenzyl peroxydicarbonate exceeding 87 percent by weight in water.
2,4-Dichlorobenzoyl peroxide wet with water exceeding 75 percent by weight of peroxide.
Diisopropyl benzene hydroperoxide exceeding 72 percent by weight in solution.
Diethyl peroxy dicarbonate exceeding 27 percent by weight in solution.
2,5-Diemthyl-2,5-dihyroperoxy hexane exceeding 82 percent by weight in water.
Di (1-naphthoyl) peroxide.
Ethyl hydroperoxide (exp. above 100° C).
Iso thiocyanic acid (polymerization hazard).
Methyl ethyl ketone peroxide exceeding 60 percent by weight in solution.
Methyl isobutyl ketone peroxide exceeding 62 percent by weight in solution.
Propionyl peroxide exceeding 28 percent by weight in solution.

[FR Doc. 78-4834 Filed 2-22-78; 8:45 am]





[4910-59]

## National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 78-05; Notice 1]

## LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

### Notice of Proposed Increase in Headlamp Photometrics

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to four petitions for rulemaking, this notice proposes that the maximum allowable candlepower (cp) of motor vehicle headlighting systems be increased from 75,000 cp to 150,000 cp. It also proposes an identification code for headlamps.

DATES: Comments on this notice must be received on or before April 10, 1978. The amendment is proposed to be effective upon publication in the FEDERAL REGISTER.

ADDRESS: Comments must be submitted (preferably in ten copies in writing) to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of the Associate Administrator for Rulemaking, 202-426-2720, or Taylor Vinson, Office of Chief Counsel, 202-426-9511, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 108 (49 CFR 571.108), Lamps, Reflective Devices and Associated Equipment, requires motor vehicles other than motorcycles to be equipped with a headlighting system that meets, among other specifications, minimum and maximum photometric output values specified by the Society of Automotive Engineers in SAE standard J579a, Sealed Beam Headlamp Units for Motor Vehicles, August 1965. Under this standard, the maximum candlepower (cp) of headlamps in operation on motor vehicles shall not exceed 75,000. The SAE revised its standard in December 1974 (J579c), one effect of which was to raise the system total output ceiling to 150,000 cp. Shortly thereafter NHTSA added paragraph S4.1.1.33 to Standard No. 108 to allow manufacturers to comply with J579c if they wished, provided that the ceiling imposed by J579a was not exceeded. NHTSA's amendment also imposed maximum design wattage limitations at 12.8 volts. These standards apply to traditional headlamp systems with circular lenses and to a newer system consisting of four lamps with rectangular lenses. When the SAE adopted Recommended Practice J1132 "142 mm x 200 mm Sealed Beam Headlamp Unit", in January 1976, establishing specifications for a two-lamp rectangular headlamp system, NHTSA added S4.1.1.34, effective November 1, 1976, allowing this system, without imposing additional candlepower output restrictions. The reason for this regulatory anomaly was NHTSA's intent to raise the candlepower ceiling on the three other headlighting systems within the near future and the desire not to impose a limitation on manufacturers of the newest system which would be in effect for only a relatively short time. NHTSA research has demonstrated that an increase in photometrics to a maximum of 150,000 cp will enhance seeing ability without any significant increase in glare from properly aimed headlights, but that photometric output exceeding 150,000 cp results in only a marginal increase in visibility with an increase in glare.

This rulemaking action affirmatively responds also to petitions by GTE Sylvania, Inc., General Motors Corp., Koito Manufacturing Co. Ltd., and General Electric Co.

General Motors indicated its belief that "the majority of lamps that will be used to provide the higher intensity light output will utilize a more efficient tungsten-halogen light source, thereby avoiding any increase in energy consumption." Further, the lamps will be compatible with the electrical systems of contemporary motor vehicles. The availability of sealed beam lamps with a halogen source will also offer an alternative to motorists who may wish higher intensity lamps without the defects inherent in lighting equipment that is unsealed and not susceptible to mechanical aiming, such lamps being illegal under the National Traffic and Motor Vehicle Safety Act for use on four-wheeled motor vehicles. Since the proposed amendment does not require compliance but allows manufacture of an optional type of headlamp, it is not considered to have an adverse economic impact.

In addition, NHTSA has tentatively concluded that establishment of a marking code to be embedded in the lens of each headlamp designed to comply with SAE J579c will enable the agency to determine with ease which set of SAE specifications apply to the headlamp, as well as enabling a consumer to replace original equipment headlamps with lamps of compatible photometric output. A marking system identifying headlamps as type "1A", etc. currently exists. The proposed code consists of three characters. The first is a number indicating the number of beams produced by the lamp, i.e., 1 or 2. The second character is a letter indicating whether the headlamp is a large or small rectangular or circular headlamp. The final character indicates the version, or requirements, of Standard No. 108 which apply to the lamp. For the present this will be "1", until requirements change to the extent that a new identification number is required, as it is anticipated that future headlighting systems may have different wattages, beam patterns and other characteristics and could not serve as replacements for J579c headlamps.

Types 1A, 2A, and 2B would retain their present nomenclature (plus the final digit), while 5¾ inch diameter (146 mm diameter) headlamps would be identified by the letter "C", and 7 inch diameter lamps (178 mm diameter) with the letter "D". Thus, a Type 2D1 headlamp would be the new identification for a Type 2 (7 inch) headlamp permitted a maximum candlepower output of 75,000. Above the code would be the letters "DOT" certifying compliance with requirements of Standard No. 108. The costs of lens mold changes is believed to be relative-





ly low. Manufacturers wishing to manufacture high intensity lamps will

publication of amendment in the FEDERAL REGISTER], shall be labeled as fol-

designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units*



ted to the Office of Chief Counsel at the above address, with an indication

after the closing date will also be considered. However, the rulemaking

ed that interested persons continue to examine the docket for new material.

ly low. Manufacturers wishing to manufacture high intensity lamps will probably change lens molds anyway to provide other marking and to secure improved beam pattern control. Type 2B headlamps that currently are designed to conform to J579c would be allowed 1 year in which to change over their marking from "2B" to "2B1".

Other proposed changes include substituting SAE J571d for J571c and J580b for J580a as two of the referenced standards on headlamps. SAE J571d incorporates Figure 2 of present Standard No. 108 which would be deleted from the body of the standard under the proposal. SAE J580b differs from J580a primarily by the addition of a definition for "aiming screws", changes of the aiming adjustment test procedure, and the requirement of aim retention with specified applied forces.

Since the proposal creates no additional burden in allowing optional headlamps, it is proposed to become effective upon publication of the amendment in the FEDERAL REGISTER.

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended as follows:

1. Paragraph S3, Definitions, would be amended by adding the following definition:

"Type 1" means a headlamp, with only an upper beam filament, whose identification code begins with the numeral "1".

"Type 2" means a headlamp, with both upper and lower beam filaments, whose identification code begins with the numeral "2".

2. S4.1.1.21 would be deleted.

3. Figure 2 would be deleted. Figure 3 would be revised to be "Figure 2" and the reference in S4.1.1.22 to "Figure 3" would be changed to "Figure 2".

4. A new paragraph S4.1.1.21 would be added to read:

S4.1.1.21 Except as noted in subparagraph (c), the lens of each headlamp designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974, shall be marked with one of the following designations as appropriate:

(a) A lens for a rectangular headlamp (100 x 165 mm) incorporating an upper beam only shall be labeled as follows:

DOT
1A1

(b) A lens for a rectangular headlamp (100 x 165 mm) incorporating both an upper beam and a lower beam shall be labeled as follows:

DOT
2A1

(c) A lens for a rectangular headlamp (142 x 200 mm) incorporating both an upper beam and a lower beam, manufactured on or after [1 year after publication of amendment in the FEDERAL REGISTER], shall be labeled as follows:

DOT
2B1

(d) A lens for a circular headlamp (146-mm diameter) incorporating an upper beam only shall be labeled as follows:

DOT
1C1

(e) A lens for a circular headlamp (146-mm diameter) incorporating both an upper and a lower beam shall be labeled as follows:

DOT
2C1

(f) A lens for a circular headlamp (178-mm diameter) incorporating both an upper beam shall be labeled as follows:

DOT
2D1

The lens of each Type 2B1 headlamp manufactured between [the date of publication of the amendment in the FEDERAL REGISTER] and [1 year after the date of publication of the amendment in the FEDERAL REGISTER] may be marked either "2B" or "2B1".

5. Paragraph S4.1.1.33 would be revised to read:

S4.1.1.33 At a voltage of 12.8 volts, the maximum design wattage for upper and lower beams on headlamps designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974 shall be as follows: 55 watts for upper beam on Type 1A1 and Type 1C1, 40 watts for upper beam and 65 watts for lower beam on Type 2A1 and Type 2C1, 70 watts for upper beam and 65 watts for lower beam on Type 2B1 and Type 2D1.

6. Paragraph S4.1.1.34 would be deleted.

7. A new paragraph S4.2.2 would be added to read:

S4.2.2 The words "Type 1 (5¾")", "Type 2 (5¾")", "Type 2 (7")", "Type 1A", "Type 2A", and "Type 2B" appearing in any SAE Standard or Recommended Practice referenced or subreferenced in this standard shall also be read as setting forth requirements respectively for the following types of headlamps: 1C1, 2C1, 2D1, 1A1, 2A1, and 2B1.

8. Paragraph S5.1 would be revised to add the following at the end thereof:

The subreferenced Standards and Recommended Practices for headlamps designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units*, December 1974, are those published in the 1977 edition of the SAE Handbook.

9. Table I would be revised to include the following, while retaining its existing provisions for headlamps.

TABLE 1.—*Required motor vehicle lighting equipment*

MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES OF 80 OR MORE INCHES OVERALL WIDTH

| Item | Multipurpose passenger vehicles, trucks, and buses | Trailers | Applicable SAE standard or recommended practice |
|---|---|---|---|
| Headlamps | 2 white headlamps: Type 2B1 or type 2D1; or 4 white headlamps: 2 each type 1C1 and type 2C1, or type 1A1 and type 2A1. | None | J580b, February 1974; J579c, December 1974; J571d, June 1976; J1132, January 1976. |

10. Table III would be revised as follows:

TABLE III.—*Required motor vehicle lighting equipment*

ALL PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF LESS THAN 80 INCHES OVERALL WIDTH

| Item | Passenger cars, multipurpose passenger vehicles, trucks, and buses | Trailers | Motorcycles | Applicable SAE standard or recommended practice |
|---|---|---|---|---|
| Headlamp | 2 white headlamps: Type 2B1 or type 2D1, or 4 white headlamps: 2 each type 1C1 and type 2C1, or type 1A1 and type 2A1. | None | | J580b, February 1974; J579c, December 1974; J571d, June 1976; J1132, January 1976. |
| | | | 1 white. | J584, April 1964 and J586, January 1960. |

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on February 21, 1978.

ELWOOD T. DRIVER,
*Acting Associate Administrator for Rulemaking.*

[FR Doc. 78-4905 Filed 2-21-78; 8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### LAND MANAGEMENT PLAN—BEAVERHEAD NATIONAL FOREST AND PORTIONS OF THE DEERLODGE NATIONAL FOREST

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Land Management Plan, Beaverhead National Forest and portions of the Deerlodge National Forest, Forest Service Report No. USDA-FS-FES-R1-(Adm) 77-5.

The environmental statement concerns the action of implementing a land management plan for the Beaverhead National Forest and portions of the Deerlodge National Forest, located in Beaverhead, Madison, Gallatin, Silver Bow, and Deer Lodge Counties. This action affects 2,161,989 acres of National Forest lands. This plan covers seven planning units containing 52 management units.

This final environmental statement was transmitted to EPA on February 15, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, Room 3210, South Building, 12th Street and Independence Avenue SW., Washington, D.C. 20013.
USDA Forest Service, Northern Region, Federal Building, Missoula, Mont 39807.
USDA Forest Service, Beaverhead National Forest, P.O. Box 1258, Dillon, Mont. 59725.

A limited number of copies are available upon request to Forest Supervisor, Robert W. Williams, Beaverhead National Forest, P.O. Box 1258, Dillon, Mont. 59725.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

R. MAX PETERSON,
*Deputy Chief.*

FEBRUARY 15, 1978.

[FR Doc. 78-4784 Filed 2-22-78; 8:45 am]

[3410-11]

### LAND MANAGEMENT PLAN; SAN GABRIEL PLANNING UNIT—ANGELES NATIONAL FOREST

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared a final environmental statement for the Land Management Plan, San Gabriel Planning Unit, Angeles National Forest, Calif., USDA-FS-R5-FES(Adm)-77-05.

The environmental statement concerns the proposed land management plan for 186,570 acres of the Angeles National Forest in Los Angeles and San Bernardino Counties, Calif. Of the total acreage 111,615 acres is either wilderness, wilderness study area or RARE II inventoried roadless areas. The proposed plan emphasizes wilderness, watershed management, outdoor recreation, fire management, land acquisition, visual resources and cultural resources.

The Sheep Mountain Wilderness Study Area is included in the Planning Unit, but is being studied for possible inclusion in the National Wilderness Preservation System under different direction (Pub. L. 94-557). As a result of RARE II, the Sheep Mountain Study Area has been increased to 68,500 acres on the San Bernardino and Angeles National Forests. The Cocamonga Wilderness has 5,800 acres of inventoried roadless area within the Planning Unit also identified in RARE II. The preferred plan, Alternative F, proposes these extensions for Wilderness Study. The rest of the Planning Unit is proposed for other types of multiple use management.

The final environmental statement was transmitted to the Environmental Protection Agency (EPA) on February 16, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
Forest Supervisor's Office, Angeles National Forest, 150 South Los Robles Avenue, Suite 300, Pasadena, Calif. 91101.
District Ranger, U.S. Forest Service, Oak Grove Park, Flintridge, Calif. 91011.
Regional Forester, U.S. Forest Service, 630 Sansome Street, Room 529, San Francisco, Calif. 94111.
District Ranger, U.S. Forest Service, 110 North Wabash Avenue, Glendora, Calif. 91740.
District Ranger, U.S. Forest Service, 34146 Longview Road, Pearblossom, Calif. 93553.

A limited number of single copies are available upon request from the Forest Supervisor, Angeles National Forest, 150 South Los Robles Avenue, Suite 300, Pasadena, Calif 91101.

Copies have been sent to various Federal, State, and local agencies as outlined in Council of Environmental Quality guidelines.

R. MAX PETERSON,
*Deputy Chief, P&L.*

FEBRUARY 16 1978.

[FR Doc. 78-4783 Filed 2-22-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 37126; etc.; Order 78-2-76]

### NORTHWEST AIRLINES ET AL.

### Order Regarding Twin-Cities-Kansas City-Oklahoma-Texas Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1978.

In the matter of applications of Northwest Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 3 (Docket 30547); Texas International Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 82 (Docket 31278); and Continental Air Lines, Inc., for amendment of its certificate of public convenience and necessity for route 29 (Docket 30614); and petition of the city of San Antonio and Greater San Antonio Chamber of Commerce for service to Minneapolis/St. Paul (Docket 31385).

APPLICATION OF NORTHWEST AIRLINES

On February 25, 1977, Northwest Airlines filed an application in Docket 30547 for amendment of its certificate of public convenience and necessity for route 3 so as to authorize it to engage in nonstop air transportation between the terminal point Minneapolis/St. Paul, Minn. intermediate point Dallas/Fort Worth, and the terminal point Houston. On July 21, 1977, Northwest filed a motion for hearing of its application.

In support of its motion, Northwest alleges, among other things, that the Twin Cities-Dallas/Fort Worth/Houston markets are large and underdeveloped; that there are serious inadequacies in the service provided by the incumbent monopolist; that new competitive service will reduce airport congestion at connecting hubs by diverting traffic from connecting to direct service; and that an award to Northwest, the "most efficient" certificated carrier, will induce lower fares, since fare levels are based on industry average costs.

Answers to Northwest's motion have been filed by Braniff Airways, Continental Air Lines, and Texas International Airlines (TXI). The Houston parties[1] filed an answer in support of Northwest. The San Antonio parties[2] filed a motion to consolidate their petition for improved service in the San Antonio-Twin Cities market in Docket 31385 with the Northwest application in Docket 30547.

Braniff, the authorized nonstop carrier in both the Twin Cities-Dallas/Fort Worth and Twin Cities-Houston markets, opposes the Northwest motion for hearing. Braniff asserts that the Northwest application offers no public service benefits sufficient to merit a hearing, and that Northwest's claim that it is the most efficient carrier and, therefore, should receive priority treatment of its application in order to lower industry average costs and thus fare levels, is misleading as a matter of fact and, even if accurate, not a proper standard for determining priority of hearing. Braniff also argues that the volume of traffic in these markets, when measured against the level of service which Braniff offers and intends to offer, is not sufficient to trigger priority treatment of the Northwest application.[3]

Continental, in its answer, does not oppose the Northwest motion but asks that the Board consider the motion with its own motion for hearing of its application in Docket 30614.

TXI supports Northwest's motion. The carrier also filed an application in Docket 31278 for authority between Twin Cities and Dallas/Fort Worth and Twin Cities and Houston, together with a motion to consolidate its application with the application of Northwest on Docket 30547.

[1] The city of Houston, Tex., and the Houston Chamber of Commerce.

[2] The city of San Antonio and the Greater San Antonio Chammber of Commerce.

[3] Braniff filed a motion for leave to file an otherwise unauthorized document, accompanied by an amendment to its answer, which sets forth an October 1, 1977, inaugural date for its first nonstop service between Twin Cities and Houston. Braniff's information is relevant and the carrier has shown good cause why the information was not available at the time it filed its answer. Therefore, we will grant the motion.





APPLICATION OF CONTINENTAL AIR LINES

Continental Air Lines has filed an application and an amended application in Docket 30614 for amendment of its certificate of public convenience and necessity for Route 29 to add a new segment 5, Minneapolis/St. Paul-Kansas City, Mo.-Tulsa-Oklahoma City-Houston. More specifically, it seeks nonstop authority between Twin Cities-Kansas City, Kansas City-Oklahoma City, and Kansas City-Houston; one-stop authority via Kansas City[4] between the Twin Cities, on the one hand, and Houston, Oklahoma City, and Tulsa, on the other;[5] and restriction modifications on service between Houston-Tulsa/Oklahoma City, Tulsa-Kansas City, and Tulsa-Oklahoma City.[6]

In support of its motion, Continental states that these are large monopoly markets which suffer deficient service; that it would reduce basic fares by 10 percent with the introduction of its economy fare; and that its competitive service would be profitable without creating substantial diversion from the incumbent, Braniff.

Answers in support of the motion were filed by the city of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, the Tulsa parties,[7] the city of Houston, Tex., and the Houston Chamber of Commerce, and the Oklahoma City parties.[8] The Minnesota Department of Transportation Division of Aeronautics and the Minneapolis-St. Paul Metropolitan Airport Commission support the motion only insofar as it seeks new and improved service between the Twin Cities and Kansas City and oppose the part of the motion applying to service between the Twin Cities and points in Oklahoma and Texas.

Braniff Airways answered in opposition to the motion. It states that the hearing request is very extensive; that Continental has distorted Braniff's service and that the service is not deficient; that several of the markets are very small; and that it would experience significant diversion.

THE BOARD'S DECISION

We have decided to institute the "Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding," Docket 32126, to consider whether the public convenience and necessity require: (a) New nonstop service between the terminal point Minneapolis/St. Paul, the intermediate point Dallas/Ft. Worth, and the terminal point Houston; (b) new nonstop service between Kansas City and the Twin Cities and between Kansas City and Oklahoma City/Houston; (c) new one-stop service between Minneapolis/St. Paul, on the one hand, and Tulsa, Oklahoma City, and Houston, on the other; and (d) modifications of long-haul restrictions in Continental's certificate for route 29 to preclude Kansas City-Tulsa/Oklahoma City turnaround service instead of requiring Kansas City-Tulsa flights to serve specified beyond points, and to require Houston-Tulsa/Oklahoma City and Tulsa-Oklahoma City flights on segment 5 to serve Kansas City instead of Portland or Seattle.[9] We have also decided to deny San Antonio's motion to consolidate its petition in Docket 31355 for improved Minneapolis authority with this proceeding. The San Antonio-Minneapolis market is very small, and no air carrier has expressed an interest in providing service.[10]

In accordance with the policy announced in our order instituting the "Chicago - Albany/Syracuse - Boston Competitive Service Investigation," Order 77-12-50, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and the feasibility of various new price/quality options and the related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which

[4] Continental proposes the addition of a new condition (25) requiring all flights on the new segment to serve Kansas City.

[5] Continental also proposes the amendment of condition (5) of route 29 to preclude turnaround service between Kansas City and Tulsa/Oklahoma City.

[6] Continental currently is restricted to long-haul flights serving Albuquerque or El Paso on its Kansas City-Tulsa route and to long-haul flights serving Portland or Seattle on its Houston-Tulsa/Oklahoma City route. Under the modifications, Continental would be precluded from operating turnaround service between Kansas City-Tulsa/Oklahoma City and it would be required to serve Kansas City on Houston-Tulsa, Houston-Oklahoma City, and Tulsa-Oklahoma City flights on the new segment 5. (See footnotes 4 and 5 above.)

[7] The city of Tulsa, Okla., the Tulsa Airport Authority and the Metropolitan Tulsa Chamber of Commerce.

[8] The city of Oklahoma City, Okla., the Oklahoma City Airport Trust, and the Oklahoma City Chamber of Commerce.

[9] We will not entertain competing applications for Houston-Tulsa Houston-Oklahoma City, Tulsa-Kansas City, and Tulsa-Oklahoma City authority. Continental is seeking only modifications of long-haul restrictions in these markets and not new authority. Thus, "Ashbacker" considerations do not apply.

[10] The market generated 1,729 true O&D plus interline connecting passengers in the year ended June 20, 1976. CAB O&D survey, tables 8 and 10.

will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the Judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, *it is ordered*, That: 1. Northwest Airlines' motion for hearing of its application in Docket 30547 be granted;

2. Continental Air Lines' motion for hearing of its application in Docket 30614 be granted;

3. The motion of Braniff Airways for leave to file an otherwise unauthorized document be granted;

4. A proceeding to be known as the "Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding," Docket 32126, be instituted and set for hearing before an Administrative Law Judge of the Board at a time and place to be designated later;

5. The issues in this proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to provide new nonstop service between the terminal point Minneapolis/St. Paul, the intermediate point Dallas/Ft. Worth and the terminal point Houston; between Minneapolis/St. Paul and Kansas City; and between Kansas City and Oklahoma City; and between Kansas City and Houston;

(b) Do the public convenience and necessity require the certification of an air carrier or air carriers to provide one-stop service between Minneapolis/St. Paul and Tulsa/Oklahoma City/Houston?

(c) Do the public convenience and necessity require the modification of condition (5) of Continental's Route 29 to preclude Kansas City-Tulsa/Oklahoma City turnaround service instead of requiring Kansas City-Tulsa flights to serve specified beyond points, and the addition of a new condition (25) to require Houston-Tulsa/Oklahoma City and Tulsa-Oklahoma City flights on segment 5 to serve Kansas City?

(d) If the answers to (a) and/or (b) are in the affirmative, what terms, conditions, and/or limitations should be placed on the operation of such carrier(s)?

6. Any authority granted in this proceeding shall be subsidy-ineligible;

7. The motion to consolidate of Texas International Airlines be granted;

8. The motion of the San Antonio parties for consolidation be denied;

9. Continental Air Lines, Northwest Airlines, Texas International Airlines, and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's procedural regulations within 30 days of the date of service of this order;

10. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within 20 days of service of this order, and answers shall be filed within 15 days thereafter; and

11. The Houston parties, the Tulsa parties, the Oklahoma City parties, the city of Kansas City, Mo., the Greater Chamber of Commerce of Kansas City, the Minnesota Department of Transportation Division of Aeronautics and Minneapolis/St. Paul Metropolitan Airport Commission, Braniff Airways, Continental Air Lines, Northwest Airlines, and Texas International Airlines be made parties to the proceeding instituted by paragraph 4, above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[1]
*Secretary.*

[FR Doc. 78-4824 Filed 2-22-78, 8:45 am]

[3510-25]

## DEPARTMENT OF COMMERCE

### Industry and Trade Administration

### EXPORT MONITORING FOR COAL AND COKE OF COAL

#### Week Ending January 6, 1978

Total bituminous coal exports for the week ending January 6, 1978, were 174,709 short tons, an increase from 128,822 short tons exported during the preceding week, but below the normal average weekly tonnage for January 1976, of 483,983 short tons. All coal exported during this reporting period was of metallurgical grade.

With this low level of export activity, only a small number of firms reported coal shipments during the week. A breakdown of these exports by volatility and area of destination is, therefore, withheld from this report to prevent disclosure of information deemed to be confidential pursuant to section 7(c) of the Export Administration Act of 1969, as amended. For the same reason, only the weighted average price of total metallurgical and total bituminous coal exports is shown in the accompanying tables.

The average price of coal exported this week was $57.60 per short ton, slightly higher than the average price for total metallurgical coal exports reported in the preceding 4 weeks of the program. This increase in average price, from a range of $52.68 to $55.93 per short ton previously reported, reflects an increase in the relative proportion of higher quality coal exported, rather than an upward price movement for the same grade of metallurgical coal.

Exports of coke manufactured from coal were 4,466 short tons during the week. During the preceding 4 weeks of this export monitoring program, coke export volume ranged between 2,843 short tons and 9,624 short tons weekly. The average reported price for coke exported in the current week, including low value breeze coke, was $126.44 per short ton. The reported high price for the week was $137.79 per short ton, a figure representative of prime coke value. Since the reported high price of coke exported has not changed during the preceding 4 weeks, no upward price movement is discernible.

Domestic bituminous coal production for the week was 5,755,000 short tons, compared with 5,700,000 short tons produced in the preceding week and normal weekly averae production of 11,627,000 and 9,520,000 short tons in January of 1976 and 1977, respectively. Total coal consumption for the week was 11,870,000 short tons. Adverse weather conditions probably account for this slight increase from the reported consumption of 11,398,000 short tons in the preceding week. Total bituminous coal stocks at the end of this week were estimated to be 146,306,000 short tons, a decrease of 6,495,000 short tons from the preceding week. These data indicate that 5,375,000 short tons of coal were received by domestic industry during the reporting period. No upward movement in domestic coal and coke prices was noted during the week.

[1] All Members concurred.





TABLE 1

U.S. Exports of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 6, 1978

| Commodity | Exports Weekly Avg. Dec. 1975 | Weekly Avg. Dec. 1976 | Weekly Avg. Nov. 1977 | Week Ending 12/9/77 | Week Ending 12/16/77 | Week Ending 12/23/77 | Week Ending 12/30/77 |
|---|---|---|---|---|---|---|---|
| Low Volatile 1/ Metallurgical Coal | n.a. | n.a. | 133,877*** | 199,136 | 96,895 | - - - 4/ | - - - - 4/ |
| Medium Volatile 2/ Metallurgical Coal | n.a. | n.a. | n.a. | 283,420 | 118,632 | - - - 4/ | - - - - 4/ |
| High Volatile 3/ Metallurgical Coal | n.a. | n.a. | n.a. | 47,055 | 176,827 | - - - 4/ | - - - - 4/ |
| Total Metallurgical Coal | n.a. | n.a. | 889,125 | 550,459* | 436,605** | 521,109 | 128,822 |
| Other Bituminous Coal | n.a. | n.a. | 158,326 | 129,424 | 351,669 | 59,500 | -0- |
| Total Bituminous Coal | 1,023,827 | 1,044,281 | 1,047,451 | 679,883 | 788,274 | 580,609 | 128,822 |
| Coke of Coal | 16,646 | 7,287 | 33,179 | 3,922 | 9,624 | 2,843 | 3,922 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility
*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

| Commodity | Jan/76 Average | Jan/77 Average | Week Ending 1/6/78 |
|---|---|---|---|
| Low Volatile 1/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ |
| Medium Volatile 2/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ |
| High Volatile 3/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ |
| Total Metallurgical Coal | n.a. | n.a. | 174,709 |
| Other Bituminous Coal | n.a. | n.a. | -0- |
| Total Bituminous Coal | 834,857 | 483,983 | 174,709 |
| Coke of Coal | 12,326 | 20,514 | 4,466 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969,

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 2

Contracts for Export of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 6, 1978

| Commodity | Contracts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Week ending 1/13/78 | Week Ending 1/20/78 | Week Ending 1/27/78 | Week Ending 2/3/78 | Week Ending 2/10/78 | Week Ending 2/17/78 | Next Six Weeks | Total For 12 Weeks |
| Low Volatile 1/ Metallurgical Coa | 152,923 | 112,420 | 130,340 | 135,420 | 152,420 | 112,428 | 7?7,524 | 1,593,471 |
| Medium Volatile 2/ Metallurgical Coal | 313,892 | 157,242 | 374,162 | 203,862 | 323,300 | 211,450 | 1,932,094 | 3,516,002 |
| High Volatile 3/ Metallurgical Coal | 96,410 | 86,110 | 68,020 | 53,210 | 36,710 | 36,710 | 279,831 | 657,001 |
| Total Metallurgical Coal | 563,225 | 355,772 | 572,522 | 392,492 | 512,430 | 360,588 | 3,009,449 | 5,766, 74 |
| Other Bituminous Coal | 4/- - - - | 4/- - - | 4/- - - | 4/- - - | 4/- - - | 4/- - - | 4/- - | 4/- - |
| Total Bituminous Coal | 5/- - - -

TABLE 3 (Continued)

U.S. Exports by Commodity and Area of Deatination
(in short tons)

For Week Ending January 6, 1978

| Commodity | Exports Week Ending 1/6/78 |
|---|---|
| Other Bituminous Coal | -0- |
| Total Bituminous Coal | 174,709 |
| Coke of Coal | 4,466 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

n.a. - not available

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 44,251 short tons of metallurgical grade coal not identified by volatility
** Partial, in content tons
*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.
**** Includes 42,961 short tons to destinations not listed above.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 4

Anticipated Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 6, 1978

| Commodity and Area of Destination | Contracts Week Ending 1/13/78 | Week Ending 1/20/78 | Week Ending 1/27/78 | Week Ending 2/3/78 | Week Ending 2/10/78 | Week Ending 2/17/78 | Next Six Weeks | Total For 12 Weeks |
|---|---|---|---|---|---|---|---|---|
| Total Metallurgical Coal 1/ | | | | | | | | |
| Asia | 191,375 | 162,559 | 269,349 | 178,279 | 213,259 | 213,262 | 1,561,395 | 2,789,480 |
| Europe | 336,462 | 157,826 | 267,786 | 123,726 | 265,076 | 113,226 | 1,243,484 | 2,507,586 |
| Western Hemisphere | 35,387 | 35,387 | 35,387 | 90,487 | 34,095 | 34,095 | 204,570 | 469,408 |
| TOTAL | 563,225 | 355,772 | 572,522 | 392,492 | 512,430 | 360,584 | 3,009,449 | 5,766,474 |
| Other Bituminous Coal | 2/ - - - | 2/ - - - | 2/ - - | 2/ - - - | 2/ - - - | 2/ - - - | 2/ - - - - | 2/ - - - - |
| Total Bituminous Coal | 3/ - - - -

TABLE 6 (Continued)

U.S. Trade in Bituminous Coal and Coke of Coal

(in short tons)

For Week Ending January 6, 1978

| | Jan/76 Average | Jan/77 Average | Week Ending 1/6/78 |
|---|---|---|---|
| IMPORTS | | | |
| Bituminous Coal 1/ | 16,346 | 27,198 | n.a. |
| Coke of Coal | 3,483 | 5,987 | n.a. |
| EXPORTS | | | |
| Bituminous Coal 1/ | 834,857 | 483,983 | 174,709 |
| Coke of Coal | 12,326 | 20,514 | 4,466 |

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 7

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 7, 1978

| | Dec. 1975 Weekly Avg. | Dec. 1976 Weekly Avg. | Nov. 1977 Weekly Avg. | Week Ending Dec. 10, 1977 | Week Ending Dec. 17, 1977 | Week Ending Dec. 24, 1977 | Week Ending Dec. 31, 197 |
|---|---|---|---|---|---|---|---|
| Total Bituminous Coal Production** | 12,019 | 12,593 | 14,798 | 9,100 | 5,080 | 5,515(R) | 5,700 |
| Consumption | | | | | | | |
| Metallurgical *** | 1,519 | 1,568 | NA | 1,290 | 1,368 | 1,364 | 1,324 |
| Other Bituminous | | | | | | | |
| Electric Utility | 8,414 | 9,387 | NA | 9,228 | 9,550 | 9,398 | 8,928 |
| General Industry | 1,358 | 1,421 | NA | 1,330 | 1,252 | 1,163 | 1,146 |
| Total Other | 9,772 | 10,808 | NA | 10,558 | 10,802 | 10,561 | 10,074 |
| Total Bituminous | 11,291 | 12,376 | NA | 11,848 | 12,170 | 11,925 | 11,398 |
| Bituminous Coal Stocks (End of Specified Periods) | | | | | | | |
| Metallurgical*** | 8,671 | 9,804 | NA | 15,084(R) | 14,776 | 13,982 | 13,088 |
| Other Bituminous | | | | | | | |
| Electric Utility | 109,707 | 117,468 | NA | 146,171(R) | 141,691 | 136,993 | 131,308 |
| General Industry | 8,504 | 6,900 | NA | 9,495 | 9,248 | 8,896 | 8,425 |
| Total Other | 118,211 | 124,368 | NA | 155,666 | 150,939 | 145,889 | 139,713 |
| Total Bituminous | 126,882 | 134,172 | NA | 170,750 | 165,715 | 159,871 | 152,801 |

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data Source: Department of Energy.





Table 7 (Continued)

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 7, 1978

| | Jan. 1976 Weekly Avg. | Jan. 1977 Weekly Avg. | Week Ending Jan. 7, 1978 | Week Ending Jan. 14, 1978 | Week Ending Jan. 21, 1978 | Week Ending Jan. 28, 1978 | Week Ending Peb. 4, 1978 |
|---|---|---|---|---|---|---|---|
| Total Bituminous Coal Production** | 11,627 | 9,520 | 5,755 | | | | |
| Consumption | | | | | | | |
| Metallurgical*** | 1,505 | 1,428 | 1,291 | | | | |
| Other Bituminous | | | | | | | |
| Electric Utility | 9,009 | 9,730 | 9,359 | | | | |
| General Industry | 1,211 | 1,442 | 1,220 | | | | |
| Total Other | 10,220 | 11,172 | 10,579 | | | | |
| Total Bituminous | 11,725 | 12,600 | 11,870 | | | | |
| Bituminous Coal Stocks (End of Specified Periods) | | | | | | | |
| Metallurgical*** | 8,115 | 8,107 | 11,992 | | | | |
| Other Bituminous | | | | | | | |
| Electric Utility | 104,456 | 103,883 | 126,268 | | | | |
| General Industry | 6,425 | 5,960 | 8,046 | | | | |
| Total Other | 110,881 | 109,843 | 134,314 | | | | |
| Total Bituminous | 118,996 | 117,950 | 146,306 | | | | |

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data Source: Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices
($/short tons FOB Mine or Coke Plant)

For Week Enging January 7, 1978

| | | Metallurgical Coal | | | Other | Coke | |
|---|---|---|---|---|---|---|---|
| | | Low Vol. | Med. Vol. | High Vol. | Bituminous | Furnace | Foundry |
| December 1975 | Spot | ( 46.38 ) | | 29.28 | 17.37 | NA | 110/117 |
| | Contract | NA | NA | NA | NA | NA | NA |
| December 1976 | Spot | 33/50 | 28/33 | 27/33 | 16.12 | 85/97 | 121/125 |
| | Contract | 45.75/49.50 | 40/46.50 | 34/40 | 17.37 | NA | NA |
| November 1977 | Spot | 42/51 | 31/37 | 29/36 | 18.75 | 85/90 | 129/132.5 |
| | Contract | 43/50 | 40/43 | 31/38 | 18.81 | NA | NA |
| Week Ending December 10, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 17, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 24, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 30, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending January 7, 1978 | Spot | 44/51 | 13/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |

Source: McGraw-Hill's "Coal Week."
Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

STANLEY J. MARCUSS,
*Deputy Assistant Secretary for Trade Regulation.*

[FR Doc. 78-4663 Filed 2-16-78; 12:24 pm]





[3510-25]

coal at dock and irregular shipping

average coke export price for this



TABLE 1

[3510-25]

## EXPORT MONITORING FOR COAL AND COKE OF COAL

### Week Ending January 13, 1978

Total bituminous coal exports for the week ending January 13, 1978 were 311,331 short tons, a significant increase when compared with exports for the weeks ending January 6, 1978 and December 30, 1977 of 174,709 and 128,822 short tons, respectively. While the specific reason for this increase in not known at this time, data developed in subsequent weekly monitoring periods will be examined closely to determine whether a pattern of rising exports is emerging which will result in increased demand for limited domestic supplies of coal. The current increase in weekly exports may only be indicative of normal weekly export variation due to the fluctuating availability of coal at dock and irregular shipping schedules.

All coal exported this week was of metallurgical grade. The average price of this coal was $49.82 per short ton, while the high and low prices were $68.64 and $44.60 per short ton, respectively. No trend toward increased export prices is indicated from these data.

As in previous weeks, because of the limited number of shipments involved, detailed data on the volatility and destination of these exports is being withheld to prevent disclosure of information deemed to be confidential under section 7(c) of the Export Administration Act of 1969, as amended.

Exports of coke manufactured from coal were 5,062 short tons during the week compared with weekly exports ranging between 2,843 and 9,624 short tons during the 5 preceding weeks of the export monitoring program. The average coke export price for this week was $132.32 per short ton, with reported high and low prices of $142.79 and $115.25 per short ton, respectively.

Domestic coal production in the week ending January 13 was 5,140,000 short tons, a decrease from the 5,755,000 short tons produced during the preceding week. Total coal consumption for the week was 12,142,000 short tons, an increase from the 11,870,000 short tons consumed in the preceding week. Both the increase in consumption and the decrease in production are believed to be due to adverse weather conditions. Total coal stocks at the end of the week were 137,878,000 short tons, a decrease of 8,428,000 short tons from that reported at the end of the preceding week.

STANLEY J. MARCUSS,
*Deputy Assistant Secretary for Trade Regulation.*





TABLE 1

U.S. Exports of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 13, 1978

| Commodity | Exports Weekly Avg. Dec. 1975 | Weekly Avg. Dec. 1976 | Weekly Avg. Nov. 1977 | Week Ending 12/9/77 | Week Ending 12/16/77 | Week Ending 12/23/77 | Week Ending 12/30/77 |
|---|---|---|---|---|---|---|---|
| Low Volatile 1/ Metallurgical Coal | n.a. | n.a. | 133,877*** | 199,136 | 96,895 | - - - 4/ | - - - - 4/ |
| Medium Volatile 2/ Metallurgical Coal | n.a. | n.a. | n.a. | 283,420 | 118,632 | - - - 4/ | - - - - 4/ |
| High Volatile 3/ Metallurgical Coal | n.a. | n.a. | n.a. | 47,055 | 176,827 | - - - 4/ | - - - - 4/ |
| Total Metallurgical Coal | n.a. | n.a. | 889,125 | 550,459* | 436,605** | 521,109 | 128,822 |
| Other Bituminous Coal | n.a. | n.a. | 158,326 | 129,424 | 351,669 | 59,500 | -0- |
| Total Bituminous Coal | 1,022,807 | 1,044,281 | 1,047,451 | 679,883 | 788,274 | 580,609 | 128,822 |
| Coke of Coal | 16,046 | 7,287 | 33,179 | 3,922 | 9,624 | 2,843 | 3,222 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility
*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

| Commodity | Exports Jan/76 Average | Jan/77 Average | Week Ending 1/6/78 | Week Ending 1/13/78 |
|---|---|---|---|---|
| Low Volatile 1/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ | - - - 4/ |
| Medium Volatile 2/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ | - - - 4/ |
| High Volatile 3/ Metallurgical Coal | n.a. | n.a. | - - - - 4/ | - - - 4/ |
| Total Metallurgical Coal | n.a. | n.a. | 174,709 | 311,331 |
| Other Bituminous Coal | n.a. | n.a. | -0- | -0- |
| Total Bituminous Coal | 834,857 | 483,983 | 174,709 | 311,331 |
| Coke of Coal | 12,326 | 20,514 | 4,466 | 5,062 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility
*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 2

Contracts for Export of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 13, 1978

| Commodity | Contracts: Week Ending 1/20/78 | Week Ending 1/27/78 | Week Ending 2/3/78 | Week Ending 2/10/78 | Week Ending 2/17/78 | Week Ending 2/24/78 | Next Six Weeks | Total For 12 Weeks |
|---|---|---|---|---|---|---|---|---|
| Low Volatile 1/ Metallurgical Coal | 136,482 | 108,802 | 109,922 | 90,882 | 130,886 | 113,886 | 1,001,208 | 1,692,064 |
| Medium Volatile 2/ Metallurgical Coal | 140,055 | 363,867 | 178,242 | 186,000 | 241,850 | 338,650 | 1,881,196 | 3,329,860 |
| High Volatile 3/ Metallurgical Coal | 86,410 | 112,460 | 62,910 | 36,710 | 56,710 | 36,710 | 300,311 | 692,221 |
| Total Metallurgical Coal | 362,947 | 585,129 | 351,074 | 313,592 | 429,246 | 489,246 | 3,182,715 | 5,713,745 |
| Other Bituminous Coal | - - - 4/ | - - - 4/ | - - - 4/ | - - - 4/ | - - - 4/ | - - - 4/ | - - - 4/ | - - - 4/ |
| Total Bituminous Coal | 5/ - - -

TABLE 3 (Continued)

U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

| Commodity | Exports Week Ending 1/6/78 | Exports Week Ending 1/13/78 |
|---|---|---|
| Other Bituminous Coal | -0- | -0- |
| Total Bituminous Coal | 174,709 | 311,331 |
| Coke of Coal | 4,466 | 5,062 |

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

n.a. - not available

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 44,251 short tons of metallurgical grade coal not identified by volatility

** Partial, in content tons

*** Includes 27,957 short tons of metallurgical grade coal to destinations not listed above.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 4

Anticipated Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

| Commodity and Area of Destination | Contracts Week Ending 1/20/78 | Week Ending 1/27/78 | Week Ending 2/3/78 | Week Erding 2/10/78 | Week Ending 2/17/78 | Week Ending 2/24/78 | Next Six Weeks | Total For 12 Weeks |
|---|---|---|---|---|---|---|---|---|
| Total Metallurgical Coal 1/ | | | | | | | | |
| Asia | 129,738 | 326,641 | 147,361 | 37,421 | 241,721 | 264,125 | 1,697,442 | 2,894,445 |
| Europe | 197,826 | 223,101 | 113,226 | 192,076 | 153,226 | 191,026 | 1,260,703 | 2,151,184 |
| Western Hemisphere | 35,387 | 35,387 | 90,487 | 14,095 | 34,095 | 34,095 | 204,570 | 468,116 |
| | 362,947 | 585,129 | 351,074 | 313,592 | 429,042 | 489,246 | 3,182,715 | 5,713,745* |
| Other Bituminous Coal | - - - 2/ | - - - 2/ | - - - 2/ | - - - 2/ | - - - 2/ | - - - 2/ | - - - 2/ | - - - 2/ |
| Total Bituminous Coal | 3/ - - -

TABLE 6 (Continued)

U.S. Trade in Bituminous Coal and Coke of Coal

(in short tons)

For Week Ending January 13, 1978

| | Jan/76 Average | Jan/77 Average | Week Ending 1/6/78 | Week Ending 1/13/78 |
|---|---|---|---|---|
| IMPORTS | | | | |
| Bituminous Coal 1/ | 16,346 | 27,198 | n.a. | n.a. |
| Coke of Coal | 3,483 | 5,987 | n.a. | n.a. |
| EXPORTS | | | | |
| Bituminous Coal 1/ | 834,857 | 483,983 | 174,709 | 311,331 |
| Coke of Coal | 12,326 | 20,514 | 4,466 | 5,062 |

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration and Bureau of the Census

Table 7

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 14, 1978

| | Dec. 1975 Weekly Avg. | Dec. 1976 Weekly Avg. | Nov. 1977 Weekly Avg. | Week Ending Dec. 10, 1977 | Week Ending Dec. 17, 1977 | Week Ending Dec. 24, 1977 | Week Ending Dec. 31, 1977 |
|---|---|---|---|---|---|---|---|
| Total Bituminous Coal Production** | 12,019 | 12,593 | 14,798 | 9,100 | 5,080 | 5,515(R) | 5,700 |
| Consumption | | | | | | | |
| Metallurgical *** | 1,519 | 1,568 | NA | 1,290 | 1,368 | 1,364 | 1,324 |
| Other Bituminous | | | | | | | |
| Electric Utility | 8,414 | 9,387 | NA | 9,228 | 9,550 | 9,398 | 8,928 |
| General Industry | 1,358 | 1,421 | NA | 1,330 | 1,252 | 1,163 | 1,146 |
| Total Other | 9,772 | 10,808 | NA | 10,558 | 10,802 | 10,561 | 10,074 |
| Total Bituminous | 11,291 | 12,376 | NA | 11,848 | 12,170 | 11,925 | 11,398 |
| Bituminous Coal Stocks (End of Specified Periods) | | | | | | | |
| Metallurgical*** | 8,671 | 9,804 | NA | 15,084(R) | 14,776 | 13,982 | 13,088 |
| Other Bituminous | | | | | | | |
| Electric Utility | 109,707 | 117,468 | NA | 146,171(R) | 141,691 | 136,993 | 131,308 |
| General Industry | 8,504 | 6,900 | NA | 9,495 | 9,248 | 8,896 | 8,425 |
| Total Other | 118,211 | 124,368 | NA | 155,666 | 150,939 | 145,889 | 139,713 |
| Total Bituminous | 126,882 | 134,172 | NA | 170,750 | 165,715 | 159,871 | 152,801 |

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data Source: Department of Energy.





Table 7 (Continued)

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 14, 1978

| | Jan. 1976 Weekly Avg. | Jan. 1977 Weekly Avg. | Week Ending Jan. 7, 1978 | Week Ending Jan. 14, 1978 | Week Ending Jan. 21, 1978 | Week Ending Jan. 28, 1978 |
|---|---|---|---|---|---|---|
| Total Bituminous Coal Production** | 11,627 | 9,520 | 5,755 | 5,140 | | |
| Consumption | | | | | | |
| Metallurgical*** | 1,505 | 1,428 | 1,291 | 1,192 | | |
| Other Bituminous | | | | | | |
| Electric Utility | 9,009 | 9,730 | 9,359 | 9,652 | | |
| General Industry | 1,211 | 1,442 | 1,220 | 1,298 | | |
| Total Other | 10,220 | 11,172 | 10,579 | 10,950 | | |
| Total Bituminous | 11,725 | 12,600 | 11,870 | 12,142 | | |
| Bituminous Coal Stocks (End of Specified Periods) | | | | | | |
| Metallurgical*** | 8,115 | 8,107 | 11,992 | 10,900 | | |
| Other Bituminous | | | | | | |
| Electric Utility | 104,456 | 103,883 | 126,268 | 119,399 | | |
| General Industry | 6,425 | 5,960 | 8,046 | 7,579 | | |
| Total Other | 110,881 | 109,843 | 134,314 | 126,978 | | |
| Total Bituminous | 118,996 | 117,950 | 146,306 | 137,878 | | |

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data Source: Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices
($/short tons FOB Mine or Coke Plant)

For Week Ending January 14, 1978

| | | Metallurgical Coal | | | Other Bituminous | Coke | |
|---|---|---|---|---|---|---|---|
| | | Low Vol. | Medium Vol. | High Vol. | | Furnace | Foundry |
| December 1975 | Spot | | ( 46.38 ) | 29.28 | 17.37 | NA | 110/117 |
| | Contract | NA | NA | NA | NA | NA | NA |
| December 1976 | Spot | 33/50 | 28/33 | 27/33 | 16.12 | 85/97 | 121/125 |
| | Contract | 45.75/49.50 | 40/46.50 | 34/40 | 17.37 | NA | NA |
| November 1977 | Spot | 42/51 | 31/37 | 29/36 | 18.75 | 85/90 | 129/132.50 |
| | Contract | 43/50 | 40/43 | 31/38 | 18.81 | NA | NA |
| Week Ending December 10, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 17, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 24, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending December 30, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending January 7, 1978 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week Ending January 14, 1978 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |

Source: McGraw-Hill's "Coal Week."
Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

[FR Doc. 78-4664 Filed 2-16-78; 12:24 pm]

[3510-13]

National Bureau of Standards

BUILDING TECHNOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a public meeting of the Building Technology Advisory Committee will be held on March 30 and 31, 1978, at the National Bureau of Standards, Gaithersburg, Md. The initial meeting will convene on March 30, 1978, at 1 p.m., in Lecture Room A, Building 101, and will adjourn at 5:15 p.m. The meeting will convene at 8:30 a.m. on March 31, 1978, at the same location and will adjourn at 12 noon.

The purpose of this meeting is to select and establish priorities for issues to be addressed in formulating recommendations for the Bureau's building technology programs.

Further information concerning this meeting may be obtained by contacting Dr. James R. Wright, Committee Control Officer, at the National Bureau of Standards, Building 225, Room B-117, Washington, DC. 20234, 301-921-3574.

Dated: February 16, 1978.

ERNEST AMBLER,
*Director.*

[FR Doc. 78-4771 Filed 2-22-78; 8:45 am]

[3510-08]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday and Thursday, March 15-16, 1978. The meeting will commence at 8:45 a.m. on both days in the Twin Peaks Room, Jack Tar Hotel, Van Ness at Geary, San Francisco, Calif.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 12 noon until 12:30 p.m. on March 15 and from 11:45 a.m. until 12:15 p.m. on March 16, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (attention: Dr. Richard Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at 202-634-6791.

The items for Committee discussion at the meeting will include the following:

MARCH 15

8:45 a.m.—Call to Order; Approval of Minutes; Report on Action Items.
9:15 a.m.—Incentives for Coastal Zone Management: Current and Future Prospects.
10:15 a.m.—Unofficial Photograph of the Committee and Brief Recess.
10:30 a.m.—Reports by Task Force Chairpeople; North Carolina; Ohio; Louisiana.
11:15 a.m.—Preliminary Discussion of Task Force Findings.
12 noon—Oral Statements (if any) from Interested Persons.
12:30 p.m.—Lunch.
2:15 p.m.—Presentation on the President's Federal Reorganization Project.
3:15 p.m.—Discussion of Reorganization Issues and Tentative Recommendations to the Administrator of NOAA.
4 p.m.—Agenda, Date, and Location of Next Meeting.
4:30 p.m.—Adjourn.

MARCH 16

8:45 a.m.—Call to Order; Comments on Evaluation and Reorganization.
9 a.m.—Detailed Examination of the Task Force Reports by Subcommittees of the Advisory Committee.
11 a.m.—Discussion of Task Force Reports by Entire Committee.
11:45 a.m.—Oral Statements (if any) from Interested Persons.
12:15 p.m.—Lunch.
1:30 p.m.—Panel Presentation: The California CZM Plan; State Government Position; Views of the Oil Industry; An Environmental Perspective; A Realty Association View; City Government Position.
3:30 p.m.—Discussion of California Plan and Tentative Recommendations to the Administrator of NOAA.
4 p.m.—Adjourn.

Dated: February 17, 1978.

T. P. GLEITER,
*Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.*

[FR Doc. 78-4797 Filed 2-22-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Receipt of Application

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Sovrybflot, Moscow, U.S.S.R., has applied for a general permit, Category 1: "Towed Or Dragged Gear."

Copies of the application are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries, 3300 White- haven Street NW., Washington, D.C.

Interested parties may submit written views on this application on or before March 15, 1978, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: February 17, 1978.

ROLAND F. SMITH,
*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 78-4798 Filed 2-22-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patent cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the Patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
*Patent Program Coordinator, National Technical Information Service.*

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patents Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 824,776: Increasing Absorbency of Polymeric Compositions by Curing; filed Aug. 15, 1977.

Patent application 838,289: Shrink-Resistant Textiles Containing Polypropylene; filed Sept. 30, 1977.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, 5285 Port Royal Road, Springfield, ' a. 22161.

Patent 4,042,755: Method and Apparatus for Electrochemical Generation of Power from Hydrogen; filed Nov. 10, 1975; patented Aug. 16, 1977; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent 4,045,440: Method of Producing Thebaine from Codeine and Oripavine from Morphine; filed Sept. 16, 1976, patented Aug. 30, 1977; not available NTIS.

Patent 4,051,025: Preparative Countercurrent Chromatography with a Slowly Rotating Helical Tube Array; filed Sept. 29, 1976; patented Sept. 27, 1977; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 830,523: Process for Purifying a Titanium-Bearing Material and Upgrading Ilmenite to Synthetic Rutile with Sulfur Trioxide; filed Sept. 6, 1977.

Patent 4,033,704: Destratification Device; filed Nov. 11, 1976; patented July 5, 1977; not available NTIS.

Patent 4,039,440: Reverse Osmosis Membrane; filed Jan. 16, 1975; patented Aug. 2, 1977; not available NTIS.

Patent 4,049,580: Method for Producing Supported Raney Nickel Catalyst; filed July 23, 1976; patented Sept. 20, 1977; not available NTIS.

[FR Doc. 78-4858 Filed 2-22-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 858-6]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on January 23, 1978, the Environmental Protection Agency received an application from Beckman Instruments, Inc., 2500 Harbor Boulevard, Fullerton, Calif., to determine if its Model 952A Ambient Nitrogen Dioxide Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

STEPHEN J. GAGE,
*Assistant Administrator for Research and Development.*

FEBRUARY 10, 1978.

[FR Doc. 78-4755 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 858-5]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference Method Determination

Notice is hereby given that on January 18, 1978, the Environmental Protection Agency received an application from Meloy Laboratories, Inc., Springfield, Va., to determine if its Model NA530R Nitrogen Oxides Analyzer should be designated by the Administrator of the EPA as a reference method for the measurement of nitrogen dioxide in the atmosphere under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

STEPHEN J. GAGE,
*Assistant Administrator for Research and Development.*

FEBRUARY 10, 1978.

[FR Doc. 78-4756 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 850-8]

Construction Grants Program, NPDES Permit Program

PROPOSALS FOR PUBLIC PARTICIPATION IN WATER PROGRAMS

Public Meeting

Notice is hereby given that informal discussion sessions have been scheduled for 8 a.m. to 4:30 p.m., Monday, March 13, 1978, at Waterside Mall, Room 2117, 401 M Street SW., Washington, D.C.

The meeting wi[11] provide opportunities for public comment concerning implementation of provisions of the Clean Water Act of 1977 which affect the NPDES Permit Program and the Construction Grants Program. These opportunities will supplement those provided by previously scheduled meetings on the Construction Grants Program (January 30-February 1, 1978) and the NPDES Permit Program (March 6, 1978). In addition, the meeting will provide an opportunity to receive public comment on preliminary proposals for public participation in water programs.

The meeting schedule and discussion topics are as follows:

8 to 8:30—Registration.
8:30 to 11—NPDES Permit Program.
11 to 12:30—Public Participation—Preliminary Proposals.
12:30 to 1:30—Lunch Break.
1:30 to 4:30—Construction Grants Program.

The meeting will be open to the public; however, space is limited and advance reservations are requested. Reservation requests should indicate the specific sessions at which attendance is planned.

Persons wishing to attend the meeting should contact Mr. Lee Daneker, Office of Water and Hazardous Materials (WH-566), 401 M Street SW., Washington, D.C. 20460. The telephone number is area code 202-755-0953.

TOMAS C. JORLING,
*Assistant Administrator for Water and Hazardous Materials.*

MARVIN B. DURNING,
*Assistant Administrator for Enforcement.*

FEBRUARY 17, 1978.

[FR Doc. 78-4846 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 858-3]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from February 6, 1978 through February 10, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (April 10, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also avail-

able at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: February 16, 1978.

JOSEPH M. MCCABE,
*Acting Director,*
*Office of Federal Activities.*

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

*Final*

N.Y. Animal Import Center, Stewart Airport, Orange County, N.Y., February 9: Proposed is the construction of an animal import center on approximately 81 acres of land at the Stewart Airport near Newburgh, N.Y. The new facility will replace a presently outdated similar facility in Clifton, N.J. To provide complete isolation the import center will be located within a fenced compound and will contain 19 buildings. Construction-related impacts are anticipated. Comments made by: USDA, DOT, EPA, DOI, State and local agencies, groups and individuals. (ELR order No. 80134.)

FOREST SERVICE

*Draft*

Kootenai National Forest, Keeler Planning Unit, Montana and Idaho, February 7: Proposed is the implementation of the revised multiple use plan for the Keeler Planning Unit, Troy Ranger District, Kootenai National Forest located in Lincoln County, Mont., and Bonner County, Idaho. The proposed management plan affects about 46,887 acres of national forest land which has been stratified into 12 management situations. Alternatives include: Greater emphasis on economic development through more intensive use of the renewable natural resources; and greater emphasis on enhancement of environmental quality and retention of the area's natural qualities, including recommendations for wilderness proposals. (ELR order No. 80115.)

Fremont National Forest Timber Management Plan, Lakeview, Oreg., February 9: This EIS describes the Lakeview Federal sustained-yield unit of the Fremont National Forest and assesses the environmental effects which would result from implementing alternative timber management plans, environmental effects include economic and social factors related to human survival and well-being, factors affecting the continuance of other life forms, and esthetic factors not strictly related to ecological functions, but important to man's enjoyment of the forest. The effective period of the proposed plan would be October 1, 1978, through September 30, 1988. USDA-FS-R6-DES(Adm) 78-4. (ELR Order No. 80133).

*Final*

Badger-Jordon Unit Plan, Hood, National Forest, Wasco and Hood Counties, Oreg., February 6: Proposed is a land use management plan for the Badger-Jordon planning unit, Mount Hood National Forest. The plan applies to approximatley 58,000 acres within the national forest boundary, of which 21,200 acres were inventoried by the Forest Service and reported in the final EIS for roadless and undeveloped areas filed on October 15, 1973. Unavoidable adverse effects include increases in water, litter, and noise pollution, and increased risk of fire from more use and a fuels buildup. Comments made by: USDA, DOT, EPA, HUD, PRBC, State and local agencies, groups, and individuals. (ELR Order No. 80109.)

The commenting period for the following supplement EIS will end on March 27, 1978.

RURAL ELECTRIFICATION ADMINISTRATION

*Supplement*

Antelope Valley Station, Two 455 mW units, North Dakota, February 8: This supplement to the DEIS relates to a request for a loan guarantee commitment from the REA for Basin Electric Power Cooperative of Bismarck, N. Dak. The proposed loan guarantee commitment would provide financial assistance for the construction of two 455 mW lignite-fired generating units to be installed near Beulah, N. Dak., associated transmission facilities, and coal mining equipment. The supplement expands upon possible alternate plant site locations for Antelope Valley project. This information supplements the material presented in the DEIS which was made available to the public on September 27, 1977. USDA-REA-EIS(Adm) 77-6-D. (ELR Order No. 80124.)

SOIL CONSERVATION SERVICE

*Draft*

Soak and Piney Creeks Watershed, Raleigh County, W. Va., February 8: The Soak Creek watershed is located in Raleigh County in southern West Virginia. It includes all of the drainage area of Soak Creek from its headwaters to its confluence with Piney Creek, an area of about 3,690 acres of 5.8 square miles. The watershed has a population of about 3,500 people. The only incorporated town in the watershed is Sophia with a 1970 population of 1,300 people. USDA-SCS-EIS-WS(Adm) 78-2-D-WV. (ELR Order No. 80130.0)

*Final*

Tri-Creek Watershed, Monroe County, Wis., February 7: Proposed is a project for watershed protection, flood prevention, and recreational development in Monroe County, Wis. To date, one floodwater retarding structure (No. 1) has been installed at a cost of about $1,039,000 and land treatment measures have been installed at a cost of about $104,760. The remaining planned works of improvement include conservation land treatment, four floodwater retarding structures, and one multiple-purpose structure for flood prevention and recreation. Adverse effects include increased air and noise pollution and the elimination of 32 acres of cropland, 66 acres of forestland, and 6 acres of grassland. Comments made by: DOD, DOC, HEW, DOI, DOT, EPA, State and local agencies, groups and individuals. (ELR Order No. 80122.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

*Final*

Big Creek Flood Protection Project, Cuyahoga County, Ohio, February 8: The proposed project consists of construction of a floodway and diversion channel in Cleveland, Ohio. The facility includes 4,250 feet of floodway, and extends from near the upstream side of Cleveland Zoo to the downstream side of protector products. The project will provide 100-year flood protection for recreational and industrial facilities. Seventeen acres of flood plain will be altered and seven acres of woodland will be lost. Comments, made by: DOC, DOI, DOT, EPA, State and local agencies. (ELR Order No. 80131.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, Room 5D431, Pentagon, Washington, D.C. 20330, 202-697-7799.

*Final*

Space Shuttle Program, Vandenberg Air Force Base, Santa Barbara County, Calif., February 7: The proposed action comprises construction, activation, and operation of space shuttle facilities at Vanderberg Air Force Base and Port Hueneme Harbor, Calif. There are seven elements in the proposed action, namely: Landing strip extension and other modifications; new orbiter processing facilities adjacent to Vandenberg Air Firce Base; new facilities at Port Hueneme Harbor to receive, process, and store shuttle external tanks (ETS) and recovered spent solid rocket boosters (SRBS) delivered by sea; new marine facility on the Vandenberg Air Force Base; coast for receipt of ETS and SRBS; a tow route for transporting the orbiter; and modified, expanded support facilities at SLC-6 for handling of cryogenic propellants. Comments made by: DOC, DOD, HEW, DOI, NASA, DOT, AHP, State and local agencies, groups and individuals. (ELR Order No. 80114.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, 202-697-3689.

*Draft*

Dredging Pier R-3, Yorktown Naval Weapons Station, York County, Va., February 10: The proposed project involves increasing the depth of the area adjacent to the Naval Weapon Station R-3 from 36 ft. at MLW to 42 ft. at MLW and 2 ft. overdepth. The project involves the following: Dredging along the working face of pier R-3, and in a general northward direction toward the York River Channel to the point, obtaining the new project depth which is a distance of approximately 1,500 ft. out board of the working face of the pier. Disposing of about 445,000 cubic yards of dredge material in a dredge spoil disposal site which has been used for spoils disposal in a previous project. (ELR Order No. 80136.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7692.

*Draft*

Abandonment of Rail Service, Southwestern Wisconsin, February 10: The action under study involves the proposed abandonment of three rail lines: The Chicago and North Western Transportation Co. (C&NW), branch between Klevenville and Lancaster, Wis., Docket No. AB 1 (Sub-No. 41); the Illinois Central Gulf Railroad Co. (ICG) branch between Madison, Wis. and Freeport, Ill., Docket No. AB 43 (Sub-No. 28); and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. line between Mineral Point and Monroe, Wis., Docket No. AB 7 (Sub-No. 49), all three lines are located in close proximity to one another and serve the same homogenous area. (ELR Order No. 80137.)





ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

*Draft*

Trimble County Generating Station, permit, Trimble County, Ky., February 8: The proposed action was prepared by the Region IV Office of the Environmental Protection Agency as the lead Federal agency. The purpose of this statement is to fulfill the requirements of the NEPA and the preparation of EIS's for new source NPDES permits (40 CFR 6.900). The proposed project requires commitment of a 1,000 acre site for construction of two 495 MW generating units, one operational in 1983 and the other in 1985, and two 675 MW generating units, one operational in 1987 and the other in 1989. EPA 904/9-78-001. (ELR Order No. 80127.)

*Supplement*

Jerome Wastewater Facilities Project (S-1), Jerome County, Idaho, February 6: This addendum identifies the alternatives which were evaluated in a final EIS, dated March 29, 1977, and proposes that alternative No. 4 be constructed to meet the needs of the residents and maintain environmental quality. This city service area presently consists of about 1,170 acres of land and has a present population of about 6,500 residents. The project will expand the service area to 5,030 acres to serve a forecasted population of 14,200 people by the year 1995. (ELR Order No. 80108.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

*Draft*

Cornerstones Subdivision, Harris and Fort Bend Counties, Tex., February 7: The proposed action is for HUD to accept for HUD-FHA home mortgage insurance purposes under section 203(B) of title II of the National Housing Act of 1934, the proposed Cornestones Subdivision located in the far western part of Harris County and the northeastern part of Fort Bend County, Tex. When completed the subdivision will contain about 2,047 single family homes plus recreational facilities to serve the subdivision. (HUD-R06-EIS-78-6-D.) (ELR Order No. 80125.)

Meadow Bend Subdivision, League City, Galveston County, Tex., February 8: The purpose and intent of this environmental impact statement is to identify and evaluate the environment consequences of developing 379 acres of agricultural land into a residential area in League City, Tex. The residential area, Meadow Bend, as proposed will ultimately consist of about 1,485 single-family units for which FHA mortgage insurance is being considered. The development provides for the planning of living accommodations for approximately 5,570 people. HUD-R06-EIS-78-11D. (ELR Order No. 80132.)

*Final*

Lonergan Lake disposition, Douglas County, Nebr., February 6: Proposed is the disposition of a 658-acre tract of land commonly referred to as Lonergan Lake, located to the north of the city of Omaha in Douglas County, Nebr. HUD committed the tract for FHA mortgage insurance for a planned unit development in 1968. The mortgagee failed to meet his financial obligations and title was conveyed to the Secretary of the Department of HUD on September 23, 1975. HUD proposes to sell the Lonergan Lake property in accordance with the provisions of the National Housing Act as amended and HUD handbook 4315.1, property disposition, multifamily. Comments made by: AHP, DOI, DOT, EPA, GSA, State, regional, and local agencies concerned individuals and groups. (ELR Order No. 80111.)

SECTION 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. Copies are not available from HUD.

*Draft*

Redevelopment site of Hotel Syracuse, Onondaga County, N.Y., February 8: The city of Syracuse, N.Y. proposes to apply for urban development action grant funds from HUD for the redevelopment of Hotel Syracuse. As a major element of the project, the Hotel Syracuse will undertake a 200-room addition including a major ballroom and 47,000 sq. ft. of retail space. The city will assist in site preparation for the addition, the installation of public improvements, and will participate in the construction of four, second-level pedestrain bridges. In addition, the city will bond for the construction of a 500-car parking facility on the site of an existing city-owned parking garage. (ELR Order No. 80123.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

*Supplement*

Palisades nuclear generating plant (S-2), Van Buren County, Mich., February 7: The NRC has issued this final supplement to an EIS filed with CEQ in May 1971. It addresses new information and changes in staff evaluation. The proposed action is the issuance of a full-term operating license at an increased power level to Consumers Power Co. for operation of Palisades nuclear power plant No. 1, in Van Buren County, Mich. The plant, located on Lake Michigan, uses a pressurized water reactor to presently produce about 2,200 MWe to generate a net electric output of 686 MWe. Under the proposed action the plant would operate under 2683 MWT and 786 MWe. The cooling tower blowdown will be discharged into Lake Michigan. (82 pages.) Comments made by: FEA, USDA, COE, DOC, HEW, HUD, DOI, DOT, ERDA, EPA, FPC, and State and local agencies. (ERL Order No. 80121.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

*Draft*

Menominee County Airport, runway construction, Menominee County, Mich., February 7: The county of Menominee has submitted a request for Federal financial assistance under the airport and airway development program, as authorized by the airport and airway development amendments of 1976, for Menominee County Airport, Menominee, Mich. Proposed is the acquisition of approximately 490 acres of land; construction of a new NE-SW runway 150 x 6,500 feet with connecting taxiway system, high intensity runway lights, and an instrument landing system; enlargement of the terminal and general aviation aprons; closing a section of county road 577 and 38th Avenue; and the relocation of 35 households, one dairy farm, and one retail shoe business. (ELR Order No. 80117.)

*Final*

Cloquet-Carlton County Airport, Carlton County, Minn., February 7: The Cloquet-Carlton County Airport Commission has submitted a request for Federal financial assistance under the Airport and Airway Development Act amendments of 1976, for a project to acquire land approximately 38 acres in fee simple and 14 acres easement. Construct 75 x 785 foot southerly extension to existing 3,215 foot runway 17/35, overlay existing runway 17/35, construct 41,200 square foot paved apron addition, and relocate rotating beacon, runway end identification lighting system and wind cone. Comments made by: DOI, DOD, USDA, DOT, EPA, State and local agencies, groups and individuals. (ELR Order No. 80116.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

I-65-3(52)(53) and M-7257(1), Lewisburg to Warrior, Jefferson County, Ala., February 6: Project I-65-3(52)(53) is a 14.5 mile, 4, 6, or 8 lane, limited access facility extending from Lewisburg (5-mile Creek) to Warrior. Project M-7527(1) is a 0.4 mile, nonlimited access, 4-land facility beginning at the Mt. Olive Road interchange and extending easterly to U.S. 31 in Gardendale. The beneficial effects are the project will ease traffic movement in and through their corridors, safety benefits will accrue, economy and growth will be enhanced, and accessibility to public facilities and services will be enhanced. Region 4 FHWA-ALA-EIS-78-01D. (ELR Order No. 80113.)

Project M 7500 (4), Horizon Drive, Mesa County, Colo., February 6: This proposed project includes the study and evaluation of upgrading and/or improving the transportation system in the northwestern part of Grand Junction and Mesa County. Specifically, this study evaluates the existing transportation system in a corridor extending from the area where Horizon Drive currently terminates at Seventh Street westward to U.S. 6 and 50. This corridor is centered on Patterson Road. FHWA-COLO-EIS-77-05-D. (ELR Order No. 80112.)





Keaau-Pahoa Road, Pahoa bypass, project RS-0130(17), Hawaii. The proposed project

Brookwood Station Area Improvements, I-85, I-75, Fulton and De Kalb Counties, Ga.,

[6720-01]



ments of the Home Mortgage Disclosure Act of 1975 and its implementing

Banking will then classify this infor-

[4110-39]

Keaau-Pahoa Road, Pahoa bypass, project RS-0130(17), Hawaii. The proposed project is located in the Puna district in the vicinity of Pahoa Village on the island of Hawaii. The existing roadway under consideration is a portion of the Keaau-Pahoa-Kalapana Road (Route FAS 130), starting from the vicinity of Kahakai Boulevard, 2.8 miles, to south of the Pahoa-Kapoho-Kalapana junction. Two concepts were considered: (1) An improvement through Pahoa town and (2) a bypass of the town. A route through town would continue to route all traffic through town along a limited right-of-way. FHWA-HI-EIS-78-01-D. (ELR Order No. 80110.)

Fort Wayne bypass, project No. F-170-2(1). Allen County, Ind., February 7: This project proposes the development of a circumurban route at Fort Wayne, Allen County, Ind. The partially access-controlled highway is planned to include two 2-lane pavements separated by a median 60 feet wide within a right-of-way typically 290 feet wide. The study lines range in length from approximately 12.7 to 15.0 miles. The project limits are U.S. 30 near New Haven on the south and I-69 north of Fort Wayne. The total improvement would supplement I-69 to yield a complete circumurban route. FHWA-IND-EIS-77-07-D. (ELR Order No. 80120.)

Iowa 14, project No. F-14-5, Marshall County, Iowa, February 9: The proposed study provides for four-lane construction of a 0.9 mile section of existing Iowa 14 in Marshalltown, from just south of East Anson Street at South Center Street northerly and easterly to East Church Street at South Third Avenue (additional right-of-way would be necessary for any of the construction alternatives). The proposed Iowa 14 improvement is in full coordination with Iowa DOT's transportation plan, and the 1995 transportation plan for Marshalltown. The need for the proposed improvement is to eliminate a capacity restriction on the existing highway for operation and safety. FHWA-IOWA-EIS-77-06-D. (ELR Order No. 80135.)

Corridor alignment, improvements of MI-37/MI-82 BR, Mewaygo County, Mich., February 8: This project was initiated to correct the deficiencies of M-37/M-82 bridge over the C&O Railway and Penoyer Creek in the city of Newaygo, Newaygo County, Mich. The maximum length of this project is 1 mile. It extends northward from the Muskegon River to approximately 1,700 feet north of the Newaygo City limits. Presently, M-37/M-82 is a two-lane area service highway. Improvements being considered in this statement range from minor bridge repairs to relocating and widening M-37 to four lanes. FHWA-MICH-EIS-77-05-D. (ELR Order No. 80129.)

U.S. 221, Marion Bypass, McDowell County, N.C., February 10: The proposed action is the construction of a highway facility that will provide a bypass for traffic presently routed through the town of Marion, N.C. Approval may be required from Federal Aviation Administration since the project is located within 2 miles of a privately owned public-use airport. The proposed action will result in beneficial impacts in terms of safer and more efficient traffic operation in the U.S. 221 corridor, especially in the central business district of Marion where all north-south traffic must pass since no other routes are available. FHWA-NC-EIS-78-OL-D. (ELR Order No. 80138.)

Final

Brookwood Station Area Improvements, I-85, I-75, Fulton and De Kalb Counties, Ga., February 7: Proposed are improvements of Brookwood Interchange (I-75, I-85 Interchange), I-75 extending 0.5 mile northwest and I-85 extending 3.1 miles northeast of the Brookwood Interchange. Project goals include the reduction of existing congestion at the Brookwood Interchange and improvement of the facility's capacity such that it can accommodate anticipated traffic volume increases. The proposed action also includes the addition of driving lanes to I-85 and provision of an arterial connector facility connecting Pershing Point and Buford Highway. Displacement of 8 families and 26 businesses will occur. Comments made by: USDA, HUD, DOI, EPA, HEW, COE, DOC, UMTA 2, State and local agencies, groups and individuals. (ELR Order No. 80118.)

I-85, Fulton-De Kalb County, to I-285, De Kalb County, Ga., February 7: Proposed are improvements to I-85 and associated frontage and crossover roads in De Kalb County, Ga. The project would begin at the De Kalb County line near Druid Hills Road and extend NE for 5.7 miles to an intersection with I-285. The limited access highway would have six or eight lanes plus frontage road improvements. Negative effects include acquisition of a small amount of right-of-way, displacement of four businesses, and an increase in noise which would exceed design noise levels at one church and commercial site. (Region 4.) Comments made by: FEA, HUD, DOC, USDA, FPC, EPA, DOI, HEW, COE 2, State, regional, and local agencies. (ELR Order No. 80119.)

MA-25 and MA-28, Wareham, Plymouth, and Bourne, Barnstable and Plymouth Counties, Mass., February 7: The proposed project will extend Route 25 from its present terminus in Wareham to the Bourne Bridge Crossing of the Cape Cod Canal. When completed the highway will carry through traffic to Cape Cod thereby eliminating the severe traffic congestion which presently occurs on combined Routes 6 and 28. The proposed route passes through the towns of Wareham and Plymouth in Plymouth County and the town of Bourne in Barnstable County. The FHWA has combined two draft EIS's into one final EIS. FHWA-MASS-EIS-74-03-F (combined 74-03-D and 73-09-D). Comments made by: AHP, USDA, COE, DOC, DOD, HEW, HUD, DOI, EPA, State, regional, and local agencies. (ELR Order No. 80126.)

Supplement

I-77 and U.S. 74 Connector, Charlotte, N.C., February 7: The purpose of this supplemental statement is to present an evaluation of a more southerly route and compare it to the most feasible of the alternatives presented in the DEIS which was filed with CEQ March 21, 1977. The division of highways proposes to construct a multi-lane freeway connecting I-77 and U.S. 74 south of Charlotte in Mecklenburg County, N.C. The proposed action will be the initial section (13.3-16.6 miles in length) of the outer circumferential route around Charlotte included in the Charlotte-Mecklenburg comprehensive plan. (ELR Order No. 80123.)

[FR Doc. 78-4754 Filed 2-22-78; 8:45 am]

[6720-01]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 240]

### HFG STOCKHOLDING, INC.

**Receipt of Application for permission To Acquire Control of Houston First Savings Association**

FEBRUARY 17, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Pennsylvania Life Corp., a Delaware corporation; Pennsylvania Life Insurance Co., a Pennsylvania corporation; and HFG Stockholding, Inc. ("HFG"), a Delaware corporation, for approval of the acquisition of control of Houston First Savings Association, Houston, Tex. ("Houston First"), an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies. HFG proposes to purchase all the assets, and to assume all the liabilities, of Houston First Financial Group, Inc. ("Financial"), a Texas corporation. Such assets include, but are not limited to, all of the stock of Houston First. Financial owns all the stock of Houston First. Consequently, Financial has registered as a savings and loan holding company. The entire common stock of HFG is owned by the Pennsylvania Life Co. In a transaction related to the proposed purchase of assets, the Pennsylvania Life Insurance Co., a wholly owned subsidiary of the Pennsylvania Life Co., will purchase all the preferred stock of HFG. The purchase price of the assets will be paid partly in cash and partly by the issuance by HFG of debentures to the stockholders of Houston First. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before March 27, 1978.

RONALD A. SNIDER,
*Assistant Secretary.*

[FR Doc. 78-4787 Filed 2-22-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE SYSTEM

[Reg. C; Docket No. R-0130]

### NEW JERSEY

**Order Approving Exemption Application Under Home Mortgage Disclosure Act of 1975**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final order of exemption.

SUMMARY: The Board hereby exempts from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 and its implementing Regulation C all New Jersey chartered depository institutions which are subject to the New Jersey Home Mortgage Disclosure Act.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

On November 16, 1977, the Board issued notice of an application by United Jersey Banks for exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR Part 203). The application was filed pursuant to section 306(b) of the Federal act (12 U.S.C. 2805(b) and § 203.3(a)(3) and the Supplement of Regulation C) and was based upon the requirements of the New Jersey Home Mortgage Disclosure Act (N.J.S.A. 17:16F-1 to 17:16F-11) and the implementing regulations of the New Jersey Department of Banking (N.J.A.C. 3:1-9). The applicant, a bank holding company operating six New Jersey chartered banks, claimed that the New Jersey act and regulations impose requirements substantially similar to those imposed by the Federal act and regulations and that they include adequate provision for enforcement of those requirements.

Notice of the application, on which interested persons were invited to submit comments, was published in the FEDERAL REGISTER on November 22, 1977 (42 FR 59913). The Board has received one comment, from the Federal Reserve Bank of New York, which recommended that the exemption be granted.

In reviewing applications, the Board is directed to consider two primary factors (12 U.S.C. 2805(c)). First, the Board must determine whether the State's laws impose disclosure requirements which are substantially similar to those imposed by the Federal act. Second, the Board must consider whether State law contains adequate provisions for enforcement of those requirements.

Examination of the New Jersey act and regulations indicates that they impose substantially the same disclosure requirements as the Federal act and regulation. The Board notes that the New Jersey law requires disclosure of additional information, including data on rejected loan applications. The State law also requires depository institutions to provide information on a loan-by-loan basis, rather than in a summary form, as required by the Federal act. The State Department of Banking will then classify this information in disclosure statements which will be returned to the institutions and made available to the public. However, the Board determined that these differences do not affect the substantial similarity between the State and Federal laws with respect to those requirements imposed by the Federal act.

With regard to enforcement, the New Jersey act provides for the issuance of cease and desist orders and the imposition of monetary penalties in appropriate cases for violation of its provisions. The Commissioner of Banking is authorized to conduct investigations into alleged violations including hearing and subpoena powers.

On the basis of the record, the Board finds that the New Jersey act imposes disclosure requirements that are substantially similar to those imposed under the Federal act and that the New Jersey act contains adequate provision for enforcement of those requirements. Therefore, pursuant to section 306(b) of the Federal act and § 203.3(a) and the Supplement of Regulation C, the Board hereby approves the application, effective April 1, 1978. All New Jersey chartered depository institutions which are subject to the New Jersey Home Mortgage Disclosure Act and the implementing regulations of the New Jersey Department of Banking are hereby exempted from the data compilation and disclosure requirements of the Home Mortgage Disclosure Act, as implemented by §§ 203.4 and 203.5 of Regulation C. This determination is subject to the provisions of paragraph (e) of the Supplement to Regulation C. Pursuant to that paragraph, the Board reserves the right to revoke any exemption if at any time it determines that applicable State law in fact does not impose requirements that are substantially similar to those imposed under the Home Mortgage Disclosure Act or that such law does not contain adequate provision for enforcement. As required by subparagraph (b)(4) of the Supplement, the applicant undertakes to inform the Board of any change in the State law or regulation within 30 days of such change.

By order of the Board of Governors, February 15, 1978.

THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc. 78-4819 Filed 2-22-78; 8:45 am]





[4110-39]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### National Institute of Education

### INFORMATION AND DATA ACQUISITION ACTIVITY

**Collection; Opportunity for Comments; Correction**

In FR Doc. 78-3435 appearing on page 5072 in the issue of Tuesday, February 7, 1978, on page 5073, the first column, third paragraph should show the spelling of the Project Officer's name as: Dr. Dan P. Antonoplos; also, in paragraph 3. of the Description, the Agency form number should read: NIE 188.

RICHARD S. WERKSMAN,
*Forms Clearance Officer, National Institute of Education.*

[FR Doc. 78-4758 Filed 2-22-78; 8:45 am]

[4110-02]

### Office of Education

### TEACHER CORPS

**Closing Date for Receipt of Applications**

The Commissioner invites applications for new grants under the Teacher Corps Program (20 U.S.C. 1101-1107a). Under the Teacher Corps program, the Commissioner makes grants to institutions of higher education, local educational agencies, and State educational agencies (and correctional facilities, in the case of "youth advocacy" projects). The purpose of the Teacher Corps program is strengthening the educational opportunities available to children in areas having concentrations of low-income families, encouraging colleges and universities to broaden their programs of teacher preparation, and encouraging institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

*Closing date:* April 3, 1978.

A. *Application forms and information.* Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about February 23, 1978. Application forms may be obtained from the U.S. Office of Education at the address given in paragraph "F" below. Applications must be prepared and submitted according to the Teacher Corps program regulation published in this issue of the T4Federal Register (45 CFR Part 172), the procedures contained in this notice, and the instructions and forms included in the application packages.

B. *Application procedures.* Applicants must comply with the following

procedures as well as those in the regulation. These additional requirements were subjected to public comment as part of the notice of proposed rulemaking which preceded the final regulation, and are adopted after consideration of that public comment.

1. An application for the initial project year may not be more than 100 double-spaced typewritten pages. An application for continuation of funding after the initial project year is not subject to this limitation on length. An application must be signed by: (a) the president or other authorized official of each institution of higher education; (b) the superintendent or other authorized official of each local educational agency; (c) the chairperson of the community council; (d) if a State educational agency participates, the Chief State School Officer; and (e) in the case of an application for a youth advocacy project, the authorized official of each correctional facility.

2. To be considered for funding an application must be submitted to and approved by the State educational agency of the State in which the applicant is located. The State educational agency's approval must be in writing, signed by the Chief State School Officer, and attached to the application which is submitted to the Commissioner.

3. An application must describe the stipends and compensation (including insurance and travel expenses) which will be paid to: (a) teacher-interns; (b) teachers; (c) volunteers; (d) other educational personnel; (e) project staff; and (f) the project director. An application must also describe the amount and proposed use of funds requested for training Teacher Corps members and for the secretarial and administrative expenses of the community council.

4. In satisfaction of the requirements in §§ 172.123(a) (1) and (2), 172.124(a), and 172.126 of the Teacher Corps regulation, applicants may submit catalogs or other descriptive material already developed for other purposes. If the information included in an initial application in response to §§ 172.122, 172.123, 172.124, 172.125, and 172.126 of the regulation remains unchanged, an application for continuation funding need not respond to these sections.

C. *Applications sent by mail.* Applications sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.489C, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 29, 1978 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand-delivered applications.* Hand-delivered applications must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

E. *Program information.* In designing their projects, potential applicants should be aware of the amount of funds available for the program for fiscal year 1978. Of the $37,500,000 appropriated for the program for fiscal year 1978, $12,000,000 is available for new grants, totaling not more than $150,000 for each project. Approximately 80 new program grants will be issued for fiscal year 1978.

F. *For further information contact:* Russell Wood, Teacher Corps, 400 6th Street SW., Washington, D.C. 20202, 202-245-8223.

G. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Teacher Corps Regulation (45 CFR Part 172) published in this issue of the FEDERAL REGISTER.

H. *Effective date.* Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), the procedures in this notice of closing date for receipt of applications are being sent to the Congress concurrently with publication in the FEDERAL REGISTER. These procedures become effective on the forty-fifth day following transmission to Congress, subject to the provisions in section 431(d) concerning congressional action and adjournment.

(20 U.S.C. 1101-1107a)

(Catalog of Federal Domestic Assistance Number 13.489C; Teacher Corps—Operations and Training)

Dated: February 1, 1978.

ERNEST L. BOYER,
*U.S. Commissioner of Education.*

[FR Doc. 78-4357 Filed 2-22-78; 8:45 am]

[4310-55]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: Florida Game and Fresh Water Fish Commission, 620 South Meridian, Tallahassee, Fla. 32304.

The applicant requests a permit to take up to ten Okaloosa darters (*Etheostoma okaloosae*) per month for three years from the Choctawhatchee Bay drainage in Florida for scientific research to enhance the survival of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2119. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4802 Filed 2-22-78; 8:45 am]

[4310-55]

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: George Searles, 115 Mount Vernon Avenue, Patchoque, N.Y. 11772.

The applicant requests a permit to purchase in interstate commerce, a pair of Hawaiian geese (*Branta sandvicensis*) from Winston Guest, Jr. of Loxahatchee, Fla. for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.





This application has been assigned file number PRT 2-1872. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4803 Filed 2-22-78; 8:45 am]

[4310-55]

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: Monfort Reptile Institute, Schultz Hill Road, Rhinebeck, N.Y. 12572.

The applicant intends to buy, from Midwest Reptiles and Animal Sales Inc., P.O. Box 239, Fort Wayne, Ind. 46801 in interstate commerce, 3 American alligators (*Alligator mississippiensis*), 1 Nile crocodile (*Crocodylus niloticus*), 1 Bengal monitor (*Varanus bengalensis*) and 1 Indian python (*Python molurus molurus*) for public display and educational purposes intended to enhance the survival of the species. Humane shipment and care has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1847 Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4804 Filed 2-22-78; 8:45 am]

[4310-55]

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: Denver Zoological Gardens, City Park, Denver, Colo. 80205.

The applicant requests a permit to import one pair of captive-bred white-winged wood ducks (*Cairina Scutulata*) from the Wildfowl Trust, Gloucester, England, for propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2151. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4805 Filed 2-22-78; 8:45 am]

[4310-55]

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: Frank S. Todd/Sea World Inc., 1720 South Shores Road, San Diego, Calif. 92109.

The applicant requests a permit to import one pair of captive-bred white-winged wood ducks (*Cairina scutulata*) from the Wildfowl Trust, Slimbridge, England, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1677. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4806 Filed 2-22-78; 8:45 am]

[4310-55]

### ENDANGERED SPECIES PERMIT

### Receipt of Application

Applicant: Zoological Society of Buffalo, Inc., Buffalo Zoological Gardens, Buffalo, N.Y. 14214.

The applicant requests a permit to purchase, in interstate commerce, for enhancement of propagation one male and one female clouded leopard (*Neofelis nebulosa*) born in captivity in 1977 at the Rare Feline Breeding Compound, Center Hill, Fla. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2152. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4807 Filed 2-22-78; 8:45 am]

[4310-55]

### Fish and Wildlife Service

### TEXAS

### Application

Notice is hereby given that under Section 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Mitchell Energy Offshore Corporation has applied for a 3-inch natural gas and oil pipeline right-of-way and related facilities that will cross that part of the Aransas National Wildlife Refuge located on the Black Jack Peninsula, Aransas County, Tex.

The pipeline will convey natural gas across 8 miles of the Aransas National Wildlife Refuge.

The purpose of this notice is to inform the public that the U.S. Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

W. O. NELSON,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

FEBRUARY 10, 1978.

FR Doc. 78-4792 Filed 2-22-78; 8:45 am]





[4310-55]

[4310-55]

[4310-70]



[4310-70]

and subject to the availability of ap-

Dated: December 27, 1978.

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Lincoln Park Zoological Gardens, 2200 North Cannon Drive, Chicago, Ill. 60614.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of animals listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2121. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4808 Filed 2-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: San Francisco Zoological Gardens, Zoo Road and Skyline Boulevard, San Francisco, Calif. 94132.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of animals listed in 50 CFR §17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2101. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4809 Filed 2-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Michael E. Perry, Wellington Farm, 15 Buxton Road, Danvers, Mass. 01923.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR §17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1898. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
*Chief, Permit Branch,*
*Federal Wildlife Permit Office.*

[FR Doc. 78-4810 Filed 2-23-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 3]

ADMINISTRATIVE SERVICES ASSISTANT OCMULGEE NATIONAL MONUMENT, GA.

Delegation of Authority

SECTION 1. *Administrative Services Assistant.* The Administrative Services Assistant may execute and approve purchase orders not in excess of $10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 2 dated December 19, 1973, and published in 39 FR 16910 May 10, 1974.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428) published November 17, 1977.)

Dated: January 4, 1978.

WALTER T. BERRETT,
*Superintendent,*
*Ocmulgee National Monument.*

[FR Doc. 78-4763 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 4]

ADMINISTRATIVE SERVICES ASSISTANT, GUILFORD COURTHOUSE NATIONAL MILITARY PARK

Delegation of Authority

SEC. 1. *Administrative Services Assistant.* The Administrative Services Assistant may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the administrative Services Assistant in behalf of any area administered by the Superintendent, Guilford Courthouse National Military Park.

SEC. 2. *Redelegation.* The authority delegated in this Order Number may not be redelegated.

SEC. 3. *Revocation.* This order supersedes Order No. 3 dated May 12, 1975 and published in 40 FR 1836.

(National Park Service Order No. 77 (38 FR 7478), as amended Southeast Region Order No. 6 (42 FR 59428).)

Dated: December 8, 1977.

WILLARD W. DANIELSON,
*Superintendent, Guilford Courthouse National Military Park.*

[FR Doc. 78-4762 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE OFFICER, CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA

Delegation of Authority

SECTION 1. *Administrative officer.* The administrative officer may execute, approve, and administer contracts and issue purchase orders not in excess of $10,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428) published March 22, 1973, as amended; Southeast Region Order No. 6 (42 FR 59428), published November 17, 1977.)

Dated: December 20, 1977.

PRESTON D. RIDDEL,
*Superintendent,*
*Cape Lookout National Seashore.*

[FR Doc. 78-4769 Filed 2-22-78; 8:45 am]





[4310-70]

[Order No. 10, Amdt.1]

ADMINISTRATIVE OFFICER, ET AL.: BLUE RIDGE PARKWAY, VA., AND N.C.

Authority Delegation

Blue Ridge Parkway Order No. 10, dated November 8, 1976, and published in 42 FR 3697, January 19, 1977, is amended as follows:

SEC. 5. *Assistant superintendent (Roanoke), facility managers, district rangers, district interpreters, subdistrict rangers, maintenance foremen, WS-10, administrative services assistants, district clerks; young adult conservation corps project manager, camp director, work coordinator, and administrative technician; and youth conservation corps project managers and camp directors.* The assistant superintendent (Roanoke), facility managers, district rangers, district interpreters, subdistrict rangers, maintenance foremen (not below WS-10), administrative services assistants, district clerks; young adult conservation corps project manager, camp director, work coordinator, and administrative technician; and youth conservation corps project managers and camp directors, who are employees of the Blue Ridge Parkway, may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: December 14, 1977.

GARY EVERHARDT,
*Superintendent,*
*Blue Ridge Parkway.*

[FR Doc. 78-4765 Filed 2-22-78; 8:45 am]

[4310-55]

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL., CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GA.

Delegation of Authority

SECTION 1. *Administrative officer.* The administrative officer may execute, approve, and administer contracts and issue purchase orders not in excess of $50,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Administrative services clerk.* The administrative services clerk may issue purchase orders not in excess of $2,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 3. *Chief historian.* The chief historian may issue field purchase orders (SF-44) not in excess of $500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 4. *Unit manager, Lookout Mountain.* The unit manager, Lookout Mountain, may issue field purchase orders (SF-44) not in excess of $500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 5. *Chief park ranger.* The chief park ranger may issue field purchase orders (SF-44) not in excess of $500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 6. *Maintenance supervisor.* The maintenance supervisor may issue field purchase orders (SF-44) not in excess of $500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 7. *Redelegation.* The authority delegated in this Order No. 2 may not be redelegated.

SEC. 8. *Revocation.* This order supersedes Order No. 1, dated October 16, 1972, and published in 37 FR 25245 on November 29, 1972.

(National Park Service Order No. 77 (38 FR 7478) published March 22, 1973, as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: January 30, 1978.

ROBERT L. DESKINS,
*Superintendent, Chickamauga and Chattanooga National Military Park.*

[FR Doc. 78-4768 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE SERVICES TECHNICIAN, ET AL., SHILOH NATIONAL MILITARY PARK, TENN.

Delegation of Authority

SECTION 1. *Administrative services technician.* The administrative services technician may execute, approve, and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Regional Order No. 6 (42 FR 59428).)

Dated: December 27, 1978.

ZEB V. MCKINNEY,
*Superintendent,*
*Shiloh National Military Park.*

[FR Doc. 78-4764 Filed 2-22-78; 8:45 am]

[4310-70]

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 10:30 a.m., e.s.t., on March 10, 1978, at the Department of the Interior, 18th and C Streets NW., Room 5160, Washington, D.C.

The purpose of the meeting is to inform the Council of the effect of a recent amendment to the National Trails System Act and to seek the advice and involvement of Council members on the implementation of an anticipated federal land acquisition program.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come-first-serve basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trial Project Office, National Park Service, Harpers Ferry, W. Va. 25425; telephone 304-535-6371, ext. 278.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

DAVID A. RICHIE,
*Project Manager,*
*National Park Service.*

FEBRUARY 16, 1978.

[FR Doc. 78-4776 Filed 2-22-78; 8:45 am]

MRS. ROBERT BERTSCHY ET AL.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 27, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mrs. Robert Bertschy, Harold M. Turner, John F. Turner and Donald M. Turner, d.b.a. Triangle X Ranch, authorizing them to continue to provide





concession facilities and services for the public at Grand Teton National

The assessment states the existing situation, describes components of the

tially equal to others received. The Secretary is also required to consider



stitution of the Bureau of Outdoor Recreation with its present authorities with the

ning, management, interpretation, protection, maintenance and operation. This in-

[7020-02]

concession facilities and services for the public at Grand Teton National Park for a period of eighteen (18) years from January 1, 1975, through December 31, 1992. In effect, the term of the contract will be fifteen (15) years from January 1, 1978.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Teton National Park, Park Headquarters, Moose, Wyo. 83012.

The foregoing concessioners have performed their obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1974, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Mrs. Robert Bertschy and the Turner brothers, as the present satisfactory concessioners, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Mrs. Robert Bertschy and the Turner brothers is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 27, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 14, 1978.

DAVID J. TOBIN, Jr.,
*Acting Deputy Director,*
*National Park Service.*

[FR Doc. 78-4770 Filed 2-22-78; 8:45 am]

[4310-70]

## SCOTTS BLUFF NATIONAL MONUMENT, NEBRASKA

### Availability of Environmental Assessment on Removal of 34.5 kV Overhead Transmission Line

The National Park Service has prepared an environmental assessment to consider the effects of alternative proposals concerning the removal of 34.5 kV overhead transmission line at Scotts Bluff National Monument, Nebraska.

The assessment states the existing situation, describes components of the local and regional environment which may affect, or be affected by, the alternative proposals, and discusses alternatives.

Copies of the environmental assessment are available at Scotts Bluff National Monument, P.O. Box 427, Gering, Nebr. 69341; and the Midwest Regional Office, 1709 Jackson Street, Omaha, Nebr. 68102. Anyone wishing to comment on this document should submit such comments in writing to the Monument Superintendent or the Regional Director at the above addresses on or before March 27, 1978.

Dated: December 29, 1977.

MERRILL D. BEAL,
*Regional Director,*
*Midwest Region.*

[FR Doc. 78-4759 Filed 2-22-78; 8:45 am]

[4310-70]

## YOSEMITE MEDICAL GROUP

### Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 27, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Yosemite Medical Group, a partnership, authorizing it to provide concession facilities and services for the public at Yosemite National Park for a period of give (5) years from January 1, 1978, through December 31, 1982.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmntal assessment may be reviewed in the Office of the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, Calif. 95389.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1977, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Yosemite Medical Group, as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Yosemite Medical Group is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 27, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 10, 1978.

PHILIP O. STEWART,
*Acting Associate Director,*
*National Park Service.*

[FR Doc. 78-4760 Filed 2-22-78; 8:45 am]

[4310-03]

## Office of the Secretary

[Secretary's Order 3017]

## HERITAGE CONSERVATION AND RECREATION SERVICE

### Establishment

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Secretary of the Interior has issued Order No. 3017 dated January 25, 1978, establishing a Heritage Conservation and Recreation Service. The new organization succeeds and replaces the Bureau of Outdoor Recreation, and assumes additional functions previously performed by the National Park Service. The Order is published in its entirety below.

Additional information regarding the Order may be obtained from the Office of Communications, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-5726.

Dated: February 10, 1978.

BOB HERBST,
*Assistant Secretary of the Interior.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C.*

Order No. 3017.

Subject: Establishment of a Heritage Conservation and Recreation Service.

SEC. 1 *Purpose.* This order establishes the Heritage Conservation and Recreation Service (HCRS) within the Department of the Interior under the Assistant Secretary, Fish and Wildlife and Parks.

The HCRS will be the focal point within the Federal government for planning, evaluating, and coordinating the protection and preservation of the Nation's cultural and natural heritage, and for assuring adequate recreation opportunities for all it's people.

The HCRS will be composed of three major programs for natural, cultural, and recreational resources.

Under authority existing with the Secretary of the Interior, the Heritage Conservation and Recreation Service will be a reconstitution of the Bureau of Outdoor Recreation with its present authorities with the addition of the National Natural Landmarks Program and the Office of Archeology and Historic Preservation with its responsibilities, both now within the National Park Service.

The concept of this action is that there will be no diminution of the recreation functions incorporated into HCRS and that, through this action, there will occur a strengthening of the national commitment to the protection and utilization of heritage and recreation resources, and the enhancement of intergovernmental and private sector capabilities to fulfill the commitment.

This order also transfers certain planning and study responsibilities from Bureau of Outdoor Recreation to the National Park Service (NPS).

SEC. 2 *HCRS Functions.* The HCRS will perform all functions and have all responsibilities now exercised by the Bureau of Outdoor Recreation with the exception of three specific study responsibilities transferred to the NPS and identified in Sec. 3 below.

The HCRS will administer all programs and responsibilities of the Office of Archeology and Historic Preservation including:

(a) National Register of Historic Places
(b) Administration of the Historic Preservation Fund
(c) Historic Sites Survey
(d) Historic American Buildings Survey
(e) Historic American Engineering Record
(f) Interagency Archeological Services
(g) Technical Preservation Services which are hereby transferred from the National Park Service

The HCRS will also be responsible for the following functions which are hereby transferred from the National Park Service:

(a) The Natural Landmarks Program including the identification and selection program for creating and monitoring the National Registers of Natural and Historic Landmarks.

(b) The investigation, study, monitoring, and reporting to the Secretary on the welfare of natural and historic resources which exhibit qualities of national significance and recommending those resources which should be proposed for Federal protection.

(c) The historical, archeological and natural science aspects of regional or river basin planning sponsored by the Water Resources Councilor or a Federal agency and such planning undertaken by other governmental agencies or the private sector pursuant to a Federal grant, license, or permit.

The HCRS will also administer any new planning, research, financial or technical assistance programs or compliance activities as they are authorized as part of the National Heritage Program.

SEC. 3 *National Park Service Functions.* The National Park Service is responsible for administering the National Park System and all functions presently assigned to it with the exception of those identified in Sec. 2 above. As part of its responsibility, the NPS plans for areas proposed by the Secretary or Congress for addition to the National Park System and recommends to the Secretary areas for addition to the National Park System from areas of national significance identified by the Heritage Conservation and Recreation Service.

The National Park Service also cooperates with, assists, and advises other Federal agencies, State, local governents, and others, with respect to specific area planning, management, interpretation, protection, maintenance and operation. This includes providing post authorization planning assistance for Federal Water Development projects and providing planning assistance to HCRS in accomplishing its responsibilities.

In addition, the following planning and study responsibilities are hereby transferred to the National Park Service from the Bureau of Outdoor Recreation:

(a) The recreation aspects of Federal water project implementation studies within the purview of the Federal Water Project Recreation Act, Pub. L. 89-72, as amended, including the updating of feasibility studies where warranted.

(b) Conduct of Congressionally authorized studies as specified in Sec. 4 of the Wild and Scenic Rivers Act, Pub. L. 90-542, as amended.

(c) Conduct of Congressionally authorized National Scenic Trails studies as specified in Sec. 5 of the National Trails System Act, Pub. L. 90-543, as amended.

SEC. 4 *Resources and Organization.* All funds, personnel, records, and property utilized by the Bureau of Outdoor Recreation with the exception of resources for the study responsibilities to be transferred to the National Park Service in Sec. 3 above, are to be transferred to the Heritage Conservation and Recreation Service.

All funds, personnel, records, and property utilized by the National Park Service for performing the functions assigned to the HCRS in Sec. 2 above, are to be transferred to the HCRS.

This transfer will include an equitable share of the funds and personnel engaged in executive direction, administrative services, program coordination, information, and other technical and administrative staff services.

The detailed, specific determination of the funds, personnel, records and property to be transferred and the timing of this transfer will be made by the Asistant Secretary for Fish and Wildlife and Parks with approval of the Assistant Secretary for Policy, Budget, and Administration.

The Director, Heritage Conservation and Recreation Service will develop detailed plans for performance of functions and for the headquarters and field organization and staffing for submission to the Assistant Secretary for Fish and Wildlife and Parks.

SEC. 5 *Authority.* This Order is issued in accordance with authority provided in Sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1261)

SEC. 6 *Effective Date.* Functional control of the Office of Archeology and Historic Preservation will be transferred to HCRS as of the date of this Order. Plans and schedules to implement the transfer of operational control of the remaining programs will be developed by the Director, National Park Service, and Director, Heritage Conservation and Recreation Service for transfer effective within 30 days thereafter. The administrative support for functions to be transferred will continue to be carried out by the parent bureaus until final transfer has been completed. The target date for completion of the transfer will be April 1, 1978. The Order shall terminate on October 1, 1978, unless previously modified or revoked.

Dated: January 25, 1978.

CECIL D. ANDRUS,
*Secretary of the Interior.*

[FR Doc. 78-4837 Filed 2-22-78; 8:45 am]





[7020-02]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-48]

## ALTERNATING PRESSURE PADS

### Notice of Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 23, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Gaymar Industries, Inc., One Bank Street, Orchard Park, N.Y. 19127 and Medisearch PR, Inc., Machete Industrial Park, P.O. Box 1230, Guayama, Puerto Rico 00654, alleging that unfair methods of competition and unfair acts exist in the importation of certain alternating pressure pads into the United States, or in their sale, by reason of the alleged coverage of such alternating pressure pads by claims 1 and 3-6 of U.S. Letters Patent 3,701,173 and the alleged unfair use of promotional and advertising material pertaining to alternating pressure pads. The complaint also alleges that these unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests permanent exclusion from entry into the United States of the article in question.

Having considered the complaint, the United States International Trade Commission on February 14, 1978, ordered:

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation of subsection (a) of this section in the unauthorized importation of certain alternating pressure pads into the United States, or in their sale, by reason of the alleged coverage of such alternating pressure pads by claims 1 and 3-6 of U.S. Letters Patent 3,701,173 and the alleged unfair use of promotional and advertising material pertaining to alternating pressure pads, the effect or tendency of which is allegedly to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That, for purpose of the investigation so instituted, the following persons alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:



The Huntleigh Group, Inc., 600 Madison

tion 201(c)(1) of the Antidumping Act

does not determine that there is no



ies Nos. AA1921-Inq.-8 (carbon steel

percent of U.S. consumption in 1977.

their profits on their hot-rolled carbon

The Huntleigh Group, Inc., 600 Madison Avenue, New York, N.Y. 10022
Flowtron Aire Ltd., Ley Building, 137-141 Old Bedford Road, Luton, England.

3. That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That, for the purpose of the investigation so instituted, Steven David Moskowitz, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefore is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without furtner notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: February 17, 1978.

KENNETH R. MASON,
*Secretary.*

[FR Doc 78-4878 Filed 2-22-78, 8:45 am]

[7020-02]

[AA1921-Inq.-8 and AA1921-Inq.-9]

## CARBON STEEL BARS AND CARBON STEEL STRIP FROM THE UNITED KINGDOM

### Commission Determines Not To Terminate Antidumping Investigations

FEBRUARY 16, 1978.

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c)(1) of the Antidumping Act of 1921, as amended, antidumping investigations were being initiated with respect to carbon steel bars and carbon steel strip from the United Kingdom, and that, pursuant to section 201(c)(2) of that act, information developed during Treasury's preliminary investigations led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such carbon steel bars and carbon steel strip into the United States from the United Kingdom.[1] Accordingly, the Commission on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on February 1, 1978, in Washington, D.C. Public notice both of the institution of the inquiries and of the hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the FEDERAL REGISTER on January 26, 1978 (43 FR 3632).

The Treasury Department instituted its investigations after receiving a properly filed complaint on December 5, 1977, from Armco Steel Corp., Middletown, Ohio. The Treasury Department's notice of its antidumping proceeding was published in the FEDERAL REGISTER of January 23, 1978 (43 FR 3231).

On the basis of information developed during the course of inquiry No. AA1921-Inq.-8 (carbon steel bars from the United Kingdom), the Commission (chairman Daniel Minchew, and Commissioners George M. Moore, Catherine Bedell, and Italo H. Ablondi)[2 3] does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom that are allegedly being sold at less than fair value as indicated by the Department of the Treasury.

On the basis of information developed during the course of inquiry No. AA1921-Inq.-9 (carbon steel strip from the United Kingdom), the Commission (Chairman Daniel Minchew and Commissioners George M. Moore, Catherine Bedell, Italo H. Ablondi, and Bill Alberger),[4] does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel strip from the United Kingdom that is allegedly being sold at less than fair value as indicated by the Department of the Treasury.

### STATEMENTS OF REASONS IN INQUIRY NO. AA1921-INQ.-8 (CARBON STEEL BARS FROM THE UNITED KINGDOM)[5]

#### STATEMENT OF REASONS FOR NEGATIVE DETERMINATION IN INQUIRY NO. AA1921-INQ.-8 BY COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL[6 7]

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of merchandise into the United States.

#### DETERMINATION

On the basis of information developed during the course of this inquiry we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[8] by reason of the importation of carbon steel bars into the United States from the United Kingdom allegedly sold at less than fair value (LTFV) as indicated by the Department of the Treasury.

#### DISCUSSION

*Statutory criteria of section 201(c)(2).*—Section 201(c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt. Upon receipt of the Secretary's reasons, the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likey to be injured, or is prevented from being established by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

*The imported articles and the domestic industry.*—The products subject to this inquiry are hot-rolled carbon steel bars. Hot-rolled carbon steel bars are produced by hot-rolling billets or slabs of carbon steel in bar mills. Hot-rolled carbon steel bars are produced in the United States at 87 mills operated by 53 firms.

*Information received from the Department of the Treasury.*—The Department of the Treasury advised the Commission that imports of carbon steel bars from the United Kingdom increased substantially from January-September 1976 to January-September 1977, and they accounted for 1.4 percent of U.S. consumption in 1977. It noted that the alleged LFTV margins for such bars ranged from 2.6 to 12 percent, according to the petitioner. In making its determination in this inquiry, the Commission developed information from various sources and did not consider the information received from Treasury as determinative.

*Market penetration by imports from the United Kingdom.*—U.S. imports of hot-rolled carbon steel bars from the United Kingdom increased from 59,000 short tons in 1974 to 114,000 short tons in 1977, or by 93 percent. From 1976 to 1977 alone, the increase amounted to 48 percent. The ratio of imports of such merchandise from the United Kingdom to apparent U.S. consumption increased from 0.8 percent in 1974 to 1.7 percent in 1977. From 1976 to 1977 the ratio rose from 1.3 percent to 1.7 percent. It should be noted that the market for carbon steel bars in the United States is not homogeneous. All the exports from the United Kingdom are of so-called special quality, meeting the special high-precision requirements of customers in the forging and machining industries. These bars do not compete in the U.S. market with lower quality bars, known as merchant bars, but compete only with other special-quality bars produced by U.S. firms and imported from other countries. Only 20 percent of U.S. production of hot-rolled carbon steel bars is of special quality. As a result, the United Kingdom accounted for 5.1 percent of apparent U.S. consumption of special-quality hot-rolled carbon steel bars in 1977.

*Other factors.*—The instant inquiry has come before the Commission at a time when the evidence is mounting that the domestic steel industry (which produces the specific products in question) is in distress, experiencing declining production, shipments, employment, and profits. Information developed during the course of these inquiries confirms that U.S. producers' shipments, employment, and profitability have all fallen since 1974.

During 1974-77, while imports of bars from the United Kingdom were increasing, U.S. producers' shipments of hot-rolled carbon steel bars fell by 18 percent. Such increases in imports from the United Kingdom obviously could have exacerbated the injury to the domestic industry already inflicted by declining demand. The firms that responded to the Commission's questionnaires reported that person-hours worked by their production and related workers in the production of hot-rolled carbon steel bars fell by 10 percent between 1974 and 1977. In addition, the respondents to the Commission's questionnaires reported that their profits on their hot-rolled carbon steel bar operations deteriorated annually from 1974 through September 1977. All the reporting companies reported net profits on their bar operations in 1974, and all reported net losses on the same operations in January-September 1977.

In testimony before the Commission, the President of the British Steel Corp. (BSC), Houston, Tex., reported that BSC's hot-rolled carbon steel bars are sold at prices 5 to 10 percent below U.S. producers' prices. In addition, a sale of hot-rolled carbon steel bars from an independent U.K. supplier to a U.S. customer at a price about 20 percent below U.S. producers' prices has been confirmed.

#### CONCLUSION

On the basis of the above, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of carbon steel bars from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

### STATEMENT OF REASONS FOR AFFIRMATIVE VOTE OF COMMISSIONER BILL ALBERGER ON CARBON STEEL BARS FROM THE UNITED KINGDOM

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

#### DETERMINATION

On the basis of information developed during the course of these inquiries I determine that there is no reasonable indication that an industry in the United States is being or is likely to be

[1] The Treasury advice defined carbon steel bars as those provided for in item numbers 608.45 and 608.46 of the Tariff Schedules of the United States (TSUS) and carbon steel strip as that provided for in TSUS item numbers 609.02, 609.03, and 609.04.

[2] Vice Chairman Joseph O. Parker did not participate in the determination.

[3] In inquiry No. AA1921-Inq.-8, Commissioner Bill Alberger determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom that are allegedly being sold at less than fair value as indicated by the Department of the Treasury.

[4] Vice Chairman Joseph O. Parker did not participate in the determination.

[5] The statements of reasons in inquiry No. AA1921-Inq.-9 (carbon steel strip from the United Kingdom) appear separately.

[6] Chairman Minchew concurs in the result. In determining in the negative he states:

In reaching my decision I have been influenced by the unique problems facing the domestic steel industry, especially with regard to world trade in steel products. This situation, coupled with the commitment of our government to vigorously enforce the laws against unfair trade practices (including dumping), convinces me of the necessity for the Department of the Treasury to continue its antidumping investigation of imports of carbon steel bars from the United Kingdom.

[7] Commissioner Ablondi concurs in the result.

[8] Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

injured, or is prevented from being established,* by reason of the importation of carbon steel bars into the United States from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

DISCUSSION

*Statutory criteria of section 201(c)(2).* Section (c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt and the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

*The imported article and the domestic industry.* Hot-rolled carbon steel bars are produced by hot rolling billets or slabs of carbon steel in bar mills. They are produced at 87 mills operated by 53 firms. Most U.S. producers are located in the North Central states adjacent to the Great Lakes.

*Information received from the Department of the Treasury.* The Department of the Treasury advised the Commission that imports of carbon steel bars from the United Kingdom had increased substantially from January–September 1976 to January–September 1977, but that they only accounted for 1.4 percent of U.S. consumption in 1977. It noted that the alleged less-than-fair-value margins for such bars ranged from 2.6–12 percent, according to the petitioner. Treasury also indicated that there was no evidence to connect the subject imports to recent declines in employment and profitability reported by the domestic industry. In making its determinations in these inquiries, the Commission did not consider the information supplied by Treasury as determinative and in addition examined other evidence as follows.

*Market penetration by imports from the United Kingdom.* In this inquiry I have found the dominant factor to be considered is the extremely low level of import penetration of the domestic market. U.S. imports of hot-rolled carbon steel bars from the United Kingdom, alleged to be sold in the United States at less than fair value, amounted to only 114,000 short tons in 1977, or only 1.7 percent of apparent U.S. comsumption. In 1975, the ratio of imports from the United Kingdom to domestic consumption amounted to only 1.5 percent, and in 1974 and 1976, the ratio was even lower. In addition, imports of hot-rolled carbon steel bars from the United Kingdom accounted for a smaller proportion of total U.S. imports of carbon steel bars from all sources in 1977 than it accounted for in 1976. Moreover, imports of such merchandise from Canada and Japan were larger in 1977 than were imports from the United Kingdom.

*Other factors.* The instant inquiries have come before this Commission at a time when the evidence is mounting that the domestic steel industry (which produces the specific products in question) is in distress, reporting declining production, shipments, employment, and profits. Information developed in the course of this investigation confirm that the domestic industry has suffered declining profits overall, and that it has experienced declining shipments of the products in question. Employment and profitability of the few producers that supplied such data to the Commission on their hot-rolled carbon steel bar and hot- and cold-rolled carbon steel strip operations also generally declined. However, it is my opinion that these declines cannot be attributed to U.S. imports of carbon steel bars from the United Kingdom. U.S. producers' shipments of hot-rolled carbon steel bars feel by over 1.2 million short tons between 1974 and 1977, while imports from the United Kingdom rose by only 55,000 short tons. Declining U.S. demand—amounting to 1.1 million short tons during the period 1974–77— accounted for virtually all of the reduction in U.S. producers' shipments.

In addition to the above, although there is evidence that U.K. suppliers may sell the products in question in the U.S. market at lower prices than U.S. producers, such merchandise is generally sold in the United States at higher prices than is comparable merchandise from other foreign suppliers. One U.S. purchaser of hot-rolled carbon steel bars has reduced his purchases from the United Kingdom in favor of increased purchases from lower priced foreign sources. In addition, despite evidence of underselling in the U.S. market by U.S. imports of hot-rolled carbon steel bars from the United Kingdom, there seems to be little evidence of price suppression or depression for the U.S. products most directly in competition with the U.K. products. All of the imports of hot-rolled carbon steel bars from the United Kingdom are of special quality. Only two U.S. manufacturers reported their prices of such bars. Both firms reported substantial increases in prices of such products since January 1976.

CONCLUSION

On the basis of the above, I determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

STATEMENT OF REASONS IN INQUIRY NO. AA1921-INQ.-9 (CARBON STEEL STRIP) FROM THE UNITED KINGDOM)[10]

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION IN INQUIRY NO. AA1921-INQ.-9 BY COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND BILL ALBERGER[11] [12]

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of information developed during the course of this inquiry we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[13] by reason of the importation of carbon steel strip into the United States from the United Kingdom allegedly sold at less than fair value (LTFV) as indicated by the Department of the Treasury.

DISCUSSION

*Statutory criteria of section 201(c)(2).* Section (c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt. Upon receipt of the Secretary's reasons, the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

*The imported articles and the domestic industry.* The products subject to this inquiry are hot- and cold-rolled carbon steel strip. Carbon steel strip is produced by hot- or cold-rolling in strip rolling mills, or it can be produced by the slitting of carbon steel sheet. Hot-rolled carbon steel strip is produced in the United States at 33 rolling mills operated by 18 firms, and cold-rolled carbon steel strip is produced at 39 rolling mills operated by 29 firms. All but 2 of the 18 firms that produce hot-rolled strip also produce hot-rolled bars, and nearly a third of the cold-rolled strip rollers also produce hot-rolled bars, hot-rolled strip, or both. Most U.S. producers are located in the North Central States adjacent to the Great Lakes. Producers of carbon steel strip that slit purchased carbon steel sheet are numerous and may make up a large proportion of U.S. production and shipments.

*Information received from the Department of the Treasury.* The Department of the Treasury advised the Commission that imports of carbon steel strip increased during January–September 1977, compared with the corresponding period of 1976, and these imports accounted for 0.2 percent of domestic consumption during January–September 1977. Alleged LTFV margins for carbon steel strip ranged from 24 to 26 percent. In making its determination in this inquiry, the Commission developed information from various sources and did not consider the information received from Treasury as determinative.

*Market penetration by imports from the United Kingdom.*—U.S. imports of carbon steel strip from the United Kingdom amounted to 3,931 short tons in 1977, or 0.2 percent of apparent U.S. consumption. Imports of carbon steel strip in 1976 had amounted to 3,612 short tons.

*Other factors.* In general, these inquiries disclosed that the same indications of injury were present for U.S. producers of strip as for U.S. producers of bars. Declining shipments at a time of increasing imports of comparable products, declining employment, and deteriorating profitability were found to exist among the respondents to the Commission's questionnaires.

*Comparable articles.* It is apparent that carbon steel strip and carbon steel sheet are comparable articles, being dissimilar only in their respective dimensions. That is, if a flat-rolled carbon steel product meets all the specifications for carbon steel strip, except that it exceeds 12 inches in width, it is classified as sheet, and, conversely, if a flat-rolled carbon steel product meets all the specifications for sheet, but is only 12 inches in width or less, it is classified for the purpose of the Tariff Schedules of the United States as strip. Therefore, products identical in all respects except that one is 12 inches wide and one is 12.1 inches wide will be classified as strip and sheet, respectively. End uses and production methods for the two products may be identical, and imports of sheet will impact upon domestic producers of both sheet and strip. In addition, some of the wider widths of sheet are imported into the United States, where they are slit by a simple operation into strip widths, thereby reducing the market for the strip produced in U.S. rolling mills.

Currently the Department of the Treasury is conducting antidumping investigations on imports of carbon steel sheet from the United Kingdom, West Germany, Belgium, France, Italy, and the Netherlands in response to a complaint against such imports by National Steel Corp. Another investigation is being conducted on imports of carbon steel sheet from Japan; that investigation was initiated on the basis of a complaint by United States Steel Corp. In its notice of its antidumping proceeding with regard to cold-rolled and galvanized carbon steel sheet from the United Kingdom published in the FEDERAL REGISTER (December 2, 1977, 42 FR 61353), the Treasury Department states:

> In assessing the injury caused by the alleged sales at less than fair value from each of the six countries of the European Economic Community, it has been considered appropriate to cumulate the shares of the market held by imports from each of the countries named. The products appear to be fungible. Under such circumstances, it would be unrealistic to attempt to differentiate the alleged injury caused by imports from one country rather than from another when it is the cumulative effect of all occurring within a discrete time frame that creates the problem.

The Treasury Department instituted that in- vestigation, along with the investigations with regard to cold-rolled and galvanized carbon steel sheet from the other EEC countries and the investigation of cold-rolled carbon steel sheet from Japan without referral to the U.S. International Trade Commission for 30-day inquiries.

*Market penetration from all sources alleged to be sold at LTFV.* Therefore, we have concluded that it may be appropriate to examine the impact of U.S. imports of carbon steel strip from the United Kingdom, alleged to be sold at less than fair value, with the impact of imports of cold-rolled carbon steel sheet from the United Kingdom, Japan, West Germany, Belgium, France, Italy, and the Netherlands, which are currently under investigation by the Department of the Treasury and which may ultimately be found to be sold at less than fair value.

U.S. imports of carbon steel strip and cold-rolled carbon steel sheet increased from 2.6 million short tons in 1974 to 3.4 million short tons in 1977, or by 31 percent. Imports alleged to have been sold in the United States at less than fair value, increased by the same percentage between 1974 and 1977 and accounted for 84 percent of total U.S. imports of the products in question in both years. Imports from the United Kingdom, West Germany,

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[10] The statement of reasons in inquiry No. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) appears separately.

[11] Chairman Minchew concurs in the result. In determining in the negative he states:

In reaching my decision I have been influenced by the unique problems facing the domestic steel industry, especially with regard to world trade in steel products. This situation coupled with the commitment of our government to vigorously enforce the laws against unfair trade practices (including dumping), convinces me of the necessity for the Department of the Treasury to continue its antidumping investigation of imports of carbon steel strip from the United Kingdom.

[12] Commissioner Ablondi concurs in the result. In determining in the negative he states:

In the inquiry entitled New, On-The-Highway, Four-Wheeled, Passenger Automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, No. AA1921-Inq.-2, I expressed the view that imports accounting for less than 1 percent of domestic consumption, unaccompanied by other indicators, would result in a determination of no reasonable indication of injury. Each inquiry under sec. 201(c)(2) should be examined on its individual merits. While I would have considered the small market penetration in this inquiry as paramount, other indicators counterbalance this important factor. The evidence of large margins of underselling in the U.S. market (24 to 26 percent), combined with the uncertainties in the steel industry in the face of new Treasury regulations effective February 21, 1978, requires that Treasury's antidumping investigation of carbon steel strip from the United Kingdom continue. To do otherwise under the instant factual circumstances may withhold or delay relief under the antidumping laws.

* Prevention of establishment of an industry in these inquiries is not in question and will not be discussed further in these views.

[13] Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

Belgium, France, Italy, the Netherlands, and Japan alleged to be sold at less than fair value increased from 2.2 million short tons (or 9.8 percent of apparent U.S. consumption) in 1974 to 2.8 million short tons (or 12.6 percent of apparent U.S. consumption) in 1977.

CONCLUSION

On the basis of the above, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of carbon steel strip from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

By order of the Commission.

Issued: February 17, 1978.

KENNETH R. MASON,
*Secretary.*

[FR Doc. 78-4842 Filed 2-22-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-43]

**CERTAIN CENTRIFUGAL TRASH PUMPS**

**Order Relating to Investigation**

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: February 16, 1978.

MYRON R. RENICK,
*Chief Administrative Law Judge.*

[FR Doc. 78-4844 Filed 2-22-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-44]

**CERTAIN ROLLER UNITS**

**Order Relating to Investigation**

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued February 16, 1978.

MYRON R. RENICK,
*Chief Administrative Law Judge.*

[FR Doc. 78-4843 Filed 2-22-78; 8:45 am]

[1505-01]

## DEPARTMENT OF JUSTICE

**Drug Enforcement Administration**

[Docket No. 77-19]

**PHENMETRAZINE QUOTAS—1977**

*Corrections*

In FR Doc. 78-3959 appearing at pages 6169-76 in the FEDERAL REGISTER of Monday, February 13, 1978, the following changes should be made:

1. On page 6170, the word "Respondents" should appear with the "r" capitalized in all instances.

2. On page 6170, in the third column, the thirty-fourth line, the work "national" should read "National".

3. On page 6171, in the first column, in the seventh line of the paragraph numbered 4, the word "hasd" should read "has".

4. On page 6171, in the second column, in the third line of the paragraph numbered 14, the work "bulk" should read "bulk".

5. On page 6173, in the second column, the paragraph numbered 77 should read as follows:

77. The following chart shows the comparison between Boehringer's sales of phenmetrazine and the original[1] NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated, with all figures expressed in kilograms of anhydrous base:

| | Boehringer sales | NPA | Difference | NPA as percent of Boehringer's sales |
|---|---|---|---|---|
| 1973 | 2.840 | 2.477 | 374 | 86.8 |
| 1974 | 3.316 | 2.701 | 615 | 81.5 |
| 1975 | 3.157 | 2.807 | 350 | 88.9 |
| 1976 | 3.453 | 2.897 | 556 | 83.9 |

6. On page 6173, in the footnote numbered 3, the second chart, appearing in the last eight lines of the third column of the page, should be deleted.

7. On page 6174, in the first column, in the second line of the paragraph numbered 85, "DETA" should read "DEA".

8. On page 6174, in the first column, in the fourth line of the paragraph numbered 87, the word "sale" should read "sales".

9. On page 6174, in the second column, the paragraph numbered 100 should read as follows:

100. Two-thirds of that total availability for 1976 is the amount which Boehringer should have sold in 1976, 2,923 kg.:

4,384 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976) × ⅔ = 2,923 kg.

10. On page 6175, in the first column, in the last line of the paragraph numbered 111 (on the preceding page), the word "avialability" should read "availability".

11. On page 6175, in the first column, the paragraph numbered 112 should read as follows:

112. From the total availability figure, DEA subtracted Western Fher's actual reported December 31, 1976 inventory, as illustrated by the following:

4,428 kg. (theoretical total 1977 availability for Western Fher)—1,421.6 kg. (Western Fher's inventory as of December 31, 1976) = 3,006.4 kg.

[7590-01]

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348]

**ALABAMA POWER CO.**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-2, issued to Alabama Power Co. (the licensee), which revised the license and the appended Technical Specifications for operation of the Joseph M. Farley Plant Unit No. 1 (the facility) located in Houston County, Ala. The amendment will become effective 30 days after the date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of our overall fire protection review of the facility.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE.—The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) Amendment No. 4 to License No. NPF-2, and (2) the Commission's related Safety Evaluation supporting Amendment No. 4 to License No. NPF-2. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Ala. 36301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
*Chief Light Water Reactors Branch No. 1, Division of Project Management.*

[FR Doc. 78-4542 Filed 2-22-78; 8:45 am]





[7590-01]

[Dockets Nos. 50-471 and 50-471A]

**BOSTON EDISON CO., ET AL.***

**Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters**

Boston Edison Co., et al.*, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on July 25, 1977 and December 9, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Massachusetts Municipal Wholesale Electric Company as an owner of the Pilgrim Nuclear Generating Station Unit 2.

The information was filed by Boston Edison Co., et al.* in connection with their application for a construction permit and operating license for the Pilgrim Nuclear Generating Station, Unit No. 2, a pressurized water reactor. The site for this plant is located near the Town of Plymouth, in Plymouth County, Mass.

The original antitrust portion of the application was submitted on December 21, 1973 (originally submitted for Units 2 and 3; Unit 3 was subsequently dropped from the application) and Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786). The Notice of Hearing was also published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Co. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before April 10, 1978.

Dated at Bethesda, Md. this 6th day of February, 1978.

For the Nuclear Regulatory Commission

OLAN D. PARR,
*Chief, Light Water Reactors Branch No. 3, Division of Project Management.*

[FR Doc. 78-3854 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

**COMMONWEALTH EDISON CO.**

**Proposed Issuance of Amendments to Facility Operating Licenses**

The Nuclear Regulatory Commission (the Commission) is considering, the issuance of amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) for operation of the Zion Station, Units 1 and 2 (the facility) located in Zion, Ill.

The amendments as proposed will involve changes to the common Unit 1 and Unit 2 Technical Specifications for operation of Unit 2 during Cycle 3. Included in these changes is a relaxation of the allowed indicated axial flux difference for Unit 2 from ±5% to +6%, −7%.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 27, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714 of 10 CFR, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaza, Chicago, Ill. 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated December 12, 1977, which is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Ill. 60099.

Dated at Bethesda, Md., this 10th day of February 1978.

*Central Maine Power Co., Central Vermont Public Service Corp., Fitchburg Gas and Electric Light Co., Montaup Electric Co., New Bedford Gas and Edison Light Co., New England Power Co., Public Service Company of New Hampshire, The United Illuminating Co., Town of Hudson Light and Power Department, Burlington Electric Department, Vermont Electric Cooperative, Inc., Taunton Municipal Lighting Plant Commission and Massachusetts Municipal Wholesale Electric Co.





For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Light Water Reactors Branch No. 2-1, Division of Project Management.*

[FR Doc. 78-4541 Filed 2-22-78; 8:45 am]

[7590-01]

**INTERNATIONAL ATOMIC ENERGY AGENCY**

**Proposed Subsequent Arrangement**

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed subsequent arrangement to be carried out under the terms of an Agreement for Cooperation between the United States and the International Atomic Energy Agency.

The proposed subsequent arrangement concerns the transfer of 1.5 kilograms of plutonium contained in mixed oxide fuel pins from the Federal Republic of Germany to Switzerland for irradiation in the Lucens reactor.

The proposed subsequent arrangement has been reviewed by the Committee on Exports of Special Nuclear Materials pursuant to Delegation Order No. 1-1 (41 FR 15825, April 15, 1976) and determined to be not inimical to the common defense and security.

The proposed subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of Standards Development.*

[FR Doc. 78-4540 Filed 2-22-78; 8:45 am]



[7590-01]

[Docket No. 50-98]

**PHILADELPHIA ELECTRIC CO., DELMARVA POWER & LIGHT CO., AND ATLANTIC CITY ELECTRIC CO.**

**Proposed Issuance of Amendment to Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-12 issued to Philadelphia Electric Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensees), which would authorize operation of the Peach Bottom Atomic Power Station, Unit No. 1 (the facility) located in York County, Pa., at steady state power levels not to exceed 1,659 megawatts thermal (rated power) and 1,752 megawatts thermal (105% of rated power). The proposed amendment would also authorize operation of the facility with a maximum average planar linear heat generation rate (MAPLHGR) of 13.4 kw/ft. The proposed amendment would also authorize operation of the facility with a minimum critical power ratio (MCPR) of 1.20 for 7x7 fuel and 1.22 for 8x8 fuel. The proposed amendment would also authorize operation of the facility with a maximum fraction of limiting power density (MFLPD) of 1.0 for 7x7 fuel and 0.9 for 8x8 fuel. The proposed amendment would also authorize operation of the facility with a maximum fraction of limiting power density (MFLPD) of 1.0 for 7x7 fuel and 0.9 for 8x8 fuel. The proposed amendment would also authorize operation of the facility with a maximum fraction of limiting power density (MFLPD) of 1.0 for 7x7 fuel and 0.9 for 8x8 fuel.

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For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-4539 Filed 2-22-78; 8:45 am]

[7590-01]

## CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

[Docket Nos 50-329A; 50-330A]

### Conference With Counsel

FEBRUARY 15,1978.

On December 30, 1977, the Atomic Safety and Licensing Appeal Board filed its Decision on Review of Antitrust Decision of Licensing Board in this proceeding (Consumers Power Co. [Midland Plant, Units 1 and 2], ALAB-452, 6 NRC—). By its decision, the Appeal Board remanded the case "to the trial Board for formulation of those conditions" required to eliminate the concerns entailed in its antitrust finding (Slip opinion, p. 429). It was further stated:

"We are well aware that conditions can change rapidly even in the public utility industry * * *. Be that as it may, our point is simply that this change cautions against drawing up licensing conditions on a stale record. Accordingly, we will refer that task to the Board below with instructions that it allow the parties to supplement the record with evidence concerning the proposed sale and any other significant changes that have occurred since the record was closed." (Slip opinion, pp. 430-431)

In carrying out the remand of this case, the Board desires to confer with counsel for all parties to discuss the issues appropriate to be taken up at an evidentiary hearing, and to consider scheduling and other procedural subjects necessary for an expeditious hearing and disposition of the remanded matters.

Accordingly, please take notice that a conference with counsel will be held at 9:30 a.m., local time, on March 2, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

Dated at Bethesda, Md., this 15th day of February 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

HUGH K. CLARK,
*Chairman.*

[FR Doc. 78-4773 Filed 2-22-78; 8:45]

[7590-01]

## INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beiginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D6, "Ultimate Heat Sink and Directly Associated Heat Transport System(s)," has been developed.

The Working Group, consisting of Mr. R. D. Harden, United Kingdom, and Mr. E. P. O'Donnell (Ebasco Services, Inc.), United States of America, developed the initial draft of this Safety Guide from an IAEA collation during a meeting on January 10-21, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design which met September 12-16, 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by April 10, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of Standards Development.*

[FR Doc. 78-4774 Filed 2-22-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-277 and 50-278]

## PHILADELPHIA ELECTRIC CO. ET AL.

### Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co. (the licensees), for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pa.

The amendments would revise the provisions in the Technical Specifications relating to an increase in fuel storage capacity from 1110 to 2816 fuel assemblies in each of the spent fuel pools of the Peach Bottom Atomic Power Station Units Nos. 2 and 3. The amendment would also revise design features and associated operation limits for the storage pool, as necessary, to accommodate the increased storage capacity, in accordance with the licensees' application for amendments, dated January 18, 1978.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 27, 1978 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated January 18, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-4540 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

## PUBLIC SERVICE ELECTRIC & GAS CO., ET AL.

### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-70, issued to Public Service Electric & Gas Co., Philadelphia Electric Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, N.J. The amendment is effective as of its date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in ay significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated August 1, 1977, (2) the Commission's letter dated November 23, 1977, (3) the licensee's letter dated December 19, 1977, (4) Amendment No. 11 to License No. DPR-70 and (5) the Commission's letter dated February 14, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-4543 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket No. 50-98]

## UNIVERSITY OF DELAWARE

### Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts and Termination of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing the University of Delaware (the licensee) to dismantle the AGN-201 Reactor (the facility), a research reactor located in Newark, Del., and to dispose of the component parts in accordance with the plan set out in the licensee's application dated January 18, 1978, and to terminate the facility license. The AGN-201 Reactor is covered by Facility License No. R-43.

Prior to issuance of any orders, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 10, 1978 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the orders in connection with the licensee's application. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board,





designated by the Commission or by the Chairman of the Atomic Safety

As a result of its investigation, the Board made several recommendations,

*Marcus Hook, Pennsylvania, January 31, 1975, with Loss of Life (Report No.*



The list includes the title of each request received; the name of the agency

REVISIONS

VETERANS' ADMINISTRATION

Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund

designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 18, 1978, and the licensee's earlier filing dated July 27, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of February, 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
*Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc. 78-4541 Filed 2-22-78; 8:45 am]

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[4910-58]

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-8]

### ACCIDENT REPORTS; SAFETY RECOMMENDATIONS

#### Availability

The National Transportation Safety Board announces the availability of printed copies of the following accident investigation reports:

*Highway: Long Transportation Company Tractor-Semitrailer Collision with Multiple Vehicles, Valley View, Ohio, August 20, 1976 (Report No. NTSB-HAR-77-3).*—Board investigation indicated that a defective brake system on a tractor-trailer triggered a collision that left eight persons dead and 15 others injured when the out-of-control tractor rammed a line of cars at a signal light.

In determining the probable cause of the accident, the Board cited inadequate pretrip inspections by the driver and the lack of required maintenance and inspection by the carriers. The Board also noted the failure of the road signs to provide advance warning information concerning the length and steepness of the grade and the presence of the signalized intersection, thus preventing the driver from taking early evasive action to avoid the accident.

As a result of its investigation, the Board made several recommendations, including a request that the U.S. Department of Transportation ask Congress to increase the resources of the Federal Bureau of Motor Carrier Safety to enable it to expand its roadside inspection program for commercial vehicles. A separate recommendation to the State of Ohio urged that a survey be made to determine and install needed warning signs to alert drivers to the length and steepness of the grade leading to the accident site. (Recommendations H-77-38 and 39 to the State of Ohio, H-77-40 and 41 to the Federal Highway Administration, H-77-42 to the U.S. Department of Transportation, and H-77-43 to the Bureau of Motor Carrier Safety were provided with the summary of this accident appearing at 43 FR 3633, January 26, 1978.)

*Railroad: Rear End Collison of Two Chicago Transit Authority Trains, Chicago, Illinois, February 4, 1977 (Report No. HTSB-RAR-77-10).*—Investigation of this accident indicated that as Ravenswood train No. 415 was standing on the elevated rail structure at the intersection of Wabash Avenue and Lake Street, it was struck by Chicago Transit Authority Lake-Dan Ryan train No. 930. The four lead cars of the eight-car Lake-Dan Ryan train overturned and fell from the elevated structure to the street. One end of each of the two rear cars of the Ravenswood train derailed. Eleven persons were killed and 266 persons were injured. Property damage was estimated to be $1.2 million.

The Safety Board determined that the probable cause of the accident was the failure of the motorman to exercise due care in meeting his responsibilities and the unauthorized operation of the Lake-Dan Ryan train into a signal block occupied by the standing Ravenswood train, at a speed that was too fast to stop after the operator sighted the standing train.

In four Class II (priority followup) recommendations issued last June 29 to the Chicago Transit Authority as a result of investigation of this accident, the Safety Board urged that CTA (1) initiate a program that will insure all employees have a clear understanding of the operating rules (R-77-14); (2) discontinue the use of the flashing red cab signal and the associated flashing yellow 15 miles per hour on the speedometer (R-77-15); (3) operate trains on an "absolute block system" which prevents trains from entering a signal block occupied by another train except in emergencies (R-77-16); and (4) consider an operating employee's complete service record when judging his capabilities—not simply the previous year's record (R-77-17). (See also 42 FR 34955, July 7, 1977.)

*Marine: SS EDGAR M. QUEENY and S/T CORINTHOS; Collision at Marcus Hook, Pennsylvania, January 31, 1975, with Loss of Life (Report No. USCG/NTSB-MAR-77-2).* — This report and related recommendations M-77-33 through 36 to the U.S. Coast Guard and recommendation M-77-37 to the Maritime Administration, U.S. Department of Commerce, resulted from investigation into the accident which occurred when the QUEENY's pilot attempted a 180° turn after leaving the Monsanto Co. dock at Bridgeport, New Jersey, to proceed up the Delaware River. The QUEENY struck the CORINTHOS which was unloading a crude oil cargo on the opposite side of the river.

The Safety Board recommended that the Coast Guard (1) require masters and pilots to discuss beforehand and agree to the essential features and relevant checkpoints of maneuvers expected to be undertaken; (2) require a rate-of-turn indicator on the bridge of all ships of 10,000 deadweight tons or more; (3) develop specifications for an enclosed, firesafe, self-contained lifeboat for use on all oceangoing vessels of that size; and (4) require that anchors be stowed in hull recesses. The Maritime Administration was asked to speed completion of its firefighting training curriculum and program for merchant marine officers and seamen. (See also 42 FR 59437, November 17, 1977.)

NOTE.—All safety recommendations referenced above are reproduced in the related accident reports. Single copies of the reports may be obtained without charge by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please identify by report number and provide the date of publication of this notice in the FEDERAL REGISTER.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
*Federal Register Liaison Officer.*

FEBRUARY 17, 1978.

[FR Doc. 78-4812 Filed 2-22-78; 8:45 am]

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[3110-01]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 14, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.





The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s) if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

#### NEW FORMS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Artists-in-Schools Program/Dance Component: 1980-81 School Year-Applications for Movement Specialists and Dance Companies, annually, dancers, Marsha Traynham, 395-3773.

OFFICE OF MANAGEMENT AND BUDGET

Vendor Questionnaire, single time, 500 U.S. manufacturers and distributors, C. Louis Kincannon, 395-3211.

ACTION

RSVP Descriptive Survey, single time, 3,036 volunteers in 20 percent of RSVP projects, Reese B. F., Housing, Veterans and Labor Division, 395-3211.

DEPARTMENT OF ENERGY

Domestic Crude Oil Entitlements Program Refiners Monthly Report, EIA-49, monthly, 170 refiners of crude oil and eligible firms, C. Louis Kincannon, 395-3211.

NATIONAL SCIENCE FOUNDATION

OSME Teacher Survey, single time, 395 mathematics teachers in Oregon, Energy and Science Division, Laverne V. Collins, 395-3810.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, The Uses of Weather Information: Household Interview Schedule, single time, 150 households in Denver Area, Eilett, C. A., Economics and General Government Division, 395-6132.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Individual Hours and Earnings of Nonsupervisory Employees, BLS-1130-A-F, single time, 16,500 nonfarm business establishments, Strasser, A., 395-6132.

Employment Standards Administration, Application for Authority for an Employer to Employ not more than six Full Time Students at Subminimum Wages on any Workday, WH-202, annually, 2,000 small retail, service and agricultural employers, Strasser, A., 395-6132.

#### REVISIONS

VETERANS' ADMINISTRATION

Request for Change of Program or Place of Training (son or daughter), 22-5495, on occasion, son or daughter of veteran 4,000 responses, 2,000 hours, Caywood, D. P. 395-3443.

Request for Change of Program or Place of Training (widow or wife) (under provisions of chapter 35, title 38, U.S.C.), 22-5495W, on occasion, spouse or surviving spouse of veteran, 2,000 responses, 1,000 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Balance Sheet—(Statement of Financial Condition) (FHA borrowers), FHA 442-3, annually, public bodies and nonprofit corp., 5,000 responses, 5,000 hours, Eilett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, National Drug Abuse Treatment Utilization Survey, (formerly DAPRU/Universe), ADM 515, annually, drug abuse treatment service units, 4,000 responses, 2,000 hours, Richard Eisinger, 395-3214.

National Institutes of Health, Statement of Appointment of Trainee, NIH2004, on occasion, program directors of educational and research insts., 7,500 responses, 3,750 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor Requirements for Public Housing Construction, BLS 2652.08A, other (see SF-83) contractors and GSA regional offices, 2,125 responses, 1,063 hours, C. Louis Kincannon, 395-3211.

#### EXTENSIONS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperative Service—Statistics Tart Cherry Objective Yield Survey—Michigan, annually, tart cherry producers, 300 responses, 100 hours, Eilett, C. A. 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Product License Application for Source Plasma (Human), FD2600, on occasion, manufacturers of source plasma (human), 200 responses, 2,800 hours, Richard Eisinger, 395-3214.

DAVID R. LEUTHOLD,
*Budget and Management Officer.*

[FR Doc. 78-4861 Filed 2-22-78; 8:45 am]

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[4710-02]

## DEPARTMENT OF STATE

### Agency for International Development

### AID REPRESENTATIVE, SRI LANKA

#### Redelegation of Authority

Pursuant to the authority delegated to me by AID Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the AID Representative, Sri Lanka, and to any person acting in the official capacity of AID Representative, Sri Lanka, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements, except for approval of contracts submitted to satisfy conditions precedent;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements; and

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T).

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Sri Lanka.

This Redelegation of Authority is effective immediately.

Dated: November 11, 1977.

JOHN H. SULLIVAN,
*Assistant Administrator, Bureau for Asia.*

[FR Doc. 78-4775 Filed 2-23-78; 8:45 am]





[4910-13]

## DEPARTMENT OF TRANSPORTATION

dressed in establishing new directions and programs for the future. A copy of

should notify, not later than the day before the meeting, and information may be obtained from RTCA Secre-



units or separately. Bicycle tires and tubes are covered under Items 772.48 and 772.57, respectively, of the Tariff

1303(a)(3)), and § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

ROBERT H. MUNDHEIM,

or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of re-

[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### CONSULTATIVE PLANNING CONFERENCE

#### New Engineering and Development Initiatives; Policy and Technology Choices

The purpose of this notice is to announce a Consultative Planning Conference on New Engineering and Development Initiatives—Policy and Technology Choices. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that this one and one-half day conference will commence at 9 a.m. on March 22, 1978, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va.

The meeting will be open to the public and persons who wish to present views on the topics to be discussed may do so by submitting their views in writing to:

Associate Administrator for Policy Development and Review, Attention: ASP-10, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

In addition, persons who wish to attend the meeting may submit their written views at that time or at any time not later than 2 months following the conference.

The FAA Engineering and Development Program is a broad program involving many aspects which are of interest to many persons and organizations in the aviation community and the general public. The current major development programs are derived in large part from the Department of Transportation (DOT) Air Traffic Control Advisory Committee Report of December 1969. Many of the improvements identified in this program will be ready for implementation in the early 1980's. Assessments indicate that the capacity improvements will be less than originally expected, and a significant difference may exist between forecast capacity and forecast demand. Furthermore, aviation growth patterns have changed. Technological change may not be able to solve the problems expected in the next 10 to 15 years. Airspace and airport operational philosophy, including institutional arrangements, will have to change if growth is to be accommodated and if burdens on users of the system are to be kept to a minimum.

The purpose of this conference is to discuss with the aviation community and the general public a number of critical questions which need be addressed in establishing new directions and programs for the future. A copy of these questions can be obtained by writing to the Associate Administrator for Policy at the above address.

It is not intended that full response be provided at the conference. The conference will primarily be a forum for discussing background information and subsidiary issues relevant to these questions and to identify other questions that have an important bearing on the problem.

The following topics will be discussed as they pertain to the Engineering and Development Program:

1. The role of automation in improving the productivity and safety of the air traffic control process;
2. Minimizing delays resulting from capacity limitations;
3. Maximizing freedom of airspace use;
4. Key factors for maintaining or improving the safety for all classes of users;
5. The impact of new technology on system evolution;
6. Noncapital or low-capital alternatives for reducing airport congestion; and
7. Federal Government's role in influencing aviation growth.

Issued in Washington, D.C. on February 16, 1978.

J. W. COCHRAN,
*Associate Administrator for Engineering and Development.*

[FR Doc. 78-4881 Filed 2-22-78; 8:45 am]

[4910-13]

### Federal Aviation Administration

### RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SPECIAL COMMITTEE 132-AIRBORNE AUDIO SYSTEMS AND EQUIPMENT

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 132 on Airborne Audio Systems and Equipment to be held March 14, 15 16, 1978, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C. commencing at 9.30 a.m. The agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Fourth Meeting held November 7-10, 1977; (3) Review of European Organization for Civil Aviation Electronics (EUROCAE) Working Group 18 Meeting Minutes; and (4) Review Third Draft of Committee Report on Minimum Performance Standards for Audio Systems and Equipment.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on February 14, 1978.

KARL F. BIERACH,
*Designated Officer.*

[FR Doc. 78-4628 Filed 2-22-78; 8:45 am]

[4810-22]

## DEPARTMENT OF THE TREASURY

### Customs Service

### BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF CHINA

#### Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of the Republic of China (Taiwan) to manufacturers or exporters of bicycle tires and tubes which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than June 29, 1978, and a final determination not later than December 29, 1978.

EFFECTIVE DATE: On December 29, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on December 29, 1977, alleging that benefits conferred by the Government of Taiwan upon the manufacture, production, or exportation of bicycle tires and tubes constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as





units or separately. Bicycle tires and tubes are covered under Items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty of grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than June 29, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Taiwan upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than December 29, 1978.

Certain programs have been alleged in the petition which, if substantiated to exist upon investigation, could constitute bounties or grants within the meaning of section 303. Other alleged programs, however, have been determined in the past not to constitute bounties of grants.

An investigation under the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.) involving these same products is being initiated concurrently. Such simultaneous investigations are permitted under these laws and are consistent with the international obligations of the United States, specifically the General Agreement on Tariffs and Trade (GATT), Article VI. Any determinations made in these investigations will not be duplicative, and the products concerned will not be subject to both dumping and countervailing duties to compensate for the same situation.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 190 (Revision 14), July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs regulations (19 CFR 15947), insofar as they pertain to the issuance of a notice of initiation of a countervailing duty investigation by the Commissioner of Customers, are hereby waived.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 16, 1978.

[FR Doc. 78-4779 Filed 2-22-78; 8:45 am]

[4810-22]

### BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF KOREA

#### Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of the Republic of Korea (South Korea) to manufacturers or exporters of bicycle tires and tubes which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than June 29, 1978, and a final determination not later than December 29, 1978.

EFFECTIVE DATE: On December 29, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Edward F. Haley, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on December 29, 1977, alleging that benefits conferred by the Government of South Korea upon the manufacture, production, or exportation of bicycle tires and tubes constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930 as amended (19 U.S.C. 1303).

For the purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, or rubber or plastic, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are covered under items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than June 29, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of South Korea upon the manufacture, production, or exportation of bicycle tires and tubes constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Certain programs have been alleged in the petition which, if substantiated to exist upon investigation, could constitute bounties or grants within the meaning of section 303. Other alleged programs, however, have been determined in the past not to constitute bounties or grants.

An investigation under the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.) involving these same products is being initiated concurrently. Such simultaneous investigations are permitted under these laws and are consistent with the international obligations of the United States, specifically the General Agreement on Tariffs and Trade (GATT), Article VI. Any determinations made in these investigations will not be duplicative, and the products concerned will not be subject to both dumping and countervailing duties to compensate for the same situation.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 190 (Revision 14), July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs regulations (19 CFR 159.47), insofar as they pertain to the issuance of a notice of initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 16, 1978.

[FR Doc. 78-4780 Filed 2-22-78; 8:45 am]





[4810-22]

due in part to significant underselling by those imports. Available informa-

Washington, D.C. 20229, 202-566-5492.



[4810-22]

### CUMENE FROM ITALY

ation of that trend in 1977. The evidence available indicates that these sales have been at less than the cost of

Information in the petition, based upon a 1977 sale to the United States, indicates a less-than-fair value margin

[4810-22]

Office of the Secretary

## BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF KOREA

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of bicycle tires and tubes from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 13, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Carlisle Tire & Rubber Co. of Carlisle, Pa., indicating a possibility that bicycle tires and tubes from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as units or separately.

Price information in the petition, based upon home market and export sales of two Korean producers, indicate margins on sales at less than fair value ranging from 42.1 to 93.3 percent.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of, an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of Korea have increased sharply since 1972, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information furthe indicates that production, sales, capacity utilization and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair-value imports from the Republic of Korea. In addition, it appears that the alleged less-than-fair-value prices have contributed to the ceasing of production of bicycle tires and tubes by several U.S. manufacturers in the last 6 years, leaving the Carlisle Tire & Rubber Co. as the only remaining domestic producer of the subject merchandise.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 14, 1978.

[FR Doc. 78-4777 Filed 2-22-78; 8:45 am]

[4810-22]

## BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF CHINA

Antidumping Proceeding

AGENCY: U.S. Treasury Department.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of bicycle tires and tubes from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 13, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Carlisle Tire & Rubber Co. of Carlisle, Pa., indicating a possibility that bicycle tires and tubes from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as units or separately.

Price information in the petition, based upon home market and export sales of three producers in the Republic of China, indicate margins on sales at less than fair value ranging from 5.9 to 44.6 percent.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of, an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of China have increased sharply since 1972, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information further indicates that production, sales, capacity utilization, and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair-value imports from the Republic of China. In addition, it appears that the alleged less-than-fair-value prices have contributed to the ceasing of production of bicycle tires and tubes by several United States manufacturers in the last 6 years, leaving the Carlisle Tire & Rubber Co. as the only remaining domestic producer of the subject merchandise.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 14, 1978.

[FR Doc. 78-4778 Filed 2-22-78; 8:45 am]





[4810-22]

## CUMENE FROM ITALY

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether cumene from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the producer's home market or the constructed value.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

William Trujillo, Operations Office, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 17, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Company, a Division of Gulf Oil Corporation, indicating that cumene from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Information in the petition, based upon sales to the United States during 1977, indicates less-than-fair-value margins of from 13 to 23 percent. The petitioner claimed that virtually no arm's length sales in Italy had taken place and that all export sales have been exclusively to the United States. The petitioner therefore provided constructed value information to be used as the basis of comparison. This information was based on the petitioner's own experience in producing cumene in the Netherlands. This information, the petitioner stated, is, with only slight modification, applicable to the Italian cumene industry. An investigation concerning cumene from the Netherlands is also being initiated.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that imports of the subject merchandise from Italy increased substantially in 1976 from 1975 and have shown a continuation of that trend in 1977. The evidence available indicates that these sales have been at less than the cost of production and have contributed to a drop in sales, capacity utilization and employment and to a loss in profits by petitioner and the industry.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 17, 1978.

[FR Doc. 78-4799 Filed 2-22-78; 8:45 am]

[4810-22]

## CUMENE FROM THE NETHERLANDS

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether cumene from the Netherlands is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the producer's home market or the constructed value.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

William Trujillo, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 17, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Company, a division of Gulf Oil Corporation, indicating that cumene from the Netherlands is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Information in the petition, based upon a 1977 sale to the United States, indicates a less-than-fair value margin of approximately 55 percent. The petitioner claimed that virtually no sales in the Netherlands had taken place and that all export sales have been exclusively to the United States. The petitioner therefore provided constructed value information to be used as the basis of comparison. This information was based on the petitioner's own experience in producing cumene in the Netherlands.

An investigation concerning cumene from Italy is also being initiated.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that for 1977, the first year in which there were imports of the subject merchandise from the Netherlands, such imports equalled approximately 9 percent of United States production. The evidence available indicates that the sale of this merchandise to the United States has been at less than the cost of production and has apparently contributed to a drop in sales, capacity utilization and employment and to a loss in profits by the petitioner and the industry.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
*General Counsel of the Treasury.*

FEBRUARY 17, 1978.

[FR Doc. 78-4800 Filed 2-22-78; 8:45 am]

[4810-40]

[Supplement to Dept. Circular, Public Debt Series—No. 5-78]

## TREASURY NOTES OF SERIES

Interest Rate

FEBRUARY 17, 1978.

The Secretary of the Treasury announced on February 16, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 5-78, dated February 10, 1978, will be 7⅝ percent per annum. Accordingly, the notes are hereby redesignated 7⅝ percent Treasury Notes of Series L-1980. Interest





on the notes will payable at the rate of 7⅝ percent per annum.

held in Room 350, 230 South Dearborn Street.

MC 123407 (Sub 388), Sawyer Transport,

ing and does not purport to resolve the issue of whether the present or future public convenience and necessity



tions of directors and shareholders of, and opinions of counsel for, DT&I and DTSL in its inconsistent application.

its ownership of 50 percent of the stock of DTSL is doubtful. Petitioner states further that once an order is

day. In consideration of existing traffic conditions, this additional traffic should not significantly affect current

on the notes will payable at the rate of 7¾ percent per annum.

PAUL H. TAYLOR,
*Acting Fiscal Assistant Secretary.*

[FR Doc. 78-4814 Filed 2-22-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 595]

### ASSIGNMENT OF HEARINGS

FEBRUARY 17, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 109397 (Sub 374), Tri-State Motor Transit Co., Inc., is now assigned for hearing February 24, 1978 (1 day), at Dallas, TX, and will be held in Tax Court Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets.

MC 107496 (Sub 1114), Ruan Transport Corp., is now assigned for hearing March 22, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 9612 (Sub 6), C. F. Kolb Trucking Co., Inc., is now assigned for hearing March 24, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 60014 (Sub 57), Aero Trucking, Inc., is now assigned for hearing March 23, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 138308 (Sub 22), KLM, Inc., now assigned March 16, 1978, at Washington, DC, is canceled; application dismissed.

MC 106074 (Sub 48), B & P Motor Lines, Inc., now assigned March 22, 1978, at Kansas City, MO, is postponed indefinitely.

MC 124211 (Sub 297), Hilt Truck Line, Inc., now assigned March 7, 1978, at Los Angeles, CA, will be held in Room 8041, Federal Building, 300 North Los Angeles Street.

MC 109772 (Sub 28), Robertson Truck-a-Ways, Inc., now assigned March 9, 1978, at Los Angeles, CA, will be held in Room 8041, Federal Building, 300 North Los Angeles Street.

MC 142941 (Sub 6), Scarborough Truck Lines, Inc., now assigned March 13, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC-C-9934, *Universal Prototype, Inc.* v. *Roadway Trucking Co., et al.*, now assigned March 14, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC 133233 (Sub 52), Clarence L. Werner, d.b.a. Werner Enterprises, now assigned March 15, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC 123407 (Sub 388), Sawyer Transport, Inc., now assigned March 16, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC 143417, Flash Interstate Delivery System, Inc., now assigned March 20, 1978, at Chicago, IL, will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 30605 (Sub 161), The Santa Fe Trail Transportation Co., Inc., is now assigned for prehearing conference March 6, 1978 (1 day), at 2 p.m., local time, in Dallas, TX, and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 134922 (Sub 181), B. J. McAdams, Inc., Extension—Kosciusko, MS and MC-C-9847, B. J. McAdams, Inc. Freeman Truck Line Inc., Transcon Lines, Eugene D. Anderson, John Paul Jones, and Wentworth E. Griffin—Investigation—Shipper support misrepresentation and correction, now assigned for prehearing conference March 6, 1978, at Washington, DC, are postponed to March 21, 1978, at 9:30 a.m., local time, at the offices of the Interstate Commerce Commission, Washington, DC.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 70-4829 Filed 2-22-78; 8:45 am]

[7035-01]

[Notice Nos. 36434 and 36474]

### BENJAMIN A. GILMAN v. CONSOLIDATED RAIL CORP. AND METROPOLITAN TRANSPORTATION AUTHORITY OF NEW YORK

**Petition for Declaratory Order and Reconsideration (Commuter Fares—Consolidated Rail Corp., NJ and NY)**

FEBRUARY 15, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the subject rail commuter fare increase, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that ridership had increased (8.7 percent) between 1976 and 1977 even though the fare had increased an average 47 percent. Since no net passenger diversion resulted from the action, it was also concluded that no negative environmental or energy impacts resulted.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before March 20, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4828 Filed 2-22-78; 8:45 am]

[7035-01]

### FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 17, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before March 10, 1978.

FSA No. 43508, Traffic Executive Association—Eastern Railroads, Agent's E.R. No. 3065, rates filed pursuant to sections 15(8)(b) and 15(8)(c) of the Act on computers, between points in official territory, in sup. 155 to its tariff E-2009-I, ICC C-1008, to become effective February 25, 1978. Grounds for relief—revised rate structure.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4826 Filed 2-22-78; 8:45 am]

[7035-01]

[Finance Docket No. 28676]

### GRAND TRUNK WESTERN RAILROAD CO.—CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.

**Petition Seeking Waiver or Extension of Time**

We have considered the petition filed February 3, 1978, by Grand Trunk Western Railroad Co. (GTW) seeking waiver of certain requirements of the railroad consolidation regulations or, in the alternative, an extension of time in which to provide specified information.

GTW intends to file, in this proceeding, on or about February 16, 1978, an inconsistent application under section 5(2) of the Interstate Commerce Act for authority to acquire, through the purchase of capital stock, control of the Detroit, Toledo & Ironton Railroad Co. (DT&I) and the Detroit & Toledo Shoreline Railroad Co. (DTSL).

Specifically, petitioner requests that the Commission waive the requirements that GTW include: (1) Current DT&I and DT&I Enterprises, a subsidiary of DT&I, balance sheet and income statement data, (2) "corporate entity" car ferry data, and (3) resolutions of directors and shareholders of, and opinions of counsel for, DT&I and DTSL in its inconsistent application. In the alternative, an extension of time in which to provide the abovementioned information is requested by petitioner.

49 CFR Sections 1111.2(b)(5) (iii), (v), and (vi) and 1111.2(b)(6) (v) and (vi) require GTW to provide: (a) The balance sheets of DT&I and its subsidiary DT&I Enterprises on a corporate entity basis and the balance sheet of DT&I and its subsidiary on a consolidated basis at a date "not exceeding 6 months prior to the filing of the application," and (b) income statements for DT&I and DT&I Enterprises, on a corporate entity basis and a consolidated basis, to the date of the banalce sheets. Petitioner GTW indicates that balance sheets and income statements for DT&I and DT&I Enterprises on a corporate entity and consolidated basis as at June 30, 1977, are included in Finance Docket No. 28499 (Sub-No. 1), Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—Control—Detroit, Toledo & Ironton Railroad Co. (NW/B&O application). However, because June 30, 1977, is more than 6 months prior to the date GTW intends to file its application, GTW's counsel has made a request to Pennco's counsel for the DT&I and DT&I Enterprises corporate entity and consolidated balance sheets and income statements as at September 30, 1977.

We believe that good cause has been presented to justify an extension of time for filing this information. A 30-day extension of time appears most appropriate inasmuch as petitioner GTW requests no particular time period and because of the strict time constraints imposed on railroad consolidation proceedings.

49 CFR section 1111.2(b)(6)(iii) requires income statements of each of GTW's subsidiaries on a corporate entity basis for the immediately preceding 3 years. Petitioner alleges, however, that pursuant to the Commission's instructions in F.D. No. 18222, File No. 9435-3, GTW has, since January 1, 1954, consolidated the income statements of its car ferry subsidiary. This, in our opinion, shows good cause for a waiver of the requirements of section 1111.2(b)(6)(iii) as it concerns the car ferry subsidiary.

49 CFR sections 1111.2(a) (3), (4), and (7) require, among other things, directors' and shareholders' resolutions of DT&I and DTSL and opinions of their respective counsel. Petitioner states that it is not presently in a position to provide this information because its application is inconsistent with the NW/B&O application, and thus production of this material by Pennco, owner of DT&I, and NW which jointly controls DTSL through its ownership of 50 percent of the stock of DTSL is doubtful. Petitioner states further that once an order is issued approving the transaction proposed in its inconsistent application, it will be in a position to provide such resolutions and opinions as are required by the Commission at that time. Finally, petitioner alleges that in similar circumstances the Commission ruled in this proceeding that such resolutions and opinions of counsel were not required for DT&I in the NW/B&O application. In our opinion, petitioner has shown good cause for granting the requested waiver.

*It is ordered:* (1) The petition for an extension of time for filing DT&I and DT&I Enterprises balance sheet and income statement data, as mentioned above, is granted for a 30-day period.

(2) The petition for waiver of the income statement of petitioner's car ferry subsidiary on a corporate entity basis is granted.

(3) The petition for waiver of the directors' and shareholders' resolutions of DT&I and DTSL and opinions of their respective counsel is granted.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this order to the Director, Office of the FEDERAL REGISTER, for publication.

(5) This order shall be effective on the date of service.

Decided February 14, 1978.

By the Commission, Chairman O'Neal absent and not participating.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4827 Filed 2-22-78; 8:45 am]

[7035-01]

[Notice AB 43 (Sub-No. 42)]

### ILLINOIS CENTRAL GULF RAILROAD CO.

**Abandonment Between Milepost 1.0 at Indianapolis, IN, and Milepost 89.0 at Switz City, IN, and Between Milepost 0.0 at Floyd (Bloomington), IN, to Milepost 9.26 at end of Track, in Greene, Monroe, Brown, Johnson, Morgan, and Marion Counties, IN**

JANUARY 31, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment of 97.20 miles of main and branch line between Indianapolis and Switz City, in Greene, Monroe, Brown, Johnson, Morgan, and Marion Counties, IN, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that traffic diversion as outlined by the applicant would add two trucks to area highways each working day. In consideration of existing traffic conditions, this additional traffic should not significantly affect current highway situations or ambient environmental conditions. Should the actual diversion of traffic differ from that presented by the ICG and used as an analysis base for this report, the proposed action may have to be reassessed. The apparent lack of definitive economic developmental plans for the affected area, coupled with no loss of rail service to the major industries in the affected rail corridor—as reported by ICG—preclude the proposed abandonment from significantly affecting rural and community development. Furthermore, the action will not affect any historic or archaeological site, or any endangered species. The instant rial corridor is suitable for alternative public use, if the action is approved, and a suitable condition has been suggested to facilitate public agency interest in the post-abandonment use of the rail property.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, DC 20423; telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before March 20, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issues of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4825 Filed 2-22-78; 8:45 am]

[7035-01]

[Volume No. 62]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

FEBRUARY 15, 1978.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be con-





strued as a waiver of opposition and participation in the proceeding. A protest under these rules should comply

ed at (Shenandoah, GA) at or near Newman, GA (Coweta County) as an off-route point in conjunction with ap-

routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Rich Products Corp., located at or



NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX, or

over irregular routes, transporting: *Such commodities* as are dealt in by retail stores (except foodstuffs and

cant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as

strued as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2229 (Sub-No. 199), filed January 9, 1978. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, Tex. 75247. Applicant's representative: Jackie Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): serving the K-Mart Corp. distribution facility located at (Shenandoah, GA) at or near Newman, GA (Coweta County) as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Atlanta, GA, or Washington, DC.

No. MC 5227 (Sub-No. 32), filed December 23, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E. D. Goodfellow Co., Inc., located at or near Tulsa, OK, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Tulsa, OK, or Lincoln, NE.

No. MC 5470 (Sub-No. 138), filed January 3, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 2006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, from East Liverpool, OH to points in NC and SC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Pittsburgh, PA.

No. MC 11207 (Sub-No. 412), filed January 5, 1978. Applicant: DEATON, INC., 317 Avenue West, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the facilities of the Celotex Corp., located at or near Texarkana, AR to points in AL, FL, GA, LA, and MS, (2) *Materials and supplies* used in the manufacture, and distribution of building and construction materials (except commodities in bulk), from points in AL, FL, GA, LA, and MS to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL or Jacksonville, FL.

No. MC 25798 (Sub-No. 301), filed January 3, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, FL 33832. Applicant's representative: Tony G. Russell, Post Office Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Rich Products Corp., located at or near Murfreesboro, TN to points in AL, AR, FL, GA, IN, KY, LA, MS, MO, NC, OK, SC, TX and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, NY or Nashville, TN.

No. MC 27817 (Sub-No. 139), filed January 3, 1978. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and commodities requiring refrigeration in transit), from Baltimore, MD, to points in DE, DC, MD, NJ, NY, OH, PA, VA and WV, restricted to traffic originating at said origin and destined to said destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Harrisburg, PA.

No. MC 28088 (Sub-No. 31), filed January 9, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Applicant seeks authority to engage in operation in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of frozen foods from Crozet, VA, to points in IL, IN, MI, MO, OH, WI, and Russellville, AR; and 92) from Russellville, AR, to Crozet, Va.

NOTE.—If an oral hearing is deemed necessary, it is requested that such hearing be held in either Washington, DC, or Harrisonburg, VA.

No. MC 31389 (Sub-No. 238), filed January 4, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Beaird-Poulan Division of Emerson Electric Co., located at or near Marshall, TX, as an off-route point in conjunction with applicant's regular route operations.





NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX, or Washington, DC.

No. MC 35807 (Sub-No. 80), filed January 9, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORP., P.O. Box 4313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Atlanta, GA and Hamilton and Polk Counties, TN, and Russell and Chambers Counties, AL, in nonradial movement, under and continuing contract or contracts with banks and banking institutions.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, GA or Washington, DC. Common control may be involved.

No. MC 41406 (Sub-No. 60), filed January 9, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, and *materials, equipment and supplies* used in the manufacture and installation of building materials (except commodities, in bulk), Between Franklin, Oh, on the one hand, and, on the other, DE, IL, IN, IO, KY, MD, MI, MS, MO, NJ, NY, PA, TN, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL, or Indianapolis, IN.

Docket No. MC 47583 (Sub-No. 63), filed January 5, 1978. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsites and storage facilities of Kal Kan Foods, Inc., located at or near Wichita and Hutchinson, KS, to all points in the United States East of the Western boundaries of the states of ND, SD, NE, CO, and NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, MO.

No. MC 51146 (Sub-No. 553), filed December 23, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail stores (except foodstuffs and commodities in bulk) from points in CA and WA to the facilities of Dayton Hudson Corp. and Target Stores, Inc., located in MI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 554), filed December 29, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* from Liberty, MO to points in the United States (except HI and AK), and (2) *material and supplies* used in the manufacture and distribution of paper and paper products from points in the United States (except AK) to Liberty, MO.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 52460 (Sub-No. 201), filed December 30, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite or facilities of Rich Products Corp. located at or near Murfreesboro, TN to points in AL, AK, FL, GA, KS, LA, MS, NC, OK, SC, TN, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN.

No. MC 56213 (Sub-No. 12), filed January 3, 1978. Applicant: RICHARD L. KINARD, INC. 1100 Zinn's Quarry Road, York, PA 17404. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms and canned mushroom products*, from points in Muhlenberg Township, Berks County, PA, to points in CO, UT, WY, NY, WV, VA, MD, NC, SC, KY, GA, FL, AL, TN, MO, IA, AR, LA, ND, SD, NE, OK, TX, AZ, NM, and CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 59150 (Sub-No. 116), filed January 3, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Monticello, GA, to points in the United States in and east of ND, SD, NE, CO, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 59150 (Sub-No. 117), filed January 9, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pavement marking compounds*, from Marietta, GA, to points in AL, FL, SC, NC, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 61231 (Sub-No. 115), filed January 9, 1978. Applicant: EASTER ENTERPRISES, doing business as ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials* from the plantsite of the Celotex Corp. located at or near Texarkana, AR to points in AZ, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY. (2) Materials and supplies used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL, Chicago, IL, or Little Rock, AR.

No. MC 73165 (Sub-No. 426), filed January 3, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins, 830 North 33rd Street, Birmingham, AL 35020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves and hydrants, and parts, attachments, and accessories* therefore, from Beaumont, TX, to points in the United States (including AK, excluding HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, TX, or New Orleands, LA.

No. MC 76184 (Sub-No. 3), filed January 4, 1978. Applicant: MID CONTI-





NENT VAN SERVICE, INC., 1601 Pennsylvania Avenue, St. Louis, MO 63103. Applicant's representative: [illegible]



*erators* and cooling and freezing combined; *dishwasher parts; refrigerator parts*, from Mansfield, OH; Nashville, TN; Springfield, TN; Murray, KY; and

No. MC 107012 (Sub-No. 257), filed January 3, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., Lin-

No. MC 107496 (Sub-No. 1120), filed January 6, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des

NENT VAN SERVICE, INC., 1601 Pennsylvania Avenue, St. Louis, MO 63103. Applicant's representative: Ernest A. Brooks II, 411 North Street, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New custom architectural interiors and components thereof, and related supplies*, when moving in mixed loads with new custom architectural interiors, from St. Louis, MO, to points in ND, CO, RI, DE, VA, NC, FL, NY, NJ, CO, SC, WV, MD, SD, and MA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, MO, or Springfield, IL.

MC 82492 (Sub-No. 176), filed January 3, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by toy and game retailers and materials, equipment, and supplies used in the conduct of such business, from points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, WI, those points in NY in and west of Allegany, Livingston, and Monroe Counties, and those points in PA on and west of U.S. Hwy 219, to Chicago, IL, and Detroit, MI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MC 82492 (Sub-No. 177), filed January 6, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite of Illini Beef Packers, Inc., at or near Joslin, IL, to points in KY, those points in NY in and west of Allegany, Livingston, and Monroe Counties, and those points in PA located on and west of U.S. Hwy 219.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

MC 82492 (Sub-No. 178), filed December 27, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO, INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in KY and TN. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Washington, DC.

No. MC 94265 (Sub-No. 256), filed January 3, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Particleboard, pulpboard, and paper*, from the facilities of Union Camp Corp. at or near Franklin, VA, to points in IL, IN, KY, MI, MN, OH, TN, VA, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Richmond, VA.

No. MC 100666 (Sub-No. 374), filed January 3, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp. located at or near Texarkana, AR, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 102567 (Sub-No. 206), Filed January 3, 1978. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Applicant's representative: Joe C. Day, 2040 North Loop West, Suite 208, Houston, TX 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from Baton Rouge, LA. to Norphlet, AR; and (2) *acid sludge*, in bulk, in tank vehicles, from Norphlet, AR, to Baton Rouge, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, TX, or New Orleans, LA.

No. MC 103051 (Sub-No. 418), filed December 27, 1977. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer and fertilizer materials, anhydrous ammonia, urea and soda ash*, in bulk, in tank or hopper-type vehicles, and dump trucks, from points in Richmond County, GA, to points in SC, NC, VA, WV, KY, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in either Nashville, TN, or Atlanta, GA.

No. MC 104421 (Sub-No. 23), filed January 5, 1978. Applicant: ECONO-LINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in and used by manufacturers and distributors of irrigation systems, component parts, and accessories (except commodities in bulk in tank or hopper vehicles), between points in Pottawattamie County, IA, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and except between points in Pottawattamie County, IA, on the one hand, and, on the other, points in Douglas and Platte Counties, NE, and Omaha, NE.

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Omaha, NE.

No. MC 105566 (Sub-No. 155), filed January 3, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, gas or electric; *dishwashing machines; garbage disposal units; stove parts; compactors*, houshold type; *microwave ovens; hoods; cooling boxes or refrigerators* and cooling and freezing combined; *dishwasher parts; refrigerator parts*, from Mansfield, OH; Nashville, TN; Springfield, TN; Murray, KY; and Dalton, GA; to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

NOTE.—If a hearing is deemed to be necessary, applicant requests it be held in Columbus, OH.

No. MC 105733 (Sub-No. 62), filed January 4, 1978. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride*, in bulk, in tank vehicles, from the St. Lawrence River crossing at Rooseveltown, NY, to points in MA, NJ, and NY.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, DC.

No. MC 105813 (Sub-No. 229), filed December 30, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Charleston, SC, to points in AL, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC. Common control may be involved.

No. MC 105813 (Sub-No. 230), filed December 29, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by John Morrell & Co. at or near Sioux Falls, SD, to points in the States of AL, FL, GA, LA, MS, NC, TN, and SC. Restricted to the transportation of traffic originating at the named facilities and destined to the named States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL. Common control may be involved.

No. MC 107012 (Sub-No. 257), filed January 3, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet cushions, carpet underlay and adhesives, solvent, and other accessories* used in conjunction with carpet cushion and carpet underlay (except commodities in bulk), (1) from the plantsite and storage facilities of General Felt Industries, Inc., located at or near Philadelphia, PA, and Trenton, NJ, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (2) from the plantsite and storage facilities of Scott Foam Division (a sub-contractor for General Felt Industries, Inc.), located at or near Eddystone, PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (3) from the plantsite and storage facilities of Olympic Products Division of Cone Mills (a sub-contractor for General Felt Industries, Inc.), located at or near Greensboro, NC and Tupelo, MS, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (4) from the plantsite and storage facilities of General Tire (a sub-contractor for General Felt Industries, Inc.), located at or near Columbus, MS, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, and (5) from the plantsite and storage facilities of General Felt Industries, located at or near Commerce and Pico Rivera, CA, to points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either New York, NY, or Washington, DC.

No. MC 107295 (Sub-No. 870), filed December 29, 1977. Applicant: PREFAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials* from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above, to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in New Orleans, or Washington, DC.

No. MC 107496 (Sub-No. 1120), filed January 6, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50304. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Petroleum products*, in bulk, from Junction City and Green Bay, WI, to points in MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, MN, or Chicago, IL. Common control may be involved.

No. MC 108207 (Sub-No. 474), filed January 5, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, TX 75222. Applicant's representative: Mike Smith (same address as applicant). Authority to sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the sites of the plant and warehouse facilities of Elcona Food, Inc. at Elkhart and Southbend, IN, to AZ, AR, CA, KS, LA, MS, MO, NM, OK, TX and Memphis, TN, restricted to traffic originating at named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Dallas, TX.

No. MC 108633 (Sub-No. 15), filed December 27, 1977. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Applicant's Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, Classes A and B explosives, and household goods as defined by the Commission), (1) between Atlanta, GA, and LaGrange, GA, from Atlanta over Interstate Hwy 85, U.S. Hwy 27, and U.S. Hwy 29 to LaGrange, serving the intermediate point of Hogansville, with closed doors between Atlanta and Hogansville, and return, and, (2) between Franklin, Ga, and LaGrange, GA from Franklin over U.S. Hwy 27 to LaGrange, and return.

(NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA, or Washington, DC.

No. MC 108676 (Sub No. 118, filed January 9, 1978. Applicant: A.J. METTLER HAULING & RIGGING,







INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Applicant's representative: Louis J. Amato, P.O. Box E,

regular routes, transporting: *Meats, meat products, meat byproducts and dairy products* and articles distributed

No. MC 113651 (Sub-No. 256), filed January 3, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O.



modities named in (1) above (except commodities in bulk), from the destination States named in (1) above to

held at either Tulsa, OK or Kansas City, MO.

No. MC 115331 (Sub-No. 443), filed

Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank

INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Refuse containers and parts, attachments, and accessories for refuse containers*, from the plantsite of Harding Machine Co., at or near Lexington, TN, to points in ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, NV, CA, OR, and WA.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at Nashville, TN.

No. MC 110098 (Sub-No. 160), filed January 5, 1978. Applicant: ZERO REFRIGERATED LINES (a corporation), 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc. at Springfield, MO to points in AL, AZ, AR, CA, CO, FL, GA, KS, KY, LA, MS, NM, NC, OK, SC, TN, TX, and VA, restricted to traffic originating at the above named origin and destined to the above named destination states.

NOTE.—If hearing is deemed necessary, applicant request it be held at either San Antonio, TX, or Chicago, IL.

No. MC 111231 (Sub-No. 226), filed, January 3, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Such commodities* as are dealt in or used by wholesale or retail, discount, or variety stores (except commodities in bulk), serving the site of K-Mart Corp.'s Distribution Center located in Coweta County, GA, as an off-route point in connection with carrier's authorized regular route operations at Atlanta, GA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Washington, DC.

No. MC 111720 (Sub-No. 16), filed December 30, 1977. Applicant: WILLIAMS TRUCK SERVICE, INC., P.O. Box 40, Sioux Falls, SD 57101. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and dairy products* and articles distributed by meat packinghouses as described in sections A, B, and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 786, from the plantsites and/or warehouse facilities utilized by John Morrell and Co., located at or near Sioux Falls, SD to points in AL, and FL. Under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, SD or Chicago, IL.

No. MC 112822 (Sub-No. 444), filed December 27, 1977. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite or facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held with other similar applications, but does not specify a location.

No. MC 113265 (Sub-No. 7), filed January 4, 1978. Applicant: ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., P.O. Box 345, Conley, GA 30027. Applicant's representative: Paul M. Danieli, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk in tank vehicles), serving the facilities of K-Mart Corp. Distribution Center in Coweta County, GA near Shenandoah, GA as an off-route point in connection with applicant's existing authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, GA.

No. MC 113336 (Sub-No. 90), filed December 28, 1978. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, NC 28358. Applicant's representative: Russell E. Stone, Route 3, Montpier Drive, Franklin, TN 37064. Permanent authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil*, (except in bulk), from New Kensington, PA, to points in AL, FL, KY, GA, LA, MS, NC, SC and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Raleigh, NC or Atlanta, GA.

No. MC 113651 (Sub-No. 256), filed January 3, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Des Moines, Iowa to points in Louisiana and Mississippi. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX or Kansas City, MO.

No. MC 114273 (Sub-No. 327), filed January 4, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles*, distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by John Morrell and Co. at or near Estherville, Humboldt, Sioux City, IA and Sioux Falls, SD to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV and Washington, DC. Restricted to traffic originating at and destined to the above name points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or Washington, DC.

No. MC 114552 (Sub-No. 147), filed December 30, 1977. Applicant: SEAN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of The Celotex Corp. located at or near Texarkana, AR., to points in AL, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC; and (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of The Celotex Corp. located at or near Texarkana, AR.





NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL.

No. MC 114552 (Sub-No. 148), filed December 28, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and paneling*, from the facilities of Vanply, Inc. at or near Many, LA, to points in the United States in and east of ND, SD, NE, CO, and NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, LA.

No. MC 114569 (Sub-No. 206), filed December 29, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift and Co. plants located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marhsalltown, and Sioux City, IA to points in AL, FL, GA, NC, SC, and TN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114632 (Sub-No. 128), filed December 29, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and accessories, materials, and supplies* for cooling towers (except commodities in bulk) from the facilities of E. D. Goodfellow, Inc., at or near Tulsa, OK to points in CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, WV, WI, and WY.

NOTE.—Applicant holds motor contract authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Tulsa, OK or Kansas City, MO.

No. MC 115331 (Sub-No. 443), filed December 23, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in packages, from the facilities of Missouri Portland Cement Co. at or near Chattanooga, TN to points in AL, MS, KY, TN, WV, VA, NC, SC, and GA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, MO.

No. MC 115730 (Sub-No. 43), January 9, 1978. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier* over irregular routes, in the transportation of *Iron and Steel Articles* from points in IL, IN, MO, and OH to Seward, Columbus, and Fremont, NE.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or Washington, DC.

No. MC 115821 (Sub-No. 33), filed December 28, 1977. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL 62282. Applicant's representative: Ernest A. Brooks II, 411 N. 7th St., 1301 Ambassador Bldg., St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union, Jackson, Randolph, and Perry Counties, IL, to points in MO on and south of U.S. Highway 60, and on and east of MO Highway 21.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, MO or Springfield, IL.

No. MC 115826 (Sub-No. 233), filed January 9, 1978. Applicant: W. J. DIGBY, INC., 1960 31st St. P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *horse meat* from points in AZ to points in the United States (except points in AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, CO.

No. MC 115841 (Sub-No. 592), filed January 4, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Practice bombs and practice mines*, from Anniston, AL to New Orleans, LA, and Blue Grass Depot at Lexington, KY.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Birmingham, AL, or Washington, DC.

No. MC 115931 (Sub-No. 47), filed January 5, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, over irregular routes transporting: (1) *Prefabricated steel buildings* from Carson City, NV to points in MT, CO, WY, NM, CA, ID, WA, and OR, and (2) *materials, equipment, and supplies* used in the manufacture of fabricated steel buildings from points in the United States (except AK and HI) to Carson City, NV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City, NV.

No. MC 115931 (Sub-No. 48), filed January 3, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Grain storage bins, grain dryers, and equipment, materials, and supplies* used in the installation and operation thereof, from Marengo, IL to points in AR, CA, IN, IA, GA, KS, KY, MN, MO, MT, NE, NV, NC, ND, OH, OR, SC, SD, TN, TX, UT, WA, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Minneapolis, MN.

No. MC 116014 (Sub-No. 84), filed December 27, 1977. Applicant: OLIVER TRUCKING CO., INC., P.O. Box 53, Winchester, KY 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homogenized, reconstructed, and reconstituted tobacco*, from Ancram, NY to Richmond and Petersburg, VA, and Macon, GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Louisville, KY.

No. MC 116457 (Sub-No. 27), filed December 29, 1977. Applicant: GENERAL TRANSPORTATION INC.,





1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Applicant's representative: D. Parker Crosby, P.O.

No. MC 117439 (Sub-No. 57), filed January 9, 1978. Applicant: BULK TRANSPORT, INC., 5500 Florida

No. MC 117815 (Sub-No. 272), filed December 30, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405



No. MC 118202 (Sub-No. 83), filed January 9, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Ap-

River, MN, restricted to traffic in foreign commerce.

NOTE.—If a hearing is deemed necessary,

*products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in De-

1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Applicant's representative: D. Parker Crosby, P.O. BOX 6484, Phoenix, AZ 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs* that are precut, milled and notched for use in construction and erection of log buildings, and *building materials, lumber, hardware and accessories* necessary for the erection of log buildings. *Poles, railing and posts* for the erection of fences. From points in AZ to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Phoenix, AZ.

No. MC 116457 (Sub-No. 28), filed January 3, 1978. Applicant: GENERAL TRANSPORTATION INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Applicant's representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs and briquettes* of compressed wood particles, from Coconino County, AZ to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Phoenix, AZ.

No. MC 116915 (Sub-No. 46), filed January 5, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Applicant's representative: Fred F. Bradley, P.O. Box 773, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessory materials; and materials, equipment, and supplies* used in the production thereof, between Geneva County, AL, on the one hand, and, on the other, points in and east of MN, IA, NE, KS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, AL, Lousville, KY, or Nashville, TN.

No. MC 117088 (Sub-No. 12), filed December 22, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 29504, New Orleans, LA 70189. Applicant's representative: Edward Winter, 235 Rosewood Drive, Metairie, LA 70005. Authority sought as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the distribution facility of Missouri Portland Cement Co., in St. James Parish, LA, to points in AL, AR, FL, GA, LA, MS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, LA.

No. MC 117439 (Sub-No. 57), filed January 9, 1978. Applicant: BULK TRANSPORT, INC., 5500 Florida Boulevard, P.O. Box 1429, Baton Rouge, LA 70821. Applicant's representative: John Schwab, 617 North Boulevard, P.O. Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk and in bags, from points in LA to points in MS, AL, AR and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, LA or Houston, TX.

No. MC 117686 (Sub-No. 202), filed January 9, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA. Applicant's representative: Robert A. Wichser (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth* and *materials* and *supplies* used in the manufacture, sale, and distribution of goods produced from cloth, in mixed loads with cloth, from Osceola, AR; Eufaula, AL; Augusta, Lindale, and Trion, GA; Lawrenceburg, KY; Erwin, Greensboro, Haw River, Mount Holly, Salisbury, and Yadkin, NC; Graniteville, Greenville, Orangeburg, Rock Hill, and Ware Shoals, SC; Centerville, TN; and Brenham and New Braunfels, TX, to LeMars, Sheldon, Sioux City, Spencer, and Storm Lake, IA.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in Chicago, IL or Washington, DC.

No. MC 117765 (Sub-No. 237), filed December 30, 1977. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed grain and soybean products* (except commodities in bulk), from Hutchinson, KS to points in AR, CO, IL, IA, KS, MN, MO, NE, OK, TX, VA and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, OK.

No. MC 117786 (Sub-No. 7), filed December 28, 1977. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* from points in IL, OH, KY, IN, and CA, to Phoenix, Tucson, and Flagstaff, AZ.

NOTE.—If a hearing is deemed necessary, the Applicant requests it to be held in Phoenix, AZ.

No. MC 117815 (Sub-No. 272), filed December 30, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of or utilized by Swift & Co., located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in KY and TN, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Omaha, NE.

No. MC 117815 (Sub-No. 274), filed January 6, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle, 405 S.E. 20th Street, Des Moines, IA 50317. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Banquet Foods Corp., located at or near Carrollton, Macon, Marshall, and Moberly, MO, to points in IN, MI, MN, and WI, restricted to the transprotation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO or Chicago, IL.

No. MC 117940 (Sub-No. 253), filed January 4, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, MN 55359. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Meats, meat products, and meat byproducts* (except hides and commodities in bulk tank vehicles) as described in Appendix I, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of the Royal Packing Co. at or near National Stockyards, IL and St. Louis, MO to points in CT, MD, MA, NJ, NY, PA, and DC, restricted to traffic originating at named facilities and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO.





No. MC 118202 (Sub-No. 83), filed January 9, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packing houses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. at Albert Lea, MN to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Dallas, TX or Kansas City, MO.

No. MC 118989 (Sub-No. 174), filed January 4, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty aluminum cans*, from Milwaukee, WI to Perry, GA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 119493 (Sub-No. 177), filed December 30, 1977. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel; screws and fasteners, and paint* in containers (except in bulk in tank vehicles), from Chicago, IL, and points in its commercial zone; East St. Louis, IL, and points in its commercial zone; Marshfield, OH, and Catoosa, OK, to Neosho, MO, and points in its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Springfield, or Joplin, MO.

No. MC 119555 (Sub-No. 21), filed December 27, 1977. Applicant: OIL & INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, AB T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservative, class B poison*, in bulk, in tank vehicles, from Memphis, TN to ports of entry on the international boundary line between the United States and Canada, located at or near Pigeon River, MN, restricted to traffic in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in MT. Common control may be involved.

No. MC 119619 (Sub-No. 119), filed December 28, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, canned in jars and cans from Pennsauken and Delran, NJ, to points in IL, IN, MI, OH, MN, and WI.

NOTE.—Applicant requests hearing be held in Philadelphia, PA, or New York, NY.

No. MC 119641 (Sub-No. 144), filed January 3, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Darlington, SC, to IL, IN, OH, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 119789 (Sub-No. 412), filed December 29, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Columbus, OH, to points in FL and GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, OH.

No. MC 119789 (Sub-No. 414), filed December 30, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, from Dallas, TX, to points in AR, CO, IA, KS, LA, MO, NE, and OK.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, MA.

No. MC 119789 (Sub-No. 415), filed January 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 768 (except hides and commodities in bulk) from Denver, CO., to points in AL, CO, DE, FL, GA, KY, LA, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Denver, CO.

No. MC 120257 (Sub-No. 41), filed December 30, 1977. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel coils, and iron and steel sheets*, from Birmingham, AL, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Birmingham, AL.

No. MC 120257 (Sub-No. 42), filed January 4, 1978. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *pipe, valves, fittings, hydrants, parts, and accessories* therefor, from Birmingham and Bessemer, AL, to points in AR, KS, LA, MS, NM, OK, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, AL.

No. MC 120761 (Sub-No. 35), filed January 4, 1978. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in TX, LA, NM, AL, FL, MO, KS, OK, GA, AR, and MS, and (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, FL, or Dallas, TX.

No. MC 121236 (Sub-No. 3), filed December 21, 1977. Applicant: SERVICE





TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Applicant's representative: Alki

all intermediate points and return over the same route; (9) between Silvis and Ohio, IL, via the following high-

bard, Blue Island, Pecatonica, Villa Park and Lena, IL, and return over the same route; (20) between the IL-IN



IL-MO State Line, via the following highways: U.S. Hwy 36 serving all intermediate points and the off route points of Villa Grove, Oakland,

serving all intermediate points and the off route points of Sesser, Valier, Zeigler and Royalton, IL, and return over the same route; (41) between the

Lena, Cambridge, Wyoming, Cuba, Toulon and Peterburg, IL, and return over the same route; (54) between Virginia, IL to Pana, IL via the following

TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), (1) between Milan and Pekin, IL, via the following highways: U.S. 67 to Junction 6 in Rock Island, then to U.S. 6, U.S. 6 to Junction IL 88, IL 88 to Peoria, then IL 29 to Pekin, serving Milan, Rock Island, Moline, East Moline, Silvis, Carbon Cliff, Colona, Geneseo, Atkinson, Annawan, Mineral, Sheffield, Buda, Bradford, Camp Grove, Lawn Ridge, Edelstein, Peoria Heights, Peoria, East Peoria, Creve Coeur, Pekin as intermediate and off route points and return over the same route; (2) between Peoria and Pekin, IL, via the following highways: U.S. Hwy 24 to Junction IL Hwy 9, then over IL Hwy 9 to Pekin, serving all intermediate points and return over the same route; (3) between Annawan and Bradford, IL, via the following highways: IL 78 to Junction IL Hwy 91, then over IL Hwy 91 to Junction IL Hwy 93, then over IL Hwy 93 to Bradford, IL, serving all intermediate points and return over the same route; (4) between Sheffield and Rockford, IL, via the following highways: U.S. Hwy 6 to Junction IL Hwy 88, then over IL Hwy 88 to Junction IL Hwy 2, then over IL Hwy 2 to Rockford, IL, serving all intermediate points and the off route points of Manlius and New Bedford, IL, and the off route point of Mount Morris, IL, via IL Hwy 64 and return over the same route; (5) between Milan and Byron, IL, via the following highways: IL Hwy 92 to Junction IL Hwy 2 at Moline, IL, then over IL Hwy 2 to Sterling, IL, then over unmarked bituminous road to Junction IL Hwy 26, then over IL Hwy 26 to Junction IL Hwy 72, then over IL Hwy 72 to Byron serving all intermediate points and return over the same route; (6) between Lyndon and Prophetstown, IL, via the following highways: IL Hwy 2 to Junction IL Hwy 78, then over IL Hwy 78 to Prophetstown, IL, serving all intermediate points and return over the same route; (7) between Peoria and Moline, IL, via the following highways: IL Hwy 116 to Junction IL Hwy 78, IL Hwy 7 to Junction IL Hwy 8, then over IL Hwy 8 to Junction IL Hwy 987, then over IL Hwy 97 to U.S. Hwy 150 to Moline, IL, serving the off route point of Elmwood, IL, and all intermediate points and return over the same route; (8) between Dixon and Rockford, IL, via the following highways: U.S. Alternate Hwy 30 to Junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford serving all intermediate points and return over the same route; (9) between Silvis and Ohio, IL, via the following highways: IL Hwy 92 serving all intermediate points and return over the same route; (10) between East Moline and Sterling, IL, via the following highways: IL Hwy 84 to Junction Hwy 30, then over U.S. Hwy 30 to Sterling, IL, serving all intermediate points and the off route point of Clinton, IA and return over the same route; (11) between Chicago, IL and the IL-MO State Line at East St. Louis, IL, via the following highways: U.S. Hwy 66 serving all intermediate points and the off route points of Lemont, Virden, Worden, Panama, Auburn, Carlinville, Benld, Girard, Waverly, Gillespie, Roxana and Wilsonville, IL, and return over the same route; (12) between the IL-WI State Line and the IL-KY State Line, via the following highways: U.S. 45 serving all intermediate points and the off route points of Villa Grove, Oakland, Oaklawn, Arthur, Blue Island, Downers Grove, Lovington, Harvey and Lemont, IL, and return over the same route; (13) between Chicago, IL and the IL-KY State Line, via the following highways: IL Hwy 1 serving all intermediate points and the off route points of Harvey, St. Francisville, Rosiclare, Blue Island and New Haven, IL and return over the same route; (14) between the IL-WI State Line and the IL-MO State Line, via the following highways: U.S. Hwy 51 serving all intermediate points and the off route points of Beloit, Wisconsin, Pecatonica, Sesser, Hurst, Ladd, Valier, Royalton, Roanoke, Zeigler and Herrin, IL, and return over the same route; (15) between Chicago, IL and Junction IL Hwys 49 and 33, via the following highways: U.S. Hwy 45 to IL Hwy 49, then over IL Hwy 49 to IL Hwy 33, serving all intermediate points and the off route points of Blue Island, Villa Grove, Harvey, and Oakland, IL, and return over the same route; (16) between the IL-WI State Line and Decatur, IL, via the following highways: IL Hwy 47 serving all intermediate points and return over the same route; (17) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 6 serving all intermediate points and the off route points of Harvey, Ladd, Hazel Crest, Blue Island, Cambridge, Homewood and Utica, IL, and return over the same route; (18) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 30 serving all intermediate points and the off route points of Homewood and Rock Falls, IL and return over the same route; (19) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 20 serving all intermediate points and the off route points of Dubuque, Iowa and Harvey, Lombard, Blue Island, Pecatonica, Villa Park and Lena, IL, and return over the same route; (20) between the IL-IN State Line and the IL-WI State Line, via the following highways: U.S. Hwy 12 serving all intermediate points and the off route points of Harvey, Oak Park, Blue Island, Cicero and Oaklawn, IL, and return over the same route; (21) between the IL-IN State Line and the IL-WI State Line, via the following highways: U.S. Hwy 41 serving all intermediate points and the off route points of Harvey, Oak Park, Blue Island, Morton Grove, Oaklawn and Cicero, IL, and return over the same route; (22) between Chicago, IL and the IL-WI State Line, via the following highways: U.S. Hwy 41 serving all intermediate points and the off route point of Morton Grove, IL, and return over the same route; (23) between the IL-WI State Line and the IL-IA State Line, via the following highways: IL Hwy 2 serving all intermediate points and the off route point of Rock Falls, IL, and return over the same route; (24) between Onarga, IL and Junction IL Hwy 48 and U.S. Hwy 66, via the following highways: From Onarga, IL over U.S. Hwy 54 to Junction IL Hwy 48, then over IL Hwy 48 to Junction U.S. Hwy 66 serving all intermediate points and the off route point of Kincaid, IL, and return over the same route; (25) between the IL-IN State Line and the IL-MO State Line, via the following highways: U.S. Hwy 24 serving all intermediate points and the off route points of Roanoke and Augusta, IL, and return over the same route; (26) between the IL-IN State Line and the IL-IA State Line, via the following highways: IL Hwy 9 serving all intermediate points and the off route point of Cuba, IL, and return over the same route; (27) between the IL-IN State Line and the IL-IA State Line, via the following highways: From the IL-IN State Line over U.S. 150 to Junction IL Hwy 10 then over IL Hwy 10 to Junction U.S. Hwy 136, then over U.S. Hwy 136 to the IL-IA State Line serving all intermediate points and the off route points of Cuba, Augusta, and Warsaw, IL, and return over the same route; (28) between the IL-IN State Line and Moline, IL, via the following highways: U.S. Hwy 150 serving all intermediate points and the off route points of Wyoming, Elmwood, Abingdon, and Cambridge, IL and Bettendorf and Davenport, IA, and return over the same route; (29) between the IL-IA State Line at Moline, IL and the IL-MO State Line at East St. Louis, IL, via the following highways: U.S. Hwy 67 serving all intermediate points and the off route points of Aledo, Keithsburg, Abingdon, Augusta, Waverly, Greenfield, Grafton, and Roxana, IL, and return over the same route; (30) between the IL-IN State Line and the





IL-MO State Line, via the following highways: U.S. Hwy 36 serving all intermediate points and the off route points of Villa Grove, Oakland, Arthur, Lovington, Auburn, Waverly, and Griggsville, IL, and return over the same route; (31) between Junction of U.S. Hwy 150 and IL Hwy 16 near Paris, IL and Junction of IL Hwy 16 and U.S. Hwy 66 near Litchfield, IL over IL Hwy 16 serving all intermediate points and the off route points of Oakland, Panama, Carlinville, Gillespie, and Benld, IL, and return over the same route; (32) between the IL-IN State Line and the IL-MO State Line at East St. Louis, IL, via the following highways:

U.S. Hwy 40 serving all intermediate points and the off route points of Panama, Livingston, and Glen Carbon, IL, and return over the asme route; (33) between the IL-IN State Line and the IL-MO State Line at East St. Louis, IL, via the following higways: U.S. Hwy 50 serving all intermediate points and the off route points of Saint Francisville and New Baden, IL, and return over the same route; (34) between the IL-IN State Line and the Junction of IL Hwy 15 and U.S. Hwy 50 near East St. Louis, IL, via the following highways: IL Hwy 15 serving all intermediate points and the off route points of Dahlgren, Sesser, New Baden and Millstadt, IL, and return over the same route; (35) between the IL-KY State Line and the IL-MO State Line at East St. Louis, IL via the following higways: IL Hwy 13 serving all intermediate points and the off route points of Herrin, Zeigler, Royalton, Hurst, Colp, Carterville and Sparta, IL, and return over the same route; (36) between Junction of U.S. Hwy 45 and IL Hwy 37 near Watson, IL and Junction of IL Hwy 37 and U.S. Hwy 51 near Mound City, IL via the following highways: IL Hwy 37 serving all intermediate points and the off route points of Sesser, Valier, Zeigler, Royalton, Herrin and Hurst, IL, and return over the same route; (37) between the IL-IN State Line near Grayville, IL and Junction of IL Hwy 130 and IL Hwy 16 near Charleston, IL, via the following highways: IL Hwy 130 serving all intermediate points and return over the same route; (38) between the IL-KY State Line and the IL-MO State Line, via the following highways: IL Hwy 146 serving all intermediate points and the off route point of Rosiclare, IL, and return over the same route; (39) between the IL-KY State Line, and the IL-MO State Line at East S. Louis, IL, via the following highways: IL Hwy 3 serving all intermediate points and the off route point of Sparta, IL, and return over the same route; (40) between the IL-IN State Line and Junction of IL Hwy 14 and U.S. Hwy 51 near DuQuoin, IL, via the following highways: IL Hwy 14 serving all intermediate points and the off route points of Sesser, Valier, Zeigler and Royalton, IL, and return over the same route; (41) between the IL-WI State Line and Aurora, IL, via the following highways: IL Hwy 31 serving all intermediate points and the off route point of Glen Ellyn, IL, and return over the same route; (42) between Chicago, IL and Joliet, IL, via the following highways: IL Hwy 171 serving all intermediate points and the off route point of Lemont, IL, and return over the same route; (43) between Junction of U.S. Hwy 20 and IL Hwy 43 and the Junction of U.S. Hwy 30 and IL Hwy 43, via the following highways: IL Hwy 43 serving all intermediate points and the off route points of Oak Park, Harvey, Berwyn and Oak Lawn, IL, and return over the same route; (44) between Chicago, IL and the IL-WI State Line, via the following highways: U.S. Hwy 14 serving all intermediate points and return over the same route; (45) between the IL-WI State Line and Pontiac, IL, via the following higways: IL Hwy 23 serving all intermediate points and return over the same route; (46) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. Hwy 52 serving all intermediate points and return over the same route; (47) betweeen Chicago, IL and the IL-IA State Line, via the following highways: IL Hwy 64 serving all intermediate points and the off route points of Villa Park, Lombard, and Lanark, IL, and return over the same route; (48) between Waukegan, IL and Woodstock, IL, via the following highways: IL Hwy 120 serving all intermediate points and return over the same route; (49) between Junction of U.S. Hwy 36 and U.S. Hwy 54 near Pittsfield, IL and the IL-MO State Line, via the following highways: U.S. Hwy 54 serving all intermediate points and return over the same route; (50) between Junction of U.S. Hwy 150 and IL Hwy 121 near Morton, IL and Junction of IL Hwy 121 and U.S. Hwy 40 at Greenup, IL, via the following highways: IL Hwy 121 serving all intermediate points and the off route points of Delavan, Arthur, and Lovington, IL, and return over the same route; (51) between Chicago, IL and the IL-IA State Line, via the following highways: U.S. Hwy 34 serving all intermediate points and the off route points of Downers Grove, Ladd, Wyoming, Cambridge, Toulon, Abingdon and Keithsburg, IL, and return over the same route; (52) between Junction of IL Hwy 33 and IL Hwy 1 near Gordons, IL and Effingham, IL, via the following highways: IL Hwy 33 serving all intermediate points and return the same route; (53) between the IL-WI State Line and Virginia, IL via the following highways: IL Hwy 78 serving all intermediate points and the off route points of Lena, Cambridge, Wyoming, Cuba, Toulon and Peterburg, IL, and return over the same route; (54) between Virginia, IL to Pana, IL via the following higways: IL Hwy 125 to Junction IL Hwy 29 then IL Hwy 29 to Pana, IL serving all intermediate points and the off route points of Petersburg, and Kincaid, IL, and return over the same route; (55) between the Junction of U.S. Hwy 6 and IL Hwy 29 near Depue, IL to Springfield, IL, via the following highways: IL Hwy 29 serving all intermediate points and the off route points of Wyoming, Delavan, and Petersburg, IL, and return over the same route; (56) between Greenville, IL and the IL-MO State Line at Alton, IL, via the following highways: IL Hwy 140 serving all intermediate points and the off route points of Roxana, Worden, and Livingston, IL, and return over the same route; (57) between Wood River, IL and Belleville, IL via the following highways: IL Hwy 159 serving all intermediate points and return over the same route; (58) between Mount Vernon, IL and Juction of IL Hwy 142 and IL Hwy 13, via the following highways: From Mount Vernon, IL over U.S. Hwy 460 to the Junction of IL Hwy 142 and U.S. Hwy 460 then over IL Hwy 142 to the Junction of IL Hwy 142 and IL Hwy 13 serving all intermediate points and return over the same route; (59) between the IL-WI State Line and the IL-IN State Line, via the following highways: IL Hwy 83 serving all intermediate points and the off route points of Lemont, Villa Park, Downers Grove and Lombard, IL, and return over the same route; (60) between Peoria, IL and Juction of IL Hwy 116 and U.S. Hwy 34 near Biggsville, IL, via the following highways: IL Hwy 116 serving all intermediate points and the off route points of Elmwood and Abingdon, IL, and return over the same route; (61) between the Junction of and IL Hwy 22 near Highwood, IL to the Junction of IL Hwy 22 and IL Hwy 14, via the following highways: IL Hwy 22 serving all intermediate points and return over the same route; (62) between Chicago, IL and Junction of U.S. Hwy 52 and IL Hwy 72 near Lanark, IL, via the following highways: IL Hwy 72 serving all intermediate points and return over the same route; (63) between the IL-IN State Line and Dixon, IL via the following highways: Alternate U.S. Hwy 30 serving all intermediate points and the off route points of Lansing, Lombard, West Chicago, Villa Park and Glen Ellyn, IL, and return over the same route; (64) between Mount Carroll, IL and Peoria, IL, via the following highways: IL Hwy 88 serving all intermediate points and return over the same route; (65) between the IL-WI State Line and Junction of IL Hwy 26 and IL Hwy 29 at Bureau, IL, via the fol-





lowing highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (66) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (67) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (68) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (69) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (70) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (71) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (72) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (73) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (74) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (75) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (76) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (77) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (78) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (79) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (80) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (81) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (82) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (83) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (84) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (85) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (86) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (87) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (88) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (89) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (90) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (91) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (92) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (93) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (94) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (95) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (96) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (97) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (98) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (99) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (100) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (101) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (102) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (103) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (104) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (105) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (106) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (107) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (108) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (109) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (110) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (111) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (112) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (113) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (114) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (115) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (116) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (117) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (118) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (119) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (120) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (121) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (122) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (123) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (124) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (125) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (126) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (127) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (128) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (129) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (130) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (131) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (132) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (133) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (134) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (135) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (136) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (137) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (138) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (139) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (140) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (141) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (142) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (143) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (144) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (145) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (146) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (147) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (148) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (149) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (150) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (151) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (152) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (153) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (154) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (155) between Junction of IL Hwy 26 and U.S. Hwy 20 and Junction of IL Hwy 26 and IL Hwy 72, via the following highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (156) between Junction of IL Hwy 26 and U.S. Hwy 20 and Jun

lowing highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and the return over the same route; (66) between Ohio, IL and Peoria, IL, via the following highways: IL Hwy 92 to the Junction of IL Hwy 89 then over IL Hwy 89 to the Junction of IL Hwy 116 then over IL Hwy 116 to Peoria, IL serving all intermediate points and the off route points of Lena and Pacatonica, IL, and return over the same route; (67) between the IL-IN State Line and Altona, IL, via the following highways: IL Hwy 17 to the Junction of U.S. Hwy 34 then over U.S. Hwy 34 to Altona, IL serving all intermediate points and the off route points of Toluca and Wyoming, IL, and return over the same route.

NOTE.—This application seeks authority to convert the certificate of registration of applicant in No. MC 121236 (Sub-No. 1), into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 123405 (Sub-No. 55), filed January 9, 1978. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, PA 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods and commodities in bulk)*: (1) From the facilities of Hershey Foods Corp. and H. B. Reese Candy Co, in Derry Township (Dauphin County, PA) and Y & S Candies, Inc. in East Hempfield Township (Lancaster County, PA) to points in AL, MS, and TN, restricted to the transportation of shipments originating at the above-named facilities; (2) From the facilities of Y & S Candies, Inc. in East Hempfield Township (Lancaster County, PA) to points in AR, FL, GA, LA, NC, SC, OK, and TX, restricted to the transportation of shipments originating at the above-named facilities.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Harrisburg, PA, or Washington, DC. Common control may be involved.

No. MC 124117 (Sub-No. 26), filed January 3, 1978. Applicant: EARL FREEMAN & MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *malt beverages, related advertising materials, and materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk) between Eden, NC on the one hand, and, on the other, points in AL, GA, KY, and TN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Eden, NC.

MC 124170 (Sub-No. 75), filed December 30, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coffee, cocoa, tea and soup* from Moonachie, NJ to points in IL, IN, OH, and MI.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in new York City, NY or Washington, DC.

No. MC 124211 (Sub-No. 312), filed January 3, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in and used by manufacturers or distributors of solar energy systems, parts, and accessories. Between points in Saunders County, NE, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Lincoln, NE.

No. MC 124236 (Sub-No. 85), filed December 29, 1977. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Cement*, in bulk, from San Antonio, TX to Bossier City, LA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, TX.

No. MC 124813 (Sub-No. 179), filed December 3, 1977. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire retardant materials*, except liquids in bulk, from Mason City, IA, to points, in IL, IN, KS, MN, MO, NE, ND, SD, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Des Moines, IA, or St. Paul, MN. Applicant holds contract carrier authority in No. MC 118468, therefore dual operations may be involved.

No. MC 124896 (Sub-No. 43), filed January 4, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co. located at or near Estherville, Humboldt, and Sioux City, IA and Sioux Falls, SD to points in AL, FL, GA, NC, SC, TN and VA, restricted to traffic originating at the named origins and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 125335 (Sub-No. 7), filed January 4, 1978. Applicant: GOODWAY, INC., P.O. Bos 2283, York, PA 17405. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite or storage facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, DE, FL, GA, KN, KY, LA, MD, MI, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and MO.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Buffalo, NY, or York, PA.

No. MC 125433 (Sub-No. 138), filed December 28, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *self-propelled material handling and construction equipment*, (except self-propelled vehicles designed for transporting property or passenger on highways), cranes, and hoisting equipment, (2) *attachments, assemblies, sub-assemblies, components* and *fabrication for* the commodities named in (1), (3) *parts* for the commodities named in (1) and (2), from Wausau, WI to WA, OR, CA, ID, NE, AZ, UT, WY, MO, NM, and CO. Restricted to shipments originating at the shipping and storage facilities of the Drott Manufacturing Co. located at or near Wausau, WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL., or Salt Lake City, UT.





No. MC 125551 (Sub-No. 14), filed January 3, 1978. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from King, Whatcom, and Skagit Counties, WA, to points in the States of IL, IN, IA, KY, MN, OH, and TN.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at Seattle, WA. Common control may be involved.

No. MC 125777 (Sub-No. 208), filed January 4, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, between Toledo, OH, on the one hand, and, on the other, points in KY, MI, OH, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 128133 (Sub-No. 18), filed January 5, 1978. Applicant: H. H. OMPS, INC., Route 7, P.O. Box 295, Winchester, VA 22601. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from points in Berkeley County, WV, to points in DE, DC, MD, NJ, NC, PA, OH, VA, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 128462 (Sub-No. 6), filed January 4, 1978. Applicant: SHULTZ & SON TRUCK LINE, INC., P.O. Box 26, Long Prairie, MN 56347. Applicant's representative: John E. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in packages, from Lisbon (Waukesha County), WI, to points in MN and ND, restricted to the transportation of shipments originating at the plant of Vulcan Materials Co. in Waukesha County, WI, under a continuing contract, or contracts, with Vulcan Materials Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 128801 (Sub-No. 5), filed January 9, 1978. Applicant: RONALD SHREINER, P.O. Box 804, R.D. No. 1, Lebanon, PA 17042. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in CO and IL, to Philadelphia, PA, under a continuing contract or contracts with A. Servetnick & Sons, Philadelphia, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, PA, or Philadelphia, PA.

No. MC 129387 (Sub-No. 46), filed December 30, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Huron, SD, Worthington, MN, St. Joseph, MO, and Omaha and Madison, NE, to points in FL, GA, AL, and LA. Restriction: Restricted to traffic originating at the facilities of Armour & Co. and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ, or Omaha, NE.

No. MC 129387 (Sub-No. 47), filed December 23, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA to points in KS, MN, MO, NE, ND, and SD, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held on a consolidated hearing with similar applications at either Washington, DC, or Pittsburgh, PA.

No. MC 133689 (Sub-No. 163), filed December 29, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at/or near Grand Island and Omaha, NE, Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in AL, FL, GA, NC, SC, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 133965 (Sub-No. 9), filed December 9, 1977. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 550, Washington, DC 20006. Authority sought to operate as a *common carrier* transporting: *Refined petroleum products* (except asphalts, road oils and residual fuels) in tank trucks, from Colton and Niland, CA and from points within 30 miles of First and Main Streets, Los Angeles, CA, to points in AZ (except points in Maricopa County, AZ, and Tucson, AZ) and San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Los Angeles, CA, or Phoenix, AZ.

No. MC 134022 (Sub-No. 30), filed December 27, 1977. Applicant: RICHARD A. ZIMA, d.b.a. ZIPCO, P.O. Box 715, West Bend, WI 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Cheese, cheese foods*, and *related specialty food items* (except commodities in bulk) *and materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the above commodities and rejected or damaged shipments on return, between the facilities of Kaukauna Dairy Products located at or near Kaukauna, Town of Vinland, and Little Chute, WI on the one hand and, on the other, points in ME, VT, NH, MS, and DC; and (2) *cheese, cheese foods*, and *cheese products* (except commodities in bulk) *and materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the above commodities and rejected or damaged shipments on return, between the facilities utilized by Grande Cheese Co. in WI to points





in IL, IN, OH, MO, the lower peninsula of MI, NY, NJ, PA, CT, MA, RI, and Kansas City, KS.

articles, farm machinery, pipe and wooden posts and poles), between Lanett and Fairfax, AL on the one

*plies* used in the manufacture thereof, between the facilities of Georgia Pacific Corp. located in AR and LA on



estown, PA 18640. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Au-

*glass and ballotini*, crushed or beaded (except in bulk in tank vehicles), *materials, equipment, and supplies* used in the manufacture and sale of the above

No. MC 140581 (Sub-No. 19), filed December 30, 1977. Applicant: TOMMY HAGWOOD, d.b.a. Hagwood Enterprises, Route 1, Box 222-A, Traf-

in IL, IN, OH, MO, the lower peninsula of MI, NY, NJ, PA, CT, MA, RI, and Kansas City, KS.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, WI, Milwaukee, WI or Chicago, IL.

No. MC 134131 (Sub-No. 5), filed December 28, 1977. Applicant: R. & S. TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural or implement parts* from Bakersfield, CA to points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX; and (2) *Commodities* otherwise exempt under sec. 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle with agricultural or implement parts, from points in AZ and CA to points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX; and (3) *Materials and supplies* used or useful in the manufacture of agricultural or implement parts, from points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX, to Bakersfield, CA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, MO or Bakersfield, CA.

No. MC 134755 (Sub-No. 125), filed January 3, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods* (except in bulk), from Berlin, MD; and Dayton and Lewisburg, OH, to points in AZ, AR, CA, CO, KS, MO, NE, IA, WA, OR, TX, IL, IN, MN, WI, MI, OK, NM, NV, ID, and UT.

NOTE.—Applicant holds motor contract carrier authority in MC 138393 and sub numbers thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Dayton, OH.

No. MC 134922 (Sub-No. 248), filed December 30, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by rail (except in bulk, those which because of size or weight require the use of special equipment, foodstuffs, alcoholic, and malt beverages, lumber, tractor, road making machinery, contractor's machinery, equipment and supplies, iron and steel articles, farm machinery, pipe and wooden posts and poles), between Lanett and Fairfax, AL on the one hand and, on the other, points in the United States (including AK but except HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, it is requested it be held in Washington, DC or Atlanta, GA.

No. MC 134970 (Sub-No. 19), filed December 28, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Applicant's representative: Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA to points in IL, and those in MO on and east of U.S. Highway 63, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Pittsburgh, PA.

No. MC 135082 (Sub-No. 64), filed December 30, 1977. Applicant: BURSCH TRUCKING, INC. d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, NM 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials* from the plantsite of the Celotex Corp. located at or near Texarkana, AR to points in NM, MO, KS, OK, TX, LA, AL, FL, GA, MS, CO. WY, MT, AZ, UT, ID, WA, OR, NV and CA; and (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE.—Applicant holds contract carrier authority in No. MC 115524 (Sub-No. 2) and sub-numbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL.

No. MC 135326 (Sub 8), filed December 23, 1977. Applicant: BILLY R. ALMAND, d.b.a. ALMAND TRUCKING CO., P.O. Box 7959, Shreveport, LA 71107. Applicants representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, particleboard, T1and wood paneling;* and (2) *materials, equipment*, and *supplies* used in the manufacture thereof, between the facilities of Georgia Pacific Corp. located in AR and LA on the one hand and, on the other, points in AR, LA, TX, OK, KS, NM, CO, and those in MO on and south of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, TX.

No. MC 135598 (Sub-No. 9), filed January 3, 1978. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in dump vehicles), from the plantsites of Lowe's, Inc., located in Henry County, TN, Pulaski County, IL, Stoddard County, MO and Scott County, MO, to points in AL, AR, CO, DE, KS, KY, IL, IN, IA, LA, MD, MI, MN, MS, MO, NE, ND, NJ, NY, OH, OK, PA, SD, TN, TX, VA, WV, and WI.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 135684 (Sub-No. 63), filed January 3, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chewing gum and novelties*, from Duryea and Scranton, PA, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Newark, NJ.

No. MC 136511 (Sub-No. 12), filed January 4, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timber Lake Road, Lynchburg, VA 24502. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from the plantsites and facilities of Stanley Furniture, a Mead Co., located at Waynesboro and Stanleytown, VA, and West End, NC, to points in AL, FL, GA, LA, MS, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC, or Roanoke, VA.

No. MC 136766 (Sub-No. 3), filed January 4, 1978. Applicant: CARL DITTFIELD, 33 Drake Street, Hughestown, PA 18640. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded paper and plastic* from Scranton, PA to NY, NJ, MD; Peoria, IL; Maple Heights and Holland, OH; Nitro, WV; Alexandria, VA; and Wakefield, MA.; *shredded paper and plastic, paper liners, candy and baking cups, and Easter baskets*, from Wakefield, MA to NY, NJ, MD, PA; Peoria, IL; Maple Heights and Holland, OH; Nitro, WV; Alexandria, VA; and Rock Hill, SC.; *scrap plastic*, from Covington, VA, to Wakefield, MA; *machinery* used in the manufacture of shredded paper and plastic between Scranton, PA, and Wakefield, MA, under a continuing contract or contracts with Blyer Industries.





NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MC 138225 (Sub-No. 6), filed December 28, 1977. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and marine engines*, from the facilities of Chrysler Corp., Marine Division, at or near Beaver Dam, WI, to the facilities of Mack Boring & Parts Co. at or near Union, NJ, restricted to transportation service to be performed under a continuing contract or contracts with Mack Boring & Parts Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 138446 (Sub-No. 11), filed January 5, 1978. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, IA 52802. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Louisville, KY, to points in IA and IL.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, IA, or Chicago.

No. MC 138882 (Sub-No. 33), filed January 3, 1978. Applicant: DECKER TRANSPORT CO., INC., 412 Route 23, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Highway marking strip glass and ballotini*, crushed or beaded (except in bulk in tank vehicles), *materials, equipment, and supplies* used in the manufacture and sale of the above named commodities (except in bulk in tank vehicles), between the facilities of Potters Industries Inc., at or near Hawthorne, CA, on the one hand, and, on the other, points in AZ, NV, OR, WA, NM, UT, TX, ND, SD, WY, CO, ID, and MT.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138235, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY, or Washington, DC.

No. MC 139193 (Sub-No. 69), filed December 29, 1977. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, IL 60604. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co. at Estherville and Sioux City, IA, to points in IL and WI, and (2) *such commodities* as are used by meat packers in the conduct of their business (except hides and commodities in bulk), from the destination points in (1) above to the facilities of John Morrell & Co. at Estherville and Sioux City, IA, under a continuing contract or contracts in (1) and (2) above with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 139584 (Sub-No. 13), filed December 27, 1977. Applicant: JOHN BUSCH, Box 211, Conyngham, PA 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood turnings* used in the manufacture of furniture, *cutting boards, and unfinished wood products* from West Hazleton, PA, to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and CA, TX, and CO.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Washington, DC.

No. MC 140581 (Sub-No. 19), filed December 30, 1977. Applicant: TOMMY HAGWOOD, d.b.a. Hagwood Enterprises, Route 1, Box 222-A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* (except trailers), in truckaway service, betweeen Houston and San Antonio, TX, on the one hand, and, on the other, points in the United States (except TX, AK, and HI).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Houston, TX.

No. MC 140660 (Sub-No. 4), filed January 3, 1978. Applicant: DONALD W. COLE, Rural Route No. 1, Winthrop, MN 55396. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, MN, to points in ND and SD.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, OK.

No. MC 141124 (Sub-No. 13), filed January 3, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a T3common carrier, by motor vehicle, over irregular routes, transporting: *Doors, door parts, panels, hardware, electrical control parts, steel channels, and equipment, materials, and supplies* used or useful in the manufacture and sale thereof, except commodities in bulk, (1) between the plantsites and facilities of Overhead Door Corp. and its subsidiaries in Cortland, NY; Lewistown, PA; Salem, OR; Grand Island, NE; Sacramento, CA; Los Angeles, CA; Athens, GA; Covington, KY; Dallas and Fort Worth, TX; Marion, OH; and Hartford and Shelbyville, IN, and (2) between the origins specified in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH.

No. MC 141804 (Sub-No. 95), filed January 5, 1978. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregu-





lar routes, transporting: *Pipe fittings, connectors, and valves* from (1) Sun Valley, Bakersfield, and Santa Ana, CA, to points in and east of MN, IA, Rockcastle County, KY, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either

*er*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, and (2) *materials* and *supplies* used in the manufacture and distribu-



vehicles, from the plantsite of Wycon Chemical, at or near Cheyenne, WY, to Denver, CO, under a continuing contract, or contracts, with Airco In-

MADDOX, d.b.a. PRONTO TRUCKIN', P.O. Box 815, Millbrook, AL 36054. Applicant's representative: L. T. Maddox (same address as above).

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Dallas, TX or Kansas City, MO.

No. MC 143772 (Sub-No. 1), filed De-

lar routes, transporting: *Pipe fittings, connectors, and valves* from (1) Sun Valley, Bakersfield, and Santa Ana, CA, to points in and east of MN, IA, MO, AR, and LA, and (2) Cleveland, OH, to Sun Valley, Bakersfield, and Santa Ana, CA; Atlanta, GA; Houson and Dallas, TX; and Kansas City, MO. Restricted against the transportation of commodities which because of their size and weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, TN, or Los Angeles, CA.

No. MC 141804 (Sub-No. 96), filed January 5, 1978. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422 Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic lids, dishes, tumblers, styrofoam bevettes and articles* used in the manufacture and distribution thereof from Mount Sterling, Ohio to City of Industry, CA; Renton, WA, and Phoenix, AZ.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, TN or Phoenix, AZ.

No. MC 141914 (Sub-No. 29), filed January 9, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A Big Cabin, OK 74332. Applicant's representaitve: Kathrena J. Franks (same address as applicant). Authority sought by applicant to operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes transporting: *Floor coverings (except carpeting and rugs) and the adhesives used in the installation thereof* from the ports of entry located on the International Boundary line between the United States and Canada, located at or near Champlain, NY, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the plantsite and storage facilities of Domco Industries, Ltd., at or near Farnham, PQ, Canada.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in Tulsa, OK.

No. MC 142059 (Sub-No. 16), filed December 28, 1977. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment or handling, from the plantsite, warehouse, and storage facilities of the Rockcastle Steel Corp., located in Rockcastle County, KY, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Louisville, KY or Cincinnati, OH.

No. MC 142330 (Sub-No. 9), filed January 5, 1978. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Applicant's representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising media, copy source documents* and *related items*, between Jacksonville, Miami, Orlando, and Tampa, FL, on the one hand, and, on the other, all points in FL, restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, DC or Birmingham, AL.

No. MC 142368 (Sub-No. 10), filed January 3, 1978. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, CA 91744. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins* from Amarillo, TX, to points in AZ, CA, ME, MA, MI, MN, NY, TN, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 142516 (Sub-No. 4), filed December 28, 1977. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Plastic articles and materials, equipment and supplies* used in the manufacture and sale of plastic articles (except commodities in bulk), between Farmingdale, NY, Atlanta, GA, Irving and Houston, TX, Wallingford, CT, Akron, OH, Oak Brook, IL, Newark and Belvidere, NJ, on the one hand, and points in the United States (except AK and HI), under continuing contract or contracts with Polymer Materials, Inc., Farmingdale, NY).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, NY or Washington, DC.

No. MC 142704 (Sub-No. 3), filed December 29, 1977. Applicant: TRANSTECH, INC., 516 Cerre Street, St. Louis, MO 63102. Applicant's representative: Robert Neiheiser, 516 Cerre Street, St. Louis, MO 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, and (2) *materials* and *supplies* used in the manufacture and distribution of glass containers (except commodities in bulk), (1) from Terre Haute, IN, to St. Louis, MO, and (2) from the St. Louis, MO-East St. Louis, IL, commercial zone, to Terre Haute, IN, under a continuing contract, or contracts, with Midland Glass Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, MO, or Terre Haute, IN.

No. MC 142715 (Sub-No. 8), filed December 30, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, MN 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A, B and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of John Morrell & Co., at or near Estherville, IA, Humboldt, IA, Sioux City, IA, St. Paul, MN, and Sioux Falls, SD, to points in AL, FL, GA, MS, NC, SC and TN. Restriction: Restricted to the transportation of shipments originating at the above named plantsites and storage facilities and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 143059 (Sub-No. 11), filed January 9, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas Corporation, 12th and Main Streets, P.O. Box 11129, Louisville, KY 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and fittings*, from Colfax, NC, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.

No. MC 143078 (Sub-No. 1), filed November 28, 1977. Applicant: EMPIRE WELDING SUPPLY CO., INC., 4810 Vasquez Blvd., Denver, CO 80216. Applicant's representative: Larry K. Frizzell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, liquid in bulk, in pressurized tank vehicles, from the plantsite of Wycon Chemical, at or near Cheyenne, WY, to Denver, CO, under a continuing contract, or contracts, with Airco Industrial Gases.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Denver, CO, or Cheyenne, WY.

No. MC 143145 (Sub-No. 2), filed December 29, 1977. Applicant: SUPER SPEED AIR FREIGHT, INC., 7015 Carolina Lane, Vancouver, WA 98664. Applicant's representative: Ron R. Fundingsland, 1105 Commonwealth Building, 421 S.W. Sixth, Portland, OR 97204. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodites in bulk), between Portland International Airport (OR) on the one hand and, on the other, Camas, Washougal, Battleground, Ridgefield, Woodland, Kalama, Longview, Kelso, WA, and Astoria, Warrenton, Clatskanine, Rainier, Scappoose, Goble, St. Helens, and Seaside, OR, restricted to the transportation of shipments having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Portland, OR.

No. MC 143270 (Sub-No. 2), filed November 16, 1977. Applicant: SPEEDY MESSENGER AND DELIVERY SERVICE, Route 4, Box 39 Oldtown Rd., Cumberland, MD 21502. Applicant's representative: John J. Coyle, Jr., P.O. Box 839, 110 Washington St., Cumberland, MD 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, computer prints, manuals, books, samples, and replacement parts*, between Cumberland, MD; Creighton, Harmarville, Philadelphia, Pittsburgh, Meadville, Kebert Park, Mount Holly Springs, and Carlisle, PA; under continuing contract or contracts with: Pittsburgh Plate Glass Industries, Inc.; Chesapeake and Potomac Telephone Co. of Maryland; Kelly-Springfield Tire Co.; Tristate Oxygen Service; White Haines Optical Co.; American Truck Parts, Inc.; McDonald's Auto Electric & General Repair Service; Virginia Avenue Gulf. Restricted against the transportation of packages or articles weighing in the aggregate more than (50) pounds from one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, Wheeling, WV, or Baltimore, MD.

No. MC 143458 (Sub-No. 2), filed January 4, 1978. Applicant: L.T. MADDOX, d.b.a. PRONTO TRUCKIN', P.O. Box 815, Millbrook, AL 36054. Applicant's representative: L. T. Maddox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides*, from points in GA, TN, SC, FL, AL to points in CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, AL or Atlanta, GA.

No. MC 143590 (Sub-No. 4), filed January 4, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, mouldings, plastic articles*, and the accessories used in the installation thereof, from Norfolk, VA, to points in DC, MD, NY, NJ, PA, RI, DE, CT, MA, VT, NH and ME.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, NH, or Boston, MA.

No. MC 143685 (Sub-No. 2), filed December 27, 1977. Applicant: SCRAP METALS TRUCKING, INC., P.O. Box 1451, Portsmouth, OH 45612. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, Box 97, Dublin, OH 43017. Authority sought to operate as a *contract motor carrier*, over irregular routes, transporting: *Scrap iron and steel*, in dump vehicles, between the facilities of Portsmouth Iron and Metal Co., Portsmouth, OH and the facilities of Conners Steel Co., Huntington, WV, under a continuing contract or contracts with Portsmouth Iron and Metal Co., Portsmouth, OH.

NOTE.—If a hearing is required, applicant states a preference for Columbus, OH.

No. MC 143739 (Sub-No. 2), filed December 28, 1977. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, MN to points in IL, restricted to the transportation of traffic originating at the above named origin and destined to the named destination State.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Dallas, TX or Kansas City, MO.

No. MC 143772 (Sub-No. 1), filed December 30, 1977. Applicant: H. & W. TRUCKING CO., INC., P.O. Box 38, Ona, WV 25545. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine machinery, used mine machinery and parts* thereof, between the plantsite of the Stamler Corp. at or near Millersburg, KY on the one hand and, on the other, points in the United States (except AK, HI, and DC) under a continuing contract or contracts with the Stamler Corp. located at Millersburg, KY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Charleston, WV or Columbus, OH.

No. MC 143810 (Sub-No. 1), filed January 4, 1978. Applicant: SALCOM TRUCKING, INC., 3500 Independence Avenue, Bronx, NY 10463. Applicant's representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, and materials, equipment and supplies* used or useful in the manufacture, sale and distribution of wearing apparel (except in bulk), between points in the New York, NY commercial zone as defined by the Commission on the one hand and, on the other, points in GA, MS, NC, SC, TN and TX, under a continuing contract or contracts with Adam Lyon Industries, Inc., located at New York, NY. Applicant's representative:

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, NY.

No. MC 143889 (Sub-No. 1), filed January 9, 1978. Applicant: LARRY M. MURPHY, d.b.a. Ellis Moving & Storage, 1601 Ft. Campbell Boulevard, Clarksville, TN 37040. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Montgomery, Robertson, Houston, Dickson, Cheatham, Stewart, Sumner, Macon, Trousdale, Wilson, Davidson, Williamson, Smith, and Dekalb Counties, TN, and Trigg, Caldwell, Christian, Todd, and Logan Counties, KY, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.









NOTE.—If a hearing is deemed necessary, applicant requests it be held at Clarksville, TN.

No. MC 144032 (Sub-No. 2), filed De-

NOTE.—If a hearing is deemed necessary, applicant requests it be held at, New York City, NY.

MC 144128 filed December 27, 1977.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at New York, NY.

No. MC 144141, filed December 29,



112 South 7th Street, Suffolk, VA 23437. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC

ing to points in the United States (except AK and HA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at both

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Clarksville, TN.

No. MC 144032 (Sub-No. 2), filed December 27, 1977. Applicant: R & S TRUCKING, INC., Rural Route 1, Box 123, Garretson, SD 57030. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat*, between Omaha, NE and points in CA. Restriction: The above traffic is restricted to shipments originating at or destined to the plantsite and production facility of H. Shenson, Inc. in Omaha, NE; and (2) *Fresh beef briskets*, in mixed loads with fresh beef, from the plantsite of Columbia Foods, Inc. at Wallula, WA, and Boise, ID; and from the plantsite of Armour Foods Co. at or near Nampa, ID to Omaha, NE. Restriction: The above traffic is restricted to shipments originating at the designated origins and destined to the H. Shenson, Inc. facility in Omaha, NE. All of the above authority is to be performed under a continuing contract, or contracts, with H. Shenson, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha, NE.

No. MC 144053 (Sub-No. 1), filed January 3, 1978. Applicant: DON MUMMA TRUCKING, INC., Rt. 2, Box 143M, Spokane, WA 99207. Applicant's representative: Don Mumma (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used commercial trailers and trailer chassis* by towaway service, between Spokane County, WA, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, and MT.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Spokane, WA, Yakima, WA, or Seattle, WA.

No. MC 144060 (Sub-No. 1), filed December 9, 1977. Applicant: AMERICAN EQUIPMENT TRANSPORTATION CORP., 1517 Bunbury Drive, Whittier, CA 90603. Applicant's representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture, office equipment, office furnishings and office supplies.* (1) From the plant site and manufacturing facilities of Oxford Pendaflex Corp. in Garden City, NY and Moonachie and Parsippany, NJ to the other plant and warehouse facilities of Oxford Pendaflex Corp. located at or near Augusta, GA; St. Louis, MO and Buena Park, CA, under continuing contract or contracts with Pendaflex Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at, New York City, NY.

MC 144128 filed December 27, 1977. Applicant: ELLIOTT, INC. OF CLARKSVILLE, P.O. Box 342, Clarksville, VA 23927. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets and particle board*, from points in VA, NC, SC, and KY, to points in FL, GA, SC, NC, VA, TN, KY, WV, IN, OH, MI, IL, PA, DC, MD, DE, NJ, NY, CT, MA, RI, VT, and NH, under a continuing contract or contracts with Butler Lumber Co., Butler Land & Timber Co., Inc., McCoy Lumber Industries, Inc., Plunkett & Webster Lumber Co., Stanley Land & Lumber Corp. and R. S. Ponton Wood Products.

NOTE.—If hearing is deemed necessary, applicant requests it be held in Richmond, VA.

No. MC 144130 (Sub-No. 1), filed December 29, 1977. Applicant: RUSSELL GRILLS, d.b.a. GRILLS TRUCKING, 2225 East 33 Avenue, Vancouver, BC, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shakes and shingles* from ports of entry on the U.S. international boundary line at or near Blaine, WA, to points in CA, restricted to traffic moving under a continuing contract or contracts with Bestwood Industries, Ltd.; (2) *foundry supplies*, in sacks and drums, including moulding sand, coated sand, foundry facing, coal dust, sea coal, and carbon raiser from Oakland, Ione, and Rodeo, CA, to ports of entry on the United States-Canada boundary line at or near Blaine, WA, moving under a continuing contract or contracts with Balfour Guthrie (Canada), Ltd.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Seattle, WA.

No. MC 144133 (Sub-No. 2), filed January 3, 1978. Applicant: PRESSCOTT TRUCKING CORP., 218 Oak Street, Elizabeth, NJ 07201. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, VA; Madison Heights, VA; Pawtucket, RI; Taylorsville, Statesville, Greenville, Aberdeen, and Williamston, NC; Greenville, Lugoff, Simpsonville, Wateree, Kingstree, and Williamston, SC, to points in NJ, CO, MA, RI, under a continuing contract with N. Erlanger, Blumgart & Co., Inc.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at New York, NY.

No. MC 144141, filed December 29, 1977. Applicant: 3 W TRUCKING, INC., 1208 North First Street, P.O. Box 2382, Yakima, WA 98901 (98902). Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable packaging supplies and materials*, between points in WA, OR, ID, and MT, and from points in Colusa, Glenn, Sacramento, Tehama, and Yolo Counties, CA, to points in OR, WA, ID, and MT, restricted to service to be performed under a continuing contract or contracts with H. R. Spinner, Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, WA.

No. MC 144156, filed January 9, 1978. Applicant: FOODCRAFTERS DISTRIBUTING CO., a corporation, 3100 Northwest 62nd Street, Miami, FL 33147. Applicant's representative: Bernard C. Pestcoe, Esq. Suite 511, Biscayne Building, 19 West Flagler Street, Miami, FL 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or in tank vehicles), between points in CO, DE, GA, MD, MA, NJ, NY, NC, PA, RI, SC, and VA, on the one hand, and on the other, points in FL, under a continuing contract with Fine Distributing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Miami, FL, or Washington, DC.

Docket No. 144179, filed December 27, 1977. Applicant: LAWRENCE EVERS, P.O. Box 176, Darby, MT 59829. Applicant's representative: William E. O'Leary, 631 Helena Avenue, Helena, MT 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages in bottles, cans, and kegs, and empty containers and pallets on return;* and (2) *wine*, from the ports of entry on the international boundary line located between the United States and Canada located in WA, ID, and MT, to MT, ID, and WY. Restricted in (1) to traffic originating at the Carling-O'Keefe Brewery facilities located at or near Vancouver, BC; Calvery, AB; and SK, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Missoula, MT or Helena, MT.

PASSENGER

No. MC 143496 (Sub-No. 1), filed December 27, 1977. Applicant: UNITED COACH CO. OF TIDEWATER, INC.,





112 South 7th Street, Suffolk, VA 23437. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending in Suffolk, Portsmouth, Chesapeake, Virginia Beach, Norfolk, Newport News, Hampton, and York, James City, Surry, Isle of Wight, Sussex, Southhampton, and Greenville Counties, VA, and extending to points in the United States (except AK and HA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at both Suffolk and Norfolk, VA.

By the Commission.[1]

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[1] EDITORIAL NOTE.—Volume Nos. 63 and 64 will be published in the FEDERAL REGISTER on Friday, February 24, 1978.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4821 Filed 2-22-78; 8:45 am]





# sunshine act meetings



[6720-01]

FEDERAL HOME LOAN BANK BOARD.

ing Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE IN-

Dockets 250-A and 279-C, Fort Belknap and Blackfeet and Gros Ventre.
Docket 300-A, Stockbridge Munsee Community.
Docket 301 (Claims 3 through 7), Oneida

# sunshine act meetings

This section FEDERAL REGISTER contoins notices of meetings published under the "Governement in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552(e)(3).

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[6320-01]

1

[M-101]

FEBRUARY 16, 1978.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.—February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

1. Ratification of items adopted by notation.
2. Docket 30885, Northwest's application for Chicago-Washington fill-up authority (Memo No. 6980-H, BOR, OGC).
3. Dockets 30693 and 30723, Standard and Transocean—Exemptions to engage in supplemental air transportation (Memo No. 7690, BOR, OGC).
4. Docket 19176, Petition for modification of order approving acquisition of control of Trans International Airlines, Inc., by Transamerica Corp. (Memo No. 7774, BOR, OGC).
5. Docket 30332, Agreement CAB 26883, IATA agreement proposing increase in North/Central Pacific cargo rates (Memo No. 5761-F, BFR, BIA).
6. Docket 29123, Agreement CAB 26434, R-1 and Docket 30777, Agreement CAB 27019, R-1 through R-28, IATA agreements proposing fare increases in U.S.-South/Central America longhaul fares; and Docket 29123, Pan American petition for reconsideration of Order 77-12-87 (Memo No. 7633-A, BFR, BIA).
7. Docket 30332, Pan American petition for reconsideration of disapproved U.S.-Caribbean/South and Central America cargo rates (Memo No. 7532-A, BFR, BIA).
8. Docket 30332, Pan American petition for reconsideration of disapproved U.S.-Indian subcontinent cargo rate increases (Memo No. 7588-A, BFR, BIA).
9. Alaska Airlines' petition for review of staff action rejecting tariff filing (Memo No. 7769, BPDA).
10. Docket 32004, Fare increases recently implemented by Wien (BPDA).
11. Docket 22387, Draft Order in the *Investigation of Air Express Rates TI(Memo No. 4500-C, BPDA).*
12. Dockets 30526, 31778, 31849, 31934, 31939, 31940, 31961, 31983, and 32106, Applications by TWA and Pan American to continue suspensions and exemptions involved in their route exchange agreement (BPDA, BIA, OGC).
13. Docket 28196, *California-Alberta Route Proceeding* (request for instructions) (Memo No. 7332-C, BIA For Information Memo dated 2/8, OGC, BIA).
14. Docket 31108, Surinaamse Luchtvaart Maatschappij, N.V. (Surinam Airways Limited) (OGC, BIA).
15. Docket 29740, *Belize Airways Ltd.*—Petition for Reconsideration (Memo No. 7207-A, OGC, BIA).
16. Docket 30309, Atlanta-Charleston Competitive Nonstop Case—Order on Discretionary Review (Memo No. 7753, OGC, OEA).
17. Docket 21488, *Spokane-Montana Points Service Investigation*—Order on Discretionary Review (Memo No. 7766, OGC).
18. Docket 31229, Charter Flight delays and substitute transportation (Memo No. 7611-B, OGC).
19. Recommended proposed rule defining "handicapped" and "retired" persons for the purposes of Section 8(a) of the 1977 Federal Aviation Amendments (Memo No. 7772, OGC).
20. Docket 31737, Amendment of Part 300 on Separation of Functions (request for instructions) (OGC).
21. Docket 298, Proposed order reviewing section 1104 order from the 1940's (OGC).
22. Freedom of Information Act appeals from Herbert Rosenthal and Mary DeOreo for Section "902.F" material (OGC, BOE).
23. Transfer of Functions From the Bureau of Administrative Law Judges (OGC, OS, BLJ, OC, BPDA, BIA, Managing Director).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-403-78 Filed 2-21-78; 9:19 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 28, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Parts will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Proposed Memorandum of Understanding between the Federal Communications Commission (FCC) and EEOC concerning exchange of information and processing of discrimination charges filed against broadcasters.
2. Procedures for providing assistance in obtaining attorneys to parties who have filed charges of discrimination; Proposed Section 81 of Compliance Manual.
3. Progress report on non-model and model office performance.
4. Report on training for field managers.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under § 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued February 21, 1978.

[S-412-78 Filed 2-21-78; 2:13 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Published February 17, 1978, 43 FR 7082).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 22, 1978, 10 a.m.

CHANGE IN MEETING: Addition of Item FR-10, Docket No. ES78-8, El Paso Electic Co.

KENNETH F. PLUMB,
*Secretary.*

[S-411-78 Filed 2-21-78; 2:13 pm]





[6720-01]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., February 22, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED: Consideration of Recommendation for Designation of a Supervisory Agent—Federal Home Loan Bank of New York.

Announcement is being made at the earliest practicable time.

No. 136, February 17, 1978.

[S-402-78 Filed 2-21-78; 9:19 am]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 18, 1978, 10 a.m.

PLACE: Room 12126,1100 L Street NW., Washington, D.C. 20573

STATUS: Open.

MATTERS TO BE CONSIDERED: Status of Pacific Far East Lines as holder of certificates of financial responsibility for passenger vessel operation.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-405-78 Filed 2-21-78; 10:15 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 28, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 28, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-408-78 Filed 2-21-78; 11:12 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday February 28, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of a proposed trade regulation rule regarding television advertising to children.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-409-78 Filed 2-21-78; 11:12 am]

[7030-01]

8

INDIAN CLAIMS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 6716, February 15, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:15 a.m., February 23, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

CHANGE IN THE MEETING: The following items have been added: Dockets 250-A and 279-C, Fort Belknap and Blackfeet and Gros Ventre.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone: 202-653-6184.

[S-406-78 Filed 2-21-78 10:20 am]

[7030-01]

9

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., March 1, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public:

Dockets 250-A and 279-C, Fort Belknap and Blackfeet and Gros Ventre.

Docket 300-A, Stockbridge Munsee Community.

Docket 301 (Claims 3 through 7), Oneida Nation.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Telephone 202-653-6174.

[S-407-78 Filed 2-21-78; 10:20 am]

10

BOARD OF DIRECTORS MEETING

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on March 1, 1978.

A. The meeting will be held on Wednesday, March 1, 1978, in the Yorktown Room of the Hyatt Regency Hotel, 400 New Jersey Avenue, NW., Washington, D.C., beginning at 1:30 p.m. The portion of the meeting beginning at 1:30 p.m. will be closed to the public, during which time the Board will consider agenda items Nos. 1, 2, and 3, as identified below.

B. The meeting will be open to the public beginning at 3 p.m. starting with agenda item No. 4, as identified below.

C. The agenda items to be discussed at the meeting follow:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION

MEETING OF THE BOARD OF DIRECTORS—MARCH 1, 1978

*1:30—Closed Session*

1. Internal personnel matters.
2. Litigation matters.
3. Fare increase strategy.

*3:00—Open Session*

4. Approval of minutes of regular meeting of January 25, 1978, and special meeting of February 8, 1978.
5. DOT restructuring study.
6. Commitment approval requests: 78-61—Station improvement, Little Rock, Ark.
7. President's reports:
   A. Operations: (1) National operations, (2) Operations support, (3) Northeast corridor operations.
   B. Marketing.
   C. Government affairs.
   D. Other.
8. Financial reports.
9. General fare increase.
10. Amendment to resolutions delegating voting authority.
11. Approval of 1978 board meeting dates.
12. New business.
13. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's bylaws should be directed to the Corporate Secretary at 202-383-3973.





Dated: February 17, 1978.

ELYSE G. WANDER,
*Corporate Secretary.*

[7710-12]

13

POSTAL SERVICE.

BOARD OF GOVERNORS

TIME AND DATE: 2 p.m., Monday, February 27, 1978.

PLACE: 11th floor, Conference Room, 475 L'Enfant Plaza SW., Washington, D.C. 20260.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Postmaster General Ballar's announcement of February 16 that he intends to resign as Postmaster General. It is possible that the Governors may decide to take action on matters which they may wish to take in the light of

Dated: February 17, 1978.

ELYSE G. WANDER,
*Corporate Secretary.*

[S-404-78 Filed 2-21-78; 9:19 am]

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[4910-58]

11

[NM-78-10]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 2 p.m., Monday, February 27, 1978.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594

STATUS: Closed under Exemption 9b of the Government in the Sunshine Act. (A majority of the Board has voted that this meeting may be closed and that no earlier notice was possible.)

MATTER TO BE CONSIDERED:

Safety Effectiveness Evaluation of the National Accident Sampling System.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-414-78 Filed 2-21-78; 3:05 pm]

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[4910-58]

12

[NM-78-11]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, March 2, 1978.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the fourth item will be closed under Exemption 9b of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Railroad Special Study: A Review of Pedestrian Fatalities on the Nation's Railroads—Phase I.
2. Letter to the Federal Aviation Administration re proposed Airworthiness Directives 76-SW-41 and 76-SW-52.
3. Closeout of Recommendation No. A-72-226.
4. Safety Effectiveness Evaluation of the National Accident Sampling System.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-415-78 Filed 2-21-78; 3:05 pm]

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[7710-12]

13

BOARD OF GOVERNORS

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Wednesday, March 1, 1978, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Except as indicated in the following paragraphs, the meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

On February 7, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the March 7, 1978, meeting. (At that time the March meeting was scheduled for March 7, 1978. The meeting date has been changed to March 1.) Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Codding, and Hardesty; Postmaster General Bailar; Deputy Postmaster General Bolger; Secretary to the Board Cox; and Senior Assistant Postmaster General (Employee and Labor Relations) Conway.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

AGENDA

1. Minutes of the previous meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Discussion of Postmaster General Bailar's resignation.
   (The Governors of the Postal Service will discuss possible actions that they may wish to take in the light of Postmaster General Bailar's announcement of February 16 that he intends to resign as Postmaster General. It is possible that the Governors may decide to take action which may result in the appointment of a new Postmaster General. If the Governors should decide to discuss the possible appointment of a new Postmaster General at the March 1 meeting, it is possible they may wish to vote on whether to close part or all the portion of the meeting that may be devoted to the discussion of this subject.)
4. Discussion of strategies and positions in collective bargaining negotiations.
   (Mr. Conway, Senior Assistant Postmaster General, Employee and Labor Relations Group, will discuss with the Board possible strategies and positions in anticipated collective bargaining negotiations for a new labor agreement. As stated above in the notice of meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

   NOTE—As indicated above, the part of the meeting devoted to Item 4 will be closed to the public and some or all of the part of the meeting devoted to Item 3 may also be closed to the public. All of the portion of the meeting which is devoted to the following items will be open. This portion of the meeting is expected to commence at 1 p.m.
5. Proposed request to Postal Rate Commission on a surcharge for nonstandard first-class and single piece third-class mail.
   (Mr. McCaffrey, Assistant Postmaster General for Rates and Classification Department, will present a proposed filing with the Postal Rate Commission requesting a Recommended Decision to establish a surcharge for first-class mail weighing one ounce or less, and for single third-class mail weighing two ounces or less, which has a height to length ratio which does not fall between 1:1.3 and 1:2.5 inclusive or which exceeds 6.125 inches in height, 11.5 inches in length, or 0.25 inches in thickness. When these size stand- ards were recommended by the Rate Commission and approved by the Governors as part of the Domestic Mail Classification Schedule, in the spring of 1976, it was understood that a surcharge for these categories of nonstandard mail would not become effective for at least two years after the date of the Commission's Recommended Decision (i.e., until at least April 15, 1978.))
6. Capital investment projects.
   a. Mr. Maevis, Assistant Postmaster General, Real Estate and Buildings Department, will present a proposal to authorize an additional investment to complete the rehabilitation and mechanization of Morgan Station in New York City.
   b. Mr. Maevis will present a proposal to authorize an additional investment to complete the rehabilitation and mechanization of South Boston Postal Annex Complex in Boston, Mass.
   c. Mr. Braughton, Assistant Postmaster General, Delivery Services Department, will present a proposal to authorize an investment to purchase 246 truck tractors.
7. Report on employee and labor relations.
   (Mr. Conway, Senior Assistant Postmaster General, Employee and Labor Relations Group, will present a report on developments in postal labor relations and matters of organizational structure.)





8. Report on proposed annual testimony to legislative committees.
   (Mr. Finch, Assistant Postmaster General, Government Relations Department, will provide an account of anticipated Postal Service testimony before the cognizant Congressional Committees in the light of the requirement enacted by the Postal Reorganization Act Ammendments of 1976 that the Postal Service should appear by not later than March 15 of each year before these Committees "to submit information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service, and to present testimony and respond to questions with respect to [the Postal Service's budget and Annual Comprehensive Statement]."

LOUIS A. COX,
*Secretary.*

[S-410-78 Filed 2-21-78; 2:44 pm]

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[7905-01]

14

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., March 7, 1978.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Ill.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

(1) Annual comprehensive review of the Board's Actuarial Advisory Committee for calendar year 1977.
(2) Dissemination to public through Social Security of information on reduction of Tier I portion by amount of Social Security benefit.
(3) Retroactivity of coverage ruling relating to service performed for The Kansas City Southern Railway Co. under certain contracts with Trans-Mark Services, Inc., and Servitron, Inc.
(4) Revised "Notice of Annuity Award" Form RL-20.

Portions closed to the public:

(5) Appeal from referee's denial of annuity application, Frank G. Kurka.
(6) Appeal from referee's denial of disability annuity application, Clair V. McWilliams.
(7) Appeal of denial of waiver of recovery of overpayment, Alfred S. Ross.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, Com No. 312-751-4920, FTS No. 387-4920.

[S-413-78 Filed 2-21-78; 2:44 pm]



THURSDAY, FEBRUARY 23, 1978
PART II

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THURSDAY, FEBRUARY 23, 1978
PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

## TEACHER CORPS PROJECT

### Development and Operation

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 172—TEACHER CORPS

Grants

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This regulation implements Title V-A of the Higher Education Act of 1965, as amended, and governs grants to institutions of higher education, local educational agencies, and State educational agencies to develop and operate Teacher Corps projects. The purpose of Teacher Corps projects is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers and teacher aides. This regulation clarifies the new directions established for Teacher Corps by the Education Amendments of 1976. In general this regulation reflects: (1) Increased attention to improving the school/learning climate through Teacher Corps projects, (2) emphasis on reforming the training and retraining of educational personnel through Teacher Corps projects, and (3) a greater focus on demonstration, documentation, institutionalization, and dissemination of the results of Teacher Corps projects. Major program changes which resulted from the Education Amendments of 1976 include: (1) Increasing the project length from two to five years, (2) increasing the collaboration among local educational agencies, institutions of higher education, and communities in the development and carrying out of projects, and (3) greater emphasis on local determination of project objectives and design.

EFFECTIVE DATE: Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject to that section shall become effective on the 45th day following the date of transmission to the Congress, subject to the provisions in the section concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Russell Wood, Deputy Director, Teacher Corps, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: 202-245-8224.

SUPPLEMENTARY INFORMATION: Section 503 of the Education Amendments of 1973 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by the Commissioner or the Secretary after June 30, 1965 in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, concerning this study; and to publish in the FEDERAL REGISTER these rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters published. This regulation reflects the results of this study as it relates to the Teacher Corps. Upon publication of Part 172, all preceding rules, regulations, guidelines and other published interpretation and orders issued in connection with or affecting the program (except for 12th cycle continuation grants) will be superseded. This regulation does not apply to 12th Cycle Teacher Corps Projects because first year grants for these projects were made for fiscal year 1977 under previously published funding criteria. Continuation grants for the second (final year) of these 12th cycle projects, which will be awarded for fiscal year 1978, are not subject to this regulation.

*Overview of the program and regulation.* This regulation contains rules and criteria governing grant awards by the Commissioner to institutions of higher education, local educational agencies and State educational agencies. These grants are designed to: (a) Strengthen the educational opportunities available to children in areas having concentrations of low-income families; (b) encourage colleges and universities to broaden their programs of teacher preparation; and (c) encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel. Part 172 applies to all grant awards (except 12th cycle continuation grants) made after its effective date with funds appropriated to carry out the "Teacher Corps" program.

*Summary of major issues.* This regulation implements significant changes in the Teacher Corps program. The following changes are particularly significant and stem primarily from the Education Amendments of 1976 (Pub. L. 94-482):

(1) *Project length.* In § 172.30 of the regulation, the term of a Teacher Corps project is extended from the present two years to the newly authorized five years. The two-year limitation was placed on projects before 1974 when they were primarily concerned with graduate level pre-service training of teacher-interns in master of arts-type projects. Section 513(a)(1) of the statute was amended to authorize a project length of five years. The newly authorized five-year project duration will give all parties concerned with a Teacher Corps project (i.e., an institution of higher education, a local educational agency and a community council) sufficient time to plan a worthwhile project, carry it out, document it, and disseminate the results.

(2) *Community council.* Section 513(e) of the statute requires the full participation of an elected community council in planning, carrying out, and evaluating a Teacher Corps project. Section 172.14(c) of the regulation permits the temporary use of a community council elected for purposes other than the Teacher Corps project (e.g., community council elected to participate in a Title I, ESEA or a bilingual education project) to serve as a Teacher Corps project council for a maximum of three months after the date of the initial grant award. Thus, § 172.14 provides for useful community contributions to early project planning, without requiring a special community election before the award of a project grant. Past experience shows that only one out of every two or three project applications is finally approved for funding. Therefore, postponing the election of a permanent community council minimizes the creation of unwarranted expectations on the part of communities that are seeking projects. At the same time, a Teacher Corps community council must be elected early in the planning year (the first year of every project) so as to participate in designing the project in collaboration with the participating local educational agency and institution of higher education.

Section 172.104 of the regulation requires that the community council for youth advocacy projects must include representation of the parents of juvenile delinquents and youth offenders who are participating in the project.

(3) *Reduction of Federal support.* Under § 172.31 of the regulation, Federal support of a Teacher Corps project is reduced during the fourth and fifth years of the project term. One persistent criticism of Federal project grant programs is that the effects rarely last after Federal project funding terminates. The reduction of Federal funding during the latter project years is designed to encourage an orderly assumption of funding responsibility by the institutions of higher education, local educational agencies, and other agencies participating in the project.





(4) *Released time compensation.* Section 514(f) of the statute permits, in limited circumstances, the use of grant funds to compensate local educational agencies, for the cost of the time educational personnel are released from their duties during the regular school day to participate in Teacher Corps project training. Under § 172.92 of the regulation, released time compensation is only paid with grant funds in cases where the continuation of the project is jeopardized without such payment. Thus, § 172.92 directly implements the intent of Congress that, "• • • the Commissioner will use the authority in a limited way only when he determines that a particular local educational agency is confronted with unusual financial difficulties such that the continuation of the Teacher Corps program would be jeopardized without Federal compensation. The managers further expect that compensation will be necessary for only a few days per month during the school year." (p. 204, Conference Report 94-1701, U.S. House of Representatives, September 27, 1976).

(5) *Number of teacher-interns.* Section 172.81 of the regulation requires at least four teacher-interns in each project. This continues the Teacher Corps practice of requiring teacher-interns in each project. The requirement ensures that a project will be able to integrate the pre-service training of new teachers with the inservice training of existing staff and, thus, broaden programs of teacher preparation.

However, if a participating local educational agency provides an assurance (§ 172.81) that it will employ all teacher-interns who successfully complete their internship, the project may include a ratio of up to one teacher-intern for each five teachers in the Teacher Corps project. Thus, § 172.81 responds to sec. 513(f) of the statute which requires the Teacher Corps to work toward a nationwide Teacher Corps membership ratio of approximately five teachers to each individual not yet employed as a teacher. Section 513(f) also authorizes the Commissioner to waive this goal if there is an insufficient number of qualified teacher applicants, or if there are insufficient employment opportunities for the teacher-interns.

(6) *Local development of objectives.* Section 172.61 of the regulation requires local educational agencies, institutions of higher education, and community councils to jointly establish their own local objectives. Previously published funding criteria for the Teacher Corps (see FEDERAL REGISTER, vol. 42, No. 1, January 3, 1977, p. 77) required a project to adopt one of five broadly defined strategies which included: (a) Establishment of training complexes including teacher centers; (b) implementing competency-based teacher education; (c) training for implementing alternative school designs; (d) inter-disciplinary training; and (e) training for the systematic adaption of research findings. While these strategies remain useful, they are not required by the regulation. It is anticipated that the commitment of people involved in a project and the prospects of achieving lasting benefits will be enhanced by leaving much of the substance of a project to local determination.

(7) The Trust Territory of the Pacific is eligible under section 513(c)(2) of the statute for allocations of Teacher Corps members, but is not defined as a "State" in the general provisions regulations of the Office of Education. Therefore, in this regulation the Trust Territory of the Pacific is specifically included in the definition of "State."

(8) Sections 172.82(c) and 172.113(b) of the regulation urge grantees to give consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project in recruiting Teacher Corps members and staff. This is consistent with Congressional intent as expressed in Senate Report No. 94-882, 94th Cong., 2nd Sess. (1976).

*Summary of comments and responses.* A notice of proposed rulemaking for the Teacher Corps program, inviting public comment, was published in the FEDERAL REGISTER on September 20, 1977, and a public hearing was held on October 5, 1977 in Washington, D.C. During the 30-day period of public comment, over 120 written suggestions and recommendations were received from interested persons and organizations. The comments were generally very favorable and supportive of the proposed regulation. The following is a summary of the comments which requested changes in, or clarification of, the regulation and responses to those comments (comments which requested changes that are not authorized by the Teacher Corps statute are not included). The comments and responses are identified with the section number of the regulation to which they refer and are presented in the numerical sequence of the regulation.

§ 172.11 INSTITUTION OF HIGHER EDUCATION

*Comment.* One commenter suggested that the regulation be changed to clarify that the participating institution of higher education must offer teacher preparation programs at both the elementary and secondary education level.

*Response.* While most projects will include teachers and teacher-interns serving in both elementary and secondary schools, some may include only one of these levels. Therefore, § 172.11 of the regulation is not changed to require that the institution of higher education offer teacher preparation at both levels.

§ 172.12 PROJECT SCHOOLS

*Comment.* Many commenters requested revision or clarification of § 172.12 of the regulation concerning the number of participating schools required in each Teacher Corps project and clarification of the definition of a "feeder system."

*Response.* Section 172.12 of the proposed regulation was ambiguous and therefore, is changed to clarify and further define project schools. Section 172.12(a) requires that each project include two to four complete schools which together include all grade levels provided by the local educational agency. In order to enhance the institutional impact of a project, the schools included in the project should be a feeder system. A feeder system is one or more schools that together include all grade levels from pre-school, where such programs are provided, through grade twelve. Furthermore, to be a feeder system the majority of pupils enrolled in the elementary school or schools must progress to the high school or to the intermediate school. If an intermediate school is included, the majority of pupils from the intermediate school must progress to the high school. However if the local educational agency does not have a feeder system as described above, the following are acceptable alternatives:

(1) A single school if that school includes grades one through twelve;

(2) More than four schools where additional schools are needed to include all grade levels in the feeder system;

(3) More than four schools where one or more schools in the feeder system employ twelve or fewer teachers; or

(4) Two to four schools in a feeder system which does not include a high school (grades eight or nine through twelve) if the high school is in a separate local educational agency.

If the alternatives do not meet local needs, the local educational agency may propose another arrangement provided that the entire educational staffs of schools serving a definable low income community are included.

§ 172.14 COMMUNITY COUNCIL

*Comment.* One person suggested that the regulation be changed to limit each community council to a maximum of 12 members.

*Response.* The maximum size of each community council is left as a local decision, so that it may best reflect local circumstances.

*Comment.* One commenter asked whether a local school board could serve as a Teacher Corps project community council.

*Response.* The statute and regulation require that a community council be elected specifically to serve as the Teacher Corps community council. However, individual members of a school board may serve on a community council specifically elected for that purpose under § 172.14(d).

*Comment.* Two commenters suggested that the regulation be changed to permit a Title I Elementary and Secondary Education Act council or similar council to be the permanent Teacher Corps community council.

*Response.* No change is made in the regulation. Section 172.14 is based on section 513(e) of the statute which requires an elected community council that is representative of the community in which the project is located and the parents of the students in the elementary or secondary schools participating in the project. A community council elected for another purpose could not serve as a permanent Teacher Corps community council unless this representation requirement is met.

*Comment.* One commenter questioned the feasibility of community wide elections where the attendance area of the participating schools is geographically very large.

*Response.* Community wide elections are required by the representation requirements in section 513(e) of the statute. After initial grant awards are made, the Teacher Corps program will provide technical assistance to the local projects concerning how to conduct community wide elections.

### § 172.15 Policy Board

*Comment.* Some commenters stated that potential conflicts existed between the policy board and the elected local school board, because the local school board has responsibility for school policy under State law.

*Response.* These conflicts should not occur because a Teacher Corps project must be carried out within all established State and local laws, regulations and policies. The policy board will operate within this framework.

*Comment.* One commenter suggested that the regulation be changed by eliminating principals' organizations from the list of suggested representatives on the policy board. The commenter felt that principal's organizations should not be highlighted as a suggested additional group.

*Response.* No change is made in the regulation. Principals, who were not eligible for Teacher Corps training until the Education Amendments of 1976, are now regarded as key elements in a Teacher Corps project.

*Comment.* One commenter asked whether inclusion of teacher-interns on the policy board is required under § 172.15(b)(4).

*Response.* Section 172.15(b)(4) of the regulation was typographically inaccurate as published in the proposed regulation. The typographical error in § 172.15(b)(4) is corrected in the final regulation and teacher-interns may be included on the policy board at local option.

*Comment.* One commenter requested that the regulation be changed to permit the dean of the school of education to designate a substitute representative on the policy board.

*Response.* No change is made in the regulation. The effectiveness of the policy board depends upon the inclusion of key education decision makers, such as deans of schools of education.

### § 172.17 Involvement of State Educational Agency

*Comment.* One commenter suggested that the regulation be changed to specify a role for State educational agencies in project dissemination.

*Response.* No change is made in the regulation. While Teacher Corps endorses a State educational agency role in this function, the role is not specified in the regulation since the details of each project should be worked out at the local level in cooperation with the State educational agency. However, a State educational agency may not receive a grant under § 172.32 to disseminate project experience.

### § 172.30 Project Duration

*Comment.* One commenter requested that the regulation be changed to permit projects of shorter than five years' duration.

*Response.* The regulation is changed to permit projects shorter than five years' duration. Experience with other Federal education programs shows that five years is the optimum project length. However, if the applicant institutions and agencies can demonstrate in their applications that their objectives can be met in a shorter time, then a shorter time period may be used.

*Comment.* One commenter suggested that the regulation be changed by eliminating the requirement for annual applications and that funding be made automatically for years after the first year.

*Response.* No change is made in the regulation. Automatic continuation funding is prohibited under 31 U.S.C. 665(a). In addition, applications for continuation grants provide a necessary opportunity for review of project experience and effectiveness.

### § 172.31 Size of Grants

*Comment.* Several commenters requested that the regulation be changed to increase, or provide more flexibility in the size of grants.

*Response.* The limitation on grant size for the initial developmental year is clarified to provide "not more than" $150,000. The amounts stated for the other project years are approximate limitations and local projects may apply for smaller sums. The approximate limitation for the amount awarded to a project for the last project year is increased to $150,000. The amounts are based on past project experience and the belief that significantly larger sums would impair the demonstration aspect of the project.

*Comment.* One commenter suggested that the regulation be changed to base the grant size limitations on the number of individuals who participate in the project.

*Response.* No change is made in the regulation. The limitations in § 172.31 are intended to ensure that project costs do not become so high that the demonstration aspects of the project are jeopardized.

*Comment.* One commenter suggested an increase in the limitation on the total amount awarded to grantees under a project for the first project year if a State educational agency grant is included in the project.

*Response.* No change is made in the regulation. The limitations in § 172.31 are intended to cover all project activities regardless of the number of agencies and institutions involved and whether or not a State educational agency is a grantee.

### § 172.32 Separate Grants

*Comment.* A State educational agency asked if it could set its own approval criteria and require that each application for a project in its State must include the participation of the State educational agency as a grantee.

*Response.* Under § 172.135 of the regulation, the State educational agency must approve all applications that are in conformance with applicable State laws, rules, and regulations and consistent with overall plans for teacher education in that State. A State educational agency may establish its own criteria for determining whether project applications, are consistent with overall State plans for teacher education, including requiring the participation of the State educational agency as a joint grantee. However, the Commissioner will not approve any application which does not conform to the Teacher Corps statute and this regulation. The State educational agency must keep in mind that, to the extent an application addresses State educational agency criteria which are inconsistent with the criteria in Subpart F of this regulation, the application would receive a lower evaluation by the Commissioner.

### § 172.33 Time Period Before Agencies or Institutions May Apply for a New Project

*Comment.* Several commenters requested that the regulation be changed to reduce the five-year moratorium between the time of project completion and application for a new Teacher Corps project.

*Response.* The moratorium in § 172.33 is designed to enhance the institutionalization of Teacher Corps experience by involving new institutions rather than making additional grants to institutions which have participated. However, to allow more flexibility, § 172.33 is changed to reduce the moratorium to three years.

*Comment.* Several commenters asked whether the moratorium in § 172.33 applies to the Teacher Corps 12th cycle grantees.

*Response.* The moratorium does not apply to 12th cycle grantees since they are not covered by the regulation (see explanation set forth above). Nevertheless, applications from grantees currently participating in 12th cycle projects would probably receive lower evaluations in the grant competition since there would be more limited institutional impact if Teacher Corps programs operated simultaneously or consecutively in the same institution.





### § 172.40 Initial Developmental Year

*Comment.* One commenter suggested that the regulation be changed to reduce the developmental year to a period of three months.

*Response.* The regulation is changed to permit a developmental period of less than a year if the applicant can demonstrate that the full year is not needed. Experience with similar Federal programs indicates that a year is usually necessary for project development.

### § 172.42 Functions of Each Participant

*Comment.* One commenter suggested that the regulation be changed to provide that institutions of higher education be compensated for the cost of released time necessary for higher education staff serving in the project.

*Response.* No change is made in the regulation. The cost of released time for institution of higher education staff may be a legitimate part of the cost of providing training to Teacher Corps members for which institutions of higher education may be compensated.

### § 172.45 Training by Institutions of Higher Education

*Comment.* Two commenters requested that the regulation be changed to permit institutions of higher education to train their own instructional staff as part of the Teacher Corps project.

*Response.* No change is made in the regulation. The statute does not specifically authorize training of higher education personnel, as such. However, training of higher education staff who are staff members of the Teacher Corps project is acceptable as a regular administrative function, as long as the training is for their responsibilities in the project.

*Comment.* One commenter asked if training for teacher aides is possible.

*Response.* Section 172.45(b) of the regulation permits this training.

### § 172.47 Training Program for Teacher Interns

*Comment.* A commenter suggested that the regulation allow more flexibility to local projects in assigning practical classroom experience for teacher-interns.

*Response.* Section 172.47 of the regulation already permits local flexibility in assigning teacher-interns classroom experience. However, § 172.47(c) is changed to make the one-half day school experience requirement an average over the two year internship (permitting fewer classroom hours during the first school year and more hours during the second school year).

### § 172.48 Graduate Level Training for Teachers and Teacher Interns

*Comment.* Several commenters requested that the regulation be changed to permit persons who do not have bachelors degrees to serve as teacher-interns and to permit these persons to receive undergraduate training. The commenters requested this change because of the unavailability of teacher-intern candidates with bachelors degrees in some localities.

*Response.* Teacher Corps recognizes that there may be local situations where there are not enough teacher-intern candidates with bachelors degrees. Therefore, the definition of "teacher-intern" is changed to permit a person who has completed two or more years of a program for which credit was given toward a bachelors degree to serve as a teacher-intern if there are not enough teacher-intern candidates who have a bachelors degree. If a project seeks to include persons who do not have bachelors degrees as teacher-interns, the local educational agency must provide a certification under § 172.124(f). Section 174.48 of the regulation has been changed to permit teacher-interns who do not have a bachelors degree to receive undergraduate training.

### § 172.49 Degree and Certification for Teacher-Interns

*Comment.* Several commenters suggested that team leaders and teacher-interns be employed before the start of the second project year, to provide more preservice training for teacher-interns.

*Response.* Under § 172.40 team leaders must be hired and teacher-interns recruited and selected during the initial developmental year. However, to provide for a preservice training period, § 172.49 is changed to require that teacher-interns begin their internships three months before the start of the second school year of the project.

*Comment.* One commenter suggested that advance State educational agency approval be required for the training program to assure consistency with State certification standards.

*Response.* No change is made in the regulation. State educational agency approval of project applications is required under § 172.135.

*Comment.* One commenter suggested that the regulation be changed to substantially reduce the period of time for teacher-intern training.

*Response.* No change is made in the regulation. The two-year training period is essential to achieve institutional change, particularly the integration of pre-service and in-service training. Another reason for the two year period is to provide teacher-interns with experience in a variety of schools and grade levels.

### § 172.60 Basic Outcomes

*Comment.* One commenter suggested that the regulation be changed to deemphasize basic outcomes and substitute the term "activities" in place of "outcomes."

*Response.* No change is made in the regulation. The four basic outcomes were developed as a result of an extensive planning process and are the structure around which the entire project must be designed.

*Comment.* One commenter suggested that the regulation be more specific about expected learner outcomes.

*Response.* No change is made in the regulation. Teacher Corps believes that the specificity of expected learner outcomes, as a result of Teacher Corps projects, is a matter for local determination.

*Comment.* One commenter suggested that a project not be held accountable for the adoption, or adaptation, of educational improvements by other agencies and institutions.

*Response.* No change is made in the regulation. A project is not held accountable for adoption of educational improvements beyond the legal jurisdiction of the grantees. This means, for example, that a local educational agency is accountable for the adoption and adaptation of educational improvements only in schools within its jurisdiction. However, each project must make efforts to demonstrate and disseminate its experience beyond local educational agency boundaries.

### § 172.62 School Objectives

*Comment.* One commenter suggested that the regulation be changed to em-





phasize the coordination of school outcomes among all project schools.

*Response.* This suggestion is accept-

each project so that there will be sufficient opportunity for the integration

bution (10%) to teacher-intern compensation under § 172.88 may be "in



### § 172.93 Compensation of Volunteers

sentative of both parents and resi-

*Response.* This is not covered by the regulation. Title IX of the Education

phasize the coordination of school outcomes among all project schools.

*Response.* This suggestion is accepted and § 172.62 is changed to require that all project schools must be involved in the development of these specific objectives. This involvement of all project schools is designed to add continuity and provide greater impact at various levels of the educational system.

*Comment.* One commenter suggested that the regulation be changed to specifically include undergraduates in a definition of volunteer.

*Response.* No change is made in the regulation. Undergraduates and other persons who volunteer to serve as part-time tutors or full-time instructional assistants in project schools are volunteers under § 172.80(b) of the regulation. It should be noted that training for volunteers is limited under section 513(a)(5)(B) of the statute to "training to prepare tutors and instructional assistants for service" in Teacher Corps projects.

§ 172.81 NUMBER OF TEACHER-INTERNS

*Comment.* Several commenters asked for clarification of the provision in § 172.81(b) which permits each project to include up to one teacher-intern for each five teachers in the project schools if the local educational agency will employ all teacher-interns who complete their internships.

*Response.* Section 172.81 of the regulation is based on section 513(f) of the statute which provided that: "The Commissioner shall establish procedures seeking with respect to the Teacher Corps members enrolled after the date of enactment of the Education Amendments of 1976 a goal of having approximately 5 individuals who are at the time of enrollment, or who previously have been, employed as teachers by local education agencies to one individual who has not been so employed. The Commissioner may waive the procedure established under this subsection if he makes a determination that there are insufficient qualified applicants to maintain the goal sought by this subsection, or that there are insufficient employment opportunities for individuals who are not so employed, and submits a report to Congress of such a determination."

If the assurance required in § 172.124(e) is not given, this is evidence that there are "insufficient employment opportunities" for the teacher-interns and the requirement of four teacher-interns per project under § 172.81(a) will then apply.

*Comment.* One commenter suggested the regulation be changed to permit less than four teacher-interns in each project, at local option.

*Response.* No change is made in the regulation. A minimum number of four teacher-interns is required in each project so that there will be sufficient opportunity for the integration of pre-service and in-service training. Past project experience has shown that four is the minimum number that constitutes an effective teacher-intern team.

§ 172.83 TEACHER-INTERN TEAMS

*Comment.* One commenter asked if team leaders must be employed full-time by the project.

*Response.* Team leaders will normally be employed by the project on a full-time basis, since they are expected to participate fully in project activities including supervising teacher-interns. However, there may be exceptional local circumstances in which this is not possible, so employment on less than a full time basis is permitted.

*Comment.* One commenter asked whether each team must spend a portion of the internship in each project school where there are multiple teacher-intern teams in the project.

*Response.* Section 172.83 of the regulation requires teacher-intern rotation so that each teacher-intern will have experience in all educational levels represented in the project schools.

§ 172.87 COMPENSATION OF TEAM LEADERS

*Comment.* One commenter suggested that the regulation be changed to make faculty in institutions of higher education eligible to serve as team leaders.

*Response.* No change is made in the regulation. Under the present language, any qualified individuals are eligible and may be hired by the local educational agency as team leaders.

§ 172.88 TEACHER-INTERN COMPENSATION DURING THEIR TERM OF SERVICE WITH THE PROJECT

*Comment.* One commenter suggested that the regulation be changed to limit the total compensation paid to teacher-interns to the salary of a beginning teacher.

*Response.* In order to recognize locally established salary policy, § 172.88 is changed to limit total teacher-intern compensation (including stipend and dependent allowance) to not exceed the salary of a full-time beginning teacher.

*Comment.* Several commenters requested clarification of the responsibility for paying stipends and compensation to the teacher-interns.

*Response.* It is intended that teacher-interns receive continuous stipend payment or compensation from the time of entry into the project to the time of completion of the internship. The stipend must be paid during both summers during the internship.

*Comment.* One commenter asked if the local educational agency's contribution (10%) to teacher-intern compensation under § 172.88 may be "in kind" rather than in money.

*Response.* It is the intent of § 172.88 that teacher-interns be compensated in money. This has been the continuing policy of Teacher Corps.

§ 172.90 TEACHER-INTERN AND TEAM LEADER MEDICAL INSURANCE

*Comment.* One commenter asked whether teacher-interns and team leaders should receive fringe benefits in addition to medical insurance.

*Response.* No change is made in the regulation. In order to recognize locally established policies and circumstances, this is left for determination at the local level.

§ 172.91 TRAINING STIPENDS FOR TEACHERS AND OTHER EDUCATIONAL PERSONNEL

*Comment.* One commenter suggested that the decision of whether to pay training stipends to teachers and other educational personnel (as well as the size of such stipends if paid) be left to local option.

*Response.* This suggestion is adopted. Section 172.91 of the regulation is changed to permit, rather than require, the payment of these stipends and the upper limit is set at $100 per individual per week. Thus, local projects have more flexibility to recognize local needs and priorities.

§ 172.92 RELEASED TIME FOR EDUCATIONAL PERSONNEL

*Comment.* One commenter asked that the regulation be changed to assure applicants that project applications will not be penalized for requesting funds for released time.

*Response.* Under the evaluation criteria in Subpart F, no application will be penalized merely for proposing that a portion of grant funds be used for released time if such use is fully justified in the application. However, in reviewing applications the Commissioner considers whether the activities are likely to accomplish the project objectives. An application which proposes to use a large amount of its budget for the costs of released time, may not have activities adequate to achieve its objectives, and therefore might not score as well under the criteria in Subpart F.

*Comment.* One commenter requested clarification of the term "jeopardy" as used in § 172.92(b) of the regulation.

*Response.* The term jeopardy was used in the Conference Report on the Education Amendments of 1976 cited above. It was the intent of Congress that grant funds should be used to pay for released time only in extremely limited circumstances, where the project is unlikely to succeed without that payment.





§ 172.93 COMPENSATION OF VOLUNTEERS

*Comment.* One commenter suggested that volunteers be paid stipends for participation in summer training.

*Response.* No change is made in the regulation. In order to reflect local circumstances, § 172.93 provides that volunteers may be paid or not paid according to local policy.

§ 172.94 TRAVEL EXPENSES OF TEACHER CORPS MEMBERS

*Comment.* One commenter suggested that the regulation be changed to permit travel and transportation payments only to teacher-interns rather than all Teacher Corps members.

*Response.* No change is made in the regulation. Travel expenses for any Teacher Corps members, including regular teachers, may be necessary.

*Comment.* One commenter suggested reducing the 11,000 pound restriction under § 172.94(b)(2)(ii) to 6,000 pounds.

*Response.* This suggestion is not adopted since the 11,000 pound allowance is used in similar Federal programs.

§ 172.102 YOUTH ADVOCACY PROJECT JOINT PARTICIPATION

*Comment.* One commenter asked whether a traditional penal institution must be part of a youth advocacy project.

*Response.* A project is not required to include an incarceratory institution. Section 172.102(b)(4) of the regulation indicates that one, or more, of four types of correctional facilities must be part of a youth advocacy project.

*Comment.* Two commenters suggested including State educational agencies as eligible participants in youth advocacy projects.

*Response.* State educational agency participation is authorized by the statute and the suggestion is adopted. Section 172.102 of the regulation is changed to permit State educational agencies to participate in youth advocacy projects.

*Comment.* One commenter asked whether a regular Teacher Corps project may be combined with a youth advocacy project, and if this is permissible whether the funding limitation is increased.

*Response.* A regular Teacher Corps project cannot be combined with a youth advocacy project. Under the regulation, a youth advocacy project must contain most of the same elements as a regular Teacher Corps project and therefore combination with a regular project is unnecessary.

§ 172.104 YOUTH ADVOCACY PROJECT COMMUNITY COUNCIL

*Comment.* One commenter asked if the community council must be representative of both parents and residents in youth advocacy projects.

*Response.* Under § 172.104 of the regulation, procedures must be developed at the local level for an election that includes both the parents of the youths participating in the project and the residents of the area served by the project schools.

§ 172.108 CORRECTIONAL FACILITY FUNCTIONS

*Comment.* One commenter asked what purpose grants to correctional institutions may serve in youth advocacy projects.

*Response.* The functions of a participating correctional facility are described in § 172.108

§ 172.110 MANAGEMENT PLAN

*Comment.* One commenter asked how much detail is required in the management plan required in the initial project application.

*Response.* The management plan must address all project years, although the activities and objectives may change as a result of project experience. The proposed budget for all project years, except the first year, may be in locally determined outline form.

*Comment.* One commenter suggested that the regulation be changed to describe which indirect costs grantees may be compensated for.

*Response.* No change is made in the regulation because indirect costs are covered by the applicable cost principles referenced in 45 CFR 100a.81.

*Comment.* One commenter suggested the establishment of a Teacher Corps management plan on a national level.

*Response.* A national management plan for the Teacher Corps is being developed as a result of detailed planning processes now in progress. However, this plan is part of national program management and not appropriately covered in the regulation.

*Comment.* One commenter suggested that the regulation be changed to specify a set amount for the secretarial and administrative expenses of the community council.

*Response.* No change is made in the regulation. So that these expenses can reflect the needs of each project, Teacher Corps chooses not to specify a set amount. However, the secretarial and administrative expenses of the community council, which may include training expenses for the council members themselves, must be a distinctly identifiable category in the project budget required under § 172.110.

§ 172.113 EMPLOYMENT OF PROJECT ADMINISTRATIVE STAFF

*Comment.* One commenter asked that equal treatment of the sexes be required under § 172.113.

*Response.* This is not covered by the regulation. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) prohibits sex discrimination in any education program or activity receiving Federal financial assistance and every applicant must file an assurance of compliance.

*Comment.* One commenter asked that the regulation be changed to specify that project staff in addition to the director, may be hired during the initial project year.

*Response.* No change is made in the regulation. Specific designation of project staff is not included in the regulation. Local projects may hire staff as appropriate for the functions to be carried out in the initial project year.

§ 172.125 COMMUNITY COUNCIL

*Comment.* One commenter suggested that the regulation be changed to require more specificity in the assurance concerning the role of the community council.

*Response.* No change is made in the regulation. The language in § 172.125(c) of the regulation is based on section 513(e) of the statute. So that local circumstances and situations can be reflected, additional details are left to local determination.

*Comment.* One commenter suggested that the regulation be changed to clarify how an applicant should describe the community council.

*Response.* No change is made in the regulation. The initial project application can describe the permanent community council in prospective terms and not as much detail is expected in the initial application as in the second year application.

(UNNUMBERED) TRAINING, COMMUNITY COUNCIL EXPENSES

*Comment.* One commenter asked whether a separate budget for the community council's secretarial and administrative expenses must be included in the project application.

*Response.* A separate budget for the secretarial and administrative expenses of the community council is required.

§ 172.135 APPROVAL OF APPLICATIONS BY THE STATE EDUCATIONAL AGENCY

*Comment.* One commenter suggested that the regulation be changed to specify a 15 day period for State educational agency approval of applications.

*Response.* No change is made in the regulation. The length of the approval period is left to State educational agency determination. However, it should be noted that the more time a State educational agency requires, the less time applicants will have for project application development, which could affect their ability to compete successfully for a project.

*Comment.* One commenter suggested that the regulation be changed to be more specific about requiring competency-based teacher training and similar approaches.

*Response.* No change is made in the regulation. So that each project may reflect local circumstances, much of the substance and approaches of the Teacher Corps training is left to local discretion.

CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory authority for each section of the regulation has been placed in parentheses on the line following the text of the section. Reference to "Sec." in the citations of authority following provisions of the regulation refer to sections of the Higher Education Act of 1965, as amended.

*Authority.* This regulation is issued under the authority of Title V-A of the Higher Education Act of 1965 (Pub. L. 89-329), as amended by Pub. L. 90-35, Pub. L. 90-575, Pub. L. 91-230, Pub. L. 92-318, Pub. L. 93-380, and Pub. L. 94-482.

(20 U.S.C. 1101 et seq.)

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11621 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.489, Teacher Corps).

Dated: December 13, 1977.

ERNEST L. BOYER,
*U.S. Commissioner of Education.*

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary of Health, Education, and Welfare.*

Title 45 of the Code of Federal Regulations is amended by adding a new Part 172 to read as follows:

## PART 172—TEACHER CORPS

### Subpart A—General


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172.1 Scope.
172.2 Purpose.
172.3 Definitions.


### Subpart B—Elements of a Teacher Corps Project


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172.11 Institution of higher education.
172.12 Project schools.
172.13 Involvement of all educational school personnel in the project.
172.14 Community council.
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172.16 Other participating groups.
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GRANTS

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BASIC OUTCOMES AND PROJECT OBJECTIVES

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172.84 Teacher-interns may not replace teachers.
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### Subpart C—Youth Advocacy Projects


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172.101 Other sections in this part apply to youth advocacy projects.
172.102 Youth advocacy project joint participation.
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172.104 Youth advocacy project community council.
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### Subpart D—Project Administration


172.110 Management Plan.
172.111 Project director.
172.112 Compensation of project director and staff.
172.113 Employment of project administrative staff.
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### Subpart E—Applications


172.122 Policy board.
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172.125 Community council.
172.126 Correctional facility.
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172.128 Management and staffing plans.
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172.133 Youth advocacy projects.
172.134 Information responding to evaluation criteria.
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172.136 Continuation grant application.
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### Subpart F—Evaluation Criteria


172.150 Evaluation procedure.
172.151 School learning climate criterion.
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APPENDIX—PART A OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED—TEACHER CORPS PROGRAM STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS


AUTHORITY: Title V-A of the Higher Education Act of 1965 (Pub. L. 89-329), as amended by Pub. L. 90-35 in 1967; Pub. L. 90-575 in 1968; Pub. L. 91-230 in 1970; Pub. L. 92-318 in 1972; Pub. L. 93-380 in 1974; and Pub. L. 94-482 in 1976 (20 U.S.C. 1101 et seq.), unless otherwise noted.

### Subpart A—General

§ 172.1 Scope

(a) This regulation applies to the Teacher Corps program. The statute that applies to the Teacher Corps program is Title V-A of the Higher Education Act of 1965, as amended. A copy of the statute is included as an appendix to this part.

(b) Each grant under this part is subject to the general provisions regulations of the Office of Education (Parts 100 and 100a of this chapter).

(Secs. 511 et seq.; 20 U.S.C. 1101 et seq.)

§ 172.2 Purpose.

The purpose of the Teacher Corps program is to strengthen the educational opportunities available to children in areas having concentrations of low income families, to encourage colleges and universities to broaden their programs of teacher preparation, and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

(Secs. 511(a); 20 U.S.C. 1101(a).)

§ 172.3 Definitions.

As used in this part: "Institution of higher education" means an institution of higher education as defined in Section 1201(a) of the Higher Education Act of 1965, as amended.

(Secs. 1201(a); 20 U.S.C. 1141(a).)

"Local educational agency" means a local educational agency as defined in section 1201(g) of the Higher Education Act of 1965, as amended. The term includes a State educational agency or other public or private nonprofit agency which provides a program or project designed to meet the special educational needs of migratory children of migratory agricultural workers.

(Sec. 1201(g), 20 U.S.C. 1141(g); Secs. 517A; 20 U.S.C. 1107a.)

"Low-income family" means a family with a child whom the local educational agency may count under Section 103 of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

"Other educational personnel" means administrators, supervisors, and other specialized educational personnel.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Sec. 513(c)(2); 20 U.S.C. 1103(c)(2); Sec. 1201(b); 20 U.S.C. 1141(b).)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Sec. 1201(h); 20 U.S.C. 1141(h).)

"Teacher" means a person who has a teaching certificate valid in the State in which the Teacher Corps project is located, and who has had full-time paid teaching experience.

(Sec. 513(a)(1), 20 U.S.C. 1103(a)(1).)

"Teacher aide" means a person employed as a paraprofessional in a school or correctional facility who assists a teacher in performing educational duties. The term does not include teacher-interns or non-educational personnel. State and local rules determine whether certification is required for a teacher aide.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

"Teacher-intern" means a person recruited to serve in a Teacher Corps project who has a bachelors degree or its equivalent, with or without a teaching certificate, but who has not had fulltime paid teaching experience. However, a person who has completed two or more years of a program for which credit was given toward a bachelors degree may serve as a teacher-intern if there are not enough teacher-interns candidates who have a bachelors degree.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

### Subpart B—Elements of a Teacher Corps Project

PARTICIPANTS

§ 172.10 Joint Participants.

(a) Each project must be carried out jointly by:

(1) One or more institutions of higher education;

(2) One or more local educational agencies; and

(3) A community council established under § 172.14.

(b) A project may also include participation by a State educational agency. The State educational agency may participate by providing training to the Teacher Corps members.

(c) The institutions, agencies and community council which participate in a project shall collaborate in planning, carrying out, and evaluating the project.

(Sec. 513 (a), (e), (g); 20 U.S.C. 1103 (a), (e), (g).)

§ 172.11 Institution of higher education.

Each project must include at least one institution of higher education which offers academic course work at the graduate level leading to a graduate degree in the field of education, unless none of the teacher-interns has a bachelors degree.

(Sec. 513(a)(2), (b); 20 U.S.C. 1103 (a)(2), (b).)

§ 172.12 Project schools.

(a) Each project must include two to four complete schools which together include all grade levels provided by the local educational agency. This must include at least grades one through twelve. The schools selected must be a feeder system. This means that a majority of pupils enrolled in the elementary school progress to the high school or to the intermediate school, if an intermediate school is included, and that a majority of pupils from the intermediate school progress to the high school. If the applicant local educational agency does not have a feeder system as described in this paragraph, the following are acceptable alternatives.

(1) A single school if that school includes grades one through twelve; or

(2) More than four schools where additional schools are needed to include all grade levels in the feeder system; or

(3) More than four schools where one or more schools in the feeder system employ twelve or fewer teachers; or

(4) Two to four schools in a feeder system which does not include a high school (grades eight or nine through twelve) if the high school is in a separate local educational agency.

(b) If the alternatives in (a) do not meet the needs of the applicant local educational agency, it may propose another arrangement provided that the entire educational staffs of schools serving a definable low income community are included.

(c) Each school included in the project which includes elementary grades must be eligible for a project under Title I of the Elementary and Secondary Education Act of 1965.

(Sec. 513(a)(3), 20 U.S.C. 1103(a)(3).)

§ 172.13 Involvement of all educational school personnel in the project.

All educational personnel employed by a project school must be involved in planning and carrying out the project in that school.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

§ 172.14 Community council.

(a) Each project must include an elected community council of at least seven members.

(b) The community council must be representative of:

(1) Parents of the children attending the project schools; and

(2) Other residents of the areas served by the project schools.

(c) An existing elected council which is broadly representative of the community in which the project is located may serve as the community council under this part for up to three months after the date of the initial grant award.

(d) A community-wide election must be held to elect a community council for the project within the three months after the date of the initial grant award (community-wide means within the attendance boundaries of the project schools).

(Sec. 513 (e)(1), (g); 20 U.S.C. 1103 (e)(1)(g).)

§ 172.15 Policy board.

(a) Each project must be planned and operated under the supervision of a policy board.

(b) The policy board must include the following members:

(1) The dean of the school of education, or other component that offers graduate training, in the institution of higher education;
(2) The superintendent of the local educational agency; and
(3) The chairperson of the community council.
(c) The policy board members listed in paragraph (b) of this section may agree to add members to the board who represent:
(1) Organizations which represent teachers in the local educational agency;
(2) Organizations which represent principals in the local educational agency;
(3) Students;
(4) Teacher-interns; or
(5) Other persons or organizations which the three board members determine would be appropriate.
(d) Each policy board decides its own voting procedures.

(Sec. 513 (a), (e), (g); 20 U.S.C. 1103 (a), (e), (g).)

**§ 172.16 Other participating groups.**

A project may include the participation of other groups, such as teacher organizations, professional associations, students, and teacher-interns.

(Sec. 513 (a), (g); 20 U.S.C. 1103 (a), (g).)

**§ 172.17 Involvement of State educational agency.**

(a) The State educational agency must be kept informed of the progress and experience of the project, including
(b) Project matters which would contribute to the improvement of State teacher certification requirements.

(Sec. 512(a) (2), (3), (5); 20 U.S.C. 1103(a) (2), (3), (5).)

## GRANTS

**§ 172.30 Project duration.**

(a) Each application must be for up to a five year project duration. The Commissioner awards separate grants for each of those five years, subject to the availability of funds and continued effectiveness of the project.
(b) The Commissioner's assistance to a project may not continue after the fifth year.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.31 Size of grants.**

The total amount which the Commissioner awards to the grantees under a project is limited to:
(a) Not more than $150,000 for the first year;
(b) Approximately $300,000 for each of the second and third years if the project is for five years;
(c) Approximately $200,000 for the next to last year; and
(d) Approximately $150,000 for the last year:

(Sec.513(g); 20 U.S.C. 1103(g).)

**§ 172.32 Separate grants.**

(a) If an application is selected for assistance under this part the Commissioner awards a grant to the institution of higher education and a grant to the local educational agency. If a State educational agency participates in a project under § 172.10(b), the Commissioner awards a separate grant to the State educational agency.
(b) If the application includes more than one institution of higher education or more than one local educational agency the Commissioner may award a grant to one or more of those institutions or agencies.

(Sec. 513 (a), (g); 20 U.S.C. 1103 (a), (g).)

**§ 172.33 Time period before agencies or institutions may apply for a new project.**

If an institution of higher education or a local educational agency participates in a project it may not apply for a new project until three years after the end of that participation. If a local educational agency is subdivided into districts, this restriction applies only to the district within the local educational agency which participates in the project.

(Sec. 513(g); 20 U.S.C. 1103(g).)

## PROJECT PROGRAM

**§ 172.40 Initial developmental year.**

During the first year of a project:
(a) The project must be developed and organized;
(b) The community council must be elected;
(c) The team leader must be hired;
(d) The teacher-interns must be recruited; and
(e) Any revisions of the objectives adopted under §§ 172.61-172.65 must be planned and developed.
This period may be less than a year if these functions can be completed in a shorter time.

**§ 172.41 Achievement of objectives during the remaining four years.**

(a) During the remaining four years of a project, activities must be carried out which are designed to achieve the objectives adopted under §§ 172.61-172.66.
(b) Activities during this period must consist primarily of training.

(Sec. 513 (a)(1), (g); 20 U.S.C. 1103 (a)(1), (g).)

**§ 172.42 Functions of each participant.**

The applicants must agree to the functions each will perform, subject to §§ 172.43-172.45.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.43 Institution of higher education functions.**

An institution of higher education may perform the following functions under its grant:
(a) Recruiting, selecting, and enrolling Teacher Corps members.
(b) Training Teacher Corps members.
(c) Paying the administrative and secretarial costs of the community council.
(d) Paying the costs of project administration, including planning, documentation, evaluation, and dissemination.

(Sec. 513 (a), (e); 20 U.S.C. 1103 (a), (e); Sec. 541(f); 20 U.S.C. 1104(f).)

**§ 172.44 Local educational agency functions.**

A local educational agency may perform the following functions under its grant:
(a) Recruiting, selecting and enrolling Teacher Corps members.
(b) Training Teacher Corps members.
(c) Paying the compensation of Teacher Corps members.
(d) Paying the compensation for released time for educational personnel while in training, within the limitations in § 172.92.
(e) Paying the administrative and secretarial costs of the community council.
(f) Paying the costs of project administration, including planning, documentation, evaluation, and dissemination.

(Sec. 513 (a), (e); 20 U.S.C. 1103 (a), (e); Sec. 541(f); 20 U.S.C. 1104(f).)

**§ 172.45 Training by institutions of higher education.**

(a) Each institution of higher education which receives a grant under this part shall provide training to Teacher Corps members. This must include training designed to achieve the objectives adopted under § 172.62(b) (improvement of competency of educational personnel).
(b) An institution of higher education which does not offer academic course-work beyond the bachelor's degree level may provide training for volunteers and teacher aides, if this type of training is designed to achieve the objectives adopted under § 172.62.

(Sec. 513 (a)(2), (5), (b), (g); 20 U.S.C. 1103(a) (2), (5), (b), (g).)

**§ 172.46 Pre-service and in-service training.**

Training under this part must include pre-service training for teacher-interns and in-service training for other educational personnel employed by the project schools.

(Sec. 513(a)(2); 20 U.S.C. 1103(a)(2).)





**§ 172.47 Training program for teacher-interns.**

(a) The training program for a teacher-intern must be developed by the project director in consultation with the team leader and the institution of higher education which provides the training.
(b) The training must include:
(1) Practical classroom experience in each of the project schools;
(2) Academic study: and
(3) Practical experiences and training in the community served by the project.
(c) The practical classroom experience of a teacher-intern may not average more than one half of each school day during the period of his or her internship.
(d) Training may also be provided in a pre-school early childhood setting if that training is consistent with the objectives adopted under §§ 172.61-172.65.

(Sec. 513(a)(2), (g); 20 U.S.C. 1103(a)(2), (g).)

**§ 172.48 Graduate Level training for teachers and teacher-interns.**

Training for teachers and teacher-interns who have a bachelor's degree must be at the graduate level. Training for teacher-interns who do not have a bachelor's degree may be at the undergraduate level.

(Sec. 513(a) (1), (b), (g); 20 U.S.C. 1103(a) (1), (b), (g).)

**§ 172.49 Degree and certification for teacher-interns.**

Training must be designed so that a teacher-intern begins his or her internship three months before the beginning of the second school year of the project and has the opportunity to complete the internship, and receive a degree and a teaching certification by the end of the third school year of the project.

(Sec. 513(a) (2), (b); 20 U.S.C. 1103(a) (2), (b).)

**§ 172.50 Field and community based training.**

Training of Teacher Corps members must be primarily field based and carried out in the community served by the project.

(Sec. 513(a)(2); 20 U.S.C. 1103(a)(2).)

**§ 172.51 Training for volunteers.**

A grantee may provide training to volunteers to prepare them for service in the project.

(Sec. 513 (a)(5), (b); 20 U.S.C. 1103(a)(5), (b).)

**§ 172.52 Documentation of project experience.**

(a) Each project must include documentation of all significant factors which influence project experience and results, including:
(1) The characteristics and condition of the local setting; and
(2) The usefulness of project processes, practices, and products in the project schools.
(b) The documentation under paragraph (a) of this section must be used to:
(1) Review progress in accomplishing the objectives developed under §§ 172.61-172.65; and
(2) Revise those objectives if necessary.

(Sec. 511: 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

## BASIC OUTCOMES AND PROJECT OBJECTIVES

**§ 172.60 Basic outcomes.**

Each project must be designed to achieve the following outcomes:
(a) An improved school climate which fosters the learning of children of low-income families.
(b) An improved educational personnel development system for persons who serve or who are preparing to serve in schools for children of low-income families.
(c) The continuation of educational improvements (including products, processes, and practices) made as a result of the project, after Federal funding ends.
(d) The adoption or adaptation of those educational improvements by other educational agencies and institutions.

(Sec. 511; 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.61 Project objectives.**

(a) Each project must include objectives which are designed to achieve the outcomes described in § 172.60.
(b) These project objectives must be developed jointly by the institution of higher education, the local educational agency, and the community council.
(c) Each project objective must be adopted by the policy board.

(Sec. 511; 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.62 School objectives.**

(a) Each project must include specific objectives designed to achieve the outcome under § 172.60(a) (improved school climate) in each of the project schools. These objectives may include curriculum, organizational, or other changes that affect an entire school. All project schools must jointly participate in the development of these specific objectives.
(b) In addition to the objectives under paragraph (a) of this section, each project school must have objectives designed to:
(1) Improve the competency of all educational personnel employed by the project schools (and the teacher-interns) to provide education that is multicultural and to be knowledgeable of and sensitive to the needs of diverse cultures, regardless of the pupil population served by the project;
(2) Improve the competency of these educational personnel, the teacher interns, and the project schools, to deal with a wide range of variability in children; and
(3) Provide all educational personnel employed by the project schools (and the teacher-interns) with the opportunity to improve their competency to identify children with learning and behavioral problems, diagnose the special needs of those children, and prescribe learning activities to meet those needs.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.63 Educational personnel development system objectives.**

Each project must include specific objectives designed to achieve the outcome under § 172.60(b) (improved educational personnel development system), including objectives to achieve:
(a) Basic and systemic improvements in the methods used by the institution of higher education and the local educational agency to train educational personnel;
(b) The development of the capacity of the institution of higher education to provide training that will achieve the objectives under § 172.63(b); and
(c) Provision of pre-service and in-service training as an integral process.

(Sec. 511(a) 20 U.S.C. 1101(a); sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.64 Institutionalization objectives.**

Each project must include specific objectives designed to achieve the outcome under § 172.60(c) (continuation of educational improvements).

(Sec. 511(a); 20 U.S.C. 1101(a); sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.65 Demonstration and dissemination objectives.**

Each project must include specific objectives designed to achieve the outcome under § 172.60(d) (adaptation of educational improvements by other agencies) by demonstrating and disseminating project processes, practices, and products found useful in the project schools to:
(a) Persons involved in the project;
(b) Schools of the local educational agency and components of the institution of higher education which are not involved in the project;
(c) Other local educational agencies, institutions of higher education, and communities; and
(d) Others interested in educational policy.

(Sec. 511(a); 20 U.S.C. 1101(a); sec., 513(g); 20 U.S.C. 1103(g).)

TEACHER CORPS MEMBERS

**§ 172.80 Educational personnel, teacher-interns, and volunteers.**

The following persons are Teacher Corps members:

(a) Teachers and other educational personnel who are employed by a project school;

(b) Volunteers who serve as part-time tutors of full-time instructional assistants in project schools; and

(c) Teacher-interns.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

**§ 172.81 Number of teacher-interns.**

(a) Each project must include at least four teacher-interns.

(b) Each project may include up to one teacher-intern for each five teachers in the project schools if the local educational agency will employ all teacher-interns who complete their internships.

(Sec. 513(f); 20 U.S.C. 1103(g).)

**§ 172.82 Recruiting teacher-interns.**

(a) The Commissioner provides each grantee with a national listing of qualified applicants for teacher-internships.

(b) A grantee may recruit teacher-interns from the national listing of qualified applicants, but is not required to do so.

(c) A grantee must design its recruitment of teacher-interns so that it gives consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project.

(d) The Commissioner Publishes a notice annually in the FEDERAL REGISTER that explains how to apply for teacher-internships.

(Sec. 513(a) (1), (3); 20 U.S.C. 1103(a) (1), (3).)

**§ 172.83 Teacher-intern teams.**

Teacher-interns must be organized into teams that include at least four teacher-interns and one experienced teacher who serves as leader of the team. Each team must spend a portion of the internship in each project school.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

**§ 172.84 Teacher-interns may not replace teachers.**

(a) A grantee may not use a teacher-intern to replace, or carry out the functions of a teacher who is or would otherwise have been employed in a project school.

(b) A teacher-intern may not be used as a substitute teacher.

(Sec. 517; 20 U.S.C. 1107.)

**§ 172.85 Federal employees.**

Members of the Teacher Corps are not considered Federal employees except for the purposes of the Federal tort claims provisions of Title 28 of the United States Code.

(Sec. 515 (a)-(c); 20 U.S.C. 1104 (a)-(c).)

**§ 172.86 Other Federal student assistance programs.**

Members of the Teacher Corps may not receive a loan under the National Direct Student Loan Program authorized by Title IV-E of the Higher Education Act of 1965 (20 U.S.C. 1087-aa-1087-ff), or a grant under the Supplemental Educational Opportunity Grant Program authorized by Title IV-A-2 of the Higher Education Act of 1965 (20 U.S.C. 1070b-1070b-3).

(Sec. 515(d)-20 U.S.C. 1105 (d).)

**§ 172.87 Compensation of team leaders.**

(a) The local educational agency shall employ each teacher-intern team leader.

(b) The local educational agency shall compensate a team leader at a rate comparable to that being paid to other personnel in the same agency who perform similar work.

(c) A local educational agency shall use funds under its grant to pay up to 90 percent of the compensation paid under paragraph (b) of this section.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3); sec. 514(a)(1); 20 U.S.C. 1104(a)(1).)

**§ 172.88 Teacher-intern compensation during their term of service with the project.**

(a) The local educational agency shall compensate a teacher-intern during each period he or she serves in the project schools at a rate of $150 per week, subject to paragraph (c) of this section.

(b) This compensation must include an additional $15 per week for each dependent who receives more than half of his or her support from the teacher-intern, subject to paragraph (c) of this section.

(c) The total compensation paid to a teacher-intern under paragraphs (a) and (b) of this section may not exceed the compensation paid to a beginning teacher employed by the local educational agency for comparable periods of time.

(d) A local educational agency shall use funds under its grant to pay up to 90 percent of the compensation paid under this section.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3); sec. 514(a)(2); 20 U.S.C. 1104(a)(2).)

**§ 172.89 Teacher-intern training stipends.**

(a) The institution of higher education shall pay a training stipend at $150 per week to each teacher-intern during each period he or she receives training at that institution. The institution of higher education may not pay this stipend during the periods when the teacher-intern serves in the project schools.

(b) The training stipend must include an additional $15 per week for each dependent who receives more than one-half of his or her support from the teacher-intern.

(c) An institution of higher education shall use funds under its grant to pay up to 100 percent of the cost of the amounts paid under paragraphs (a) and (b) of this section.

(Sec. 514(b); 20 U.S.C. 1104(b).)

**§ 172.90 Teacher-intern and team leader medical insurance.**

(a) The grantees shall provide teacher-interns and team leaders with medical insurance coverage (including hospitalization) during their participation in a project.

(b) Dependents who receive more than one half of their support from a teacher-intern must be included in this insurance coverage.

(c) A grantee which provides this medical insurance coverage shall use funds under its grant to pay up to 100 percent of the cost of the insurance.

(Sec. 514 (d), (e); 20 U.S.C. 1104 (d), (e).)

**§ 172.91 Training stipends for teachers and other educational personnel.**

(a) The institution of higher education or local educational agency may pay a training stipend to each of the teachers and other educational personnel employed by a project school who participate in training under this part during a period of the year (if any) not covered by a local employment contract.

(b) The training stipend may be at a rate of not more than $100 per individual per week, prorated if the training is part-time.

(c) A local educational agency shall use funds under its grant to pay up to 100 percent of the cost of stipends paid under this section.

(Sec. 514(b); 20 U.S.C. 1104(b).)

**§ 172.92 Released time for educational personnel.**

(a) If authorized by the Commissioner, the local educational agency may use funds under its grant to pay the cost of releasing educational personnel from their regular duties in a project school to participate in training under this part.

(b) The Commissioner may authorize a local educational agency to use funds under paragraph (a) of this section if the local educational agency demonstrates in its application that the project is or will be placed in jeopardy by the lack of compensation for released time.

(Sec. 514(f); 20 U.S.C. 1104(f).)





**§ 172.93 Compensation of volunteers.**

(a) Volunteers who serve as part-time tutors or full-time instructional aides in project schools are paid or unpaid, according to local policy.

(b) If volunteers are paid, they must be compensated at a rate equal to that being paid other volunteers for similar work.

(c) A grantee which pays any compensation under this section shall use funds under its grant to pay up to 90 percent of that compensation.

(Sec. 513(a)(5); 20 U.S.C. 1103(a)(5); sec. 514(a)(3); 20 U.S.C. 1104(a)(3).)

**§ 172.94 Travel expenses of Teacher Corps members.**

(a) The grantees shall pay, subject to paragraph (b) of this section:

(1) The necessary travel expenses of Teacher Corps members and their dependents;

(2) The necessary expenses for transportation of the household goods and personal effects of Teacher Corps members and their dependents; and

(3) Other necessary expenses of Teacher Corps members and their dependents which are directly related to their service in the project, including readjustment allowances proportionate to that service.

(b) A teacher-intern whose last permanent address before coming to a project is outside the community served by the project, shall be paid:

(1) By the institution of higher education for his or her necessary travel expenses to the project (by the least expensive common carrier or by private automobile subject to any institutional rules on reimbursement for mileage); and

(2) By the local educational agency for:

(i) The necessary travel expenses of teacher-intern dependents to the project (by the least expensive common carrier or by private automobile subject to any agency limits on reimbursement for mileage); and

(ii) The necessary expenses for shipment to the project of up to 11,000 pounds of household goods and personal effects owned by the teacher-intern or his or her dependents.

(Sec. 514(c); 20 U.S.C. 1104(c).)

**Subpart C—Youth Advocacy Projects**

**§ 172.100 Purpose and project design.**

(a) *Purpose.* Under this subpart, the Commissioner provides assistance to projects designed to attract and train educational personnel who provide remedial, basic, and secondary educational training (including literacy and communication skill training) to juvenile delinquents or youth offenders.

(b) *Project design.* A youth advocacy project must be designed to meet the special educational needs of juvenile delinquents or youth offenders.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.101 Other sections in this part apply to youth advocacy projects.**

Subject to any exceptions specifically listed in this subpart, all of the sections in this part apply to youth advocacy projects.

(Secs. 551 et seq.; 20 U.S.C. 1103 et seq.)

**§ 172.102 Youth advocacy project joint participation.**

(a) Section 172.10 (Joint participants) does not apply to youth advocacy projects.

(b) Each project assisted under this subpart must be carried out jointly by:

(1) One or more institutions of higher education;

(2) One or more local educational agencies;

(3) A community council established under § 172.104; and

(4) One or more of the following correctional facilities:

(i) A detention center;

(ii) An incarceratory institution;

(iii) A public or private non-profit alternative school for delinquent youth; or

(iv) A special center, within a public school, which serves the special needs of juvenile delinquents or youth offenders, or both.

(c) The correctional facility must participate equally under each section of the regulation in this part that requires joint participation or collaboration.

(d) A project assisted under this subpart may also include participation by a State educational agency.

(Sec. 513(a)(6)(e); 20 U.S.C. 1103 (a)(6)(e).)

**§ 172.103 Project schools.**

(a) Section 172.12 (Project schools) does not apply to youth advocacy projects.

(b) A youth advocacy project must include one or more junior high schools or senior high schools, or both, of the local educational agency.

(c) A youth advocacy project may include one or more schools of the correctional facility.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.104 Youth advocacy project community council.**

(a) Each youth advocacy project must include an elected community council of at least seven members.

(b) The community council must be representative of:

(1) The parents of the juvenile delinquents or youth offenders participating in the project; and

(2) The residents of the areas served by the project schools.

(Sec. 513(e)(1), (g); 20 U.S.C. 1103(e)(1), (g).)

**§ 172.105 Policy board.**

The policy board under § 172.15 must include as a member the director of the correctional facility (or his or her equivalent).

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.106 Youth advocacy projects—separate grants.**

(a) If an application is selected for assistance under this subpart, the Commissioner awards a grant to the institution of higher education, a grant to the local educational agency, and a grant to the correctional facility.

(b) If the application includes more than one institution of higher education, more than one local educational agency or more than one correctional facility, the Commissioner may award grants to one or more of those institutions, agencies, or facilities.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.107 Time period before correctional facility may apply for a new project.**

If a correctional facility participates in a project, it may not apply for a new project until three years after the end of that participation.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.108 Correctional facility functions.**

A correctional facility may perform the following functions under its grant:

(a) Recruiting, selecting, and enrolling Teacher Corps members.

(b) Training Teacher Corps members.

(c) Paying the compensation of Teacher Corps members.

(d) Paying compensation for released time for educational personnel while in training, within the limitations in § 172.92.

(e) Paying the administrative and secretarial costs of the community council.

(f) Project administration, including planning, documentation, evaluation, and dissemination.

**§ 172.109 Youth advocacy teacher-intern training.**

In addition to the training required under § 172.47 (training program for teacher-interns), a youth advocacy project must include teacher-intern training in a correctional facility where youths are:

(a) Incarcerated; or

(b) Having problems adjusting to traditional educational programs; or

(c) Preparing to return to the school-community environment.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)





**Subpart D—Project Administration**

**§ 172.110 Management plan.**

terns), the local educational agency retains the authority to:

**§ 172.125 Community council.**

An application must include:



(d) The training program for volunteers, teachers, and other educational personnel;

**§ 172.137 Annual publication of application submission date.**

under § 172.63(a) and (c) (9 points); and

(d) The management plan for ac-

### Subpart D—Project Administration

**§ 172.110 Management plan.**

(a) Each project must have a management plan for the project years, which includes:
(1) A description of the activities to be carried out;
(2) A description of the sequence and timing of the activities;
(3) The assignment of responsibilities;
(4) A description of the resources to be used for each activity;
(5) A detailed budget for the initial project year (which must be updated in each succeeding year);
(6) A budget for later project years in outline form; and
(7) An analysis of how the activities contribute to achieving the objectives adopted under §§ 172.61–172.65.
(b) The management plan must be revised at least annually.
(c) The management plan must show in detail how it contributes to meeting each of the objectives adopted under §§ 172.61–172.65.

**§ 172.111 Project director.**

(a) Each project must have a project director.
(b) A temporary project director may be appointed at the beginning of the initial project year.
(c) A permanent project director must be appointed before the end of the initial project year.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.112 Compensation of project director and staff.**

(a) The project director and other project administrative staff are not Teacher Corps members. They must be employed by a grantee.
(b) A grantee may use funds under its grant to pay the salaries of the project director and project staff.

(Sec. 513(a); 20 U.S.C. 1103(a).)

**§ 172.113 Employment of project administrative staff.**

(a) The project administrative staff must be hired from the grantees' regular employees whenever possible.
(b) A grantee must design its hiring of project administrative staff so that it gives consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.114 Supervision of Teacher Corps members.**

(a) Teacher Corps members are under the direct supervision of the local educational agency to which they are assigned.
(b) Subject to the requirements in §§ 172.81–172.84, (regarding teacher-interns), the local educational agency retains the authority to:
(1) Assign Teacher Corps members within its system;
(2) Transfer Teacher Corps members within its system;
(3) Determine the terms and continuance of the assignment of Teacher Corps members within its system.

(Sec. 516; 20 U.S.C. 1106.)

### Subpart E—Applications

**§ 172.122 Policy board.**

An application must include a description of the members, method of selection, and operating procedures of the policy board.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.123 Institution of higher education.**

(a) An application must include a description of each institution of higher education, including:
(1) Its degree offerings in education; and
(2) Its pre-service and in-service graduate training program.
(b) An application must also include a description of past and current efforts by the institution of higher education to improve its educational personnel training and retraining programs, and the way those efforts relate to the project.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(b); 20 U.S.C. 1103(b).)

**§ 172.124 Project schools.**

An application must include: (a) A brief description of each project school, including the size of the educational staff and the relationships among the schools in the feeder system;
(b) A description of past and current efforts to improve each project school, and the way those efforts relate to the projects;
(c) A statement that each project school meets the low-income criterion in § 172.12(b);
(d) A statement that all educational personnel employed by the project schools will be involved in planning and carrying out the project in that school; and
(e) If the project includes more than four teacher-interns, an assurance that the local educational agency will employ all of the teacher-interns who complete their internships.
(f) If the project includes as teacher-interns persons who do not have bachelors degrees, a certification by the local education agency that there are not enough teacher-intern candidates who have bachelors degrees available locally or through use of the national listing of qualified applicants.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

**§ 172.125 Community council.**

An application must include:
(a) A description of the temporary community council, including:
(1) The purpose for which the council was originally established;
(2) The boundaries and compositions of the community represented by the council;
(3) The terms of the council members;
(4) The date and methods of election of the council members; and
(5) The number of council members.
(b) A description of the permanent community council, including:
(1) The boundaries and composition of the community represented by the council;
(2) The number of council members;
(3) The terms of the council members;
(4) The date and method of election of the council members; and
(5) The activities to be carried out by the council.
(c) An assurance that the community council participates with the other applicants in planning, carrying out, and evaluating the project.

(Sec. 513(e); 20 U.S.C. 1103(e).)

**§ 172.126 Correctional facility.**

An application for a youth advocacy project must include a description of each correctional facility.

(Sec. 513(e); 20 U.S.C. 1103(e).)

**§ 172.127 Project objectives.**

An application must include a description of each project objective adopted under §§ 172.61–172.65, including the basis for each objective in research, theory, or practical experience.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(a); 20 U.S.C. 1103(g).)

**§ 172.128 Management and staffing plans.**

An application must include the management plan required under § 172.110 and a staffing plan.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.130 Released time.**

A local educational agency which wishes to use grant funds under § 172.92 (released time for educational personnel) must demonstrate in the application that the project is or will be placed in jeopardy by the lack of compensation for released time.

(Sec. 514(f); 20 U.S.C. 1104(f).)

**§ 172.132 Project activities.**

An application must include a description of: (a) The teacher-intern recruitment methods;
(b) The organization of each teacher-intern team in each project school;
(c) The training program for teacher-interns;





(d) The training program for volunteers, teachers, and other educational personnel;
(e) The project plans and methods for achieving each of the objectives adopted under §§ 172.61–172.65; and
(f) Project evaluation to date.

(Sec. 513; 20 U.S.C. 1103.)

**§ 172.133 Youth advocacy projects.**

In addition to the other requirements in this subpart, an application for a youth advocacy project must describe:
(a) The persons receiving training in the project in remedial, basic, and secondary education;
(b) The special educational needs of the persons described under paragraph (a) of this section;
(c) How the project is designed to:
(1) Meet the needs of those persons; and
(2) Attract and train educational personnel who provide educational training to juvenile delinquents or youth offenders.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

**§ 172.134 Information responding to evaluation criteria.**

An application must include information which provides a basis for evaluating it under each of the criteria in Subpart F.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.135 Approval of applications by the State educational agency.**

(a) The Commissioner may not approve an application submitted under this part unless the State educational agency of the State in which the project is located has approved the application.
(b) The approval by the State educational agency must be:
(1) In writing and signed by the chief State school officer; and
(2) Attached to the application before the application is submitted to the Commissioner.
(c) The State educational agency shall approve an application that is:
(1) In conformance with all applicable State laws, rules, and regulations; and
(2) Consistent with overall plans for teacher education in that State.

(Sec. 512 (a)(2), (3), (5); 20 U.S.C. 1103 (a)(2), (3), (5).)

**§ 172.136 Continuation grant application.**

In addition to meeting all of the other requirements of this subpart, an application for a continuation grant must include a description of:
(a) Planning done during the initial project year;
(b) Project experience to date; and
(c) Any revisions of or additions to the project objectives.

(Sec. 512(a)(2), (3), (5); 20 U.S.C. 1103(a); 20 U.S.C. 1103(g).)

**§ 172.137 Annual publication of application submission date.**

The Commissioner publishes the date and place to submit project applications annually in the FEDERAL REGISTER.

(Sec. 513(g); 20 U.S.C. 1103(g).)

### Subpart F—Evaluation Criteria

**§ 172.150 Evaluation procedure.**

(a) Applications for grants under this part are evaluated by the Commissioner on the basis of the criteria in this subpart. The criteria in § 100a.26(b) of this chapter do not apply.
(b) Each application for initial project funding is evaluated in competition with all other applications for initial project funding.
(c) Each application for a continuation grant is evaluated noncompetitively based on the effectiveness of the project and the availability of appropriations.
(d) The evaluation of applications for initial project funding is based on a point system. Each criterion is weighted as indicated. The highest possible score under these criteria is 100 points.

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.151 School learning climate criterion (25 points).**

In evaluating an application the Commissioner considers the extent to which:
(a) The objectives developed under § 172.62 (school objectives) (improved school climate) are likely to achieve the outcomes in § 172.60(a) (8 points);
(b) The project activities are likely to accomplish the objectives developed under § 172.62 (9 points); and
(c) The management plan for accomplishing the objectives developed under § 172.62 is realistic and economical. (8 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.152 Educational personnel development system criterion (36 points).**

In evaluating an application, the Commissioner considers the extent to which:
(a) The objectives developed under § 172.63 (educational personnel development) are likely to achieve the outcome in § 172.60(b) (improved educational personnel development system) (9 points);
(b) The project training activities are likely to accomplish the objectives developed under § 172.63 (b) (improved educational personnel development system) (9 points);
(c) The project activities are likely to accomplish the objectives developed under § 172.63(a) and (c) (9 points); and
(d) The management plan for accomplishing the objectives developed under § 172.63 is realistic and economical (9 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.153 Institutionalization criterion (21 points).**

In evaluating an application, the Commissioner considers the extent to which:
(a) The objectives developed under § 172.64 (institutionalization) are likely to achieve the outcome in § 172.60(c) (continuation of educational improvements) (7 points);
(b) The project activities are likely to accomplish the objectives developed under § 172.64 (8 points); and
(c) The management plan for accomplishing the objectives developed under § 172.64 is realistic and economical (6 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

**§ 172.154 Adaptation of educational improvements criterion (18 points).**

In evaluating an application, the Commissioner considers the extent to which:
(a) The objectives developed under § 172.65 (demonstration and dissemination) are likely to achieve the outcome in § 172.60(d) (adaptation of educational improvements) (6 points);
(b) The project activities are likely to accomplish the objectives developed under § 172.65 (6 points); and
(c) The management plan for achieving the objectives developed under § 172.65 is realistic and economical (6 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

APPENDIX—PART A OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED—TEACHER CORPS PROGRAM STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS

SEC. 511. (a) The purpose of this part is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel by—
(1) Attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas;
(2) Attracting and training inexperienced teacher-interns who will be made available for teaching and in-service training to local educational agencies in such areas in teams led by an experienced teacher;
(3) Attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas;

(4) Attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders;

(5) Supporting demonstration projects for retraining experienced teachers, teacher aides, and other educational personnel serving in local educational agencies.

(b) For the purpose of carrying out the provisions of this part there are authorized to be appropriated $50,000,000 for the fiscal year 1977, $75,000,000 for the fiscal year 1978, and $100,000,000 for the fiscal year 1979.

ESTABLISHMENT OF TEACHER CORPS

SEC. 512. In order to carry out the purposes of this part, there is hereby established in the Office of Education a Teacher Corps. The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949, and a Deputy Director who shall be compensated at the rate prescribed for grade 16 of such General Schedule. The Director and the Deputy Director shall perform such duties as are delegated to them by the Commissioner; except that (1) the Commissioner may delegate his functions under this part only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this part.

TEACHER CORPS PROGRAM

SEC. 513. (a) For the purpose of carrying out this part, the Commissioner is authorized to—

(1) Enter into contracts or other arrangements with institutions of higher education or local educational agencies under which they will recruit, select, and enroll in the Teacher Corps for periods of up to five years, experienced teachers, teacher aides, and other educational personnel, persons who have a bachelor's degree or its equivalent, and persons who have successfully completed two years of a program for which credit is given toward a baccalaureate degree and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants;

(2) Enter into arrangements, through grants or contracts, with institutions of higher education or local educational agencies (upon approval in either case by the appropriate State educational agency) or with State educational agencies to provide members of the Teacher Corps with such training as the Commissioner may deem appropriate to carry out the purpose of this part, including not more than three months of training for members before they undertake their teaching duties under this part;

(3) Enter into arrangements (including the payment of the cost of such arrangements) with local educational agencies upon approval by the appropriate State educational agency and, after consultation in appropriate cases with institutions of higher education, to furnish to local educational agencies, for service during regular or summer sessions, or both, in the schools of such agencies in areas having concentrations of children from low-income families, Teacher Corps programs each of which shall include teacher-interns teams lead by experienced teachers, and may include additional experienced teachers, teacher aides, and other educational personnel, who may be afforded time by the local educational agency for a training program carried out in cooperation with an institution of higher education;

(4) Pay to local educational agencies such part of the amount of the compensation which such agencies pay to or on behalf of members of the Teacher Corps assigned to them pursuant to arrangements made pursuant to the preceding clause as may be agreed upon after consideration of their ability to pay such compensation, but not in excess of 90 per centum thereof, except that, in exceptional cases, the Commissioner may provide more than 90 per centum of such compensation during the first year of any agency's participation in the program;

(5) Enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;

(6) Enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payments of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;

(7) (A) Make available technical assistance to State and local educational agencies and institutions of higher education for carrying out arrangements entered into under this title; and

(B) Provide planning, technical assistance, monitoring, documenting, dissemination, and evaluation services for arrangements made under this title;

(8) Acquaint qualified persons of teaching opportunities and needs in disadvantaged areas and encourage qualified persons to apply to appropriate educational agencies or institutions for enrollment in the Teacher Corps; and

(9) Accept and employ in the furtherance of the purposes of this subpart (A) voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes, as amended (31 U.S.C. 665(b)), and (B) any money or property (real, personal, or mixed, tangible or intangible) received by gift, device [sic,] bequest, or otherwise.

(b) Arrangements with institutions of higher education to provide training for Teacher Corps members while serving in schools for local educational agencies under the provisions of this part shall provide, wherever possible, for training leading to an appropriate degree.

(c) (1) Whenever the Commissioner determines that the demand for the services of members of the Teacher Corps exceeds the number available, he shall, to the extent practicable, allocate the number of members of the Teacher Corps who are available among the States in accordance with paragraph (2).

(2) Not to exceed 5 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs. The remainder of such number of Teacher Corps members shall be allocated among the States so that the number of members available to any State shall bear the same ratio to the number being allocated as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in all of the States. The number of children so enrolled shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this subsection, the term "State" shall not include Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(3) If the Commissioner determines that a State will not require the number of Teacher Corps members allocated to it under paragraph (2), he shall, from time to time, reallot the number not required, on such dates as he may fix, to other States in proportion to the original allocation to such States under paragraph (2), but with such proportionate number for any of such other States being reduced to the extent it exceeds the number the Commissioner determines such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate numbers were not so reduced.

(d) A local educational agency may utilize members of the Teacher Corps assigned to it in providing, in the manner described in section 205(a) (2) of Pub. L. 874, Eighty-first Congress, as amended, educational services in which children enrolled in private elementary and secondary schools can participate.

(e) (1) No arrangement may be entered into under the provisions of paragraph (1), (2), (3), (5), or (6) of subsection (a) of this section unless that arrangement is prepared with the participation of an elected council which shall be representative of the community in which the project subject to that arrangement is located and of the parents of the students of the elementary or secondary schools or both, to be served by such project.

(2) Each council selected pursuant to this subsection shall participate with the local educational agency or institution of higher education, or both, in the planning, carrying out, and evaluation of projects subject to arrangements under paragraphs (1), (2), (3), (5), and (6) of subsection (a) of this section.





(3) The Commissioner is authorized in each fiscal year to arrange for the payment of necessary secretarial and administration expenses of each council elected pursuant to the provisions of this subsection for the purposes of carrying out its functions under this subsection.

(f) The Commissioner shall establish procedures seeking, with respect to the Teacher Corps members enrolled after the date of enactment of the Education Amendments of 1976, [a] goal of having approximately five individuals who are at the time of enrollment, or who previously have been, employed as teachers by local educational agencies to one individual who has not been so employed. The Commissioner may waive the procedure established under this subsection if he makes a determination that there are insufficient qualified applicants to maintain the goal sought by this subsection, or that there are insufficient employment opportunities for individuals who are not so employed, and submits a report to the Congress of such a determination.

(g) Notwithstanding any other provision of law, the Commissioner shall develop and establish specific criteria for entering into arrangements under this part in order to assist applicants for assistance under this part to develop proposals to be submitted. Criteria established under this subsection shall be used by the Commissioner in selecting proposals under this title.

COMPENSATION

SEC. 514. (a) An arrangement made with a local educational agency pursuant to paragraph (3) of section 513 (a) or arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a), or an arrangement with any agency pursuant to paragraph (6) of section 513(a), shall provide for compensation by such agency of Teacher Corps member during the period of their assignment to it at the following rates:

(1) An experienced teacher who is leading a teaching team shall be compensated at a rate agreed to by such agency and the Commissioner.

(2) A teacher intern shall be compensated at such rates as the Commissioner may determine to be consistent with the nature of the program and with prevailing practices under comparable federally supported programs or local projects, not to exceed $150 per week plus $15 per week for each dependent; and

(3) Tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs.

(b) For any period of training under this part the Commissioner shall pay to members of the Teacher Corps such stipends (including allowances for subsistence and other expenses for such members and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported training programs.

(c) The Commissioner shall pay the necessary travel expenses of members of the Teacher Corps and their dependents and necessary expenses for the transportation of the household goods and personnel effects of such members and their dependents, and such other necessary expenses of such members as are directly related to their services in the Corps, including readjustment allowances proportionate to service.

(d) The Commissioner is authorized to make such arrangements as may be possible, including the payment of any costs incident thereto, to protect the tenure, retirement rights, participation in a medical insurance program, and such other similar employee benefits as the Commissioner deems appropriate, of a member of the Teacher Corps who participates in any program under this part and who indicates his intention to return to the local educational agency or institution of higher education by which he was employed immediately prior to his service under this part.

(e) The Commissioner is authorized to provide medical (including hospitalization) insurance for members of the Teacher Corps who do not otherwise obtain such insurance coverage either under an arrangement made pursuant to subsection (d) of this section or as an incident of an arrangement between the Commissioner and an institution or a State or local educational agency pursuant to section 513.

(f) The Commissioner is authorized to compensate local educational agencies for released time for educational personnel of the agency who are being trained in Teacher Corps projects assisted under this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 515. (a) Except as otherwise specifically provided in this section, a member of the Teacher Corps shall be deemed not to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

NOTE.—Subsection (b) was repealed by Pub. L. 90-83.

(c) Such members shall be deemed to be employees of the Government for the purposes of the Federal tort claims provisions of title 28, United States Code.

(d) Members of the Teacher Corps shall not be eligible to receive payment of a student loan under title II of the National Defense Education Act of 1958 or of an educational opportunity grant under title IV of this Act.

LOCAL CONTROL PRESERVED

SEC. 516. Members of the Teacher Corps shall be under the direct supervision of the appropriate officials of the local educational agencies to which they are assigned. Except as otherwise provided in clause (3) of section 513(a), such agencies shall retain the authority to—

(1) Assign such members within their systems;

(2) Make transfers within their systems;

(3) Determine the subject matter to be taught;

(4) Determine the terms and continuance of the assignment of such members within their systems.

MAINTENANCE OF EFFORT

SEC. 517. No member of the Teacher Corps shall be furnished to any local educational agency under the provisions of this part if such agency will use such member to replace any teacher who is or would otherwise be employed by such agency.

TEACHING CHILDREN OF MIGRATORY AGRICULTURE WORKERS

SEC. 517A. For purposes of this part the term "local educational agency" includes any State educational agency or other public or private nonprofit agency which provides a program or project designed to meet the special educational needs of migratory children of migratory agricultural workers, and any reference in this part to (1) teaching in the schools of a local educational agency includes teaching in any such program or project and (2) "migratory children of migratory agricultural workers" shall be deemed to continue to refer to such children for a period, not in excess of five years, during which they reside in the area served by the local educational agency.

[FR Doc. 78-4356 Filed 2-22-78; 8:45 am]

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THURSDAY, FEBRUARY 23, 1978
PART III

# DEPARTMENT OF STATE

# FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

## Applications for Permits To Fish Off the Coasts of the United States

federal register

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[4710-01]

## DEPARTMENT OF STATE

[Public Notice 594]

### FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

### Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Governments of the Republic of China, Korea, Union of Soviet Socialist Republics and Polish People's Republic are published herewith.

Dated: February 15, 1978.

LARRY L. SNEAD,
*Acting Director,*
*Office of Fisheries Affairs.*

[illegible] FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. TW-78-0054

1. Name of Vessel HIGHLY NO.303 2. Visual Identifier (Call Sign) BMCS
3. Type of Vessel CARGO/TRANSPORT 4. Length 70.80 M
5. Gross Tonnage 976.81 TONS 6. Net Tonnage 514.25 TONS 7. Speed (knots) Maximum 12 KNOTS
8. Owner's Name and Address HIGHLY ENTERPRISE CORP.
354, NANKING W. ROAD, TAIPEI (101)
9. Types of Processing Equipment REFRIGERATING MACHINE (NH3 COMPRESSOR 2 SETS).
10. Fisheries for which Permit is Requested

| Fishery Plan | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| BSA | | | | | X |
| GOA | | | | | X |

[illegible]

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. KS-78-0081

1. Name of Vessel Tae Yang 12 2. Visual Identifier (Call Sign) 6LBB
3. Type of Vessel Transport 4. Length 78.66 M
5. Gross Tonnage 1,332 6. Net Tonnage 827 7. Speed (knots) Maximum 12.3
8. Owner's Name and Address Korea Marine Industry Development Corporation
#55-4, Seodomun-dong, Chung-ku, Seoul, Korea
9. Types of Processing Equipment Cargo capacity: 1,200 M/T
Freezer: 3 Dry Hold: 2 Tanks: 17
10. Fisheries for which Permit is Requested

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| GOA | | | | | X (Transport) |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☐ No ☒ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)





TAE YANG 12
KS-78-0081

Specific Activities: This vessel will be receiving fish from the BOOK NEUNG and SOO GONG No. 51. BOOK NEUNG and SOO GONG No. 51 have applied for authorization to purchase raw fish from U.S. vessels.

Flag of other vessels: U.S.

Fishery: GOA - Bottom fish fishing

Species: Primary pollock and incidental species including pop, pacific cod, flounders, rockfish and other species.

Quantity: Amount of fish that has been purchased from U.S. vessels and processed by BOOK NEUNG AND SOO GONG No. 51.

Locations: Various location within the U.S. fishery conservation zone in the Gulf of Alaska.

Dates: April 1 - December 31, 1978 which will depend upon culmination of arrangements with U.S. fishermen.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. PL-78-0042

1. Name of Vessel COLUMBA 2. Visual Identifier (Call Sign) SMKO
3. Type of Vessel STERN TRAWLER B-15 4. Length 83 m
5. Gross Tonnage 2323 6. Net Tonnage 945 7. Speed (knots) Maximum 12,5
8. Owner's Name and Address Deep Sea Fishery and Fishing Service Enterprise "DALMOR" 81-963 Gdynia POLAND
9. Types of Processing Equipment Baader I-181,47 x 2,II-188,413,47. III-181,47 x 2 Filleter and skinning
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| WOC | HAKE | MID-WATER | X | X | |
| | JACK MACKEREL | TRAWL | | | |
| GOA | POLLOCK | BOTTOM TRAWL | X | X | |
| | ATKA MACKEREL | | | | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☐ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0561-A

1. Name of Vessel PISATEL 2. Visual Identifier (Call Sign) EWWH
3. Type of Vessel Stern trawler 4. Length 82
5. Gross Tonnage 2657 6. Net Tonnage 1139 7. Speed (knots) Maximum 13,6
8. Owner's Name and Address Nakhodkinskaja Baza Aktivnogo Morskogo Rybolovatva, Nakhodka, USSR
9. Types of Processing Equipment Fish meal plant, freezer
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| SMT | Seamount Groundfish | Bottom Trawl Midwater Trawl | X | X | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. PL-78-0043

1. Name of Vessel CENTAURUS 2. Visual Identifier (Call Sign) SPYM
3. Type of Vessel STERN TRAWLER B-15 4. Length 83 m
5. Gross Tonnage 2354 6. Net Tonnage 957 7. Speed (knots) Maximum 12.5
8. Owner's Name and Address Deep Sea Fishery and Fishing Service Enterprise "DALMOR" 81-963 Gdynia POLAND
9. Types of Processing Equipment Baader I-181,47 x 2, II-188,413,47 III-181,47 x 2. Filleter and Skinning
10. Fisheries for which Permit is Requested:

| Fishery Plans | Target Species | Gear To Be Used | Activity: Catching | Processing | Other Support |
|---|---|---|---|---|---|
| WOC | HAKE | MID-WATER | X | X | |
| | JACK MACKEREL | TRAWL | | | |
| GOA | POLLOCK | BOTTOM TRAWL | X | X | |
| | ATKA MACKEREL | | | | |

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-4782 Filed 2-22-78; 8:45 am]



THURSDAY, FEBRUARY 23, 1978
PART IV

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THURSDAY, FEBRUARY 23, 1978
PART IV

# Federal Register

# DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

■

# COASTAL ENERGY IMPACT PROGRAM

## Administrative Procedures



[3510-08]

SUBPART B—GENERAL DEFINITIONS

The definition in § 931.13 of "new or

clear, and they should be restructured. This comment was rejected because



could arise with an annual list; i.e., a

far too broad, and they should be nar-

and, therefore, no fair way to include

[3510-08]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 931—COASTAL ENERGY IMPACT PROGRAM

AGENCY: National Oceanic and Atmospheric Administration (NOAA) Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule describes administrative procedures to implement the Coastal Energy Impact Program, which will provide grants and credit assistance to coastal States and communities to help them deal with the impacts of coastal energy development.

EFFECTIVE DATE: March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Joellyn K. Murphy, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-634-4249.

SUPPLEMENTARY INFORMATION:

The Coastal Energy Impact Program (CEIP) was created by the 1976 amendments to the Coastal Zone Management Act of 1972 (Pub. L. 94-370; 16 U.S.C.A. 1451, et seq.) and signed into law on July 26, 1976. The National Oceanic and Atmospheric Administration (NOAA) published proposed regulations on October 22, 1976 (41 FR 46724). On January 5, 1977, NOAA published interim-final regulations (42 FR 1164). The preamble to both sets of regulations discussed the implementation of the CEIP in detail, and the preamble to the interim-final regulations addressed in detail the issues raised and comments made during the 54-day comment period on the proposed regulations.

The following paragraphs detail the changes made since the publication of the interim-final regulations. Some of these changes are in response to comments made during the 30-day comment period on the interim-final regulations that closed February 4, 1977. Other changes are based on the experience gained by NOAA's Office of Coastal Zone Management (OCZM) in administering the CEIP since February 4, 1977, the effective date of the interim-final regulations.

Specific comments made during the comment period are also discussed in detail below.

MAJOR CHANGES AND RESPONSES TO COMMENTS

SUBPART A—OBJECTIVES

This subpart was not changed.

SUBPART B—GENERAL DEFINITIONS

The definition in § 931.13 of "new or expanded Outer Continental Shelf energy activity" has been amplified. Also, the definition of "impact area" has been deleted, since the concept of an impact area within a State has proven not to be useful in the allotment process.

Comments: One commentator suggested that the definition of "significantly affected" in § 931.14 be revised in such a way as to state clearly the amount of change in population or employment patterns that is considered "significant." The impact caused by population and employment changes will be site specific. A change in employment will cause a different impact in a community in which many people are unemployed than it would in a community in which there is little unemployment at the time the energy facility is sited. Therefore, no change has been made in the regulations.

One commentator argued that, under the existing structure of § 931.15 and § 931.20, an energy facility will qualify as "new" even if most of the facility was built before July 26, 1976. This may be true, but OCZM will consider only the impact caused after July 26, 1976.

One commentator suggested that the definition of "Outer Continental Shelf energy activity" found in § 931.17 be expanded to include gas processing plants. However, since the Congress did not intend to include those facilities required by the treatment of oil and gas, the regulations were not altered.

Another commentator objected to the definition of "unit of local government" in § 931.22(c). This commentator argued that planning agencies without taxing authority should not receive CEIP assistance, since "the action of this agency will have severe impact on the taxpayers." NOAA feels that area-wide planning agencies have a legitimate function under Federal and State law, and, as such, can perform a useful role in planning for the effects of coastal energy development. The definition, therefore, remains unchanged.

SUBPART C—BASIC ELIGIBILITY

The only substantive change to this subpart was the addition of a provision—§ 931.25(d)—specifying that should a coastal State lose its eligibility for an allotment or for award of funds, all moneys allotted to the State but not yet awarded for individual projects will be withheld. If the State in question has not regained its eligibility within 1 year, the withheld funds will be reallotted as appropriate among the remaining eligible coastal States.

Comments: One commentator suggested that the structure of paragraphs (b) and (c) of § 931.25 is unclear, and they should be restructured. This comment was rejected because OCZM believes the present structure is clear: Paragraph (b) states the criteria for "satisfactory progress toward the development of a management program consistent with the policies set forth in section 303" of the Act; paragraph (c) defines what is meant by "consistent with the policies set forth in section 303."

The same commentator requested that energy facilities be explicitly mentioned as in the national interest under § 931.25(c). Section 931.25(c)(2)(iii) already requires that uses of national interest not be arbitrarily excluded by the management program. Energy facilities are thus implicitly included, and there appears to be no reason to single out this type of national interest use over other types.

Another commentator suggested that the definition of eligibility contained in § 931.25 is unfair to local governments within a State since these governments would lose eligibility because of State decisions beyond their own control. The statute is clear on eligibility in this matter, however, and OCZM is required to determine statewide eligibility according to the State's progress toward coastal management. Since the development of coastal management should involve local governments directly, the decision to abandon coastal management is not entirely beyond the influence of local governments. Also, this definition of eligibility creates an added incentive for local governments to participate in and encourage coastal management in the State.

SUBPART D—PLANNING FOR THE CONSEQUENCES OF ENERGY FACILITIES

The significant changes in this subpart since the January 5, 1977, interim-final regulations are as follows:

(1) The interim-final regulations contained a restriction that a State could not use for planning an amount of formula grants greater than the percent of the credit assistance allotted to it for public facilities and services under section 308(d). This restriction has been removed. OCZM believes that to impose such a restriction would not be fully in keeping with the philosophy of the CEIP to provide maximum discretion and control to States and localities.

(2) The inventory of new or expanded energy facilities drawn up for the allotment of section 308(c) planning assistance has been changed from an annual list of facilities to a cumulative list. OCZM will update the list each year, removing those facilities for which planning is no longer needed and adding new facilities as they come on the horizon. This change avoids the potential "bunching problem" that could arise with an annual list; i.e., a State could have many energy facilities on its inventory in one year and few in the next. This ongoing inventory will create, in conjunction with the formula applied to the facilities on the inventory, what might be called a "planning need index" that measures the level of relative need for planning among the eligible coastal States.

(3) The allotment procedure has been more fully described to indicate that fifteen percent of the moneys appropriated for section 308(c) will be allotted equally among all eligible coastal States. The remaining 85 percent will be allotted based on the planning inventory and formula procedures described in § 931.36(b)(2).

(4) Section 931.33(b) is now explicit that preliminary architectural and engineering services for public facilities required as a direct result of new or expanded OCS energy activity are an allowable use of the formula grants.

(5) The purposes cited in § 931.33 have been restructured into a more logical presentation. Its content has not changed substantially.

Comments: One commentator suggested that the objectives of this subpart—§ 931.31—explicitly include the limitation that planning assistance may be used only for the effects of those new or expanded energy facilities that "significantly affect" the coastal zone. This suggestion was not accepted because other provisions of Subpart D state clearly that planning assistance can be used to plan only for those energy facilities significantly affecting the coastal zone. Section 931.31 is intended to provide only general guidance on the objectives of CEIP planning assistance, followed by more specific direction on the procedures and uses of the assistance in the remaining provisions of Subpart D.

One commentator suggested that the definition of "eligible energy facility" in § 931.32 be clarified regarding facilities projected to be required as a result of an OCS lease sale, including specification of who makes these projections and on what basis. Because OCZM believes that a definition is not the appropriate place to set forth procedures, this section remains unchanged. Section 931.36(a)(2)(iii) states that OCZM will distribute to each coastal State the data and information on which its allotment will be based. These data will include the projections relating to OCS lease sales. The coastal States will have 45 days to comment on these data and on the allotment procedure.

One commentator suggested that § 931.33 be expanded to allow planning for the phasing out of energy facilities. This comment was adopted, as indicated in § 931.33(a)(2)(viii).

Another commentator suggested that the allowable uses in § 931.33 are far too broad, and they should be narrowed because some of the types of planning listed could not be carried out efficiently or in a timely way by coastal States or communities. OCZM intends to rely on the intra-State allocation process required by section 308(g)(2) of the Act to ensure that only the most feasible and effective projects are undertaken within a State. It does not appear appropriate to narrow the allowable uses or to limit the discretion of the States and localities in determining the most appropriate type of planning for the effects of new or expanded energy facilities significantly affecting the coastal zone. Furthermore, the uses specified in § 931.33 are not requirements for State or local planning. Accordingly, § 931.33 remains unchanged.

Another commentator suggested that, since new or expanded energy facilities can often have salutary economic and other effects on States and communities, the allowable uses of § 931.33 should be expanded to permit planning for beneficial effects of such facilities. Because such planning is already implicitly permitted under the present structure of that section, it has not been modified.

One commentator felt that the planning funds under this subpart are not being made available in a timely fashion because the use of the planning moneys is tied to the eligible energy facilities on the allotment inventory—and a facility may not enter this inventory until it is too late to undertake basic or preliminary planning. This comment appears to be based on a fundamental misunderstanding of Subpart D. The use of planning funds is not tied to or limited in any way to the specific facilities on the allotment inventory. The inventory is developed with equity in mind; it is a way of dividing a fixed sum of money fairly among all the eligible coastal States. But, once allotted, the funds may be used for any of the types of planning in § 931.33 as long as that planning is related to new or expanded energy facilities significantly affecting the coastal zone. This can include facilities far more speculative than those eligible for inclusion on the planning allotment inventory. The only type of energy-related planning not allowable is very general or state-wide energy planning having no relation to new or expanded energy facilities significantly affecting the coastal zone.

The same commentator suggested that the allotment process be expanded to include the potential environmental effects on one State of effects from a new or expanded energy facility (e.g., tanker traffic from OCS activity) in a nearby State. OCZM believes it is not feasible to include this effect in the allotment formula because there is no accurate way to measure it and, therefore, no fair way to include it. Nevertheless, a State can use its planning funds to plan for such environmental effects even though the effect was not included on the inventory upon which the allotment was based.

SUBPART E—FINANCING PUBLIC FACILITIES AND PUBLIC SERVICES

The major changes in this subpart since the January 5, 1977, interim-final regulations are as follows:

(1) The concept of a loan/guarantee agreement has been amplified. It is now explicit that the award of repayment assistance will not and cannot be a purely discretionary action by the Associate Administrator. The agreement will contain clear conditions, agreed upon in advance by the borrower and OCZM, under which the Associate Administrator will authorize repayment assistance. The insertion of this language is intended to bolster OCZM's commitment to reducing the risk to State and communities inherent in building the new infrastructure required by coastal energy activity.

(2) The words "new or expanded" have been removed from before "coastal energy activity" in those sections dealing with the use of credit assistance funds under section 308(d). It had been OCZM's interpretation of the legislative history and the statute that credit assistance was intended to be used to deal with the effects of only "new or expanded" coastal energy activity. But, because the statute and legislative history are not entirely clear on the matter, and because several comments requested an expansion in the scope of the credit assistance, OCZM has decided to specify in these final regulations that credit assistance may be used to build new or improved public facilities required as a result of coastal energy activity.

It should be noted that this issue was the subject of substantial comment at the time of the November 22, 1976, proposed regulations and of the January 5, 1977, interim-final regulations. The preambles to both these documents discussed the issue in detail.

(3) The definition of "unavailable" has been changed to recognize that credit assistance is "unavailable" when a borrower clearly is unable to amortize fully a loan or guaranteed obligation. This means that the State could requisition the proceeds of its formula grant to assist the borrower in conjunction with a loan or guarantee to construct a public facility required as a direct result of new or expanded OCS energy activity. This change adds significantly to the flexibility of the program.

This issue was also the subject of considerable comment at the time of the earlier regulations. OCZM then

held the position that a definition of unavailability that permitted case-by-case determination of need was not appropriate or fully in keeping with the philosophy of the program or its legislative intent. Since publication of the interim-final regulations, however, OCZM has gained experience in implementing the program. OCZM now feels that the flexibility of this amended definition of unavailability is critical to the success of the CEIP in meeting the needs of those communities—often the most severely impacted—that clearly cannot repay a loan or guaranteed obligation without drastically increased taxes or other hardships to the pre-impact population.

(4) The definition of a "public facility" in § 931.42(a) was broadened by including, under "environmental protection," land acquisition for environmental protection and facilities and equipment to prevent or control erosion. The definition was also broadened under "recreation" by the inclusion of the acquisition of parkland or beaches or public access to parkland or beaches.

*Comments:* One commentator requested that "beaches" be added to § 931.42(a)(6); the comment, as noted above, was incorporated. The same commentator suggested that "rail electrification systems" be added to the list of public facilities. This suggestion was not adopted, since such electrification projects would not likely serve new population resulting from coastal energy activity. Mass transit that is required by coastal energy activity is already covered in § 931.42(a)(7).

Another commentator objected to the inclusion in § 931.42(a) of "electric generating plants and distribution systems," arguing that such plants and systems are not explicitly mentioned in the statute and thus can be considered a public facility only upon a finding that they serve new population. As the commentator points out, the CZMA does not limit public facilities eligible for CEIP assistance to those enumerated in the statutory definition, and provides for the inclusion of other eligible facilities which the Secretary finds will support increased population. The inclusion of electric generating plants and distribution systems in the definition of "public facility" that appears in these regulations represents the determination of the Associate Administrator, under authority delegated to him by the Secretary, that these types of facilities will support increased population.

Another commentator asked that the definition of "new or improved public facility" remove any reference to serving new employment or new population. This comment was adopted, since the definition is intended only to refer to a point in time.

The same commentator suggested that § 931.42(e) define the term "required as a result of coastal energy activity" rather than the term "required as a result of new or expanded coastal energy activity." As noted above, the definition was changed accordingly.

The same commentator suggested that credit assistance be defined as "unavailable" in § 931.42(g) when the Associate Administrator declines to give a loan for a facility or service or if the State has used all of the credit assistance allotted to it. The definition in § 931.42(g) was modified substantially, as noted above.

Another commentator had several concerns about the allotment procedure in § 931.46. The commentator suggested that the "need factor" approach to allotment could occasionally result in less money being allotted than was appropriated for credit assistance (if the sum of all the state need factors is less than the amount appropriated). The commentator suggested that it be made clear that all moneys appropriated would always be allotted. Section 308(e) of the Act states the criteria on which the allotment is to be based. OCZM is limited by the statute to using a formula based on the factors specified in section 308(e)(1)(A) and (B), and use of these factors may not always result in an amount allotted identical to the amount appropriated. Should moneys be appropriated but not allotted in a given year, they would remain in the Fund and be allotted in subsequent years as needed.

The same commentator was concerned that the States be allowed to review the calculation of need factors, and that the State be given more information on how new or expanded OCS energy activities are to be identified and included in the allotment. Section 931.46(d) specifies that OCZM will provide the States each year the relevant data and procedures on which the allotment is based. The States will have 45 days to review and comment on these data and procedures before the allotment is made.

The same commentator asserted that the allotment procedures do not recognize that new population—and therefore new demand for public facilities and services—can be drawn into one State by a coastal energy activity in another State. Section 931.46(d)(4) states that OCZM will estimate the new employees and related new population expected to "reside in each coastal State." This could include employees and population from coastal energy activities in nearby States. A State should bring such cases to OCZM's attention, along with adequate documentation, during the 45-day comment period.

One commentator stated that the CEIP would impose significant administrative costs on States, and that the regulations are not clear on how these costs can be met. Section 931.33(a)(3)(iii) makes it clear that funds for administration of the CEIP are available under both sections 308(c) and 308(b) of the Act.

One commentator objected to the removal of a phrase that had appeared in the October 22, 1976, proposed regulations stating that OCZM believes that such a restriction would be unwise until more experience has been gained in processing requisitions. OCZM retains, however, a firm commitment to the speedy processing of applications and requisitions.

The largest number of comments on Subpart E were in regard to the interest rate described in § 931.50(a). Most of these comments stated that the interest rate specified in § 931.50(a) was too high to provide necessary financial assistance on reasonable terms. Other comments requested clarification of what special circumstances would cause a lower interest rate. We have responded to these comments by requesting a review of the issue by the Office of Management and Budget. OCZM's request contains the recommendation for a lower interest rate to apply to potential borrowers. Pending the outcome of this review, OCZM has retained in the regulations both the language of the statute, which simply states what the maximum interest rate can be on 308(d)(1) loans, and the authority to approve lower interest rates under special circumstances.

### SUBPART F—REPAYMENT ASSISTANCE

The major changes in this subpart involve the simplification and clarification of language. The substantive aspects of these changes can be described in two ways.

(1) The final regulations reflect redefinition of and decreased reliance on fiscal schedules as a determinant of a borrower's eligibility for repayment assistance. The fiscal schedule—a set of projections or forecasts examining the fiscal condition of a borrower with and without the effects of a coastal energy activity—is now viewed as one tool of fiscal analysis developed and used by OCZM. By trying the criteria for the availability of repayment assistance to the loan or guarantee agreement rather than to these fiscal schedules, the regulations now provide greater flexibility in OCZM's ability to tailor assistance to the needs of individual borrowers.

(2) The concept of a loan or guarantee agreement has been strengthened to make clear that the OCZM's discretion in the award of repayment assistance will be constrained by the terms and conditions agreed to by the borrower and the Associate Administrator in advance of the loan or guarantee award. This provision will help insure that the Federal Government will share with coastal States and communities the risk inherent in building the public facilities and providing the public services needed because of coastal energy activity. The regulations clearly specify that the borrower will know the conditions upon which repayment assistance will be available before taking out the loan or guaranteed obligation and will not have to rely on the future judgment of Federal officials.

Comments: One commentator stated that the requirement for periodic updating of financial information will impose costs on the States and local governments. This requirement was not changed, however, since administrative costs can be paid for from the State's allotment of planning funds, under either section 308(c) or 308(b).

### SUBPART G—GRANTS FOR UNAVOIDABLE LOSSES OF COASTAL ENVIRONMENTAL AND RECREATIONAL RESOURCES

The major changes in this subpart involved clarification of language in several sections. No substantive changes were made.

Comments: A number of commentators asked for amplification of the definition of "unavoidable" in § 931.72. In response, the definition has been expanded and restructured.

Another commentator objected to the inclusion of "air or water quality" as an "environmental resource" in § 931.72(b) because "air and water quality are protected from significant degradation under Federal Clean Air and Water Pollution Control Acts; therefore, any change in air or water quality authorized under those Acts does not create a compensable 'loss.'" This comment speaks to the unavoidability of certain types of losses, not to whether a degradation of air or water quality is an environmental loss. Certainly any degradation of air or water quality that involves a continuing violation of Federal pollution laws would not be declared "unavoidable." But, since it is conceivable that CEIP funds could be used effectively to plan for, to monitor, or to design prevention strategies involving such degradation, § 931.72(b) remains unchanged.

One commentator objected to the restriction in § 931.72(d) that, to be considered a recreational resource, an area must have been "designated under a State's approved coastal zone management program as an area of particular concern or potential use for recreational purposes" if the area in question had not already been in use for recreational purposes. The restriction was necessary to enable OCZM to distinguish objectively, for administrative purposes, between a recreational resource and an environmental resource.

A number of commentators asked for further clarification and amplification of § 931.74, which describes the uses to which environmental/recreational grants can be put. This section was expanded accordingly.

Another commentator suggested specifically that § 931.74 states clearly that grants are available to prevent, reduce, or ameliorate losses that result from coastal energy activity—regardless of when that energy activity occurred. This comment was incorporated.

The same commentator suggested that § 931.79(d), which limits the use of grants to prevent, reduce, or ameliorate a loss by means of a public facility, be modified from facilities of the types specified in § 931.42(a) to facilities "eligible for funding under Subpart E". This comment was also accepted.

### SUBPART H—LATERAL SEAWARD BOUNDARIES

Upon analysis by NOAA of the interim-final regulations for this subpart, it was determined that references to lateral seaward boundaries of States extending to "the outer limit of the territorial sea" was not the most appropriate terminology. This terminology has been replaced by the phrase "a State's seaward boundary," which is derived from the Submerged Lands Act.

Since the effective date of the interim-final regulations is now established, references to dates in this subpart which are tied to the effective date have been replaced by specific dates.

Review of this subpart by NOAA also revealed a failure to recognize a distinction in the language between paragraphs 308(b)(3)(B) (i) and (ii) of the Act. Paragraph (ii) provides for delimitation of lateral seaward boundaries if no such boundaries "or any portion thereof" have been clearly defined or fixed; paragraph (i) does not refer to "portions" of boundaries. The statute thus would authorize a delimitation line to be based on a "portion" of a lateral seaward boundary established by an interstate compact, agreement, or judicial decision as of July 26, 1976 (the date of enactment of the statute) only if such portion of a lateral seaward boundary has been clearly defined or fixed by that time, and to the extent that the principles used were applicable. It has been suggested that the clause "to the extent that such principles are applicable" should be deleted from this provision, but to retain it reflects more clearly the effect of the statute.

*Comments.* One commentator pointed out that the regulations failed to take into account the fact that paragraph 308(b)(3)(B)(iii), pertaining to lateral seaward boundaries defined or fixed by States after July 26, 1977, unlike paragraphs (i) and (ii), does not refer to such boundaries established by judicial decision. Therefore, in order to more closely follow the provisions of the statute and the intent of Congress, the regulations have been revised to provide only for the adoption of principles used in inter-State compacts or agreements entered into or amended by coastal States after July 26, 1976, as the basis for establishment or revision of a delimitation line through the Outer Continental Shelf by the Associate Administrator. However, language was inserted that if, after July 26, 1976, a judicial decision were rendered that clearly defined or fixed a lateral seaward boundary, such a decision may also be used by the Associate Administrator in establishing a line of delimitation.

Another commentator suggested that references in the regulations to the principle of equidistance should be dropped so as to avoid any implication of a preference for this principle over another applicable principle. This has been done.

In response to another comment, the regulations have been amended to emphasize that a uniform procedure is provided for any principle requiring measurement from a baseline. That baseline will be the intersection of the National Ocean Survey (NOS) low water datum of reference with the land, as described and published by the NOS on large scale nautical charts of the area, as modified by the application of the principles of the Convention on the Territorial Sea and the Contiguous Zone, as interpreted by the Ad Hoc Committee on U.S. Coastline Delimitation.

A commentator also suggested that the six-month period for States to define or delimit a lateral boundary be allowed to run from the effective date of the final regulations as opposed to the interim-final regulations. In response, an optional period of an additional six months has been authorized, if the Governors of the States concerned each request such an extension.

Another commentator expressed concern over the improper discretion implied in the statement in one portion of the regulations that the Associate Administrator will establish the required delimitation lines. Thus, language following that of the statute has been inserted in the regulations to emphasize that, if the Associate Administrator is to establish the required delimitation lines in the absence of prior definition or delimitation, it will be according to the applicable principles of law.

A commentator also suggested that, if the lateral seaward boundary is a matter in litigation prior to the time of delimitation by the Associate Administrator, it would be appropriate to defer such delimitation until a final judicial decision is rendered. Language has been inserted providing discretion

to the Associate Administrator to so defer such delimitation under such circumstances.

Another commentator suggested specifying that, when measurement from a baseline is used, the baseline on NOS charts would apply, except where fixed by judicial decree, in order to clarify that a different official legal baseline may in fact be fixed by judicial decree. However, since the modification and interpretation by the Ad Hoc Committee mentioned above includes consideration of applicable judicial decrees, this additional language is unnecessary. The regulations also emphasize that the uniform procedures to be used when delimitation lines established by the Associate Administrator are based on measurement from a baseline include the provisions that such delimitation lines shall be delineated by the NOS.

Finally, several changes have been made with respect to impoundment of funds for disputed areas. To avoid potential differences over the exact area in dispute, a provision has been inserted clarifying that the Associate Administrator will determine such areas. Also, in response to one suggestion, the regulations now specify that the funds will be impounded in the Treasury of the United States. Furthermore, it was recognized that disputes also could exist over areas between the Federal Government and a State. The regulations thus have been revised to provide for impoundments of funds based on these areas as well.

SUBPART I—GENERAL PROVISIONS

The major change in this subpart was the inclusion of capitalized interest during construction, capitalized interest during development, and development expense as allowable costs under the credit assistance provisions of the CEIP.

The inclusion of interest and developmental costs as a part of the loan will provide a reserve base to meet debt service requirements. This will provide greater financial stability to the project in the early years of the loan and thus reduce substantially the potential need for repayment assistance.

All other changes in this subpart were technical in nature.

SUBPART J—INTRASTATE ALLOCATION OF FINANCIAL ASSISTANCE

The significant changes in this subpart since the publication of January 5, 1977, interim-final regulation are as follows:

(1) Provision has been made for a State to initiate a revision of its intrastate allocation process.

(2) Thresholds for the requirement of a preapproved intrastate allocation process have been established at $250,000 in grants or $2 million in credit assistance.

(3) The number of criteria/requirements for an approved process have been reduced from 12 to 8.

(4) Simplified requirements have been established for States that fall below the thresholds.

(5) An interim process for applications submitted before October 1, 1977, has been included.

A final environmental impact statement was prepared to accompany the interim-final regulations and was made available to the public on December 30, 1976. A supplement to this statement was made available on January 5, 1977. The supplement has been revised in light of changes made in the regulations since the publication of the interim-final regulations. This revised supplement is being made available to the public concurrent with the publication of these final regulations.

NOTE.—The National Oceanic and Atmospheric Administration has prepared Circular A-107 under Executive Order 11821 and OMB certifies that an inflationary impact statement has been prepared for regulations implementing the coastal energy impact program.

RICHARD A. FRANK,
*Administrator, National Oceanic and Atmospheric Administration.*

FEBRUARY 10, 1978.

In consideration of the foregoing, Part 931 is issued as follows:

Subpart A—Objectives

Sec.
931.1 Overall objectives.
931.2 Planning grants.
931.3 Public facilities and public services assistance.
931.4 Repayment assistance.
931.5 Environmental and recreational grants.

Subpart B—General Definitions

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931.25 Eligibility requirements.
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931.44 Sources.
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931.46 Allotment of section 308(d) (1) and (2) credit assistance among coastal States.
931.47 Allotment of section 308(b) formula grants.
931.48 Application and requisition procedures.
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Subpart H—Lateral Seaward Boundaries

931.80 General.
931.81 Establishment of delimitation lines when agreements exist between States.
931.82 Establishment of demarcation lines when no agreement exists between States.
931.83 Establishment of delimitation lines under later compacts, agreements, or judicial decisions.
931.84 Procedures for defining delimitation lines by equidistance principles.
931.85 Formula grants impounded for disputed areas.

Subpart I—General Provisions

931.90 Allowable costs.
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931.96 Audit.
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Subpart J—Intrastate Allocation of Financial Assistance

931.110 General.
931.111 Objective.
931.112 Process required for intra-State allocations.
931.113 Forms of assistance.
931.114 Review and appeal.

AUTHORITY: Sec. 308, Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280, 15 U.S.C. 1451 et seq.), as amended by Pub. L. 94-370 (90 Stat. 1013).

Subpart A—Objectives

§ 931.1 Overall objectives.

(a) The central objective of the Coastal Energy Impact Program (CEIP) established under section 308 of the Act is to provide coastal States and units of local government with financial assistance to mitigate the adverse on-shore effects of new or expanded coastal energy activity.

(b) A second objective of the CEIP is to strike a balance between two major national goals:

(1) To encourage development of domestic energy resources and thus to further the objective of increase energy self-sufficiency; and

(2) To protect and manage the Nation's coasts in a manner consistent with the coastal zone management programs and objectives of the individual States over both the short and the long term.

(c) A third objective of the CEIP is to provide assistance that is simple to administer and that permits the coastal States and units of local government a high degree of control and discretion.

§ 931.2 Planning grants.

The objective of providing planning assistance under the CEIP is to encourage rational, timely, and thorough planning for and management of the consequences in the coastal zone of energy facility siting and energy resource development.

§ 931.3 Public facilities and public services assistance.

The objectives of providing assistance under the CEIP for public facilities and public services are:

(a) To advance the national goal of attaining a greater degree of energy self sufficiency by providing assistance to meet those State and local needs for public facilities and services resulting from new or expanded coastal energy activity; and

(b) To discourage inappropriate development in the coastal zone by creating incentives to provide only those public facilities and public services actually needed because of new or expanded coastal energy activity.

§ 931.4 Repayment assistance.

The objective of providing repayment assistance under the CEIP is to shift to the Federal Government most of the risk of fiscal loss that might be borne by coastal States and units of general purpose local government in whose jurisdictions new or expanded coastal energy activity is expected to take place.

§ 931.5 Environmental and recreational grants.

The objectives of providing assistance under the CEIP for the prevention, reduction, or amelioration of unavoidable losses of valuable environmental or recreational resources are:

(a) To help coastal States and units of local government prevent, reduce, or ameliorate environmental degradation and recreational losses in the coastal zone when the degradation or losses are the unavoidable result of coastal energy activity; and

(b) To encourage the prevention of environmental or recreational losses by providing assistance only when the losses cannot be attributed to or charged against a specific person or persons.

Subpart B—General Definitions

§ 931.9 Index to definitions.

The following listing includes all terms defined in Part 931 of this title keyed to the section or paragraph where they are defined.

| *Term* | *Section* |
|---|---|
| Act | 931.10(a) |
| Associate Administrator | 931.24 |
| Borrower | 931.62 |
| Coastal energy activity | 931.13 |
| Coastal zone | 931.11 |
| Eligible energy facility | 931.32 |
| Energy facility | 931.19 |
| Energy facility directly required by OCS energy activity | 931.17(b) |
| Environmental resource | 931.72(c) |
| First landed | 931.72(g) |
| Fiscal schedule | 931.48(b)(2) |
| Fund | 931.12 |
| In close proximity to | 931.13(d) |
| Joint funding | 931.98(b)(1) |
| Loss | 931.72(b) |
| New employment | 931.72(f) |
| New or expanded coastal energy activity | 931.15 |
| New or expanded energy facility | 931.20 |
| New or expanded OCS energy activity | 931.18 |
| New or improved public facility | 931.42(c) |
| New or improved public service | 931.42(d) |
| NOAA | 931.23 |
| OCZM | 931.23 |
| Outer Continental Shelf | 931.16 |
| Outer Continental Shelf energy activity | 931.17 |
| Person | 931.72(h) |
| Public facility | 931.42(a) |
| Public service | 931.42(b) |
| Public facilities and services required as a result of coastal energy activity | 931.42(e) |
| Public facilities and services required as a direct result of OCS energy activities | 931.42(f) |
| Recreational resource | 931.72(d) |
| Section | 931.10(b) |
| Significantly affected | 931.14 |
| Unavailability of credit assistance | 931.42(g) |
| Unavoidable | 931.72(a) |
| Unit of general purpose local government and unit of local government | 931.22 |
| Valuable | 931.72(e) |

§ 931.10 Act.

(a) The term "Act" means the Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 93-612, 88 Stat. 1974, and by Pub. L. 94-370, 90 Stat. 1013 (16 U.S.C. 1451 et seq.).

(b) The term "section" means a section of the Coastal Zone Management Act of 1972, as amended.

§ 931.11 Coastal zone.

The term "coastal zone" is that area of land and water whose boundaries are determined by a State under § 920.11 of this chapter for purposes of the development of a coastal zone management program under section 305, or under § 923.11 of this chapter for purposes of administering a coastal zone management program under section 306, or as part of a management program which is consistent with the policies set forth in section 303. Such boundaries must be approved by the Associate Administrator.

§ 931.12 Fund.

The term "Fund" means the Coastal Energy Impact Fund established under section 308(h).

§ 931.13 Coastal energy activity.

(a) The term "coastal energy activity" is limited to the following activities:

(1) Any Outer Continental Shelf energy activity;

(2) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas; or

(3) Any transportation, transfer, or storage of oil, natural gas, or coal (inluding, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Ports Act of 1974 (33 U.S.C. 1502(10)).

(b) An activity is a "coastal energy activity" only to the extent that:

(1) The conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and

(2) The Associate Administrator determines that a technical requirement exists which necessitates that such siting, construction, expansion, or operation be carried out in, or in close proximity to, the coastal zone of any coastal State.

(c) Such technical requirements are limited to:

(1) Dependency on coastal waters;

(2) Safety;

(3) Proximity to oil or natural gas fields;
(4) Location of markets;
(5) Federal siting regulations or decisions;
(6) Type and amount of required land; and
(7) Competitive uses for any environmental or recreational resource affected by such siting, construction, expansion, or operation.

*Comment:* For each energy facility some of the above technical requirements will be significant and some not. Several examples might clarify this point.

Platform construction yards are usually located close to deep coastal waters, because deep water (20 ft. to 200 ft.) is used during different construction phases. Furthermore, such yards require about 20 acres of flat land for the construction of concrete platforms, and up to 1000 acres for the construction of steel platforms.

Service bases are also located close to coastal waters, because several thousand tons of supplies are transferred each month by vessels between the service bases and the platforms. For the same reason service bases have to be located close to oil and gas fields.

The location of some LNG facilities will be influenced by safety standards prevalent in the area. The location of LNG regasification facilities might be influenced by the location of the closest markets for natural gas.

Finally, the direction of a pipeline might be determined by the location of the oil fields and the closest refinery.

(d) The siting, construction, expansion, or operation of any equipment or facility shall be "in close proximity to" the coastal zone of any coastal State if such coastal zone has been or is likely to be significantly affected by such siting, construction, expansion, or operation.

**§ 931.14 Significantly affected.**

The coastal zone of a coastal State is "significantly affected" by the siting, construction, expansion, or operation of an energy facility if such siting, construction, expansion, or operation:
(a) Causes population influxes in the coastal zone;
(b) Changes employment patterns in the coastal zone, including those in fishing and tourism;
(c) Makes necessary new or improved public facilities or public services in the coastal zone;
(d) Damages or threatens to damage any valuable environmental or recreational resources in the coastal zone, including degradation of air or water quality, or potential violation of air or water quality standards; or
(e) Increases or threatens to increase significantly risks to public safety and real property in or near navigational corridors or marine or land terminals and facilities in the coastal zone.

**§ 931.15 New or expanded coastal energy activity.**

The term "new or expanded coastal energy activity" means any coastal energy activity if the siting, construction, expansion, initial operation, or replacement, in whole or in part, of any equipment or facility required by the conduct, support, or facilitation of such activity takes place after July 26, 1976.

(*Comment:* The term "expansion" is intended to include both the physical expansion of a facility itself and the expansion of the output of the facility. The term "initial operation" is intended to include the case in which a previously operating but then idle energy facility is reactivated after July 26, 1976.)

**§ 931.16 Outer Continental Shelf.**

The term "Outer Continental Shelf" or "OCS" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

**§ 931.17 Outer Continental Shelf energy activity.**

(a) The term "Outer Continental Shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the Outer Continental Shelf; or the siting, construction, expansion, or operation of any new or expanded energy facilities that are directly required by such exploration, development, or production.

(b) The term "directly required" refers to any new or expanded energy facilities that have technical requirements which necessitate their location in, or in close proximity to, the coastal zone and are:
(1) Publicly owned transportation systems to the extent that they serve Outer Continental Shelf energy activities;
(2) Owned or operated by OCS lessees or their contractors, subcontractors, or principal suppliers of equipment or facilities. Such equipment and facilities include and are limited to:
(i) Exploratory and development drilling rigs;
(ii) Platforms, subsea completions, and subsea production systems;
(iii) The following components of marine pipeline systems:
(A) Pressure source,
(B) Gathering lines,
(C) Pipelines,
(D) Intermediate pressure boosting facilities, and
(E) Landfall sites;
(iv) The following facilities to the extent that they serve Outer Continental Shelf energy activities;
(A) Offshore storage and loading facilities of oil and gas,
(B) Marine terminals,
(C) Construction yards for platforms and exploration rigs,
(D) Pipe coating yards,
(E) Bases supporting platform and pipeline installation,
(F) Electric generating plants,
(G) Temporary service bases used in exploration phase,
(H) Permanent service bases used in development phase, and
(I) Transportation facilities limited to helicopters, heliports, tug boats, crew boats, supply boats, production utility boats, ocean and seismic vessels, barges, "spread" vessels, workover rigs, diving tenders, and drilling tenders; or
(3) Determined by the Associate Administrator to be directly required by OCS exploration, development, or production.

**§ 931.18 New or expanded Outer Continental Shelf energy activity.**

The term "new or expanded Outer Continental Shelf energy activity" means:
(a) Any Outer Continental Shelf energy activity which supports exploration, development, or production according to plans, amendments to plans, or notices to drill approved or issued by the U.S. Department of the Interior after July 26, 1976; or
(b) The siting, construction, expansion, or operation of any new or expanded energy facilities that are directly required by exploration, development, or production of oil and gas from the Outer Continental Shelf.

**§ 931.19 Energy facility.**

(a) The term "energy facility" means any equipment or facility which is or will be used primarily:
(1) In the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or
(2) For the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in the activities described in paragraph (a)(1) of this section.
(b) The term includes:
(1) Electric generating plants, including those involving fossil or biomass fuels, nuclear power, direct solar energy, ocean thermal energy conversion, tidal or wave power, wind power, or geothermal energy, and associated transmission systems;
(2) Petroleum refineries and associated facilities;
(3) Gasification plants;
(4) Facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas;
(5) Uranium enrichment or nuclear fuel processing facilities;
(6) Facilities to separate oil, water, and gas;
(7) Drilling rigs, platforms, subsea completions, and subsea production systems;
(8) Construction yards for platforms and exploration rigs, pipe coating yards, bases supporting platforms and pipeline installation, and crew and supply bases;
(9) Oil and gas storage facilities, including salt domes;
(10) Marine pipeline systems, including pressure source, gathering lines, pipeline, intermediate pressure boosting facilities, and landfall sites;
(11) Oil and gas processing facilities;
(12) Transportation systems for tankers or the vessels described in § 931.17(b)(2)(iv)(I) or to connect any of the facilities in this section with primary transportation systems;
(13) Facilities, including deepwater ports, for the transfer of petroleum;
(14) Facilities for geopressurized gas; and
(15) Terminals which are associated with any of the foregoing.

**§ 931.20 New or expanded energy facility.**

The term "new or expanded energy facility" refers to an energy facility whose siting, construction, expansion, initial operation, or replacement, in whole or in part, takes place after July 26, 1976.

**§ 931.21 [Reserved]**

**§ 931.22 Unit of general purpose local government and unit of local government.**

(a) The term "unit of general purpose local government" means:
(1) Any political subdivision of any coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or
(2) Any political subdivision of any coastal State that is located within a political subdivision of such coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or
(3) Any special entity created by such coastal State or political subdivision that (in whole or in part) is located in or has authority over such State's coastal zone.
(b) The term "unit of general purpose local government" is limited to those entities described in paragraph (a) of this section that:
(1) Have authority to levy taxes or establish and collect user fees; and
(2) Provide any public facility or public service that is financed in whole or in part by taxes or user fees.
(c) The term "unit of local government" means any unit of general purpose local government, as defined in paragraphs (a) and (b) of this section, or any agency recognized or designated as an areawide or regional comprehensive planning and development agency pursuant to Office of Management and Budget Circular A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, or under Title IV of the Intergovernmental Cooperation Act of 1968.

**§ 931.23 NOAA and OCZM.**

(a) The acronym "NOAA" means the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
(b) The acronym "OCZM" means the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**§ 931.24 Associate Administrator.**

The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

### Subpart C—Basic Eligibility

**§ 931.25 Eligibility requirements.**

(a) No coastal State is eligible for an allotment or to receive any financial assistance under this part unless such State: (1) Has a management program which has been approved under section 306; or
(2) Is receiving a grant under sections 305 (c) or (d); or
(3) Is making, in the judgment of the Associate Administrator, satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.
(b) The Associate Administrator shall judge that a State is making satisfactory progress toward the development of a management program consistent with the policies set forth in section 303 if one of the following conditions is met:
(1) A coastal State has exhausted its eligibility for program development funding under section 305 without achieving program implementation approval under section 306, but is still pursuing development and implementation of a management program consistent with the policies set forth in section 303; or
(2) A coastal State's eligibility for program funding under section 305 or section 306 has been suspended, but the State is making adequate efforts to reacquire eligibility under sections 305 or 306 and is still pursuing development of a management program consistent with the policies set forth in section 303; or
(3) A coastal State is otherwise pursuing a comprehensive management program which is consistent with the policies set forth in section 303 and for good cause shown is not developing or implementing such program under sections 305 or 306.
(c) The phrase "consistent with the policies set forth in section 303" refers to a management program which incorporates:
(1) Policies which provide for the preservation, protection, development, and, where possible, the restoration or enhancement of the resources of the State's coastal zone;
(2) Provisions which insure wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values, as well as to needs for economic development. Such provisions shall include, but are not limited to:
(i) Identification of a coastal zone which is capable of being delineated and which is subject to management under the program;
(ii) Identification of permissible land and water uses for the area within the coastal zone;
(iii) Procedures for assuring that land and water uses of regional and national benefit are not arbitrarily restricted or excluded in policies or management mechanisms developed pursuant to the State's program;
(iv) State and local legal authorities and organizational structures sufficient to effectuate management over identified land and water uses within the coastal zone; and
(v) Coastal zone water pollution and air pollution control mechanisms which are consistent with the requirements of the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended;
(3) An opportunity for Federal agencies having interests affecting the State's coastal zone to participate in the development of the State's management program and have their views adequately considered; and
(4) An opportunity for local governments, State and regional agencies, commercial and industrial groups, and the general public to participate in the development of the State's management program and have their views adequately considered.
(d) Before allotting assistance to a coastal State and before awarding any of such allotted funds to a coastal State, the Associate Administrator will determine whether that State is eligible (as described in paragraph (a) of this section) for section 308 assistance. If the Associate Administrator determines that the State is not eligible, no moneys will be allotted to the State, and all previously allotted moneys not already awarded to the State or to units of local government within the State will be impounded in the Treasury of the United States by the Associate Administrator. If, after one year from the date the State was determined to be ineligible, the State has not regained eligibility in the determination of the Associate Administrator, he/she will allot the impounded moneys among eligible States according to the most recent annual allotment factors for section 308 assistance.

**§ 931.26 Designation of State agencies.**

(a) In order to receive any financial assistance under this part the Gover-

nor of a coastal State must designate a State agency or agencies:

(1) To apply for or requisition grant assistance and to submit applications for credit assistance under section 308;

(2) To assure, to the maximum extent practicable, that financial assistance provided under section 308 is apportioned, allocated, and granted to units of local government within such State on a basis which is proportional to the extent to which such units need such assistance; and

(3) To receive and administer section 305 grants pursuant to § 920.42 of this chapter, to receive and administer section 306 grants pursuant to § 923.23 of this chapter, or to administer a State coastal management program which is consistent with the policies set forth in section 303.

(i) In the event the coastal State is implementing a management program approved under section 306, all applications and requisitions for financial assistance under section 308 shall be reviewed for consistency with the State's management program by the State agency administering the State's coastal management program in accordance with the requirements of section 307(d).

(ii) In the event the coastal State is developing a management program pursuant to section 305 or in a manner consistent with the policies of section 303, all applications and requisitions for financial assistance under section 308 shall be reviewed for compatibility with the State's developing coastal management program by the State agency developing the management program.

(b) While preferable in terms of coordination, it is not required that a single State agency perform all three functions stated in subsection (a) of this section. The State coastal zone management agency designated pursuant to paragraph (a)(3) need not be the agency performing one or both of the functions required by paragraphs (a) (1) and (2) of this section. However, in the event different agencies are designated under paragraphs (a) (1), (2), and (3), one agency must be designated to assure coordination with the other agency or agencies.

### Subpart D—Planning for the Consequences of Energy Facilities

#### § 931.30 General.

This subpart sets forth policies and requirements for planning assistance to coastal States under sections 308(c) and 308(b). This subpart also states the overall objectives, the purposes for which the assistance may be used, and the basic eligibility requirements. It also describes procedures for allotting section 308(c) moneys among eligible coastal States, for applying for section 308(c) assistance, and for requisitioning the proceeds of section 308(b) grants. Procedures for the allotment of section 308(b) assistance are described in § 931.76.

#### § 931.31 Objectives.

The objectives of assistance under this subpart are:

(a) To assist coastal States and units of local government in the study of an planning for any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such State's coastal zone as a result of the siting, construction, expansion, or operation of new or expanded energy facilities;

(b) To encourage rational, timely, and thorough planning for the management of energy facility siting and the impacts from energy resource development;

(c) To help coastal States and units of local government study, plan for, and manage the provision of public facilities and public services required as a direct result of new or expanded OCS energy activity; and

(d) To redefine, integrate, and apply to specific locations and energy facilities the energy planning and impact management process included in State coastal zone management programs pursuant to section 305(b)(8) of the Act.

#### § 931.32 Definitions.

"Eligible energy facility" means a new or expanded energy facility that significantly affects the coastal zone; and

(a) For which a major State or Federal license or permit has been applied for;

(b) Which is projected to be required as a result of a Federal lease sale scheduled by the U.S. Department of the Interior to occur no more than three years from the date of the allotment of planning assistance under § 931.36; or

(c) Which the Associate Administrator determines to be eligible because of reasonable evidence supplied by the coastal State that such a new or expanded energy facility is likely to be sited, expanded, or constructed in the near future. Such evidence might include a local license or permit, a notice of intent, or a request for a zoning variance.

#### § 931.33 Purposes.

(a) Allowable uses of section 308(c) grants under this subpart include:

(1) Planning for economic, social, or environmental consequences of new or expanded energy facilities, coastal energy activities, or OCS energy activities significantly affecting the coastal zone, including:

(i) Analysis of government or private industry siting, licensing, or leasing policies and related data and information;

(ii) Devising strategies for the public purchase of land or the establishment of other enforceable land-use controls for lands upon or near which energy development is to take place;

(iii) Devising methods of protecting environmental or recreational resources threatened by the siting, construction, operation, or expansion of new or expanded energy facilities; or

(iv) Conducting risk management studies, hazard analyses, emergency contingency planning and coordination studies, and assessments of mitigating measures for maintaining or improving public safety threatened by the siting, construction, expansion, or operation of new or expanded energy facilities.

(2) Planning for the consequences of a specific new or expanded energy facility significantly affecting the coastal zone, including:

(i) Study of and planning for economic, social, or environmental consequences of the siting, construction, expansion, or operation of a new or expanded energy facility such as:

(A) Increased population;

(B) Changes in employment patterns, including those in fishing and tourism;

(C) Changes in demand for public facilities, public services, and housing;

(D) Local price inflation;

(E) Changes in patterns of tax and user fee revenues or intergovernmental transfers;

(F) Effects of fishing, tourism, and other economic resources;

(G) Effects on beaches, and dunes, air quality, water quality, or other environmental or recreational resources;

(H) Shoreline erosion;

(I) Ecological effects; and

(J) Effects on public safety.

(ii) Conducting analyses required for state or local regulatory decisions related to energy facilities, including licenses, leases, permits, and zoning ordinances;

(iii) Performing cost/benefit analyses or otherwise comparing the consequences of alternative energy facility sites or types;

(iv) Devising strategies for recovering compensation from appropriate parties for any adverse effects caused by the energy facility involved;

(v) Forecasting employment, population, public facility and public services needs and costs, and tax or user-fee revenues;

(vi) Planning for the public facilities eligible for financing under Subpart E of this part, including engineering feasibility;

(vii) Study of and planning for the secondary consequences, including environmental and economic consequences, of alternative types and sites of public facilities eligible for financing under Subpart E of this part; and

(viii) Study of and planning for the consequences of the phasing out of energy facilities.





(3) Carrying out projects necessary to administer assistance under section 308, including:

(i) Collecting data and analyzing information required in §§ 931.48(a)(5) and 931.78(c)(4) for environmental impact assessment;

(ii) Designing and carrying out an intrastate allocation process as described in Subpart J of this part; and

(iii) Paying other reasonable costs of administering assistance under section 308.

(b) Allowable uses of section 308(b) grants under this subpart include:

(1) Those allowable uses given in paragraph (a) of this section if they are directly related to the provision of new or improved public facilities and public services required as a direct result of new or expanded OCS energy activity; and

(2) Architectural and engineering services for the design and construction of public facilities required as a direct result of new or expanded OCS energy activity.

(*Comment:* The use of section 308(c) planning assistance must be related to new or expanded energy facilities, coastal energy activities, or OCS energy activities significantly affecting the coastal zone. There is no requirement, however, that the use of the planning assistance be tied to the specific new or expanded energy facilities developed as part of the allotment inventory in § 931.36(b)(2)(ii).)

#### § 931.34 Sources.

The primary source of assistance for the purposes set forth in § 931.33 is section 308(c) grants that have been allotted to eligible coastal States. If such moneys have been applied for and such moneys, plus the necessary matching share, are insufficient in any fiscal year for the purposes set forth in § 931.33(b)(1), section 308(b) grants that have been allotted according to § 931.76 become a source of assistance.

#### § 931.35 Eligibility.

(a) To be eligible for allotments and assistance under sections 308(c) and 308(b)(4)(B), a coastal State must meet the basic eligibility requirements of § 931.25.

(b) To be eligible for the use of section 308(b) grants under this subpart, a coastal State must show that its allotment under section 308(c) is insufficient for the purposes of § 931.33(b)(1).

#### § 931.36 Allotment of financial assistance among eligible coastal States.

(a) Moneys appropriated to the Fund in any fiscal year for the purposes of section 308(c) will be allotted by a formula among eligible coastal States according to the procedures of this subpart. Moneys allotted to a coastal State will remain available for award to such State until the end of the fiscal year following the fiscal year in which the allotment took place. Allotted moneys not awarded to such State by that time will be returned to the Fund for reallotment among eligible coastal States. The Associate Administrator may extend the period of availability of an allotment if he/she determines that such an extension is warranted.

(b) The following general process will be used to allot section 308(c) moneys.

(1) The Associate Administrator will divide fifteen percent of available section 308(c) moneys equally among eligible coastal States.

(2) The remaining 85 percent of available section 308(c) moneys will be allotted on the basis of planning need equivalencies as follows:

(i) The Associate Administrator will establish standardized planning need factors for various types of energy facilities at various levels of output, taking into account relative regional variations in temporary and permanent employment, environmental effects, and safety considerations.

(ii) The Associate Administrator will draw up for each coastal State a list of eligible energy facilities. The Associate Administrator will update this list each fiscal year by adding those eligible energy facilities identified during that fiscal year and by removing those energy facilities for which planning is no longer required. The Associate Administrator will remove a facility from the list in a fiscal year:

(A) If the operating phase of the facility began before the date of allotment;

(B) If the facility has been on the list for the preceding 4 fiscal years (unless the Associate Administrator determines that planning is still necessary); or

(C) If the Associate Administrator otherwise determines that planning for the facility is no longer necessary.

(iii) Coastal States will be provided with these standardized planning need factors and with the list of facilities. The States will have 45 days to submit comments to the Associate Administrator who will consider the State comments and will make revisions as appropriate.

(*Comment:* The State comment period is intended to bring to OCZM's attention those energy facilities for which the State wishes to initiate planning but which were not included in the list. The State must present evidence that each facility it wishes to add is likely to be constructed. Examples, of facilities that might not be included on OCZM's list, but which might be brought to light during the comment period, include energy facilities whose construction is expected to resume (under an old permit) after a period of dormancy, and facilities whose character has changed in a way that does not demand a permit but nevertheless motivates renewed planning efforts.)

(iv) The Associate Administrator will then apply the standardized planning need factors described in paragraph (b)(2)(i) of this section to the list described in paragraph (b)(2)(ii) of this section to obtain a total planning need equivalency for each coastal State. Each eligible coastal State's share of such remaining part of section 308(c) moneys will be proportional to the State's planning-need equivalency divided by the sum of the planning-need equivalencies of all the eligible coastal States.

(3) A coastal State's allotment of section 308(c) moneys will be the sum of the State's shares under paragraphs (b)(1) and (b)(2) of this section.

(c) Procedures for allotment of section 308(b) assistance are discussed in § 931.76.

#### § 931.37 Application procedure.

(a) An eligible coastal State may submit its application to the Associate Administrator for award of the section 308(c) moneys allotted to it as soon as it is notified of the amount of the allotment. An eligible coastal State may requisition proceeds of grants allotted to it under section 308(b) as soon as it is notified of the amount of the allotment.

(b) Applications for amounts allotted for section 308(c) planning assistance or requisitions for the amount of funds to be used for section 308(b) planning assistance must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2) that the planning assistance has been allocated within the State in accord with the intrastate allocation process described in subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the planning assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) A showing, if the application or requisition for assistance has not been submitted to the Project Notification and Review System established by OMB Circular No. A-95 (Part I), that a memorandum of agreement for coordinating planning under section 308 with areawide comprehensive planning has been consummated with appropriate areawide clearinghouses in the State's coastal zone, pursuant to Part IV, Attachment A, of OMB Circular A-95; and

(4) A brief description of the activity or activities to be undertaken, indicating the relationship to allowable uses under § 931.33.

(c) Requisitions for proceeds of section 308(b) grants must contain such adequate assurances as are required by § 931.97(a).

(d) It is the Associate Administrator's intent to process completed appli-





cations and requisitions within 45 days



for the purposes set forth in § 931.43(b).

and (c) of this section. Coastal States will have 45 days to submit comments

(1) A certification by the State agency designated under § 931.26(a)(2)

cations and requisitions within 45 days of receipt.

§ 931.38 Limitations.

(a) Section 308(c) moneys awarded to a coastal State may not exceed 80 percent of the actual cost of the study or planning. States may use in-kind contributions as the non-Federal matching share in accord with Office of Management and Budget Circular A-102.

(b) Sections 308(c) and 308(b) planning assistance may not be used:

(1) To duplicate the development of the general planning process for energy facilities required of management programs under section 305(b)(8); or

(2) For general energy studies or plans divorced from actual, proposed, or likely new or expanded energy facilities, coastal energy activities, or OCS energy activities.

(*Comment:* According to the Act, States may use section 305 grants to develop the general planning process for coastal energy facilities required under section 305(b)(8).)

### Subpart E—Financing Public Facilities and Public Services

§ 931.40 General.

This subpart sets forth policies governing assistance to coastal States and units of general purpose local government under sections 308(d) (1) and (2) and 308(b), the objectives of providing this assistance, the purposes for which it may be used, and the sources from which it will be drawn. This subpart also describes the procedures for allotting credit assistance among coastal States, for applying for credit assistance from the Fund (sections 308(d) (1) and (2)), and for requisitioning the proceeds of formula grants (section 308(b)).

§ 931.41 Objectives.

The objectives of assistance under this subpart are:

(a) To help coastal States and units of general purpose local government finance new or improved public facilities and public services needed because of coastal energy activity;

(b) To provide front-end financing that can be expected to be repaid later from revenues generated by the coastal energy activity, unless such revenues do not materialize; and

(c) To assure that necessary development in coastal areas is consistent with State coastal zone management objectives, the safeguarding of valuable national coastal environmental and recreational resources, and public safety.

§ 931.42 Definitions.

(a) The term "public facility" includes, but is not limited to, the following facilities to the extent that they are financed by any State or unit of general purpose local government; that they meet the requirements of Subpart I of this part; and that they do not primarily serve industrial facilities, except if the public facilities are wholly owned by a unit of general purpose local government and if industrial user charges from the facilities will be a primary source of revenue to repay the loan received or obligation guaranteed under this subpart.

(1) *Education.* Day care centers; primary, secondary, and general vocational schools, including portable classrooms and temporary facilities; school equipment; libraries, including books and equipment;

(2) *Environmental protection.* Facilities and equipment used to monitor or control air and water quality or noise standards, to insure the continued viability of fish, wildlife, and land resources, to prevent or control erosion; land acquisition for environmental protection;

(3) *Government administration.* Facilities and equipment essential for general government administration;

(4) *Health care.* Emergency medical facilities and equipment, including ambulances; clinic and hospital buildings and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities;

(5) *Public safety and law enforcement.* Detention centers, police equipment and stations, fire stations and firefighting equipment, fire training centers, animal control facilities, communication facilities and equipment, and rescue facilities and equipment;

(6) *Recreation.* Facilities and equipment for amateur sports and performing arts, community recreational centers, local parks and playgrounds, acquisition of parkland or beaches or of public access to such land or beaches;

(7) *Transportation.* Street and street lighting, roads, bridges, road maintenance equipment, parking associated with public facilities, docks, air and water navigation aids, canals and navigation facilities, air terminals in remote areas, mass transit including bus and ferry systems;

(8) *Public utilities.* Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; water supply systems; and telephone systems.

(b) The term "public service" means any service authorized by law to be provided by a State or unit of general purpose local government to the extent that:

(1) It is financed by the State or unit of general purpose local government;

(2) It meets the requirements of Subpart I of this part; and

(3) It does not primarily serve industrial facilities.

(c) A public facility is considered "new or improved" if it is constructed, expanded, or renovated after July 26, 1976.

(d) A public service is considered "new or improved" if the proposed type or increased level of service was not offered in the fiscal year prior to the application or requisition for assistance for such service.

(e) A public facility or public service is "required as a result" of coastal energy activity if the employment and related population associated with such coastal energy activity has caused or is expected to cause substantial shortages of such public facilities or public services.

(f) A public facility or public service is "required as a direct result" of new or expanded OCS energy activity if the individuals (and their families) employed in such activity are expected to cause substantial shortages of such public facilities or public services.

(g) Adequate credit assistance is "unavailable" in a fiscal year only if:

(1) There is no institutional process which has ever been used or reasonably could have been used under constitutional or statutory authority as of July 26, 1976, through which credit assistance from the Fund could be obtained by the State or a unit of general purpose local government therein to finance projects or programs necessary to provide a new or improved public facility or public service which is required as a direct result of new or expanded OCS energy activity; or

(2) The Associate Administrator determines that revenues at current rates and methods will not be sufficient to amortize fully the cost of a new or improved public facility or public service that is required as a direct result of new or expanded OCS energy activity.

§ 931.43 Purposes.

(a) Credit assistance available from the Fund under sections 308(d) (1) and (2) is intended to help meet State and local needs to finance most of the new or improved public facilities and public services that are required as a result of coastal energy activity.

(b) Grant assistance from the formula grants under section 308(b) is intended to help meet State and local needs for new or improved public facilities and public services that are required as a direct result of new or expanded OCS energy activity.

§ 931.44 Sources.

The primary source of assistance for purposes set forth in § 931.43(a) is the allotment of credit assistance from the Fund (sections 308(d) (1) and (2)). If adequate credit assistance is unavailable (as defined in § 931.42(g)) from the Fund, the formula grants (section 308 (b)) become a source of assistance





for the purposes set forth in § 931.43(b).

§ 931.45 Eligibility.

(a) To be eligible for allotments and assistance from the Fund under sections 308(d) (1) or (2) or from formula grants under section 308(b)(4)(B), a coastal State must meet the basic eligibility requirements of § 931.25.

(b) To be eligible for the use of section 308 (b) grants under this subpart, adequate credit assistance from the Fund must be unavailable, as defined in § 931.42(g).

§ 931.46 Allotment of sections 308(d) (1) and (2) credit assistance among coastal States.

(a) Credit assistance available in any fiscal year through the Fund, to the extent provided for in appropriations Acts, will be allotted in each fiscal year among eligible coastal States according to the procedures of this section. Credit assistance allotted to a coastal state will remain available for award until the end of the second fiscal year following the fiscal year in which the allotment took place. Allotted credit assistance not awarded to a coastal State or its units of general purpose local government by that time will be reallotted among eligible coastal States. The Associate Administrator may extend the period of availability of an allotment if he/she determines that such an extension is warranted.

(b) The Associate Administrator will compile annually a list of new or expanded coastal energy activities:

(1) For which major Federal or State permits or licenses have been obtained;

(2) For which exploration plans are expected to be submitted to the U.S. Department of the Interior because an OCS lease sale has taken place;

(3) For which development plans have been approved by the Department of the Interior; or

(4) Which, in the determination of the Associate Administrator, are likely to necessitate the construction of new or improved public facilities or the provision of new or improved public services. It is on this list that the Associate Administrator will base his/her estimate of both the number of additional individuals who are expected to become employed in the activities and the related new population who are expected to reside in the respective coastal States.

(c) The Associate Administrator will determine annually standardized unit costs for public facilities and public services for new temporary and permanent population in the relevant coastal State. These costs will take into account regional cost differences.

(d) The Associate Administrator will furnish to the coastal States the data developed pursuant to paragraphs (b) and (c) of this section. Coastal States will have 45 days to submit comments to the Associate Administrator who will then consider the State comments and make revisions as appropriate.

(e) The Associate Administrator will then compute a need factor for each new or expanded coastal energy activity from the data developed pursuant to paragraphs (b), (c), and (d) of this section. A State need factor will then be computed for each coastal State by summing these need factors within the state. A national need factor will be computed by summing all of the State need factors. Finally, a relative need factor will be calculated for each coastal State by dividing the State's need factor by the national need factor.

(f) The Associate Administrator will compute each coastal State's allotment of credit assistance from the Fund in proportion to that State's relative need factor and notify the coastal States of their respective allotments.

(1) The total amount of available funds allotted among the coastal States in any fiscal year will be the lesser of the following amounts:

(i) The national need factor as computed according to paragraph (e) of this section; or

(ii) The total amount of new credit assistance appropriated for that year plus any amount available in the Fund that can be allotted to the States.

(2) If the amount in paragraph (f)(1)(i) of this section is less than the amount in paragraph (f)(1)(ii) of this section, the unallotted credit assistance will be retained in the Fund for use in subsequent years.

§ 931.47 Allotment of section 308(b) formula grants.

The annual allotment of formula grants among coastal States is described in § 931.76.

§ 931.48 Application and requisition procedures.

(a)(1) After being notified of its allotment under § 931.46, an eligible coastal State may submit to the Associate Administrator applications for the award of section 308(d) loans and guarantees.

(2) A coastal State may requisition in any fiscal year the proceeds of its allotted formula grants for the purposes of § 931.43(b) after it has been notified of its credit assistance allotment for that year, if adequate credit assistance from the Fund is unavailable for such purposes. This requisition may be submitted along with or after the pertinent applications for credit assistance from the Fund.

(b) Applications for requisitions for credit assistance from the Fund or the proceeds of formula grants must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2) that the assistance has been allocated within the State in accord with the intrastate allocation process described in Subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) For construction projects, as defined in the Office of Management and Budget Circular A-102, factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and

(4) A showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular A-95 (Part I).

(c) (1) Applications for credit assistance from the Fund must also contain the following information:

(i) A description of the coastal energy activity causing the impacts because of which the credit assistance is sought;

(ii) A description of the new or improved public facilities or public services, required as a result of coastal energy activity, for which the assistance is sought, including costs on an annualized basis;

(iii) An estimate of current levels of utilization of public facilities and public services in the borrower's jurisdiction similar to those for which credit assistance is sought; and

(iv) Appropriate fiscal schedules, including financial and economic information, required to evaluate the payback potential on the request for credit assistance. (Such fiscal schedules will include the best available historical data on the revenues and expenditures of the borrower for five years preceding the year of application.)

(*Comment:* Appropriate technical assistance will be provided by OCZM upon request.)

(2) The Associate Administrator will use the information contained in the fiscal schedules described in paragraph (b)(1)(iv) of this section to negotiate with the borrower the terms and conditions of the loan or guarantee agreements as described in § 931.50(c) and § 931.51(f). The fiscal schedules will be used in setting the conditions under which repayment assistance will





be available, as incorporated into the

cilities. Such loans shall be subject to

approval by the Associate Administra-



will entail agreements setting forth in

modification of credit assistance terms

(b) All terms and conditions of the

be available, as incorporated into the terms and conditions of the loan or guarantee agreements.

(3) Even when the likelihood of eventual repayment assistance seems high, it will not be the practice of the Associate Administrator to require that the borrower raise its tax rates above or alter its tax methods from those generally prevailing at the time the application is approved. However, in circumstances where the tax base or revenues available to the borrower are reduced for reasons unrelated to the failure of the economic growth connected with energy development to materialize, the borrower will be expected to meet its principal and interest payments according to the loan or guarantee.

(d)(1) Requisitions for the proceeds of formula grants must contain:

(i) Such adequate assurances as are required by § 931.97(a); and

(ii) A brief description of the proposed new or improved public facility or public service sufficient to enable the Associate Administrator to verify that the facility or service is required as a direct result of new or expanded OCS energy activity.

(2) Before awarding proceeds of allotted formula grants, the Associate Administrator will:

(i) Verify the certifications and information submitted pursuant to paragraphs (a) and (d)(1)(ii) of this section;

(ii) Determine whether credit assistance under the Fund is unavailable (as defined in § 931.42(g));

(iii) Determine that the State has provided such adequate assurances as are required by § 931.97(a); and

(iv) Determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) and prepare an EIS when necessary.

§ 931.49 [Reserved]

§ 931.50 Special requirements for section 308(d)(1) loans.

(a) *Interest rate.* The interest rate shall be the current average market yield for outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans. The Administrator of NOAA may under special circumstances approve lower interest rates.

(b) *Eligibility.* The Associate Administrator may make a loan to an otherwise eligible borrower even though the fiscal schedules described in § 931.48(b)(1)(iv) or other financial information does not indicate adequate coverage for debt service.

The Associate Administrator may also make loans under section 308(d)(1) to State agencies established for the purpose of financing public facilities. Such loans shall be subject to terms and conditions as the Associate Administrator may prescribe.

(c) *Loan agreements.* Each loan agreement will incorporate in detail the conditions under which the repayment assistance described in subpart F of this part will be available. These conditions will be binding upon the Associate Administrator and the borrower.

(d) *Repayment schedule.* Each loan agreement will contain a mutually agreed-upon repayment schedule, which will be tailored to the repayment ability of the borrower as indicated in the fiscal schedule described in § 931.48(b)(1)(iv) or in other financial information. This repayment schedule will set forth the borrower's annual loan service (principal and interest) payments. The borrower may accelerate payment with no prepayment penalties.

(e) *Maturity of loans.* Loans will be made for a period not to exceed the normal useful life of the project. In no event will a loan, including extensions and renewals thereof, be made with a maturity exceeding 30 years from the date of the final loan closing.

(f) *Security.* Loans made under section 308(d)(1) will be secured in the manner customary or legally allowed under respective State statute and local government charters and ordinances for projects of the type for which credit assistance is requested. The Associate Administrator's interest may be perfected, where appropriate, by a filing under the Uniform Commercial Code as adopted by the subject State, or, in any jurisdiction where the Uniform Commercial Code has not been enacted, by the recording of a mortgage.

(g) *Disbursement of loan funds.* The Associate Administrator may disburse loan funds on a phased basis. Approval of such loan advances will be made after receipt by the Associate Administrator of:

(i) A favorable preliminary approving opinion of bond counsel on the validity of the proposed interim and final bond or promissory note and,

(ii) Satisfactory evidence of receipt of firm construction, service, and/or supply bids as well as compliance with the other loan conditions required to be fulfilled before disbursement. Advances or partial purchases shall be made in units of not less than 25 percent spaced so as to enable the borrower to pay incurred costs as they come due. Advances must be deposited in a bank with Federal Deposit Insurance Corporation coverage, and the balances exceeding such coverage must be collaterally secured as provided in 12 U.S.C. 265.

(h) *Interim financing on loan projects.* The terms and conditions of the interim financing are subject to prior approval by the Associate Administrator. The Associate Administrator, upon request by the borrower, will provide an appropriate letter of intent to aid the borrower in obtaining interim financing from sources other than OCZM.

(i) *Bond counsel.* The borrower shall retain bond counsel to represent it in each loan transaction. Such bond counsel must receive the prior approval of the Associate Administrator.

§ 931.51 Special requirements for section 308(d)(2) Federal guarantees.

(a) *Eligibility.* The Associate Administrator will consider eligible for guarantee under the Fund any legal debt of any eligible borrower, if the Secretary of the Treasury approves such debt and it meets other requirements set forth in section 308(f).

(b) *Taxable obligations.* The interest paid on any obligation which is guaranteed under section 308(d)(2) and which is received by the purchaser of such obligation (or the purchaser's successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

(c) *Interest subsidy.* The Associate Administrator may pay out of the Fund, pursuant to the terms of the bond or other evidence of indebtedness, to the coastal State or the unit of general purpose local government issuing an obligation guaranteed under section 308(d)(2) not more than the portion of the interest on such obligation as exceeds the amount of interest that would be due at a comparable rate for loans made under section 308(d)(1) at the time the obligation is guaranteed by the Associate Administrator.

(d) *Fees for guarantees.* The Associate Administrator will levy a fee for providing a Federal guarantee. This fee will be set on the basis of the administrative costs incurred in providing and monitoring such guarantee. The fee may be waived in the event repayment assistance (as described in Subpart F of this part) is required.

(e) *Default procedures and guarantee incontestability.* If a borrower defaults on a bond or other evidence of indebtedness guaranteed under the Fund, the holder of the bond or other evidence of indebtedness may demand, pursuant to the terms of the bond or other evidence of indebtedness, payment from the Associate Administrator of the principal and accrued interest of the obligation in accord with section 308(f)(5)(B). The validity of such a guarantee shall be considered incontestable, except when the holder of the obligation is guilty of fraud or misrepresentation or was aware of fraud or misrepresentation at the time he purchased the obligation.

(f) *Guarantee agreements.* Each obligation guaranteed under this subpart will entail agreements setting forth in detail the conditions under which the repayment assistance described in subpart F of this part will be available. These conditions will be binding upon the Associate Administrator and the borrower. In addition, all provisions in the underlying documents for obligations guaranteed under section 308(d)(2) will be subject to the approval of the Associate Administrator and will contain such additional provisions as he/she may require.

(g) *Bond counsel.* The borrower shall retain bond counsel to represent it in each guarantee transaction. Such bond counsel must receive the prior approval of the Associate Administrator.





### Subpart F—Repayment Assistance

§ 931.60 General.

This subpart sets forth policies and procedures for awarding various forms of repayment assistance under sections 308(d)(3) and 308(b)(4)(A).

§ 931.61 Objectives.

The objectives of the repayment assistance are to ensure that:

(a) Credit obligations will be modified and tailored according to ability to repay so that defaults can be avoided; and

(b) Net fiscal losses to the State or unit of general purpose local government resulting from coastal energy activity will be minimized.

§ 931.62 Definitions.

The term "borrower" refers to an eligible coastal State, a special purpose agency of the State, or a unit of general purpose local government that has been awarded credit assistance under sections 308(d)(1) or (d)(2).

§ 931.63 Purposes.

(a) The purpose of repayment assistance under sections 308(d)(3)(A-C) is to assist a borrower who is temporarily unable to meet scheduled repayments of loans or guaranteed obligation.

(b) The purpose of a repayment grant from the proceeds of a State's allotted formula grant under section 308(b) is to assist a borrower in meeting scheduled repayments of a guaranteed bond when the remedies of sections 308(d)(3)(A-C) are inadequate.

(c) The purpose of a repayment grant from a State's allotted credit assistance from the Fund section under 308(d)(3)(D) is to assist a borrower in meeting scheduled repayments of a loan or guaranteed obligation when the remedies of sections 308(d)(3)(A-C) are inadequate and formula grants are not available for that purpose. If the State's allotment is insufficient, a grant will be made from the Fund.

§ 931.64 Sources of repayment assistance.

(a) *Primary sources.* The primary sources of repayment assistance are modification of credit assistance terms and conditions under section 308(d)(3)(A), refinancing of a loan under section 308(d)(3)(B), or making a supplemental loan under section 308(d)(3)(C) for meeting a loan or guarantee obligation.

(b) *Secondary sources.* If the borrower is unable to meet scheduled repayments by means of one or more of the primary sources of repayment assistance, and if the inability to repay results from a change in scope of the coastal energy activity or the related new population, the secondary sources of repayment assistance may be used to meet obligations. These secondary sources are the proceeds of the State's allotment of formula grants under section 308(b) and grants from the State's allotment of moneys from the Fund under section 308(e)(1), or directly from the Fund if the State's allotment is insufficient.

§ 931.65 General eligibility.

(a) A coastal State or unit of general purpose local government is eligible for repayment assistance only if:

(1) It has been awarded a loan under section 308(d)(1) or a guarantee under section 308(d)(2); and

(2) It has submitted a report, as required under § 931.66, updating the information described in § 931.48(b)(1).

(b) A borrower does not have to be in default before qualifying for repayment assistance. The default of a borrower will nevertheless automatically occasion review for repayment assistance by the Associate Administrator.

§ 931.66 Application update.

After submitting its original credit assistance application, and until the full repayment of its loan or guaranteed obligation, the borrower shall submit periodically to the Associate Administrator a report updating the information described in § 931.48(b)(1). The frequency of submission of this report will be established by the Associate Administrator in consultation with the borrower. This report should contain whatever new information the borrower has received and can document concerning the coastal energy activity and its likely effects on revenues and expenditures.

§ 931.67 Review for repayment assistance.

(a) At the request of the borrower or on his/her own initiative, the Associate Administrator shall undertake a review for repayment assistance. Prior to the initiation of this review by the Associate Administrator, the borrower must submit a report (described in § 931.68) updating the information described in § 931.48(b). The Associate Administrator will examine the information and forecasts contained in the report, particularly those relating to the status and effects of the coastal energy activity involved.

(b) All terms and conditions of the loan or guarantee, as enumerated in the loan or guarantee agreements, will remain in effect pending the review for repayment assistance.

§ 931.68 Award of repayment assistance.

(a) It is the Associate Administrator's intent to offer repayment assistance within 45 days after the request for repayment assistance described in § 931.67, upon a finding that, pursuant to the terms and conditions of the loan or guarantee agreements, the borrower is unable to meet its annual loan service payment or obligation under a guarantee in accord with its repayment schedule because the actual increase in employment and related population from coastal energy activity and associated facilities have failed to provide adequate revenues.

(b) Repayment assistance offered pursuant to paragraph (a) of this section will consist of one or more of the following types.

(1) *Modification of terms.* In the case of loans awarded under section 308(d)(1), the repayment schedule described in § 931.50(d) may be retailored in light of the information submitted in the report described in § 931.66. Such modification of terms and conditions may include an extension of the payback period; however, the payback period may not exceed 30 years from the closing date of the original loan.

(2) *Refinancing.* Outstanding loans under section 308(d)(1) or outstanding bond or other obligations guaranteed under section 308(d)(2) may be refinanced by means of a loan at the interest rate appropriate at the time of the refinancing.

(3) *Supplemental loans.* If the Associate Administrator determines that expected revenues will be temporarily insufficient to meet the borrower's guaranteed bond or other obligations or to meet a loan repayment schedule, he/she may offer to make a supplemental loan to the borrower.

(4) *Repayment grants.* If the Associate Administrator has taken action under paragraphs (b)(1-3) of this section and additional action under those paragraphs would not enable the borrower to meet its obligations within a reasonable time. The Associate Administrator, pursuant to the terms and conditions of the loan or guarantee agreements, will make a repayment grant in an amount sufficient to enable the borrower to meet its obligations.

(*Comment:* The award of repayment assistance can be based only on an objective comparison of the information submitted in the updating report as described in § 931.66 with the terms and conditions of the original loan or guarantee agreements.)

(c) When the Associate Administrator offers one of the courses of action in § 931.68(b)(1-4), the borrower may

submit to the Associate Administrator a formal acceptance of the recommended form of repayment assistance. In the case of a repayment grant from the proceeds of a State's formula grant under section 308(b) for a bond guaranteed under section 308(d)(2), the borrower shall submit this formal acceptance through the State agency designated under § 931.26(a)(1), and the acceptance shall include such adequate assurances as are required by § 931.97(a). The repayment assistance will take effect as soon as the Associate Administrator receives the formal acceptance.

(d) If the formula grants allotted the State are insufficient for all the repayment grants recommended by the Associate Administrator in a fiscal year, the State agency designated under § 931.26(a)(1) shall indicate which bonds it wishes to retire with the proceeds of available formula grants, giving priority to local bonds in accordance with section 308(b)(4)(A). Those borrowers whose bonds the State has indicated it cannot retire with the proceeds of formula grants may request repayment grants from the State's allotment of credit assistance and, when necessary, which will be awarded directly from the Fund. Borrowers in States that have no allotted formula grants may request the recommended repayment grants, which will be awarded from the State's allotment of credit assistance and, when necessary, directly from the Fund.

(e) If, after the review for repayment assistance, the Associate Administrator determines that no repayment assistance is warranted, or if the borrower does not formally accept such assistance, the borrower will remain subject to the terms and conditions of the loan or guarantee and to the requirements of Subpart I of this part.

**§ 931.69 Appeal procedure.**

(a) Whenever a dispute arises concerning the Associate Administrator's finding made pursuant to § 931.68(a) regarding the existence of conditions which require an offer of repayment assistance, the borrower may appeal the Associate Administrator's decision to the Administrator of NOAA by submitting a request for review to the Office of the Administrator of NOAA.

(b) The Administrator of NOAA, if requested, will order a formal hearing on the record to be conducted within 30 days of the borrower's request for review.

(c) The Administrator will issue a written decision on the appeal within 60 days of the borrower's request for review.

(d) The appeal procedure provided for in paragraphs (a)–(c) of this section is intended to provide a timely and impartial forum for resolving disputes concerning repayment assistance. Such appeal procedures may be initiated by the borrower, but do not expressly or by implication limit the borrower's other remedies at law or in equity. The borrower may seek appropriate judicial relief in a court of competent jurisdiction without the consent of the Associate Administrator or the Administrator of NOAA, and without first having exhausted the appeal procedures provided in paragraphs (a)–(c) of this section.

## Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

**§ 931.70 General.**

This subpart sets forth policies and requirements for awarding environmental and recreational grants to coastal States under sections 308(b) and 308(d)(4), and describes the objectives of awarding these moneys, the purposes for which they may be used, the sources from which they will be drawn, and the eligibility requirements.

**§ 931.71 Objectives.**

The objectives of providing assistance under sections 308(b) and 308(d)(4) are:

(a) To help States and units of local government prevent, reduce or ameliorate unavoidable losses of valuable environmental or recreational resources resulting from coastal energy activity; and

(b) To ensure that the person or persons responsible for these environmental or recreational losses pay for their full cost.

**§ 931.72 Definitions.**

(a) The term "unavoidable" refers to that part of damage to or loss of an environmental or recreational resource resulting from coastal energy activity or from the public facilities associated therewith that either:

(1) Cannot be attributed to any identifiable person or persons; or

(2) Whose costs of prevention, reduction, or amelioration cannot feasibly be directly or indirectly assessed against an identifiable person or persons through:

(A) Reasonable implementation or enforcement of the existing regulatory authorities of the State or of any political subdivision of the State; and

(B) For losses occurring after July 26, 1976, a reasonable effort by the State to recover money damages for the loss; and

(3) Cannot be paid for with funds that are available from any other Federal program.

(*Comment:* "Regulatory authorities" refers to statutes, local ordinances, or laws and implementing regulations, existing at the time that the loss occurred or at the time of the date of application or requisition for anticipated losses, which set standards or conditions for development. Regulatory authorities include development regulations, such as zoning, subdivision, or energy facility siting laws, that apply to the siting or location of a new or expanded coastal energy activity or the public facilities associated therewith; and pollution or nuisance prevention regulations that apply to the operations of both new and preexisting development activity. Authorities that create a right to money damages on the part of the State or any of its political subdivisions are not included in this term, but are addressed in a separate provision, § 931.72(a)(B).

Losses occurring before July 26, 1976, will be unavoidable when there is no anticipated or continuing violation of pollution control or nuisance prevention authorities by the source of the loss, and when the loss cannot be paid for with funds that are available from any other Federal program.

For losses occurring after July 26, 1976 (the date on which section 308 became effective), a loss will be unavoidable when the conditions in the preceding paragraph are met and when the State can demonstrate that a reasonable effort has been made under State law to recover money damages for the loss. This means that a damage action must be resolved before disbursement of funds either through administrative or judicial proceedings or through a settlement among the parties; or the application or requisition must contain a statement from the responsible enforcement authority that there exists no reasonable cause of action for such a damage claim. This statement should address two factors: (1) the basis in law for the conclusion that no reasonable cause of action exists; and (2) the evidentiary support for the conclusion.

For losses that are anticipated at the time of requisition or application, the unavoidability that will be met where there has been reasonble enforcement or implementation of development regulations to prevent the loss. Reasonable enforcement or implementation of regulatory authorities in this situation would depend on the nature of the anticipated loss, and might include obtaining a significant contribution of land from the potential source of the loss, or the selection of different and more environmentally sound alternative sites or design for the proposed facility.

In addition, losses will be considered "unavoidable" for purposes of this subpart where funds are sought to design or implement strategies to prevent, reduce or ameliorate environmental or recreational losses resulting from coastal energy activity, or to cover costs incurred in the enforcement or legal defense of conditions imposed on new or expanded coastal energy activity to prevent a specific environmental or recreational loss.

It is intended that States or units of local government use other possible sources of Federal assistance before being able to use sections 308 (b) and (d)(4) for environmental or recreational purposes. However, if assistance is not expected to be provided to a State or unit of local government in a timely manner, assistance under this subpart will be available.)

(b) The term "loss" refers to any damage to or degradation of an environmental or recreational resource, including the loss of public access to that resource.





(c) The term "environmental resource" refers to:

(1) Areas of land and/or water that are or have been largely in a natural state, or whose value derives primarily from ecological considerations;

(2) Important animal and plant populations, their habitat, and areas of human use;

(3) Air and water quality; or

(4) An area that has been designated under a State's approved coastal zone, management program as an area of particular concern for environmental purposes.

(d) The term "recreational resource" refers to an area of land and/or water that has characteristics making it desirable for one or more types of recreational activities, and which has, in fact, been in use for such activities, or which has been designated under a State's approved coastal zone management program as an area of particular concern or potential use for recreational purposes.

(e) The term "valuable" is intended to include all relevant benefits, both quantifiable and non-quantifiable, attributable to the resource being valued, including the replacement cost for a similar resource.

(f) The term "new employment" means those persons who obtain employment during a given fiscal year in any new or expanded Outer Continental Shelf energy activity.

(g) The term "first landed" in a particular coastal State refers to oil and natural gas produced from the OCS that is first unloaded from tankers or barges at ports within that State, or is brought to shore in pipelines that first touch non-submerged land in that State.

(*Comment:* Suppose a pipeline comes ashore in State A where it connects to oil or natural gas processing or distribution facilities. On the way from the well to State A, the pipeline passes over a small island or a rock that belongs to State B without causing any impact. In this situation, State A will be considered the State in which the oil or gas is "first landed.")

(h) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any State; the Federal Government; any State, regional, or local government; or any entity of any such Federal, State, regional, or local government.

**§ 931.73 Sources.**

(a) The primary source of assistance for preventing, reducing, or ameliorating environmental or recreational resource losses resulting from coastal energy activity is the formula grants (section 308(b)(4)(C) allotted to coastal States according to § 931.76.

(b) If a State has no allotment under section 308(b), or if the Associate Administrator determines that grant moneys allotted the State under section 308(b) are insufficient, the State may apply for the grant moneys under section 308(d)(4) that are allotted it according to § 931.77.

**§ 931.74 Purposes.**

(a) Assistance is provided in sections 308(b)(4)(C) and 308(d)(4) to help States and units of local government design and implement projects to prevent, reduce or ameliorate past or future unavoidable environmental and recreational losses resulting from coastal energy activity.

(b) Assistance for the design and implementation of projects under this subpart is intended to pay for:

(1) Restoration, replacement, or acquisition of environmental or recreational resources to prevent, reduce, or ameliorate unavoidable environmental and recreational losses.

(2) The design and implementation of programs and strategies to prevent, reduce or ameliorate unavoidable environmental and recreational losses, including the cumulative effects of coastal energy activity.

(3) Costs incurred in the enforcement or legal defense of conditions imposed on new or expanded coastal energy activity to prevent a specific environmental or recreational loss.

(4) The cost differential between methods of providing a public facility required as a result of coastal energy activity which meet minimum State environmental and construction standards, and a higher cost method that reduces an environmental loss.

(*Comment:* Under subsection (b)(2), the design and implementation of programs or strategies to prevent, reduce, or ameliorate unavoidable losses, environmental and recreational grants are available to address certain cumulative impacts of development associated with coastal energy activity.

Subsection (b)(3) refers to conditions attached to permission for new development that may raise issues of fact and law. The public agent imposing the condition may require special expertise to substantiate his/her position relating to a potential environmental or recreational loss from new or expanded coastal energy activity. An associated need for legal services to clarify the authority of the public agent to impose the condition may also occur. When a requisition or application for such services addresses a specific loss, it would qualify for a grant under this subpart.

Finally, in certain situations, public authorities may only be authorized and funded for the construction of a public facility in a manner resulting in substantial environmental or recreational losses. In some instances these losses may be considered "unavoidable" under subsection (b)(4). The regulations require evidence that the lower cost facility design meets the applicable environmental and construction standards of the State in its "funded" form. A grant under this subpart would be available for the cost increment which reduces the environmental or recreational loss caused by the facility.)

**§ 931.75 Eligibility.**

(a) To be eligible for allotments and assistance under sections 308(b)(4)(C) and 308(d)(4), a coastal State must meet the basic eligibility requirements of subpart C of this part.

(b) To be eligible for assistance under section 308(d)(4), a State's allotment under section 308(b) must be insufficient. States that have no allotment of grants under section 308(b) are directly eligible for assistance under section 308(d)(4).

**§ 931.76 Allotment of formula grants (section 308(b)).**

Moneys appropriated in any fiscal year for the purposes of section 308(b) will be alloted among eligible coastal States according to the following procedures. Allotments will be made as soon as is practicable. The proceeds of allotted formula grants which are requisitioned by and awarded to a State in any fiscal year but which are not expended or obligated by the State by the end of the fiscal year after the fiscal year in which the grant proceeds were awarded are subject to recovery in accordance with § 931.97 of this part and are subject to subsequent reallotment among eligible coastal States. Allotted formula grant proceeds not requisitioned remain available for award until the end of fiscal year 1984, at which time proceeds not awarded will be returned to the United States Treasury.

(a) At the end of each fiscal year, the Associate Administrator will gather from appropriate Federal and other sources the following data:

(1) The amount by adjacent coastal State, of OCS acreage leased in that fiscal year;

(2) The amount, by adjacent coastal State, of oil and natural gas produced from the OCS that year;

(3) The amount of oil and natural gas produced from the OCS that is first landed in each coastal State that year; and

(4) The amount of new employment, as defined in § 931.72(f), residing in each coastal State.

(*Comment:* In computing the volumes of oil and gas in paragraphs (a)(2) and (a)(3), the Associate Administrator will consider 6,000 cubic feet of natural gas to be the equivalent of one barrel of oil.

(b) The Associate Administrator will provide these data to the States as soon as the data are collected. The States will have a comment period of 45 days during which to present evidence of errors in the data. At the end of the 45-day period, the allotment—incorporating any revised data—will be made.

(c) The data for each State in paragraphs (a)(1-4) of this section, when divided by the sum of these data for all States, constitute a set of weighting





coefficients which will be applied in

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ameliorate the loss of or damage to



mined by the Associate Administrator

State's seaward boundary is delimited

or fix a lateral seaward boundary such

coefficients which will be applied in the following manner to the amount appropriated for the purpose of section 308(b):

(1) The set of State coefficients derived from the data of paragraph (a)(1) of this section (acreage leased) will be applied to one-third of the amount appropriated;

(2) The set of coefficients derived from the data of paragraph (a)(2) of this section (oil and gas produced) will be applied to one-sixth of the amount appropriated;

(3) The set of coefficients derived from the data of paragraph (a)(3) of this section (oil and gas first landed) will be applied to one-sixth of the amount appropriated; and

(4) The set of coefficients derived from the data of paragraph (a)(4) of this section (new employment) will be applied to one-third of the amount appropriated.

(d) The procedure above will result in four separate amounts for each coastal State. The sum of these four amounts is the allotment for each State of the moneys appropriated for the purposes of section 308(b).

**§ 931.77 Allotment from the Fund (section 308(d)(4)).**

(a) Moneys appropriated for the purposes of section 308(d)(4) will be allotted to eligible coastal States according to the procedures outlined in Subpart E of this part for allotting sections 308(d) (1) and (2) assistance credit, except that OCS related facilities will be deleted from the annual list of new or expanded coastal energy activities.

(b) Moneys allotted a State under section 308(d)(4) that are not awarded to the State committed within the fiscal year following the fiscal year in which the allotment was made will be returned to the Fund for reallotment among eligible coastal States. The Associate Administrator will extend the period of availability of an allotment if he/she determines that there are extenuating circumstances that justify such an extension.

**§ 931.78 Requisition and application procedures.**

(a) An eligible coastal State may requisition the proceeds of its formula grants for the purposes set forth in § 931.74 as soon as it is notified of the amount of its allotment. If the State's allotted formula grant is insufficient or if the State has not been allotted formula grants, the State may apply for moneys allotted to it from the Fund.

(b) Requisitions for formula grant proceeds under section 308(b) and applications for moneys under section 308(d) must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2) that the assistance has been allocated within the State in accord with the intrastate allocation process described in subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) A brief description of the proposed activity or activities sufficient to enable the Associate Administrator to verify that the activity or activities would prevent, reduce, or ameliorate an unavoidable loss of a valuable environmental or recreational resource pursuant to this subpart;

(4) For construction projects, as defined in Office of Management and Budget Circular A-102, factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and

(5) A showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular A-95 (Part I).

(*Comment:* The description in subparagraph (i) must indicate how the loss is "unavoidable," as defined in § 931.72(a). For losses that occurred before July 26, 1976, the description must show that there is no continued violation of pollution control or nuisance prevention authorities. For losses that occurred after July 26, 1976 the description should demonstrate that a reasonable effort has been made under State law to recover money damages for the loss; if there has been no damage action resolved either through administrative or judicial proceedings or through a settlement among the parties, the application or requisition must contain a statement from the State Attorney General or other responsible enforcement authority that there exists no reasonable cause of action for such a damage claim.)

(c) Requisitions for proceeds under section 308(b) must also contain such adequate assurances as are required by § 931.97(a) of this part.

(e) It is the intent of the Associate Administrator that completed requisitions and applications will be processed within 45 days of completion of the required A-95 reviews, unless the Associate Administrator determines that an environmental impact statement is required.

(f) (1) Prior to being notified of any allotment under sections 308(b) and (d) (4), a coastal State agency designated under § 931.26 (a) (1) may submit to the Associate Administrator proposals for projects to reduce or ameliorate the loss of or damage to valuable environmental/recreational resources that has resulted from coastal energy activity. Such proposals must contain information and certifications required under paragraph (c) of this section.

(2) Upon completion of the Associate Administrator's verification, and if he/she determines that no environmental impact statement is required, the State may requisition in any year proceeds of section 308(b) grants for the projects as described in subparagraph (1) of this paragraph, after notification of its allotment under section 308(b), without submission of any further information or further review and verification by the Associate Administrator, except for the adequate assurances required under paragraph (d) of this section. However, the State must notify the Associate Administrator of any changes in such projects proposed between the completion of the Associate Administrator's verification and the State's requisition of grant proceeds.

**§ 931.79 Limitations.**

The proceeds of formula grants under section 308(b) and moneys under section 308(d) (4) may not be used:

(a) For the prevention, reduction, or amelioration of any loss of an environmental or recreational resource that is directly attributable to the sale, lease, rental, or conversion to other uses of such resource by a State agency or unit of local government;

(b) To pay for that part of the cost of a project designed to prevent, reduce, or ameliorate the loss of a recreational resource, which is incommensurate with the value of the recreational resource;

(c) To pay for that part of the cost of a project, designed to prevent, reduce, or ameliorate the loss of an environmental resource, which is incommensurate with the value of the environmental resource; or

(d) For any prevention, reduction, or amelioration of an unavoidable environmental loss by means of a public facility eligible for funding under subpart E of this part, except for:

(1) Facilities for environmental protection as defined in § 931.42(a)(2) or for recreation as defined in § 931.42(a)(6);

(2) Facilities to prevent, reduce, or ameliorate environmental losses from freshwater or saltwater intrusion or erosion;

(3) Payment of the cost differential between methods of providing a public facility required as a result of coastal energy activity which meet minimum State environmental and construction standards, and a higher cost method that reduces a environmental loss; and

(4) Any such facility or modification of an existing facility that is determined by the Associate Administrator to be necessary primarily for the protection, reduction, or amelioration of environmental or recreational losses.





## Subpart H—Lateral Seaward Boundaries

**§ 931.80 General.**

For the calculations of formula grant allotments under § 931.76, Outer Continental Shelf acreage and production shall be considered adjacent to a particular coastal State if such acreage and production lie on that State's side of the extended lateral seaward boundaries of that State. These extended lateral seaward boundaries of a coastal State shall be determined by delimitation lines established by the Associate Administrator according to the procedures of this subpart. These delimitation lines are to be established solely for determining a State's adjacency to Outer Continental Shelf acreage and production for the purposes of section 308(b), and they are not intended to have application under any other law or treaty of the United States.

**§ 931.81 Establishment of delimitation lines when agreements exist between States.**

If a lateral seaward boundary extending to a State's seaward boundary (see the Submerged Lands Act, 43 U.S.C. §§ 1301(b) and 1312) has been clearly defined or fixed by an inter-State compact, agreement, or judicial decision as of July 26, 1976, a delimitation line extending the lateral seaward boundary through the Outer Continental Shelf shall be based on the principles used to delimit or define the lateral seaward boundary in such compact, agreement, or decision. A copy of all such compacts, agreements, or decisions must be submitted to the Associate Administrator before calculations of State allotments are made and before March 4, 1977.

If a portion of a lateral seaward boundary has been clearly defined or fixed by an inter-State compact, agreement or judicial decision as of July 26, 1976, a delimitation line shall be based on the principles used to delimit or define the lateral seaward boundary in such compact, agreement or decision to the extent that such principles are applicable.

**§ 931.82 Establishment of delimitation lines when no agreements exist between States.**

If no lateral seaward boundary, or any portion thereof, has been clearly defined or fixed by inter-State compact, agreement, or judicial decision, a delimitation line extending from the State's seaward boundary through the Outer Continental Shelf shall be established in the following manner:

(a) If, on or before August 4, 1977, a lateral seaward boundary to the State's seaward boundary is delimited or defined by an inter-State compact or agreement, the Associate Administrator will establish a delimitation line through the Outer Continental Shelf based upon the same principles used to delimit or define the lateral seaward boundary in such compact or agreement. A lateral seaward boundary established by inter-State compact or agreement may be based on any principles which are mutually acceptable to the States involved. When such a boundary requires a measurement from a baseline, that baseline will be as defined in § 931.84(a). The lateral seaward boundary delimited or defined by such a compact or agreement, must be appropriately documented to the Associate Administrator no later than August 4, 1977. Appropriate documentation shall include data sufficient to define the lateral seaward boundary and may include dimensionally stable base maps, geographic positions, azimuths, computations, and written descriptions.

(b) If a lateral seaward boundary is not defined or delimited by compact or agreement on or before August 4, 1977, delimitation lines will be established by the Associate Administrator based on applicable principles of law, including but not limited to the principles enumerated in the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the Continental Shelf, and relevant judicial decisions. The Associate Administrator will extend this time period up to February 4, 1978, if the Governors of the States concerned each request such an extension. The Associate Administrator may also at his/her discretion extend the time period for other delimitation lines which may be affected by the one for which an extension has been requested. Prior to establishing these delimitation lines, the Associate Administrator will allow an additional 6-month period during which time the States failing to delimit or define a lateral seaward boundary may submit written arguments in support of their respective positions. Within 2 months after expiration of the period allowed for submission of arguments by States, the Associate Administrator will establish the required delimitation lines according to the applicable principles of law. The procedures of this paragraph may be invoked at any time after these regulations become effective if the States concerned jointly seek a determination by the Associate Administrator.

If the lateral seaward boundary is a matter in litigation prior to the time of delimitation by the Associate Administrator, such delimitation may be deferred by the Associate Administrator until a final judicial decision is rendered.

(c) If after July 26, 1976, a judicial decision is rendered to clearly define or fix a lateral seaward boundary such a decision may be used by the Associate Administrator in establishing a line of delimitation.

**§ 931.83 Establishment of delimitation lines under later compacts or agreements.**

If, after February 4, 1977, two or more States enter into or amend an interstate compact or agreement, in order to clearly define or fix a lateral seaward boundary, delimitation lines extending such a boundary through the outer Continental Shelf will be based on principles used to delimit or define the lateral seaward boundary in such compact or agreement. However, delimitation lines so extended or altered will not affect grants made previously in accord with calculations under § 931.76.

**§ 931.84 Procedures utilizing baselines for defining delimitation lines.**

(a) In the event that the Associate Administrator establishes a line of delimitation based on measurement from a baseline, that baseline will be the intersection of the National Ocean Survey (NOS) low water datum of reference with the land, as described and published by the NOS on large scale nautical charts of the area, as modified by the application of the principles of the Convention on the Territorial Sea and the Contiguous Zone, as interpreted by the Ad Hoc Committee on U.S. Coastline Delimitation.

This committee, which has the responsibility to apply principles of international law and the Convention on the Territorial Sea and the Contiguous Zone in delimiting the territorial sea and the contiguous zone of the United States, will be charged with the identification of the baseline, including closing lines, on NOS charts as required to establish the baselines.

(b) If delimitation lines established by the Associate Administrator are based on a measurement from the baseline, they shall be delineated by the NOS, which shall determine the geographic positions of these points by either graphical or analytical procedures, and document the delimitation lines for review and comment by the above Ad Hoc Committee and final approval by the Associate Administrator.

**§ 931.85 Formula grants impounded for disputed areas.**

(a) That portion of a State's allotment of section 308(b) formula grants which is dependent on Outer Continental Shelf acreage and production in disputed areas, as determined by the Associate Administrator, will be impounded in the Treasury of the United States until such time as the required delimitation lines have been established by the Associate Administrator using the procedures outlined in § 931.82.

(b) That portion of a State's allotment of section 308(b) formula grants which is dependent on outer Continental Shelf acreage, production and landings in areas disputed between the Federal Government and the State will be impounded in the Treasury of the United States until such time as the issue is resolved.

### Subpart I—General Provisions

**§ 931.90 Allowable costs.**

(a) Allowable costs will be determined in accord with Federal Management Circular 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments (34 CFR 255), the grant/loan agreement, and with the unique requirements of the Coastal Energy Impact Program. Specifically, project costs must:

(1) Be necessary and reasonable for proper and efficient administration of the program, not be a general expense required to carry out the overall responsibilities of States or units of local governments;

(2) Be authorized or not prohibited under State or local laws or regulations;

(3) Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items;

(4) Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the recipient is a part;

(5) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances;

(6) Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period; and

(7) Be net of all applicable credits.

(b) Applications and requisitions for assistance under this part for projects or programs to provide new or improved public facilities or for construction projects to prevent, reduce, or ameliorate unavoidable environmental or recreational losses will be subject to the following additional requirements.

(1) Design and performance standards must conform to professionally recognized national standards. Costs must be reasonable and comparable to the cost of similar work awarded through open competitive bidding in the geographic area of the project.

(2) Compensation for engineering, architectural, or similar services shall not be based on a cost plus a percentage-of-construction cost.

(3) The following will be allowable project costs when necessary and reasonable for the completion of projects or programs assisted under this part.

(i) Land acquisition (including less-than-fee simple), easements, and rights-of-way.

(ii) Architectural, engineering, and other necessary technical service fees.

(iii) Lease or rental of essential moveable equipment.

(iv) Construction expenses, including construction materials, fixtures, appurtenances, and fixed machinery and equipment.

(v) Site preparation and improvement.

(vi) Capitalized interest during construction for a project in which it is necessary or advantageous for the recipient to borrow funds to finance construction costs and where State law permits such a loan. (This is an allowable cost for section 308(d) (1) and (2) credit assistance only.)

(vii) Capitalized interest during development, only when a section 308(d) loan or guarantee has been made for the project. (The allowable amount is limited to that which is required to meet interest payments after the project is operating but before income is sufficient to provide such payment. However, such amounts will be an eligible project cost only to the extent that the recipient does not have any other funds or sources of revenue for such interest payments.)

(viii) Initial public service expenses (operating costs) including supply inventories, salaries and utilities, only when a section 308(d) loan or guarantee has been made for the project. (The allowable amount is limited to that which is required to meet these public service expenses after the project is operating but before income is sufficient to provide for such services. However, such amounts will be an eligible project cost only to the extent that the recipient does not have any other funds or sources of revenue for such public service expense.)

(4) Activities conducted, or assets acquired, prior to approval of an assistance application or requisition are allowable costs only when specifically provided for in the grant or loan contract or agreement. Previously acquired assets not covered by an agreement may, however, be included in the State's matching share to the extent that they meet the requirements set forth in paragraph (a) of this section, and of Federal Management Circular 74-7. Purchase options for land and materials essential to the project or program may be an allowable project cost.

**§ 931.91 Administrative procedures.**

Administrative procedures for grants and credit assistance are based to the maximum extent possible upon Office of Management and Budget Circular, Office Administrative Requirements for Grants-in-Aid to State and Local Governments (34 CFR 256).

**§ 931.92 Compliance with OMB Circular A-95 requirements.**

(a) Preapplications, if used, applications, and requistions for assistance for public facilities and public services and for environmental and recreational grants for construction projects are subject to the Project Notification and Review System established by Office of Management and Budget Circular No. A-95 (Part I), as implemented by regulations promulgated by NOAA, 15 CFR 905.

(b) Applications and requisitions for assistance for planning under sections 308(c) and 308(b)(4)(B) and for nonconstruction projects or programs for environmental/recreational purposes under sections 308(b)(4)(C) and 308(d)(4) are not subject to Part I of OMB Circular No. A-95 if a memorandum of agreement for coordinating planning under section 308 has been executed between the state agency designated under § 931.26(a)(1) and the appropriate areawide clearinghouses in the State's coastal zone pursuant to Part IV, Attachment A, of OMB Circular No. A-95.

**§ 931.93 Other Federal requirements.**

Compliance with all other Federal statutory provisions and regulations which are applicable to federal assistance programs and recipients of such assistance is a condition of CEIP assistance.

**§ 931.94 Environmental Impact Statements.**

Under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and the guidelines 40 CFR 1500.1 et seq., the Associate Administrator will conduct an environmental impact assessment on each proposed use of assistance for construction projects under Subparts E and G of this part to determine whether an environmental impact statement (EIS) will be required. Such assessment will be based on threshold criteria which will be provided in OCZM guidelines. It is not anticipated that proposed uses of assistance under Subparts D (Planning) and F (Repayment Assistance) of this part, as well as for non-construction projects under Subparts E and G of this part, will require EIS preparation; however, the Associate Administrator will monitor the uses of assistance under these subparts with the requirements of NEPA in mind and will determine whether an EIS will be required. Initial data and information on the environmental impacts of a proposed project will be provided by the potential recipient of assistance under this part, according to OCZM guidelines. When the Associate Administrator determines that an EIS will be required, he/she will also consider the preparation of a regional or programmatic EIS on a group of similar or related projects, if appropriate. If, prior to receiving notice of its allotment under Subpart E of this part, a State wishes to seek an advance determination as to whether an EIS will be required for a proposed project, such State may submit the information required under § 931.48(a)(5) to the Associate Administrator. The Associate Administrator will review the information submitted and will make a determination within 45 days of receipt of such information.





**§ 931.95 Records.**

(a) All initial recipients of financial assistance under section 308 shall keep and preserve, and shall require each unit of local government to which it passes the assistance to keep and preserve, detailed project control records reflecting acquisitions, work progress, expenditures, and commitments, indicating in each instance their relationship to estimated costs and schedules. All recipients shall also keep and preserve such full written financial records, accurately disclosing the amount and the disposition of the assistance, together with the amounts and disposition of other funds applied to the project, program, or other undertaking, as shall adequately establish compliance with the requirements of section 308, the terms and conditions upon which such financial assistance was made, and the standards for financial management systems contained in Attachment G to Office of Management and Budget Circular A-102. Such records shall be retained until:

(1) Completion of the project, program, or other undertaking for which a grant was made or used, and thereafter for a period of at least 3 years; or

(2) Full repayment of a loan or guaranteed indebtedness for which such financial assistance was provided, and thereafter for a period of at least 3 years.

**§ 931.96 Audit.**

The Associate Administrator, the Secretary of Commerce, and/or his/her designee and the Comptroller General shall have access for purposes of audit and examination to any records, books, documents, and papers which belong to, or are used under this part or controlled by, any recipient of the assistance or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if such financial assistance is being or was used in accordance with section 308, the terms and conditions upon which such financial assistance was made, Office of Management and Budget Circular A-102, and Federal Management Circular 74-4.

**§ 931.97 Recovery of funds.**

This section sets forth requirements and procedures to ensure that grant proceeds received by States may be recovered by NOAA if such proceeds have not been expended or obligated for the purposes and activities covered by the grant award approved program activities and budget, and if 308(b) grant proceeds have not been expended or obligated by the State before the close of the fiscal year immediately following the fiscal year of project award.

(a) *Adequate assurances.* (1) Each requisition for the proceeds of section 308(b) grants submited by a State under Subparts D, E, F, or G of this part shall contain a written statement that:

(i) The State will repay to the the United States the amount of an awarded grant which has been determined by the Associate Administrator not to have been expended or obligated by the State for purposes other that those set forth in §§ 931.33(b), 931.43(b), 931.63(b), and 931.74; and

(ii) The State will repay to the United States the amount of any grant which has been determined by NOAA not to have been expended or obligated by the State before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were disbursed awarded.

(b) *Procedures for the recovery of funds.* (1) Upon receipt from NOAA of a written request for repayment which contains a finding that the proceeds of a grant received by the State have been expended or obligated by the State for purposes other than those set forth in the grant award, or, in the case of 308(b) grant proceeds, and if 308(b) grant funds or have not been expended or obligated were awarded before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were awarded, such State shall provide a written response within 15 days to either refute or admit such findings.

(2) NOAA shall make a determination that repayment by the State will or will not be required, and shall notify the State of this determination no later than 45 days from the receipt by the State of the request for repayment described in paragraph (b)(1) of this section.

(3) If NOAA determines that repayment is required, the State shall have 30 days from the date of receipt of such determination to file a request for reconsideration with NOAA or 60 days from the date of receipt of such determination to make a repayment by check in the amount stated in such determination.

(i) If the State's request for reconsideration is denied, the State shall have 15 days from the date of such denial to make a repayment by check in the amount determined to be owed to the United States.

(ii) If, as a result of the State's request for reconsideration, NOAA modifies its determination of the amount required to be repaid by the State, such State shall have 15 days from the date of such modification to make the repayment, if any, by check.

(4) If no repayment is received within the time period established by paragraph (b)(3) of this section, NOAA shall take necessary action to recover the amount due. Methods of recovery may include, but are not limited to:

(i) The modification or termination of a grant being received by such State under section 308(b);

(ii) The modification or termination of financial assistance under sections of the Act other than section 308(b);

(iii) The withholding of future financial assistance to the State under any section of the Act; and

(iv) The modification or termination of financial assistance being received by such State under other programs administered by the Department of Commerce, or the withholding of future financial assistance to such State under these programs.

(5) Actions undertaken under paragraph (b) of this section shall not in any way prejudice any rights of NOAA to pursue such other remedies as may be legally available and appropriate under the circumstances, including the referral of the claim against the State to the Department of Justice.

(c) If a State has received a written request for repayment under § 931.97(b)(1) NOAA may require such additional assurances as it finds necessary to protect the interests of the United States in the making of grants to the State.

**§ 931.98 Coordination with other Federal agencies.**

(a) No financial assistance for studying and planning provided under sections 308(b)(4)(B) and 308(c), for public facilities and public services provided under sections 308(b)(4)(B) and (d) (1) and (2), or for environmental and recreational projects provided under sections 308(b)(4)(C) and (d)(4) shall be awarded or disbursed if other Federal funds are available for such purposes, unless the Associate Administrator is assured that the Federal assistance to be received under section 308:

(1) Is to be used in addition to, and not in lieu of, any Federal funds which any coastal State or unit of local government may obtain under any other law; and

(2) Is not duplicative of other funding assistance.

(b)(1) The term "joint funding" means the coordination of multiple Federal assistance under the authority and provisions of the Joint Funding Simplification Act of 1974 (Pub. L. 93-510) in support of and consistent with the CEIP.

(2) When assistance from other Federal programs is insufficient to cover a

project or when combinations of assistance from multiple Federal programs are appropriate and beneficial, States and units of local government may request joint funding by the CEIP and other Federal programs in accordance with OMB Circular A-111, 41 FR 32040.

### Subpart J—Intrastate Allocation of Financial Assistance

#### § 931.110 General.

This subpart sets forth policies, requirements, and criteria required by sections 308 (e)(2) and (g)(2) and related to the intrastate allocation of financial assistance provided under section 308.

#### § 931.111 Objective.

The objective of these requirements is to assure, to the maximum extent feasible, that section 308 assistance allotted to coastal States is distributed among units of local government in amounts which are proportional to need and in a manner which is equitable and expeditious.

#### § 931.112 Intrastate allocation.

Each coastal State must establish a process to allocate its allotted section 308 assistance among State agencies and units of local government based on need for such assistance. This process may be periodically reviewed by the Associate Administrator to determine whether its application results in a distribution of assistance which, to the maximum extent practicable is proportional to need. States may amend or modify their intrastate allocation process subject to approval by the Associate Administrator. The extent of the process and the degree of documentation required will depend on the amount of assistance allotted to the State.

(a) The States which receive an allotment of $250K or more in 308 grants and/or $2 million in credit assistance in any fiscal year must develop an intrastate allocation process for approval by the Associate Administrator which must:

(1) Indicate the State agency designated under § 931.26 which will assume the lead role for administering the process;

(2) Describe the methods and procedures used to assure direct and effective participation by affected State agencies and units of local Government throughout the development and implementation of the allocation process;

(3) Describe the methods to be used to determine the priorities for the needs for financial assistance resulting from coastal energy activity;

(4) Include a method of assigning priority to projects for which assistance is not otherwise available from Federal, State, or private sources;

(5) Describe the methods to be used to allocate financial assistance and to evaluate and select projects based on criteria which include need, immediacy or severity of impacts, the fiscal capacity of units of local Government, and protection of the environment;

(6) Assure that information on the allocation of financial assistance is available to the public throughout the allocation process:

(7) Stipulate reasonable time limits for the allocation of financial assistance; and

(8) Establish a timely procedure by which units of local government may appeal to the State:

(i) the results of its allocation decisions; or

(ii) whether the State complied with the intrastate allocation process described in this section and approved by the Associate Administrator.

(b) Those States which receive an allotment of less than $250K in 308 grants and/or $2 million in credit assistance in any fiscal year provide an allocation process which will be submitted along with applications and requisitions for section 308 assistance. This process will not be subject to prior approval of the Associate Administrator. The submission by the State must describe:

(1) The methods used to determine the priorities for the needs for financial assistance resulting from coastal energy activity;

(2) The methods used to evaluate and select projects and to allocate financial assistance.

(3) The methods used to provide for formal notification of, direct consultation with, and comments by, affected State agencies and units of local government in the allocation of all 308 funds.

(c) Application/Requisition for 308 funds through September 30, 1977, from all coastal States will be subject to § 931.112(b) only.

(d) Eligible U.S. Territories are exempt from the requirements to provide an intrastate allocation process.

#### § 931.113 Forms of assistance.

To the maximum extent practicable and in accord with the intrastate allocation process established pursuant to § 931.112:

(a) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts D and G of this part must pass this assistance through to State agencies and units of local government in the form of grants;

(b) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts E and F of this part must pass this assistance through to State agencies and units of general purpose local government in the form of grants;

(c) States that are allotted credit assistance under section 308 (d)(1) and (d)(2) must pass this assistance through to State agencies and units of general purpose local government using one of the following methods:

(1) State agencies may borrow to provide public facilities and public services needed to meet either State or local needs;

(2) State agencies may borrow to reloan or to grant this assistance to units of general purpose local government for public facilities and public services needed to meet local needs; or

(3) State agencies and units of general purpose local government may submit applications to the State to borrow from the Fund to provide needed public facilities and public services.

#### § 931.114 Appeal to Associate Administrator.

(a) A unit of local government may appeal to the Associate Administrator to determine whether the State complied with the intrastate allocation process described in § 931.112 and approved by the Associate Administrator. Such an appeal must be made within 30 days after the unit of local government has exhausted the appeal procedure described in § 931.112. Such an appeal will be limited to the application of the State's process and the Associate Administrator may require additional information necessary to make an objective review and finding. The Associate Administrator will notify the State and unit of local government of his/her findings within 45 days of the receipt of the appeal.

(b) If the Associate Administrator finds that the State has not substantially complied with the approved process, section 308 assistance will be withheld until the State reallocates the assistance in accord with the approved process.

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THURSDAY, FEBRUARY 23, 1978
PART V

# ENVIRONMENTAL PROTECTION AGENCY

## KRAFT PULP MILLS

### Standards of Performance for New Stationary Sources and Availability of Draft Guideline Document

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 833-1]

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

### Kraft Pulp Mills

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The standards limit emissions of total reduced sulfur (TRS) and particulate matter from new, modified, and reconstructed kraft pulp mills. The standards implement the Clean Air Act and are based on the Administrator's determination that emissions from kraft pulp mills contribute significantly to air pollution. The intended effect of these standards is to require new, modified, and reconstructed kraft pulp mills to use the best demonstrated system of continuous emission reduction.

EFFECTIVE DATE: February 23, 1978.

ADDRESSES: The Standards Support and Environmental Impact Statement (SSEIS) may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711 (specify "Standards Support and Environmental Impact Statement, Volume 2: Promulgated Standards of Performance for Kraft Pulp Mills" (EPA-450/2-76-014b)). Copies of all comment letters received from interested persons participating in this rulemaking are available for inspection and copying during normal business hours at EPA's Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone No. 919-541-5271.

SUPPLEMENTARY INFORMATION: On September 24, 1976 (41 FR 42012), standards of performance were proposed for new, modified, and reconstructed kraft pulp mills under section 111 of the Clean Air Act, as amended. The significant comments that were received during the public comment period have been carefully reviewed and considered and, where determined by the Administrator to be appropriate, changes have been included in this notice of final rulemaking.

### The Standards

The standards limit emissions of particulate matter from three affected facilities at kraft pulp mills. The limits are: 0.10 gram per dry standard cubic meter (g/dscm) at 8 percent oxygen for recovery furnaces, 0.10 gram per kilogram of black liquor solids (dry weight) (g/kg BLS) for smelt dissolving tanks, 0.15 g/dscm at 10 percent oxygen for lime kilns when burning gas, and 0.30 g/dscm at 10 percent oxygen for lime kilns when burning oil. Visible emissions from recovery furnaces are limited to 35 percent opacity.

The standards also limit emissions of TRS from eight affected facilities at kraft pulp mills. The limits are: 5 parts per million (ppm) by volume at 10 percent oxygen from the digester systems, multiple-effect evaporator systems, brown stock washer systems, black liquor oxidation systems, and condensate stripper systems; 5 ppm by volume at 8 percent oxygen from straight kraft recovery furnaces, 8 ppm by volume at 10 percent oxygen from lime kilns; and 25 ppm by volume at 8 percent oxygen from cross recovery furnaces, which are defined as furnaces burning at least 7 percent neutral sulfite semi-chemical (NSSC) liquor and having a green liquor sulfidity of at least 28 percent. In addition, TRS emissions from smelt dissolving tanks are limited to 0.0084 g/kg BLS.

The proposed TRS standard for the lime kiln has been changed, a separate TRS standard for cross recovery furnaces has been developed, and the proposed format of the standards for smelt dissolving tanks, digesters, multiple-effect evaporators, brown stock washers, black liquor oxidation and condensate strippers have been changed. The TRS, particulate matter and opacity standards for the other facilities, however, are essentially the same as those proposed.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated technological system of continuous emission reduction considering the cost of achieving such emission reductions and any nonair quality health, environmental, and energy impacts. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. Section 173(2) of the Clean Air Act, as amended in 1977, requires, among other things, that a new or modified source constructed in an area which exceeds the NAAQS must reduce emissions to the level which reflects the "lowest achievable emission rate" for such category of source, unless the owner or operator demonstrates that the source cannot achieve such an emission rate. In no event can the emission rate exceed any applicable standard of performance.

A similar situation may arise when a major emitting facility is to be constructed in a geographic area which falls under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require, among other things, that major emitting facilities to be constructed in such areas are to be subject to best available control technology. The term "best available control technology" (BACT) means "an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines it achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Standards of performance should not be viewed as the ultimate in achievable emission control and should not preclude the imposition of a more stringent emission standard, where appropriate. For example, cost of achivement may be an important factor in determining standards of performance applicable to all areas of the country (clean as well as dirty). Costs must be accorded far less weight in determining the "lowest achievable emission rate" for new or modified sources locating in areas violating statutorily-mandated health and welfare standards. Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. This in no way should preclude its use in situations where cost is a lesser consideration, such as determination of the "lowest achievable emission rate."

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than





those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new sources may in some cases be subject to limitations more stringent than standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

### Environmental and Economic Impact

The promulgated standards will reduce particulate emissions about 50 percent below requirements of the average existing State regulations. TRS emissions will be reduced by about 80 percent below requirements of the average existing State regulations, and this reduction will prevent odor problems from arising at most new kraft pulp mills. The secondary environmental impacts of the promulgated standard will be slight increases in water demand and wastewater treatment requirements. The energy impact of the promulgated standards will be small, increasing national energy consumption in 1980 by the equivalent of only 1.4 million barrels per year of No. 6 oil. The economic impact will be small with fifth-year annualized costs being estimated at $33 million.

### Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the Federal Register of a meeting of the National Air Pollution Control Techniques Advisory Committee. In addition, copies of the proposed standards and the Standards Support and Environmental Impact Statement (SSEIS) were distrubited to members of the kraft pulp industry and several environmental groups at the time of proposal. The public comment period extended from September 24, 1976, to March 14, 1977, and resulted in 42 comment letters with 28 of these letters coming from the industry, 12 from various regulatory agencies, and two from U.S. citizens. Several comments resulted in changes to the proposed standards. A detailed discussion of the comments and changes which resulted is presented in Volume 2 of the SSEIS. A summary is presented here.

### Significant Comments and Changes Made in the Proposed Regulations

Most of the comment letters received contained multiple comments. The most significant comments and changes made to the proposed regulations are discussed below.

#### Impacts of the Proposed Standards

Several commenters expressed concern about the increased energy consumption which would result from compliance with proposed standards. These commenters felt that this would conflict with the Department of Energy's goal to reduce total energy consumption in the pulp and paper industry by 14 percent. This factor was considered in the analysis of the energy impact associated with the standards and is discussed in the SSEIS. Although the standards will increase the difficulty of attaining this energy reduction goal, the 4.3 percent increase in energy usage that will be required by new, modified, or reconstructed by kraft pulp mills to comply with the standards is considered reasonable in comparison to the benefits which will result from the corresponding reduction in TRS and particulate matter emissions.

#### Emission Control Technology

Most of the comments received regarding emission control technology concerned the application of this technology to either lime kilns or recovery furnaces. A few comments, however, expressed concern with the use of the oxygen correction factor included in the proposed standards for both lime kilns and recovery furnaces. These commenters pointed out that adjusting the concentration of particulate matter and TRS emissions to 10 percent oxygen for lime kilns and 8 percent oxygen for recovery furnaces only when the oxygen concentration exceeded these values effectively placed more stringent standards on the most energy-efficient operators. To ensure that the standard is equitable for all operators, these commenters suggested that the measured particulate matter and TRS concentrations should always be adjusted to 10 percent oxygen for the lime kiln and 8 percent oxygen for the recovery furnace.

These comments are valid. Requiring a lime kiln or recovery furnace with a low oxygen concentration to meet the same emission concentration as a lime kiln or recovery furnace with a high oxygen concentration would effectively place a more stringent emission limit on the kiln or furnace with the low oxygen concentration. Consequently, the promulgated standards require correction of particulate matter and TRS concentrations to 10 percent or 8 percent oxygen, as appropriate, in all cases.

*Lime Kilns.* Numerous comments were received on the emission control technology for lime kilns. The main points questioned by the commenters were: (a) Whether caustic scrubbing is effective in reducing TRS emissions from lime kilns; (b) whether an overdesign of the mud washing facilities at lime kiln E was responsible for the lower TRS emissions observed at this lime kiln; and (c) the adequacy of the data base used in developing the TRS standard.

The effectiveness of caustic scrubbing is substantiated by comparison of TRS emissions during brief periods when caustic was not being added to the scrubber at lime kiln E, with TRS emissions during normal operation at lime kiln E when caustic is being added to the scrubber. These observations clearly indicate that TRS emissions would be higher if caustic was not used in the scrubber. The ability of caustic scrubbing to reduce TRS emissions is also substantiated by the experience at another kraft pulp mill which was able to reduce TRS emissions from its lime kiln from 40-50 ppm to about 20 ppm merely by adding caustic to the scrubber. These factors, coupled with the emission data showing higher TRS emissions from those lime kilns which employed only efficient mud washing and good lime kiln process control, clearly show that caustic scrubbing reduces TRS emissions.

The mud washing facilities at lime kiln E are larger than those at other kraft pulp mills of equivalent pulp capacity. This "overdesign" resulted from initial plans of the company to process lime mud from waste water treatment. These waste water treatment plans were later abandoned. Since the quality or efficiency of mud washing has been shown to be a significant factor in reducing TRS emissions from lime kilns, the larger mud washing facilities at lime kiln E undoubtedly contributed to the low TRS emissions observed at this kiln. With the data available, however, it is not possible to separate the relative contribution of these mud washing facilities to the low TRS emissions observed from the relative contributions of good process operation of the lime kiln and caustic scrubbing.

Comments questioning the adequacy of the data base used in developing the standards for lime kilns were mainly directed toward the following points: the TRS standard was based on only one lime kiln; sampling losses which may have occurred during testing were not taken into account; and no lime kiln met both the TRS standard and the particulate standard.

As mentioned above, the TRS standard is based upon the emission control system installed at lime kiln E (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing). While it is true that no other lime kiln in the United States is currently achieving the TRS emission levels observed at lime kiln E, there is no other lime kiln in the United States which is using the same emission control system that is employed at this facility. As discussed in the SSEIS, an analysis of the various parameters influencing TRS emissions from lime kilns indicates that this system of emission reduction could be applied to





all new, modified, or reconstructed lime kilns and achieve the same reduc-

occurs within the TRS emission mea-

stantially from mill to mill. A standard in terms of emissions per unit of air-



methods with Reference Method 16

bined with the requirement that these

excess emission allowance of 6 percent

all new, modified, or reconstructed lime kilns and achieve the same reduction in emissions as observed at lime kiln E. Section 111 of the Clean Air Act requires that "standards of performance reflect the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for that category of sources." Litigation of standards of performance has resulted in clarification of the term "adequately demonstrated." In Portland Cement Association v. Ruckelshaus (486 F. 2d 375, D.C. Circuit, 1973), the standards of performance were viewed by the Court as "technology-forcing." Thus, while a system of emission reduction must be available for use to be considered adequately demonstrated, it does not have to be in routine use. However, in order to ensure that the numerical emission limit selected was consistent with proper operation and maintenance of the emission control system on lime kiln E, continuous monitoring data was examined. This analysis indicated that an emission source test of lime kiln E would have found TRS emission above 5 ppm greater than 5 percent of the time. This analysis also indicated, however, that it was very unlikely that an emission source test of lime kiln E would have found TRS emissions above 8 ppm. Thus, it appeared that the 5 ppm TRS numerical emission limit included in the proposed standard for lime kilns was too stringent. Accordingly, the numerical emission limit included in the promulgated TRS standard for lime kilns has been revised to 8 ppm. As discussed later in this preamble, consistent with this change in the numerical emission limit, the excess emissions allowance included within the emission monitoring requirements has been eliminated.

This does not reflect a change in the basis for the standard. The standard is still based on the best system of emission reduction, considering costs, for controlling TRS emissions from lime kilns (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing). This system, or one equivalent to it, will still be required to comply with the standard.

Since proposal of the standards, sample losses of up to 20 percent during emission source testing have been confirmed. Although these losses were not considered in selecting the numerical emission limit included in the proposed TRS emission standard, they have been considered in selecting the numerical emission limit included in the promulgated standard. Also, since the amount of sample loss that occurs within the TRS emission measurement system during source testing can be determined, procedures have been added to Reference Method 16 requiring determination of these losses during each source test and adjustment of the emission data obtained to take these losses into account.

With regard to the ability of a lime kiln to comply with both the TRS emission standard and the particulate emission standard simultaneously, caustic scrubbing will tend to increase particulate emissions due to release of sodium fume from the scrubbing liquor. Compared to the concentration of particulate matter permitted in the gases discharged to the atmosphere, however, the potential contribution of sodium fume from caustic scrubbing is quite small. Consequently, with proper operation and maintenance, sodium fume due to caustic scrubbing will not cause particulate emissions from a lime kiln to exceed the numerical emission limit included in the promulgated standard.

*Recovery Furnace.* A number of comments were received regarding both the proposed TRS emission standard and the proposed particulate emission standard for recovery furnaces. Basically, the major issue was whether a cross recovery furnace could comply with the 5 ppm TRS standard or whether a separate standard was necessary.

Review of the data and information submitted with these comments indicates that the operation of cross recovery furnaces is substantially different from that of straight kraft recovery furnaces. The sulfidity of the black liquor burned in cross recovery furnaces and the heat content of the liquor, both of which are significant factors influencing TRS emissions, are considerably different from the levels found in straight kraft recovery furnaces.

Analysis of the data indicated that TRS emissions were generally less than 25 ppm, with only occasional excursions exceeding this level. Consequently, the promulgated TRS emission standard has been revised to include a separate TRS numerical emission limit of 25 ppm for cross recovery furnaces.

*Smelt Dissolving Tank.* Numerous comments were received concerning the format of the proposed TRS and particulate emission standards for smelt dissolving tanks. These comments pointed out that standards in terms of emissions per unit of air-dried pulp were inequitable for kraft pulp mills which produced low-yield pulps since both TRS and particulate emissions from the smelt dissolving tanks are proportional to the tons of black liquor solids fed into the tanks. The black liquor solids produced per ton of air-dried pulp, however, can vary substantially from mill to mill. A standard in terms of emissions per unit of air-dried pulp, therefore, requires greater control of emissions at kraft pulp mills which use low-yield pulps (higher solids-to-pulp ratio).

Review of these comments does indeed indicate that the format of the proposed standards was inequitable. The format of the promulgated standards, therefore, has been revised to emissions per unit of black liquor solids fed to the smelt dissolving tanks. Since the percent solids and black liquor flow rate to the recovery furnace is routinely monitored at kraft pulp mills, the weight of black liquor solids corresponding to a particular emissions period will be easy to determine.

*Brown Stock Washers.* Several comments expressed concern about combustion of the high volume-low TRS concentration gases discharged from brown stock washers and black liquor oxidation facilities in recovery furnaces without facing a serious risk of explosions. As discussed in the SSEIS, information obtained from two kraft pulp mill operators indicates that this practice is both safe and reliable when it is accompanied by careful engineering and operating practices. Danger of an explosion occurring is essentially eliminated by introducing the gases high in the furnace. Since some older furnaces do not have the capability to accept large volumes of gases at higher combustion ports, this practice may not be safe for some existing furnaces. In addition, the costs associated with altering these furnaces to accept these gases are frequently prohibitive. Consequently, the promulgated standards include an exemption for new, modified, or reconstructed brown stock washers and black liquor oxidation facilities within existing kraft pulp mills where combustion of these gases in an existing facility is not feasible from a safety or economic standpoint.

#### CONTINUOUS MONITORING

Numerous comments were received concerning the proposed continuous monitoring requirements. Generally, these comments questioned the requirement to install TRS monitors in light of the absence of performance specifications for these monitors.

At the time of proposal of the standards, both EPA and the kraft pulp mill industry were engaged in developing performance specifications for TRS continuous emission monitoring systems. It was expected that this work would lead to performance specifications for these monitoring systems by the time the standards of performance were promulgated. Unfortunately, this is not the case. In a joint EPA/industry effort, the compatibility of various TRS emission monitoring





methods with Reference Method 16, which is the performance test method to determine TRS emissions, is still under study. There is little doubt but that these TRS emission monitoring systems will be shown to be compatible with Reference Method 16, and that performance specifications for these systems will be developed. Consequently, the promulgated standards include TRS continuous emission monitoring requirements. These requirements, however, will not become effective until performance specifications for TRS continuous emission monitoring systems have been developed. To accommodate this situation, not only for the promulgated standards for kraft pulp mills, but also for standards of performance that may be developed in the future that may also face this situation, section 60.13 of the General Provisions for subpart 60 is amended to provide that continuous monitoring systems need not be installed until performance specifications for these systems are promulgated under Appendix B to subpart 60. This will ensure that all facilities which are covered by standards of performance will eventually install continuous emission monitoring systems where required.

#### EXCESS EMISSIONS

Numerous comments were received which were concerned with the excess emission allowances and the reporting requirements for excess emissions. In general, these comments reflected a lack of understanding with regard to the concept of excess emissions. Consequently, a brief review of this concept is appropriate.

Standards of performance have two major objectives. The first is installation of the best system of emission reduction, considering costs; and the second is continued proper operation and maintenance of the system throughout its useful life. Since the numerical emission limit included in standards of performance is selected to reflect the performance of the best system of emission reduction under conditions of proper operation and maintenance, the performance test, under 40 CFR 60.8 represents the ability of the source to meet these objectives. Performance tests, however, are often time consuming and complex. As a result, while the performance test is an excellent mechanism for achieving these objectives, it is rather cumbersome and inconvenient for routinely achieving these objectives. Therefore, the Agency believes that continuous monitors must play an important role in meeting these objectives.

Excess emissions are defined as emissions exceeding the numerical emission limit included in a standard of performance. Continuous emission monitoring, therefore, identifies periods of excess emissions and when combined with the requirement that these periods be reported to EPA, it provides the Agency with a useful mechanism for achieving the previously mentioned objectives.

Continuous emission monitoring, however, will identify all periods of excess emissions, including those which are not the result of improper operation and maintenance. Excess emissions due to start-ups, shutdowns, and malfunctions, for example, are unavoidable or beyond the control of an owner or operator and cannot be attributed to improper operation and maintenance. Similarly, excess emissions as a result of some inherent variability or fluctation within a process which influences emissions cannot be attributed to improper operation and maintenance, unless these fluctations could be controlled by more carefully attending to those process operating parameters during routine operation which have little effect on operation of the process, but which may have a significant effect on emissions.

To quantify the potential for excess emissions due to inherent variability in a process, continuous monitoring data are used whenever possible to calculate an excess emission allowance. For TRS emissions at kraft pulp mills, this allowance is defined as follows. If a calendar quarter is divided into discrete contiguous 12-hour time periods, the excess emission allowance is expressed as the percentage of these time periods. Excess emissions may occur as the result of unavoidable variability within the kraft pulping process. Thus, the excess emissions allowance represents the potential for excess emissions under conditions of proper operation and maintenance in the absence of start-ups, shutdowns and malfunctions, and is used as a guideline or screening mechanism for interpreting the data generated by the excess emission reporting requirements.

Although the excess emission reporting requirements provide a mechanism for achieving the objective of proper operation and maintenance of the best system of emission reduction, this mechanism is not necessarily a direct indicator of improper operation and maintenance. Consequently, excess emission reports must be reviewed and interpreted for proper decisionmaking.

In general, the comments received concerning the excess emission reporting requirements questioned: (1) The adequacy of the TRS excess emission allowance for lime kilns and (2) the lack of a TRS excess emission allowance for recovery furnaces.

With regard to the adequacy of the TRS excess emissions allowance for lime kilns, a reevaluation of the TRS emission data from lime kiln E led the Agency to the conclusion that, for a TRS emission limit of 5 ppm, an excess emission allowance of 6 percent was appropriate. However, a similar analysis also indicates that an excess emission allowance is not appropriate at a TRS emission level of 8 ppm. Accordingly, the excess emission reporting requirements included in the promulgated standard for lime kilns contains no excess emission allowance. This does not represent a change in the basis of the standard. The standard will still require installation of the best system of emission reduction, considering costs (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing; or an alternative system equivalent to the performance of this system).

With regard to the lack of a TRS excess emission allowance for recovery furnaces, at the time of proposal of the standards, no TRS continuous emission monitoring data were available from a well-controlled and well operated recovery furnace which could be used to determine an excess emission allowance. Several months of TRS continuous emission monitoring data, however, were submitted with the comments received from the operator of recovery furnace D concerning this point.

A review of the data indicates that, while some of the excursions of TRS emissions above 5 ppm reflected either improper operation and maintenance, or start-ups, shutdowns, or malfunctions, most of these excursions reflected unavoidable normal variability in the operation of a kraft pulp mill recovery furnace. Discounting those excursions in emissions from the data which were due to improper operation and maintenance, or start-ups, shutdowns, or malfunctions indicates that an excess emission allowance of 1 percent is appropriate for all recovery furnaces.

Including an excess emissions allowance in the promulgated standards for recovery furnaces, but not for lime kilns, is a reversal of the proposed requirements. Including such an allowance for recovery furnaces but not for lime kilns, however, is consistent with the nature of the different emission control systems which were selected as the bases for these standards. The emission control system upon which the TRS standard for recovery furnaces is based consists of black liquor oxidation and good process operation of the recovery furnace for direct recovery furnaces, and good process operation alone for indirect recovery furnaces. Neither of these emission control systems are particularly well suited to controlling fluctuations in the kraft pulping process. Thus, fluctuations in the process tend to pass through the emission control system and show up as fluctuations in TRS emissions.

The emission control system upon which the TRS standard for lime kilns





is based consists of efficient mud

tively high $SO_2$ concentration levels

60.282 Standard for particulate matter.



trate tanks used to wash the pulp fol-

matter in excess of 0.1 g/kg black

§ 60.284 Monitoring of emissions and op-

is based consists of efficient mud washing, good process operation of the lime kiln, and caustic scrubbing of the gases discharged from the lime kiln. As with the emission control system upon which the standard for recovery furnaces is based, the first two emission control techniques (i.e., mud washing and good process operation) are not particularly well suited to controlling fluctuations in the kraft pulping process. The third emission control technique, however, caustic scrubbing, is an "add-on" emission control technique that can be designed to accommodate fluctuations in TRS emissions and minimize or essentially eliminate these fluctuations.

EMISSION TESTING

A few comments were received which questioned the validity of the results obtained by Reference Method 16, due to sample losses and sulfur dioxide ($SO_2$) interference.

With regard to the validity of the results obtained by Reference Method 16, as mentioned earlier, during the emission testing program, it was not widely known that sample losses could occur within the TRS emission measurement system. Since proposal of the standards, however, sample losses of up to 20 percent during emission source testing have been confirmed. Although these losses were not considered in selecting the numerical emission limits included in the proposed TRS emission standards, they have been considered in selecting the numerical emission limit included in the promulgated standards. Also, since the amount of sample loss that occurs within the TRS emission measurement system during source testing can be determined, procedures have been added to Reference Method 16 requiring determination of these losses during each source test and adjustment of the emission data obtained to take these losses into account. This will ensure that the TRS emission data obtained during a performance test are accurate.

It has also been confirmed that high concentrations of $SO_2$ will interfere with the determination of TRS emissions to some extent. At this point, however, it is not known what $SO_2$ concentration levels will result in a significant loss of accuracy in determining TRS emissions. The ability of a citrate scrubber to selectively remove $SO_2$ prior to measurement of TRS emissions is now being tested. In addition, various chromatographic columns might exist which would effectively resolve this problem. As soon as an appropriate technique is developed to overcome this problem, Reference Method 16 will be amended.

This problem of $SO_2$ interference will not present major difficulties to the use of Reference Method 16. Relatively high $SO_2$ concentration levels were observed in only one EPA emission source test. Accordingly, high $SO_2$ concentration levels are probably not a frequent occurrence within kraft pulp mills. More importantly, however, high $SO_2$ concentrations only interfere with the determination of methyl mercaptan in the emission measurement system outlined in Reference Method 16. Since methyl mercaptan is usually only a small contributor to total TRS emissions, neglecting methyl mercaptan where this interference occurs should not seriously affect the determination of TRS emissions. Consequently, Reference Method 16 can be used to enforce the promulgated standards without major difficulties.

Miscellaneous: The effective date of this regulation is February 24, 1976. Section 111(b)(1)(B) of the Clean Air Act provides that standards of performance or revisions of them become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (September 24, 1976).

NOTE.—An economic assessment has been prepared as required under section 317 of the Act. This also satisfies the requirements of Executive Orders 11821 and OMB Circular A-107.

Dated: February 10, 1978.

BARBARA BLUM,
*Acting Administrator.*

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart A—General Provisions**

1. Section 60.13 is amended to clarify the provisions in paragraph (a) by revising paragraph (a) to read as follows:

**§ 60.13 Monitoring requirements.**

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring system under Appendix B to this part, unless:

(1) The continuous monitoring system is subject to the provisions of paragraphs (c)(2) and (c)(3) of this section, or

(2) otherwise specified in an applicable subpart or by the Administrator.

* * * * *

2. Part 60 is amended by adding subpart BB as follows:

**Subpart BB—Standards of Performance for Kraft Pulp Mills**

Sec.

60.280 Applicability and designation of affected facility.
60.281 Definitions.
60.282 Standard for particulate matter.
60.283 Standard for total reduced sulfur (TRS).
60.284 Monitoring of emissions and operations.
60.285 Test methods and procedures.

AUTHORITY: Secs. 111, 301(a) of the Clean Air Act, as amended [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

**Subpart BB—Standards of Performance for Kraft Pulp Mills**

**60.280 Applicability and designation of affected facility.**

(a) The provisions of this subpart are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills where kraft pulping is combined with neutral sulfite semichemical pulping, the provisions of this subpart are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

(b) Any facility under paragraph (a) of this section that commences construction or modification after September 24, 1976, is subject to the requirements of this subpart.

**§ 60.281 Definitions.**

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in Subpart A.

(a) "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

(b) "Neutral sulfite semichemical pulping operation" means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating (grinding).

(c) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and measured by Reference Method 16.

(d) "Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), below tank(s), chip steamer(s), and condenser(s).

(e) "Brown stock washer system" means brown stock washers and associated knotters, vacuum pumps, and filtrate tanks used to wash the pulp following the digester system.

(f) "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

(g) "Black liquor oxidation system" means the vessels used to oxidize, with air or oxygen, the black liquor, and associated storage tank(s).

(h) "Recovery furnace" means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

(i) "Straight kraft recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains 7 weight percent or less of the total pulp solids from the neutral sulfite semichemical process or has green liquor sulfidity of 28 percent or less.

(j) "Cross recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains more than 7 weight percent of the total pulp solids from the neutral sulfite semichemical process and has a green liquor sulfidity of more than 28 percent.

(k) "Black liquor solids" means the dry weight of the solids which enter the recovery furnace in the black liquor.

(l) "Green liquor sulfidity" means the sulfidity of the liquor which leaves the smelt dissolving tank.

(m) "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

(n) "Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

(o) "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.

**§ 60.282 Standard for particulate matter.**

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any recovery furnace any gases which:

(i) Contain particulate matter in excess of 0.10 g/dscm (0.044 gr/dscf) corrected to 8 percent oxygen.

(ii) Exhibit 35 percent opacity or greater.

(2) From any smelt dissolving tank any gases which contain particulate matter in excess of 0.1 g/kg black liquor solids (dry weight)[0.2 lb/ton black liquor solids (dry weight)].

(3) From any lime kiln any gases which contain particulate matter in excess of:

(i) 0.15 g/dscm (0.067 gr/dscf) corrected to 10 percent oxygen, when gaseous fossil fuel is burned.

(ii) 0.30 g/dscm (0.13 gr/dscf) corrected to 10 percent oxygen, when liquid fossil fuel is burned.

**§ 60.283 Standard for total reduced sulfur (TRS).**

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system any gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 10 percent oxygen, unless the following conditions are met:

(i) The gases are combusted in a lime kiln subject to the provisions of paragraph (a)(5) of this section; or

(ii) The gases are combusted in a recovery furnace subject to the provisions of paragraphs (a)(2) or (a)(3) of this section; or

(iii) The gases are combusted with other waste gases in an incinerator or other device, or combusted in a lime kiln or recovery furnace not subject to the provisions of this subpart, and are subjected to a minimum temperature of 1200° F. for at least 0.5 second; or

(iv) It has been demonstrated to the Administrator's satisfaction by the owner or operator that incinerating the exhaust gases from a new, modified, or reconstructed black liquor oxidation system or brown stock washer system in an existing facility is technologically or economically not feasible. Any exempt system will become subject to the provisions of this subpart if the facility is changed so that the gases can be incinerated.

(2) From any straight kraft recovery furnace any gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(3) From any cross recovery furnace any gases which contain TRS in excess of 25 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(4) From any smelt dissolving tank any gases which contain TRS in excess of 0.0084 g/kg black liquor solids (dry weight) [0.0168 lb/ton liquor solids (dry weight)].

(5) From any lime kiln any gases which contain TRS in excess of 8 ppm by volume on a dry basis, corrected to 10 percent oxygen.

**§ 60.284 Monitoring of emissions and operations.**

(a) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring systems:

(1) A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70 percent opacity.

(2) Continuous monitoring systems to monitor and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged into the atmosphere from any lime kiln, recovery furnace, digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system, except where the provisions of § 60.283(a)(1) (iii) or (iv) apply. These systems shall be located downstream of the control device(s) and the span(s) of these continuous monitoring system(s) shall be set:

(i) At a TRS concentration of 30 ppm for the TRS continuous monitoring system, except that for any cross recovery furnace the span shall be set at 50 ppm.

(ii) At 20 percent oxygen for the continuous oxygen monitoring system.

(b) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device which measures the combustion temperature at the point of incineration of effluent gases which are emitted from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system where the provisions of § 60.283(a)(1)(iii) apply. The monitoring device is to be certified by the manufacturer to be accurate within ±1 percent of the temperature being measured.

(2) For any lime kiln or smelt dissolving tank using a scrubber emission control device:

(i) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device is to be certified by the manufacturer to be accurate to within a gage pressure of ±500 pascals (ca. ±2 inches water gage pressure).

(ii) A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±15 percent of design scrubbing liquid supply pressure. The pressure sensor or tap is to

be located close to the scrubber liquid discharge point. The Administrator may be consulted for approval of alternative locations.

(c) Any owner or operator subject to the provisions of this subpart shall, except where the provisions of § 60.283(a)(1)(iv) or § 60.283(a)(4) apply.

(1) Calculate and record on a daily basis 12-hour average TRS concentrations for the two consecutive periods of each operating day. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 contiguous 1-hour average total reduced sulfur concentrations provided by each continuous monitoring system installed under paragraph (a)(2) of this section.

(2) Calculate and record on a daily basis 12-hour average oxygen concentrations for the two consecutive periods of each operating day for the recovery furnace and lime kiln. These 12-hour averages shall correspond to the 12-hour average TRS concentrations under paragraph (c)(1) of this section and shall be determined as an arithmetic mean of the appropriate 12 contiguous 1-hour average oxygen concentrations provided by each continuous monitoring system installed under paragraph (a)(2) of this section.

(3) Correct all 12-hour average TRS concentrations to 10 volume percent oxygen, except that all 12-hour average TRS concentration from a recovery furnace shall be corrected to 8 volume percent using the following equation:

$$C_{corr} = C_{meas} \times (21 - X/21 - Y)$$

where:

$C_{corr}$ = the concentration corrected for oxygen.

$C_{meas}$ = the concentration uncorrected for oxygen.

$X$ = the volumetric oxygen concentration in percentage to be corrected to (8 percent for recovery furnaces and 10 percent for lime kilns, incinerators, or other devices).

$Y$ = the measured 12-hour average volumetric oxygen concentration.

(d) For the purpose of reports required under § 60.7(c), any owner or operator subject to the provisions of this subpart shall report periods of excess emissions as follows:

(1) For emissions from any recovery furnace periods of excess emissions are:

(i) All 12-hour averages of TRS concentrations above 5 ppm by volume for straight kraft recovery furnaces and above 25 ppm by volume for cross recovery furnaces.

(ii) All 6-minute average opacities that exceed 35 percent.

(2) For emissions from any lime kiln, periods of excess emissions are all 12-hour average TRS concentration above 8 ppm by volume.

(3) For emissions from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system periods of excess emissions are:

(i) All 12-hour average TRS concentrations above 5 ppm by volume unless the provisions of § 60.283(a)(1) (i), (ii), or (iv) apply; or

(ii) All periods in excess of 5 minutes and their duration during which the combustion temperature at the point of incineration is less than 1200° F. where the provisions of § 60.283(a)(1)(ii) apply.

(e) The Administrator will not consider periods of excess emissions reported under paragraph (d) of this section to be indicative of a violation of § 60.11(d) provided that:

(1) The percent of the total number of possible contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the facility is not operating) during which excess emissions occur does not exceed:

(i) One percent for TRS emissions from recovery furnaces.

(ii) Six percent for average opacities from recovery furnaces.

(2) The Administrator determines that the affected facility, including air pollution control equipment, is maintained and operated in a manner which is consistent with good air pollution control practice for minimizing emissions during periods of excess emissions.

§ 60.285 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.282(a) as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) When determining compliance with § 60.282(a)(2), Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis, and

(5) Method 9 for visible emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5.

(c) Method 17 (in-stack filtration) may be used as an alternate method for Method 5 for determining compliance with § 60.282(a)(1)(i): *Provided*, That a constant value of 0.009 g/dscm (0.004 gr/dscf) is added to the results of Method 17 and the stack temperature is no greater than 205° C (ca. 400° F). Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 17.

(d) For the purpose of determining compliance with § 60.283(a) (1), (2), (3), (4), and (5), the following reference methods shall be used:

(1) Method 16 for the concentration of TRS,

(2) Method 3 for gas analysis, and

(3) When determining compliance with § 60.283(a)(4), use the results of Method 2, Method 16, and the black liquor solids feed rate in the following equation to determine the TRS emission rate.

$$E = (C_{H_2S}F_{H_2S} + C_{MeSH}F_{MeSH} + C_{DMS}F_{DMS} + C_{DMDS}F_{DMDS})(Q_{sd})/BLS$$

Where:

$E$ = mass of TRS emitted per unity of black liquor solids (g/kg) (lb/ton)

$C_{H_2S}$ = average concentration of hydrogen sulfide ($H_2S$) during the test period, PPM.

$C_{MeSH}$ = average concentration of methyl mercaptan (MeSH) during the test period, PPM.

$C_{DMS}$ = average concentration of dimethyl sulfide (DMS) during the test period, PPM.

$C_{DMDS}$ = average concentration of dimethyl disulfide (DMDS) during the test period, PPM.

$F_{H_2S}$ = 0.001417 g/m³ PPM for metric units
= 0.08844 lb/ft³ PPM for English units

$F_{MeSH}$ = 0.00200 g/m³ PPM for metric units
= 0.1248 lb/ft³ PPM for English units

$F_{DMS}$ = 0.002583 g/m³ PPM for metric units
= 0.1612 lb/ft³ PPM for English units

$F_{DMDS}$ = 0.003917 g/m³ PPM for metric units
= 0.2445 lb/ft³ PPM for English units

$Q_{sd}$ = dry volumetric stack gas flow rate corrected to standard conditions, dscm/hr (dscf/hr)

$BLS$ = black liquor solids feed rate, kg/hr (lb/hr)

(4) When determining whether a furnace is straight kraft recovery furnace or a cross recovery furnace, TAPPI Method T.624 shall be used to determine sodium sulfide, sodium hydroxide and sodium carbonate. These determinations shall be made three times daily from the green liquor and the daily average values shall be converted to sodium oxide ($Na_2O$) and substituted into the following equation to determine the green liquor sulfidity:

$$GLS = 100 \quad C_{Na_2S}/C_{Na_2S} + C_{NaOH} + C_{Na_2CO_3}$$

Where:

$GLS$ = percent green liquor sulfidity

$C_{Na_2S}$ = average concentration of $Na_{2S}$ expressed as $Na_2O$ (mg/1)

$C_{NaOH}$ = *average concentration of NaOH* expressed as $Na_2O$ (mg/1)

$C_{Na_2CO_3}$ = average concentration of $Na_2CO_3$ expressed as $Na_2O$ (mg/1)

(e) All concentrations of particulate matter and TRS required to be measured by this section from lime kilns or incinerators shall be corrected 10 volume percent oxygen and those concentrations from recovery furnaces shall be corrected to 8 volume percent oxygen. These corrections shall be made in the manner specified in § 60.284(c)(3).





APPENDIX A—REFERENCE METHODS

(3) Method 16 and Method 17 are added to Appendix A as follows:

* * * * *

METHOD 16. SEMICONTINUOUS DETERMINATION OF SULFUR EMISSIONS FROM STATIONARY SOURCES

*Introduction*

The method described below uses the principle of gas chromatographic separation and flame photometric detection. Since there are many systems or sets of operating conditions that represent usable methods of determining sulfur emissions, all systems which employ this principle, but differ only in details of equipment and operation, may be used as alternative methods, provided that the criteria set below are met.

1. *Principle and Applicability.*

1.1 Principle. A gas sample is extracted from the emission source and diluted with clean dry air. An aliquot of the diluted sample is then analyzed for hydrogen sulfide ($H_2S$), methyl mercaptan (MeSH), dimethyl sulfide (DMS) and dimethyl disulfide (DMDS) by gas chromatographic (GC) separation and flame photometric detection (FPD). These four compounds are known collectively as total reduced sulfur (TRS).

1.2 Applicability. This method is applicable for determination of TRS compounds from recovery furnaces, lime kilns, and smelt dissolving tanks at kraft pulp mills.

2. *Range and Sensitivity.*

2.1 Range. Coupled with a gas chromatographic system utilizing a ten milliliter sample size, the maximum limit of the FPD for each sulfur compound is approximately 1 ppm. This limit is expanded by dilution of the sample gas before analysis. Kraft mill gas samples are normally diluted tenfold (9:1), resulting in an upper limit of about 10 ppm for each compound.

For sources with emission levels between 10 and 100 ppm, the measuring range can be best extended by reducing the sample size to 1 milliliter.

2.2 Using the sample size, the minimum detectable concentration is approximately 50 ppb.

3. *Interferences.*

3.1 Moisture Condensation. Moisture condensation in the sample delivery system, the analytical column, or the FPD burner block can cause losses or interferences. This potential is eliminated by heating the sample line, and by conditioning the sample with dry dilution air to lower its dew point below the operating temperature of the GC/FPD analytical system prior to analysis.

3.2 Carbon Monoxide and Carbon Dioxide. CO and $CO_2$ have substantial desensitizing effect on the flame photometric detector even after 9:1 dilution. Acceptable systems must demonstrate that they have eliminated this interference by some procedure such as eluting these compounds before any of the compounds to be measured. Compliance with this requirement can be demonstrated by submitting chromatograms of calibration gases with and without CO, in the diluent gas. The CO, level should be approximately 10 percent for the case with $CO_2$ present. The two chromatographs should show agreement within the precision limits of Section 4.1.

3.3 Particulate Matter. Particulate matter in gas samples can cause interference by eventual clogging of the analytical system. This interference must be eliminated by use of a probe filter.

3.4 Sulfur Dioxide. $SO_2$ is not a specific interferent but may be present in such large amounts that it cannot be effectively separated from other compounds of interest. The procedure must be designed to eliminate this problem either by the choice of separation columns or by removal of $SO_2$ from the sample.

Compliance with this section can be demonstrated by submitting chromatographs of calibration gases with $SO_2$ present in the same quantities expected from the emission source to be tested. Acceptable systems shall show baseline separation with the amplifier attenuation set so that the reduced sulfur compound of concern is at least 50 percent of full scale. Base line separation is defined as a return to zero ± percent in the interval between peaks.

4. *Precision and Accuracy.*

4.1 GC/FPD and Dilution System Calibration Precision. A series of three consecutive injections of the same calibration gas, at any dilution, shall produce results which do not vary by more than ±3 percent from the mean of the three injections.

4.2 GC/FPD and Dilution System Calibration Drift. The calibration drift determined from the mean of three injections made at the beginning and end of any 8-hour period shall not exceed ± percent.

4.3 System Calibration Accuracy. The complete system must quantitatively transport and analyze with an accuracy of 20 percent. A correction factor is developed to adjust calibration accuracy to 100 percent.

5. *Apparatus* (See Figure 16-1).

5.1.1 Probe. The probe must be made of inert material such as stainless steel or glass. It should be designed to incorporate a filter and to allow calibration gas to enter the probe at or near the sample entry point. Any portion of the probe not exposed to the stack gas must be heated to prevent moisture condensation.

5.1.2 Sample Line. The sample line must be made of Teflon,[1] no greater than 1.3 cm (½) inside diameter. All parts from the probe to the dilution system must be thermostatically heated to 120° C.

5.1.3 Sample Pump. The sample pump shall be a leakless Teflon-coated diaphragm type or equivalent. If the pump is upstream of the dilution system, the pump head must be heated to 120° C.

5.2 Dilution System. The dilution system must be constructed such that all sample contacts are made of inert materials (e.g., stainless steel or Teflon). It must be heated to 120° C. and be capable of approximately a 9:1 dilution of the sample.

5.3 Gas Chromatograph. The gas chromatograph must have at least the following components:

5.3.1 Oven. Capable of maintaining the separation column at the proper operating temperature ±1° C.

5.3.2 Temperature Gauge. To monitor column oven, detector, and exhaust temperature ±1° C.

5.3.3 Flow System. Gas metering system to measure sample, fuel, combustion gas, and carrier gas flows.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

5.3.4 Flame Photometric Detector.

5.3.4.1 Electrometer. Capable of full scale amplification of linear ranges of $10^{-9}$ to $10^{-4}$ amperes full scale.

5.3.4.2 Power Supply. Capable of delivering up to 750 volts.

5.3.4.3 Recorder. Compatible with the output voltage range of the electrometer.

5.4 Gas Chromatograph Columns. The column system must be demonstrated to be capble of resolving the four major reduced sulfur compounds: $H_2S$, MeSH, DMS, and DMDS. It must also demonstrate freedom from known interferences.

To demonstrate that adequate resolution has been achieved, the tester must submit a chromatograph of a calibration gas containing all four of the TRS compounds in the concentration range of the applicable standard. Adequate resolution will be defined as base line separation of adjacent peaks when the amplifier attenuation is set so that the smaller peak is at least 50 percent of full scale. Base line separation is defined in Section 3.4. Systems not meeting this criteria may be considered alternate methods subject to the approval of the Administrator.

5.5. Calibration System. The calibration system must contain the following components.

5.5.1 Tube Chamber. Chamber of glass or Teflon of sufficient dimensions to house permeation tubes.

5.5.2 Flow System. To measure air flow over permeation tubes at ±2 percent. Each flowmeter shall be calibrated after a complete test series with a wet test meter. If the flow measuring device differs from the wet test meter by 5 percent, the completed test shall be discarded. Alternatively, the tester may elect to use the flow data that would yield the lowest flow measurement. Calibration with a wet test meter before a test is optional.

5.5.3 Constant Temperature Bath. Device capable of maintaining the permeation tubes at the calibration temperature within ±0.1° C.

5.5.4 Temperature Gauge. Thermometer or equivalent to monitor bath temperature within ±1° C.

6. *Reagents.*

6.1 Fuel. Hydrogen ($H_2$) prepurified grade or better.

6.2 Combustion Gas. Oxygen ($O_2$) or air, research purity or better.

6.3 Carrier Gas. Prepurified grade or better.

6.4 Diluent. Air containing less than 50 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons. This gas must be heated prior to mixing with the sample to avoid water condensation at the point of contact.

6.5 Calibration Gases. Permeation tubes, one each of $H_2S$, MeSH, DMS, and DMDS, agravimetrically calibrated and certified at some convenient operating temperature. These tubes consist of hermetically sealed FEP Teflon tubing in which a liquified gaseous substance is enclosed. The enclosed gas permeates through the tubing wall at a constant rate. When the temperature is constant, calibration gases governing a wide range of known concentrations can be generated by varying and accurately measuring the flow rate of diluent gas passing over the tubes. These calibration gases are used to calibrate the GC/FPD system and the dilution system.

7. *Pretest Procedures.* The following procedures are optional but would be helpful in preventing any problem which might occur later and invalidate the entire test.

7.1 After the complete measurement system has been set up at the site and deemed to be operational, the following procedures should be completed before sampling is initiated.

7.1.1 Leak Test. Appropriate leak test procedures should be employed to verify the integrity of all components, sample lines, and connections. The following leak test procedure is suggested: For components upstream of the sample pump, attach the probe end of the sample line to a ma- nometer or vacuum gauge, start the pump and pull greater than 50 mm (2 in.) Hg vacuum, close off the pump outlet, and then stop the pump and ascertain that there is no leak for 1 minute. For components after the pump, apply a slight positive pressure and check for leaks by applying a liquid (detergent in water, for example) at each joint. Bubbling indicates the presence of a leak.

7.1.2 System Performance. Since the complete system is calibrated following each test, the precise calibration of each component is not critical. However, these components should be verified to be operating properly. This verification can be performed by observing the response of flowmeters or of the GC output to changes in flow rates or calibration gas concentrations and ascertaining the response to be within predicted limits. In any component, or if the complete system fails to respond in a normal and predictable manner, the source of the discrepancy should be identified and corrected before proceeding.

8. *Calibration.* Prior to any sampling run, calibrate the system using the following procedures. (If more than one run is performed during any 24-hour period, a calibration need not be performed prior to the second and any subsequent runs. The calibration must, however, be verified as prescribed in Section 10, after the last run made within the 24-hour period.)

8.1 General Considerations. This section outlines steps to be followed for use of the GC/FPD and the dilution system. The procedure does not include detailed instructions because the operation of these systems is complex, and it requires a understanding of the individual system being used. Each system should include a written operating manual describing in detail the operating procedures associated with each component in the measurement system. In addition, the operator should be familiar with the operating principles of the components; particularly the GC/FPD. The citations in the Bibliography at the end of this method are recommended for review for this purpose.

8.2 Calibration Procedure. Insert the permeation tubes into the tube chamber. Check the bath temperature to assure agreement with the calibration temperature of the tubes within ±0.1° C. Allow 24 hours for the tubes to equilibrate. Alternatively equilibration may be verified by injecting samples of calibration gas at 1-hour intervals. The permeation tubes can be assumed to have reached equilibrium when consecutive hourly samples agree within the precision limits of Section 4.1.

Vary the amount of air flowing over the tubes to produce the desired concentrations for calibrating the analytical and dilution systems. The air flow across the tubes must at all times exceed the flow requirement of the analytical systems. The concentration in parts per million generated by a tube containing a specific permeant can be calculated as follows:

$$C = K\frac{P_r}{ML}$$

Equation 16-1

where:

C = Concentration of permeant produced in ppm.
$P_r$ = Permeation rate of the tube in μg/min.
M = Molecular weight of the permeant (g/g-mole).
L = Flow rate, l/min, of air over permeant @ 20° C, 760 mm Hg.
K = Gas constant at 20° C and 760 mm Hg = 24.04 l/g mole.

8.3 Calibration of analysis system. Generate a series of three or more known concentrations spanning the linear range of the FPD (approximately 0.05 to 1.0 ppm) for each of the four major sulfur compounds. Bypassing the dilution system, inject these standards into the GC/FPD analyzers and monitor the responses. Three injects for each concentration must yield the precision described in Section 4.1. Failure to attain this precision is an indication of a problem in the calibration or analytical system. Any such problem must be identified and corrected before proceeding.

8.4 Calibration Curves. Plot the GC/FPD response in current (amperes) versus their causative concentrations in ppm on log-log coordinate graph paper for each sulfur compound. Alternatively, a least squares equation may be generated from the calibration data.

8.5 Calibration of Dilution System. Generate a known concentration of hydrogen sulfide using the permeation tube system. Adjust the flow rate of diluent air for the first dilution stage so that the desired level of dilution is approximated. Inject the diluted calibration gas into the GC/FPD system and monitor its response. Three injections for each dilution must yield the precision described in Section 4.1. Failure to attain this precision in this step is an indication of a problem in the dilution system. Any such problem must be identified and corrected before proceeding. Using the calibration data for $H_2S$ (developed under 8.3) determine the diluted calibration gas concentration in ppm. Then calculate the dilution factor as the ratio of the calibration gas concentration before dilution to the diluted calibration gas concentration determined under this paragraph. Repeat this procedure for each stage of dilution required. Alternatively, the GC/FPD system may be calibrated by generating a series of three or more concentrations of each sulfur compound and diluting these samples before injecting them into the GC/FPD system. This data will then serve as the calibration data for the unknown samples and a separate determination of the dilution factor will not be necessary. However, the precision requirements of Section 4.1 are still applicable.

9. *Sampling and Analysis Procedure.*

9.1 Sampling. Insert the sampling probe into the test port making certain that no dilution air enters the stack through the port. Begin sampling and dilute the sample approximtely 9:1 using the dilution system. Note that the precise dilution factor is that which is determined in paragraph 8.5. Condition the entire system with sample for a minimum of 15 minutes prior to commencing analysis.

9.2 Analysis. Aliquots of diluted sample are injected into the GC/FPD analyzer for analysis.

9.2.1 Sample Run. A sample run is composed of 16 individual analyses (injects) performed over a period of not less than 3 hours or more than 6 hours.

9.2.2 Observation for Clogging of Probe. If reductions in sample concentrations are observed during a sample run that cannot be explained by process conditions, the sampling must be interrupted to determine if the sample probe is clogged with particulate matter. If the probe is found to be clogged, the test must be stopped and the results up to that point discarded. Testing may resume after cleaning the probe or replacing it with a clean one. After each run, the sample probe must be inspected and, if necessary, dismantled and cleaned.

10. *Post-Test Procedures.*

10.1 Sample Line Loss. A known concentration of hydrogen sulfide at the level of the applicable standard, ±20 percent, must be introduced into the sampling system at the opening of the probe in sufficient quantities to insure that there is an excess of sample which must be vented to the atmosphere. The sample must be transported through the entire sampling system to the measurement system in the normal manner. The resulting measured concentration should be compared to the known value to determine the sampling system loss. A sampling system loss of more than 20 percent is unacceptable. Sampling losses of 0-20 percent must be corrected for by dividing the resulting sample concentration by the fraction of recovery. The known gas sample may be generated using permeation tubes. Alternatively, cylinders of hydrogen sulfide mixed in air may be used provided they are traceable to permeation tubes. The optional pretest procedures provide a good guideline for determining if there are leaks in the sampling system.

10.2 Recalibration. After each run, or after a series of runs made within a 24-hour period, perform a partial recalibration using the procedures in Section 8. Only $H_2S$ (or other permeant) need be used to recalibrate the GC/FPD analysis system (8.3) and the dilution system (8.5).

10.3 Determination of Calibration Drift. Compare the calibration curves obtained prior to the runs, to the calibration curves obtained under paragraph 10.1. The calibration drift should not exceed the limits set forth in paragraph 4.2. If the drift exceeds this limit, the intervening run or runs should be considered not valid. The tester, however, may instead have the option of choosing the calibration data set which would give the highest sample values.

11. *Calculations.*

11.1 Determine the concentrations of each reduced sulfur compound detected directly from the calibration curves. Alternatively, the concentrations may be calculated using the equation for the least square line.

11.2 Calculation of TRS. Total reduced sulfur will be determined for each anaylsis made by summing the concentrations of each reduced sulfur compound resolved during a given analysis.

$$TRS = \Sigma\ (H_2S,\ MeSH,\ DMS,\ 2DMDS)d$$

Equation 16-2

where:

TRS = Total reduced sulfur in ppm, wet basis.
$H_2S$ = Hydrogen sulfide, ppm.
MeSH = Methyl mercaptan, ppm.
DMS = Dimethyl sulfide, ppm.
DMDS = Dimethyl disulfide, ppm.
d = Dilution factor, dimensionless.





11.3 Average TRS. The average TRS will be determined as follows:

$$\text{Average TRS} = \frac{\sum_{i=1}^{N} TRS_i}{N(1-B_{wo})}$$

Average TRS = Average total reduced sulfur in ppm, dry basis.
$TRS_i$ = Total reduced sulfur in ppm as determined by Equation 16-2.
N = Number of samples.
$B_{wo}$ = Fraction of volume of water vapor in the gas stream as determined by method 4—Determination of Moisture in Stack Gases (36 FR 24887).

11.4 Average concentration of individual reduced sulfur compounds.

$$C = \frac{\sum_{i=1}^{N} S_i}{N}$$

Equation 16-3

where:

$S_i$ = Concentration of any reduced sulfur compound from the ith sample injection, ppm.
C = Average concentration of any one of the reduced sulfur compounds for the entire run, ppm.
N = Number of injections in any run period.

12. *Example System.* Described below is a system utilized by EPA in gathering NSPS data. This system does not now reflect all the latest developments in equipment and column technology, but it does represent one system that has been demonstrated to work.

12.1 Apparatus.

12.1.1 Sampling System.

12.1.1.1 Probe. Figure 16-1 illustrates the probe used in lime kilns and other sources where significant amounts of particulate matter are present. the probe is designed with the deflector shield placed between the sample and the gas inlet holes and the glass wool plugs to reduce clogging of the filter and possible adsorption of sample gas. The exposed portion of the probe between the sampling port and the sample line is heated with heating tape.

12.1.1.2 Sample Line 3/16 inch inside diameter Teflon tubing, heated to 120° C. This temperature is controlled by a thermostatic heater.

12.1.1.3 Sample Pump. Leakless Teflon coated diaphragm type or equivalent. The pump head is heated to 120° C by enclosing it in the sample dilution box (12.2.4 below).

12.1.2 Dilution System. A schematic diagram of the dynamic dilution system is given in Figure 16-2. The dilution system is constructed such that all sample contacts are made of inert materials. The dilution system which is heated to 120° C must be capable of a minimum of 9:1 dilution of sample. Equipment used in the dilution system is listed below:

12.1.2.1 Dilution Pump. Model A-150 Kohmyhr Teflon positive displacement type, nonadjustable 150 cc/min. ±2.0 percent, or equivalent, per dilution stage. A 9:1 dilution of sample is accomplished by combining 150 cc of sample with 1,350 cc of clean dry air as shown in Figure 16-2.

12.1.2.2 Valves. Three-way Teflon solenoid or manual type.

12.1.2.3 Tubing. Teflon tubing and fittings are used throughout from the sample probe to the GC/FPD to present an inert surface for sample gas.

12.1.2.4 Box. Insulated box, heated and maintained at 120° C, of sufficient dimensions to house dilution apparatus.

12.1.2.5 Flowmeters. Rotameters or equivalent to measure flow from 0 to 1500 ml/min ±1 percent per dilution stage.

12.1.3 Gas Chromatograph Columns. Two types of columns are used for separation of low and high molecular weight sulfur compounds:

12.1.3.1 Low Molecular Weight Sulfur Compounds Column (GC/FPD-1).

12.1.3.1 Separation Column. 11 m by 2.16 mm (36 ft by 0.085 in) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 5 percent polyphenyl ether and 0.05 percent orthophosphoric acid, or equivalent (see Figure 16-3).

12.1.3.1.2 Stripper or Precolumn. 0.6 m by 2.16 mm (2 ft by 0.085 in) inside diameter Teflon tubing packed as in 5.3.1.

12.1.3.1.3 Sample Valve. Teflon 10-port gas sampling valve, equipped with a 10 ml sample loop, actuated by compressed air (Figure 16-3).

12.1.3.1.4 Oven. For containing sample valve, stripper column and separation column. The oven should be capable of maintaining an elevated temperature ranging from ambient to 100° C, constant within ±1° C.

12.1.3.1.5 Temperature Monitor. Thermocouple pyrometer to measure column oven, detector, and exhaust temperature ±1° C.

12.1.3.1.6 Flow System. Gas metering system to measure sample flow, hydrogen flow, and oxygen flow (and nitrogen carrier gas flow).

12.1.3.1.7 Detector. Flame photometric detector.

12.1.3.1.8 Electrometer. Capable of full scale amplification of linear ranges of $10^{-9}$ to $10^{-4}$ amperes full scale.

12.1.3.1.9 Power Supply. Capable of delivering up to 750 volts.

12.1.3.1.10 Recorder. Compatible with the output voltage range of the electrometer.

12.1.3.2 High Molecular Weight Compounds Column (GC/FPD-11).

12.1.3.2.1. Separation Column. 3.05 m by 2.16 mm (10 ft by 0.0885 in) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 10 percent Triton X-305, or equivalent.

12.1.3.2.2 Sample Valve. Teflon 6-port gas sampling valve equipped with a 10 ml sample loop, actuated by compressed air (Figure 16-3).

12.1.3.2.3 Other Components. All components same as in 12.1.3.1.4 to 12.1.3.1.10.

12.1.4 Calibration. Permeation tube system (figure 16-4).

12.1.4.1 Tube Chamber. Glass chamber of sufficient dimensions to house permeation tubes.

12.1.4.2 Mass Flowmeters. Two mass flowmeters in the range 0-3 l/min. and 0-10 l/min. to measure air flow over permeation tubes at ±2 percent. These flowmeters shall be cross-calibrated at the beginning of each test. Using a convenient flow rate in the measuring range of both flowmeters, set and monitor the flow rate of gas over the permeation tubes. Injection of calibration gas generated at this flow rate as measured by one flowmeter followed by injection of calibration gas at the same flow rate as measured by the other flowmeter should agree within the specified precision limits. If they do not, then there is a problem with the mass flow measurement. Each mass flowmeter shall be calibrated prior to the first test with a wet test meter and thereafter, at least once each year.

12.1.4.3 Constant Temperature Bath. Capable of maintaining permeation tubes at certification temperature of 30° C. within ±0.1° C.

12.2 Reagents

12.2.1 Fuel. Hydrogen ($H_2$) prepurified grade or better.

12.2.2. Combustion Gas. Oxygen ($O_2$) research purity or better.

12.2.3 Carrier Gas. Nitrogen ($N_2$) prepurified grade or better.

12.2.4 Diluent. Air containing less than 50 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons, and filtered using MSA filters 46727 and 79030, or equivalent. Removal of sulfur compounds can be verified by injecting dilution air only, described in Section 8.3.

12.2.5 Compressed Air. 60 psig for GC valve actuation.

12.2.6 Calibrated Gases. Permeation tubes gravimetrically calibrated and certified at 30.0° C.

12.3 Operating Parameters.

12.3.1 Low-Molecular Weight Sulfur Compounds. The operating parameters for the GC/FPD system used for low molecular weight compounds are as follows: nitrogen carrier gas flow rate of 50 cc/min, exhaust temperature of 110° C, detector temperature of 105° C, oven temperature of 40° C, hydrogen flow rate of 80 cc/min, oxygen flow rate of 20 cc/min, and sample flow rate between 20 and 80 cc/min.

12.3.2 High-Molecular Weight Sulfur Compounds. The operating parameters for the GC/FPD system for high molecular weight compounds are the same as in 12.3.1 except: oven temperature of 70° C, and nitrogen carrier gas flow of 100 cc/min.

12.4 Analysis Procedure.

12.4.1 Analysis. Aliquots of diluted sample are injected simultaneously into both GC/FPD analyzers for analysis. GC/FPD-I is used to measure the low-molecular weight reduced sulfur compounds. The low molecular weight compounds include hydrogen sulfide, methyl mercaptan, and dimethyl sulfide. GC/FPD-II is used to resolve the high-molecular weight compound. The high-molecular weight compound is dimethyl disulfide.

12.4.1.1 Analysis of Low-Molecular Weight Sulfur Compounds. The sample valve is actuated for 3 minutes in which time an aliquot of diluted sample is injected into the stripper column and analytical column. The valve is then deactivated for approximately 12 minutes in which time, the analytical column continues to be foreflushed, the stripper column is backflushed, and the sample loop is refilled. Monitor the responses. The elution time for each compound will be determined during calibration.

12.4.1.2 Analysis of High-Molecular Weight Sulfur Compounds. The procedure is essentially the same as above except that no stripper column is needed.

13. *Bibliography.*

13.1 O'Keeffe, A. E. and G. C. Ortman. "Primary Standards for Trace Gas Analy-

sis." Analytical Chemical Journal, 38,760 (1966).

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13.5 Grimley, K. W., W. S. Smith, and R. M. Martin. "The Use of a Dynamic Dilution System in the Conditioning of Stack Gases for Automated Analysis by a Mobile Sampling Van." Presented at the 63rd Annual APCA Meeting in St. Louis, Mo. June 14-19, 1970.

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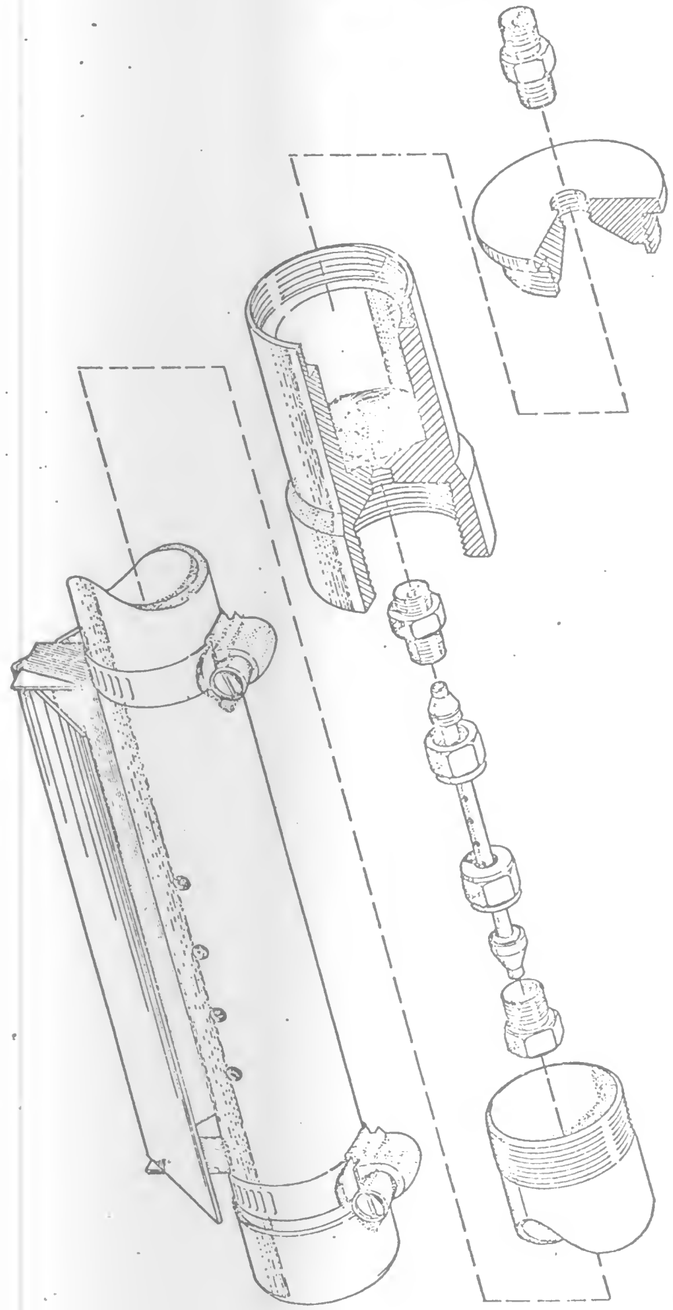


Figure 16-1. Probe used for sample gas containing high particulate loadings.

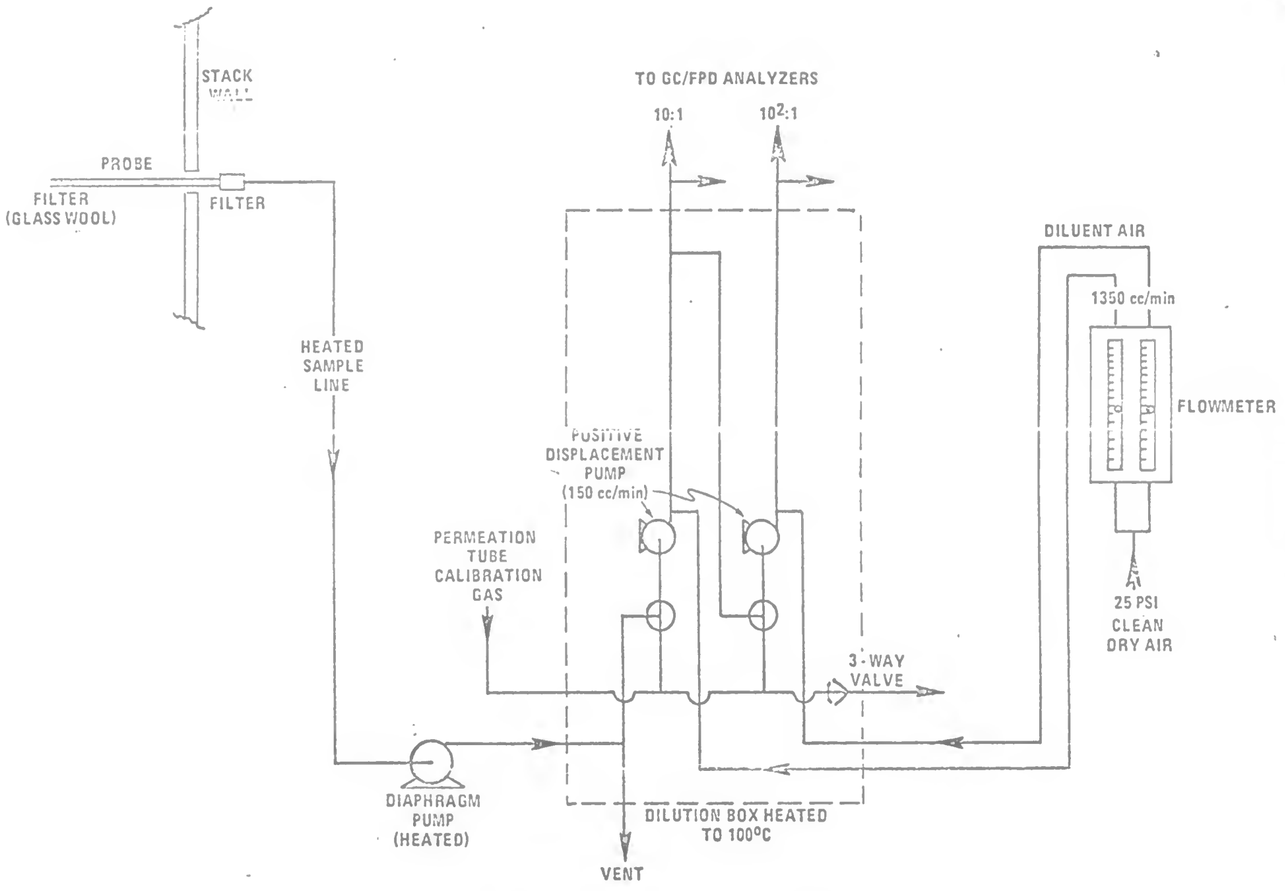



Figure 16-2. Sampling and dilution apparatus.



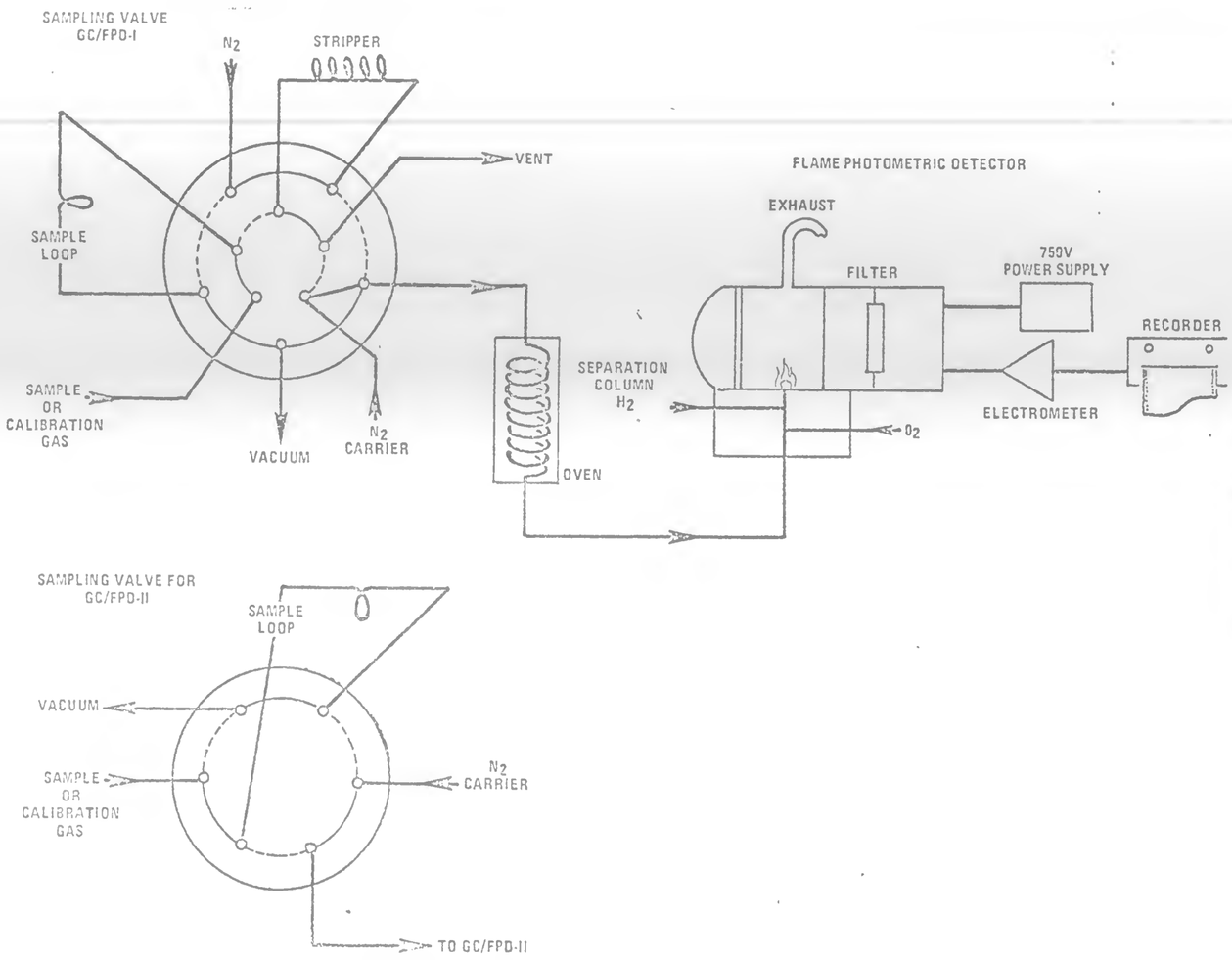



Figure 16-3. Gas chromatographic-flame photometric analyzers.

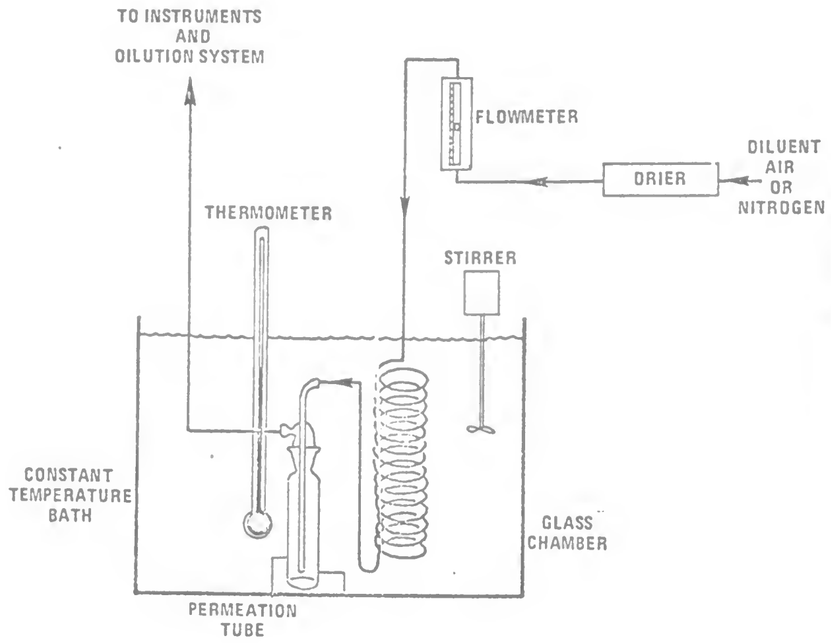



Figure 16-4. Apparatus for field calibration.



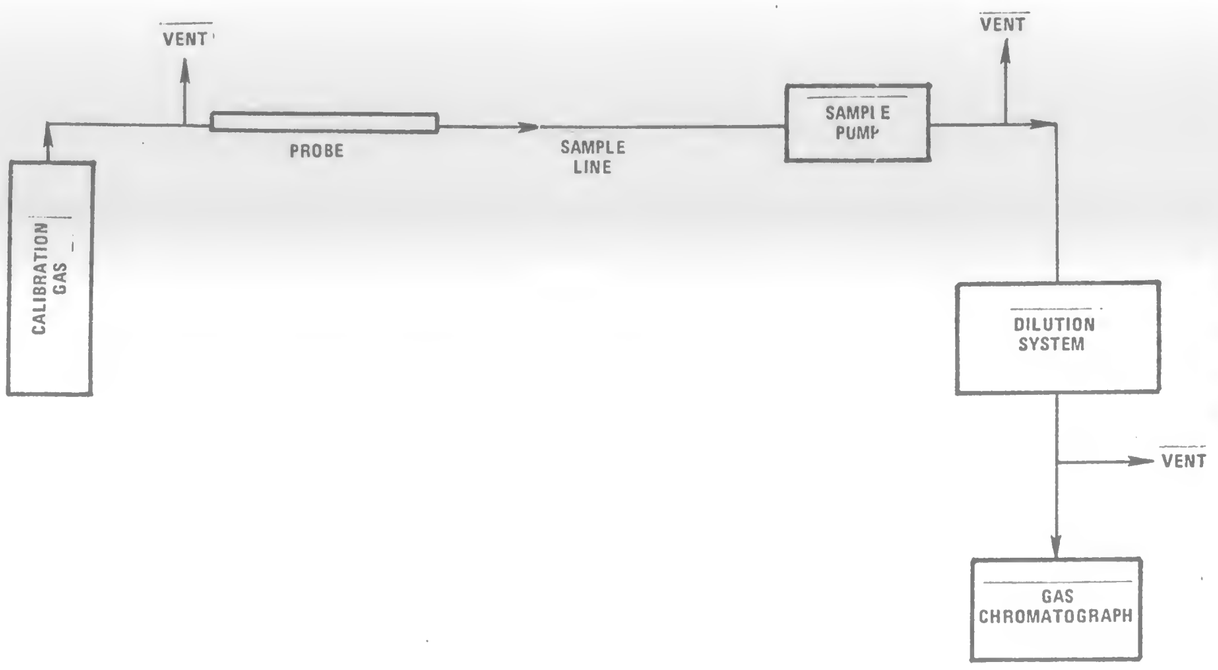



Figure 16-5. Determination of sample line loss.

METHOD 17. DETERMINATION OF PARTICULATE EMISSIONS FROM STATIONARY SOURCES (IN-STACK FILTRATION METHOD)

*Introduction*

Particulate matter is not an absolute quantity; rather, it is a function of temperature and pressure. Therefore, to prevent variability in particulate matter emission regulations and/or associated test methods, the temperature and pressure at which particulate matter is to be measured must be carefully defined. Of the two variables (i.e., temperature and pressure), temperature has the greater effect upon the amount of particulate matter in an effluent gas stream; in most stationary source categories, the effect of pressure appears to be negligible.

In method 5, 250° F is established as a nominal reference temperature. Thus, where Method 5 is specified in an applicable subpart of the standards, particulate matter is defined with respect to temperature. In order to maintain a collection temperature of 250° F, Method 5 employs a heated glass sample probe and a heated filter holder. This equipment is somewhat cumbersome and requires care in its operation. Therefore, where particulate matter concentrations (over the normal range of temperature associated with a specified source category) are known to be independent of temperature, it is desirable to eliminate the glass probe and heating systems, and sample at stack temperature.

This method describes an in-stack sampling system and sampling procedures for use in such cases. It is intended to be used only when specified by an applicable subpart of the standards, and only within the applicable temperature limits (if specified), or when otherwise approved by the Administrator.

1. *Principle and Applicability.*

1.1 Principle. Particulate matter is withdrawn isokinetically from the source and collected on a glass fiber filter maintained at stack temperature. The particulate mass is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method applies to the determination of particulate emissions from stationary sources for determining compliance with new source performance standards, only when specifically provided for in an applicable subpart of the standards. This method is not applicable to stacks that contain liquid droplets or are saturated with water vapor. In addition, this method shall not be used as written if the projected cross-sectional area of the probe extension-filter holder assembly covers more than 5 percent of the stack cross-sectional area (see Section 4.1.2).

2. *Apparatus.*

2.1 Sampling Train. A schematic of the sampling train used in this method is shown in Figure 17-1. Construction details for many, but not all, of the train components are given in APTD-0581 (Citation 2 in Section 7); for changes from the APTD-0581 document and for allowable modifications to Figure 17-1, consult with the Administrator.





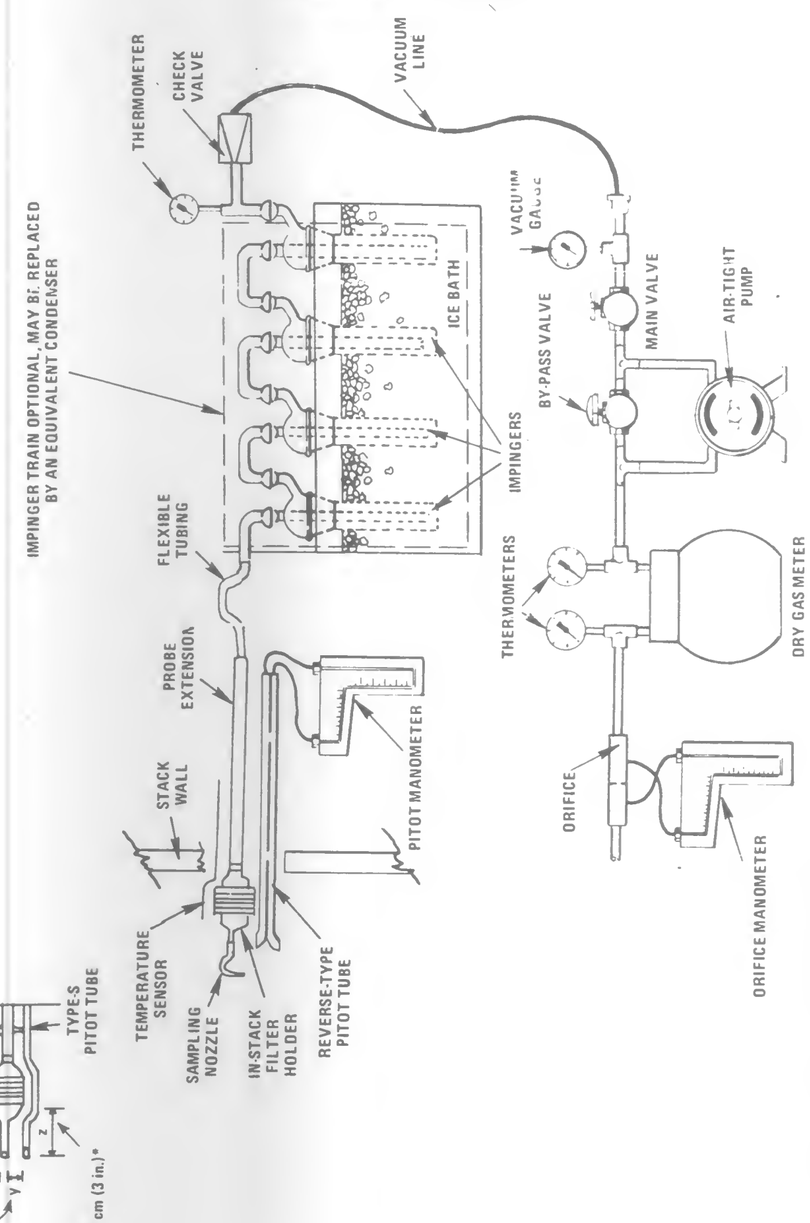



Figure 17-1. Particulate-Sampling Train, Equipped with In-Stack Filter.

* SUGGESTED (INTERFERENCE-FREE) SPACINGS

The operating and maintenance procedures for many of the sampling train components are described in APTD-0576 (Citation 3 in Section 7). Since correct usage is important in obtaining valid results, all users should read the APTD-0576 document and adopt the operating and maintenance procedures outlined in it, unless otherwise specified herein. The sampling train consists of the following components:

2.1.1 Probe Nozzle. Stainless steel (316) or glass, with sharp, tapered leading edge. The angle of taper shall be 030° and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button-hook or elbow design, unless otherwise specified by the Administrator. If made of stainless steel, the nozzle shall be constructed from seamless tubing. Other materials of construction may be used subject to the approval of the Administrator.

A range of sizes suitable for isokinetic sampling should be available, e.g., 0.32 to 1.27 cm (⅛ to ½ in)—or larger if higher volume sampling trains are used—inside diameter (ID) nozzles in increments of 0.16 cm (1/16 in). Each nozzle shall be calibrated according to the procedures outlined in Section 5.1.

2.1.2 Filter Holder. The in-stack filter holder shall be constructed of borosilicate or quartz glass, or stainless steel; if a gasket is used, it shall be made of silicone rubber, Teflon, or stainless steel. Other holder and gasket materials may be used subject to the approval of the Administrator. The filter holder shall be designed to provide a positive seal against leakage from the outside or around the filter.

2.1.3 Probe Extension. Any suitable rigid probe extension may be used after the filter holder.

2.1.4 Pitot Tube. Type S, as described in Section 2.1 of Method 2, or other device approved by the Administrator; the pitot tube shall be attached to the probe extension to allow constant monitoring of the stack gas velocity (see Figure 17-1). The impact (high pressure) opening plane of the pitot tube shall be even with or above the nozzle entry plane during sampling (see Method 2, Figure 2-6b). It is recommended: (1) that the pitot tube have a known baseline coefficient, determined as outlined in Section 4 of Method 2; and (2) that this known coefficient be preserved by placing the pitot tube in an interference-free arrangement with respect to the sampling nozzle, filter holder, and temperature sensor (see Figure 17-1). Note that the 1.9 cm (0.75 in) free-space between the nozzle and pitot tube shown in Figure 17-1, is based on a 1.3 cm (0.5 in) ID nozzle. If the sampling train is designed for sampling at higher flow rates than that described in APTD-0581, thus necessitating the use of larger sized nozzles, the free-space shall be 1.9 cm (0.75 in) with the largest sized nozzle in place.

Source-sampling assemblies that do not meet the minimum spacing requirements of Figure 17-1 (or the equivalent of these requirements, e.g., Figure 2-7 of Method 2) may be used; however, the pitot tube coefficients of such assemblies shall be determined by calibration, using methods subject to the approval of the Administrator.

2.1.5 Differential Pressure Gauge. Inclined manometer or equivalent device (two), as described in Section 2.2 of Method 2. One manometer shall be used for velocity head (Δp) readings, and the other, for orifice differential pressure readings.

2.1.6 Condenser. It is recommended that the impinger system described in Method 5 be used to determine the moisture content of the stack gas. Alternatively, any system that allows measurement of both the water condensed and the moisture leaving the condenser, each to within 1 ml or 1 g, may be used. The moisture leaving the condenser can be measured either by: (1) monitoring the temperature and pressure at the exit of the condenser and using Dalton's law of partial pressures; or (2) passing the sample gas stream through a silica gel trap with exit gases kept below 20° C (68° F) and determining the weight gain.

Flexible tubing may be used between the probe extension and condenser. If means other than silica gel are used to determine the amount of moisture leaving the condenser, it is recommended that silica gel still be used between the condenser system and pump to prevent moisture condensation in the pump and metering devices and to avoid the need to make corrections for moisture in the metered volume.

2.1.7 Metering System. Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 3° C (5.4° F), dry gas meter capable of measuring volume to within 2 percent, and related equipment, as shown in Figure 17-1. Other metering systems capable of maintaining sampling rates within 10 percent of isokinetic and of determining sample volumes to within 2 percent may be used, subject to the approval of the Administrator. When the metering system is used in conjunction with a pitot tube, the system shall enable checks of isokinetic rates.

Sampling trains utilizing metering systems designed for higher flow rates than that described in APTD-0581 or APTD-0576 may be used provided that the specifications of this method are met.

2.1.8 Barometer. Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby national weather service station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.9 Gas Density Determination Equipment. Temperature sensor and pressure gauge, as described in Sections 2.3 and 2.4 of Method 2, and gas analyzer, if necessary, as described in Method 3.

The temperature sensor shall be attached to either the pitot tube or to the probe extension, in a fixed configuration. If the temperature sensor is attached in the field; the sensor shall be placed in an interference-free arrangement with respect to the Type S pitot tube openings (as shown in Figure 17-1 or in Figure 2-7 of Method 2). Alternatively, the temperature sensor need not be attached to either the probe extension or pitot tube during sampling, provided that a difference of not more than 1 percent in the average velocity measurement is introduced. This alternative is subject to the approval of the Administrator.

2.2 Sample Recovery.

2.2.1 Probe Nozzle Brush. Nylon bristle brush with stainless steel wire handle. The brush shall be properly sized and shaped to brush out the probe nozzle.

2.2.2 Wash Bottles—Two. Glass wash bottles are recommended; polyethylene wash bottles may be used at the option of the tester. It is recommended that acetone not be stored in polyethylene bottles for longer than a month.

2.2.3 Glass Sample Storage Containers. Chemically resistant, borosilicate glass bottles, for acetone washes, 500 ml or 1000 ml. Screw cap liners shall either be rubber-backed Teflon or shall be constructed so as to be leak-free and resistant to chemical attack by acetone. (Narrow mouth glass bottles have been found to be less prone to leakage.) Alternatively, polyethylene bottles may be used.

2.2.4 Petri Dishes. For filter samples; glass or polyethylene, unless otherwise specified by the Administrator.

2.2.5 Graduated Cylinder and/or Balance. To measure condensed water to within 1 ml or 1 g. Graduated cylinders shall have subdivisions no greater than 2 ml. Most laboratory balances are capable of weighing to the nearest 0.5 g or less. Any of these balances is suitable for use here and in Section 2.3.4.

2.2.6 Plastic Storage Containers. Air tight containers to store silica gel.

2.2.7 Funnel and Rubber Policeman. To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

2.2.8 Funnel. Glass or polyethylene, to aid in sample recovery.

2.3 Analysis.

2.3.1 Glass Weighing Dishes.

2.3.2 Desiccator.

2.3.3 Analytical Balance. To measure to within 0.1 mg.

2.3.4 Balance. To measure to within 0.5 mg.

2.3.5 Beakers. 250 ml.

2.3.6 Hygrometer. To measure the relative humidity of the laboratory environment.

2.3.7 Temperature Gauge. To measure the temperature of the laboratory environment.

3. *Reagents.*

3.1 Sampling.

3.1.1 Filters. The in-stack filters shall be glass mats or thimble fiber filters, without organic binders, and shall exhibit at least 99.95 percent efficiency (00.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency tests shall be conducted in accordance with ASTM standard method D 2986-71. Test data from the supplier's quality control program are sufficient for this purpose.

3.1.2 Silica Gel. Indicating type, 6- to 16-mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received. Alternatively, other types of desiccants (equivalent or better) may be used, subject to the approval of the Administrator.

3.1.3 Crushed Ice.

3.1.4 Stopcock Grease. Acetone-insoluble, heat-stable silicone grease. This is not necessary if screw-on connectors with Teflon sleeves, or similar, are used. Alternatively, other types of stopcock grease may be used, subject to the approval of the Administrator.

3.2 Sample Recovery. Acetone, reagent grade, 00.001 percent residue, in glass bottles. Acetone from metal containers generally has a high residue blank and should not be used. Sometimes, suppliers transfer acetone to glass bottles from metal containers. Thus, acetone blanks shall be run prior to field use and only acetone with low blank





values (00.001 percent) shall be used. In no case shall a blank value of greater than 0.001 percent of the weight of acetone used be subtracted from the sample weight.

3.3 Analysis.

3.3.1 Acetone. Same as 3.2.

3.3.2 Desiccant. Anhydrous calcium sulfate, indicating type. Alternatively, other types of desiccants may be used, subject to the approval of the Administrator.

4. *Procedure.*

4.1 Sampling. The complexity of this method is such that, in order to obtain reliable results, testers should be trained and experienced with the test procedures.

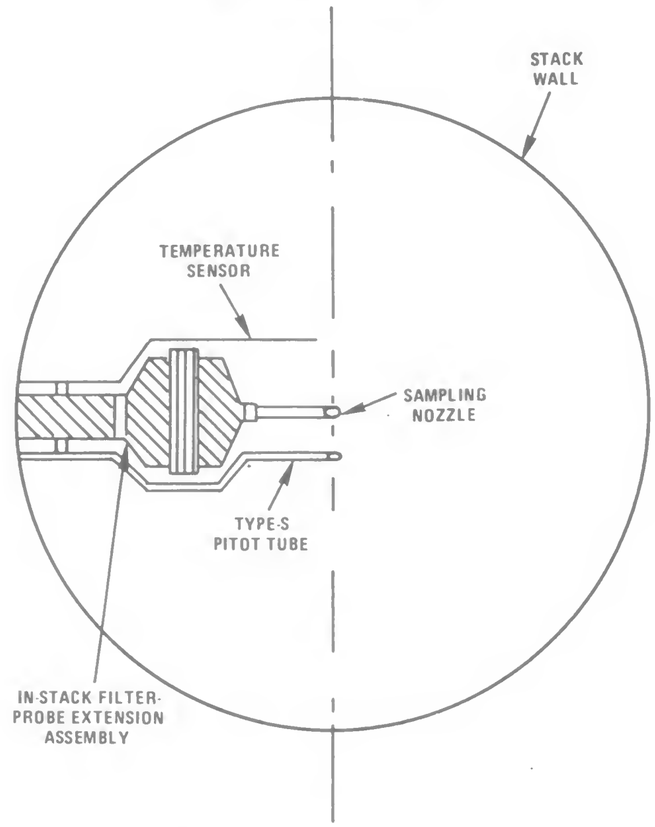
4.1.1 Pretest Preparation. All components shall be maintained and calibrated according to the procedure described in APTD-0576, unless otherwise specified herein.

Weigh several 200 to 300 g portions of silica gel in air-tight containers to the nearest 0.5 g. Record the total weight of the silica gel plus container, on each container. As an alternative, the silica gel need not be preweighed, but may be weighed directly in its impinger or sampling holder just prior to train assembly.

Check filters visually against light for irregularities and flaws or pinhole leaks. Label filters of the proper size on the back side near the edge using numbering machine ink. As an alternative, label the shipping containers (glass or plastic petri dishes) and keep the filters in these containers at all times except during sampling and weighing.

Desiccate the filters at 20±5.6° C (68±10° F) and ambient pressure for at least 24 hours and weigh at intervals of at least 6 hours to a constant weight, i.e., 00.5 mg change from previous weighing; record results to the nearest 0.1 mg. During each weighing the filter must not be exposed to the laboratory atmosphere for a period greater than 2 minutes and a relative humidity above 50 percent. Alternatively (unless otherwise specified by the Administrator), the filters may be oven dried at 105° C (220° F) for 2 to 3 hours, desiccated for 2 hours, and weighed. Procedures other than those described, which account for relative humidity effects, may be used, subject to the approval of the Administrator.

4.1.2 Preliminary Determinations. Select the sampling site and the minimum number of sampling points according to Method 1 or as specified by the Administrator. Make a projected-area model of the probe extension-filter holder assembly, with the pitot tube face openings positioned along the centerline of the stack, as shown in Figure 17-2. Calculate the estimated cross-section blockage, as shown in Figure 17-2. If the blockage exceeds 5 percent of the duct cross sectional area, the tester has the following options: (1) a suitable out-of-stack filtration method may be used instead of in-stack filtration; or (2) a special in-stack arrangement, in which the sampling and velocity measurement sites are separate, may be used; for details concerning this approach, consult with the Administrator (see also Citation 10 in Section 7). Determine the stack pressure, temperature, and the range of velocity heads using Method 2; it is recommended that a leak-check of the pitot lines (see Method 2, Section 3.1) be performed. Determine the moisture content using Approximation Method 4 or its alternatives for the purpose of making isokinetic sampling rate settings. Determine the stack gas dry molecular weight, as described in Method 2, Section 3.6; if integrated Method 3 sampling is used for molecular weight determination, the integrated bag sample shall be taken simultaneously with, and for the same total length of time as, the particular sample run.




$$\text{ESTIMATED BLOCKAGE (\%)} = \left[\frac{\text{SHADED AREA}}{\text{DUCT AREA}}\right] \times 100$$

Figure 17-2. Projected-area model of cross-section blockage (approximate average for a sample traverse) caused by an in-stack filter holder-probe extension assembly.





Select a nozzle size based on the range of velocity heads, such that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates. During the run, do not change the nozzle size. Ensure that the proper differential pressure gauge is chosen for the range of velocity heads encountered (see Section 2.2 of Method 2).

Select a probe extension length such that all traverse points can be sampled. For large stacks, consider sampling from opposite sides of the stack to reduce the length of probes.

Select a total sampling time greater than or equal to the minimum total sampling time specified in the test procedures for the specific industry such that (1) the sampling time per point is not less than 2 minutes (or some greater time interval if specified by the Administrator), and (2) the sample volume taken (corrected to standard conditions) will exceed the required minimum total gas sample volume. The latter is based on an approximate average sampling rate.

It is recommended that the number of minutes sampled at each point be an integer or an integer plus one-half minute, in order to avoid timekeeping errors.

In some circumstances, e.g., batch cycles, it may be necessary to sample for shorter times at the traverse points and to obtain smaller gas sample volumes. In these cases, the Administrator's approval must first be obtained.

4.1.3 Preparation of Collection Train. During preparation and assembly of the sampling train, keep all openings where contamination can occur covered until just prior to assembly or until sampling is about to begin.

If impingers are used to condense stack gas moisture, prepare them as follows: place 100 ml of water in each of the first two impingers, leave the third impinger empty, and transfer approximately 200 to 300 g of preweighed silica gel from its container to the fourth impinger. More silica gel may be used, but care should be taken to ensure that it is not entrained and carried out from the impinger during sampling. Place the container in a clean place for later use in the sample recovery. Alternatively, the weight of the silica gel plus impinger may be determined to the nearest 0.5 g and recorded.

If some means other than impingers is used to condense moisture, prepare the condenser (and, if appropriate, silica gel for condenser outlet) for use.

Using a tweezer or clean disposable surgical gloves, place a labeled (identified) and weighed filter in the filter holder. Be sure that the filter is properly centered and the gasket properly placed so as not to allow the sample gas stream to circumvent the filter. Check filter for tears after assembly is completed. Mark the probe extension with heat resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point.

Assemble the train as in Figure 17-1, using a very light coat of silicone grease on all ground glass joints and greasing only the outer portion (see APTD-0576) to avoid possibility of contamination by the silicone grease. Place crushed ice around the impingers.

4.1.4 Leak Check Procedures.

4.1.4.1 Pretest Leak-Check. A pretest leak-check is recommended, but not required. If the tester opts to conduct the pretest leak-check, the following procedure shall be used.

After the sampling train has been assembled, plug the inlet to the probe nozzle with a material that will be able to withstand the stack temperature. Insert the filter holder into the stack and wait approximately 5 minutes (or longer, if necessary) to allow the system to come to equilibrium with the temperature of the stack gas stream. Turn on the pump and draw a vacuum of at least 380 mm Hg (15 in. Hg); note that a lower vacuum may be used, provided that it is not exceeded during the test. Determine the leakage rate. A leakage rate in excess of 4 percent of the average sampling rate or 0.00057 m³/min. (0.02 cfm), whichever is less, is unacceptable.

The following leak-check instructions for the sampling train described in APTD-0576 and APTD-0581 may be helpful. Start the pump with by-pass valve fully open and coarse adjust valve completely closed. Partially open the coarse adjust valve and slowly close the by-pass valve until the desired vacuum is reached. Do not reverse direction of by-pass valve. If the desired vacuum is exceeded, either leak-check at this higher vacuum or end the leak-check as shown below and start over.

When the leak-check is completed, first slowly remove the plug from the inlet to the probe nozzle and immediately turn off the vacuum pump. This prevents water from being forced backward and keeps silica gel from being entrained backward.

4.1.4.2 Leak-Checks During Sample Run. If, during the sampling run, a component (e.g., filter assembly or impinger) change becomes necessary, a leak-check shall be conducted immediately before the change is made. The leak-check shall be done according to the procedure outlined in Section 4.1.4.1 above, except that it shall be done at a vacuum equal to or greater than the maximum value recorded up to that point in the test. If the leakage rate is found to be no greater than 0.00057 m³/min (0.02 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction will need to be applied to the total volume of dry gas metered; if, however, a higher leakage rate is obtained, the tester shall either record the leakage rate and plan to correct the sample volume as shown in Section 6.3 of this method, or shall void the sampling run.

Immediately after component changes, leak-checks are optional; if such leak-checks are done, the procedure outlined in Section 4.1.4.1 above shall be used.

4.1.4.3 Post-Test Leak-Check. A leak-check is mandatory at the conclusion of each sampling run. The leak-check shall be done in accordance with the procedures outlined in Section 4.1.4.1, except that it shall be conducted at a vacuum equal to or greater than the maximum value reached during the sampling run. If the leakage rate is found to be no greater than 0.00057 m³/min (0.02 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction need be applied to the total volume of dry gas metered. If, however, a higher leakage rate is obtained, the tester shall either record the leakage rate and correct the sample volume as shown in Section 6.3 of this method, or shall void the sampling run.

4.1.5 Particulate Train Operation. During the sampling run, maintain a sampling rate such that sampling is within 10 percent of true isokinetic, unless otherwise specified by the Administrator.

For each run, record the data required on the example data sheet shown in Figure 17-3. Be sure to record the initial dry gas meter reading. Record the dry gas meter readings at the beginning and end of each sampling time increment, when changes in flow rates are made, before and after each leak check, and when sampling is halted. Take other readings required by Figure 17-3 at least once at each sample point during each time increment and additional readings when significant changes (20 percent variation in velocity head readings) necessitate additional adjustments in flow rate. Level and zero the manometer. Because the manometer level and zero may drift due to vibrations and temperature changes, make periodic checks during the traverse.

PLANT _____ BAROMETRIC PRESSURE _____

LOCATION _____ ASSUMED MOISTURE, % _____

OPERATOR _____ PROBE EXTENSION LENGTH, m(ft.) _____

DATE _____ NOZZLE IDENTIFICATION NO. _____

RUN NO. _____ AVERAGE CALIBRATED NOZZLE DIAMETER cm(in.) _____

SAMPLE BOX NO. _____ FILTER NO. _____

METER BOX NO. _____ LEAK RATE, $m^3$/min,(cfm) _____

METER $\Delta H@$ _____ STATIC PRESSURE, mm Hg (in. Hg) _____

C FACTOR _____

PITOT TUBE COEFFICIENT, Cp _____

SCHEMATIC OF STACK CROSS SECTION

| TRAVERSE POINT NUMBER | SAMPLING TIME ($\theta$), min. | VACUUM mm Hg (in. Hg) | STACK TEMPERATURE (Ts), °C (°F) | VELOCITY HEAD ($\Delta P_s$), mm $H_2O$ (in. $H_2O$) | PRESSURE DIFFERENTIAL ACROSS ORIFICE METER, mm $H_2O$ (in. $H_2O$) | GAS SAMPLE VOLUME, $m^3$ ($ft^3$) | GAS SAMPLE TEMPERATURE AT DRY GAS METER | | TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | INLET, °C (°F) | OUTLET, °C (°F) | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | |

105° C (220° F), whichever is less, for 2 to 3 hours, cooled in the desiccator, and weighed to a constant weight, unless otherwise specified by the Administrator. The tester may also opt to oven dry the sample at the average stack temperature or 105° C (220° F), whichever is less, for 2 to 3 hours, weigh the sample, and use this weight as a final weight.

Plant _____

Date _____

Run No. _____

Filter No. _____

Amount liquid lost during transport _____

Acetone blank volume, ml _____

Acetone wash volume, ml _____

Acetone black concentration, mg/mg (equation 17-4) _____

Acetone wash blank, mg (equation 17-5) _____

| CONTAINER NUMBER | WEIGHT OF PARTICULATE COLLECTED, mg | | |
|---|---|---|---|
| | FINAL WEIGHT | TARE WEIGHT | WEIGHT GAIN |
| 1 | | | |
| 2 | | | |
| TOTAL | | | |
| Less acetone blank | | | |
| Weight of particulate matter | | | |

| | VOLUME OF LIQUID WATER COLLECTED | | |
|---|---|---|---|
| | IMPINGER VOLUME, ml | SILICA GEL WEIGHT, g | |
| FINAL | | | |
| INITIAL | | | |
| LIQUID COLLECTED | | | |
| TOTAL VOLUME COLLECTED | | g* | ml |

* CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER (1g/ml).

$$\frac{\text{INCREASE, g}}{\text{1 g/ml}} = \text{VOLUME WATER, ml}$$

Figure 17-4. Analytical data.





*Container No. 2.* Note the level of liquid in the container and confirm on the analysis sheet whether or not leakage occurred during transport. If a noticeable amount of leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results. Measure the liquid in this container either volumetrically to ±1 ml or gravimetrically to ±0.5 g. Transfer the contents to a tared 250-ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

*Container No. 3.* This step may be conducted in the field. Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g using a balance.

*"Acetone Blank" Container.* Measure acetone in this container either volumetrically or gravimetrically. Transfer the acetone to a tared 250-ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

NOTE.—At the option of the tester, the contents of Container No. 2 as well as the acetone blank container may be evaporated at temperatures higher than ambient. If evaporation is done at an elevated temperature, the temperature must be below the boiling point of the solvent; also, to prevent "bumping," the evaporation process must be closely supervised, and the contents of the beaker must be swirled occasionally to maintain an even temperature. Use extreme care, as acetone is highly flammable and has a low flash point.

5. *Calibration.* Maintain a laboratory log of all calibrations.

5.1 Probe Nozzle. Probe nozzles shall be calibrated before their initial use in the field. Using a micrometer, measure the inside diameter of the nozzle to the nearest 0.025 mm (0.001 in.). Make three separate measurements using different diameters each time, and obtain the average of the measurements. The difference between the high and low numbers shall not exceed 0.1 mm (0.004 in.). When nozzles become nicked, dented, or corroded, they shall be reshaped, sharpened, and recalibrated before use. Each nozzle shall be permanently and uniquely identified.

5.2 Pitot Tube. If the pitot tube is placed in an interference-free arrangement with respect to the other probe assembly components, its baseline (isolated tube) coefficient shall be determined as outlined in Section 4 of Method 2. If the probe assembly is not interference-free, the pitot tube assembly coefficient shall be determined by calibration, using methods subject to the approval of the Administrator.

5.3 Metering System. Before its initial use in the field, the metering system shall be calibrated according to the procedure outlined in APTD-0576. Instead of physically adjusting the dry gas meter dial readings to correspond to the wet test meter readings, calibration factors may be used to mathematically correct the gas meter dial readings to the proper values.

Before calibrating the metering system, it is suggested that a leak-check be conducted. For metering systems having diaphragm pumps, the normal leak-check procedure will not detect leakages within the pump. For these cases the following leak-check procedure is suggested: make a 10-minute calibration run at 0.00057 m³/min (0.02 cfm); at the end of the run, take the difference of the measured wet test meter and dry gas meter volumes; divide the difference by 10, to get the leak rate. The leak rate should not exceed 0.00057 m³/min (0.02 cfm).

After each field use, the calibration of the metering system shall be checked by performing three calibration runs at a single, intermediate orifice setting (based on the previous field test), with the vacuum set at the maximum value reached during the test series. To adjust the vacuum, insert a valve between the wet test meter and the inlet of the metering system. Calculate the average value of the calibration factor. If the calibration has changed by more than 5 percent, recalibrate the meter over the full range of orifice settings, as outlined in APTD-0576.

Alternative procedures, e.g., using the orifice meter coefficients, may be used, subject to the approval of the Administrator.

NOTE.—If the dry gas meter coefficient values obtained before and after a test series differ by more than 5 percent, the test series shall either be voided, or calculations for the test series shall be performed using whichever meter coefficient. value (i.e., before or after) gives the lower value of total sample volume.

5.4 Temperature Gauges. Use the procedure in Section 4.3 of Method 2 to calibrate in-stack temperature gauges. Dial thermometers, such as are used for the dry gas meter and condenser outlet, shall be calibrated against mercury-in-glass thermometers.

5.5 Leak Check of Metering System Shown in Figure 17-1. That portion of the sampling train from the pump to the orifice meter should be leak checked prior to initial use and after each shipment. Leakage after the pump will result in less volume being recorded than is actually sampled. The following procedure is suggested (see Figure 17-5). Close the main valve on the meter box. Insert a one-hole rubber stopper with rubber tubing attached into the orifice exhaust pipe. Disconnect and vent the low side of the orifice manometer. Close off the low side orifice tap. Pressurize the system to 13 to 18 cm (5 to 7 in.) water column by blowing into the rubber tubing. Pinch off the tubing and observe the manometer for one minute. A loss of pressure on the manometer indicates a leak in the meter box; leaks, if present, must be corrected.







5.6 Barometer. Calibrate against a mercury barometer.

$\theta_p$=Sampling time interval, from the final ($n^{th}$) component change until the end of

6.6 Acetone Blank Concentration.

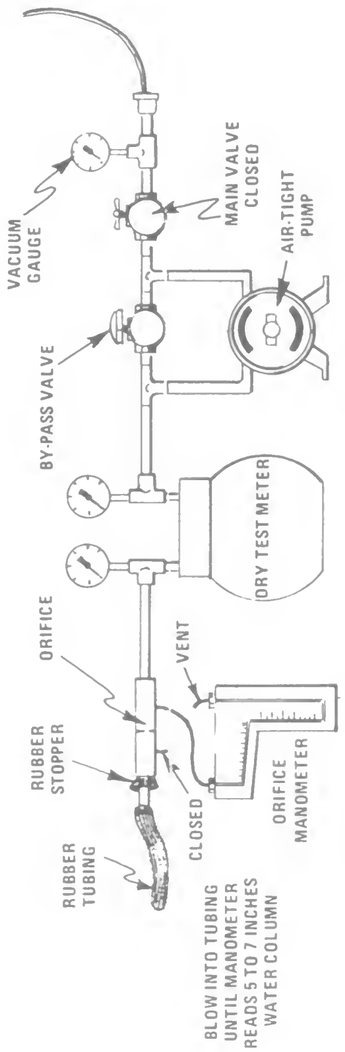



Figure 17-5. Leak check of meter box.

5.6 Barometer. Calibrate against a mercury barometer.

6. *Calculations.* Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after the final calculation. Other forms of the equations may be used as long as they give equivalent results.

6.1 Nomenclature.

$A_n$ = Cross-sectional area of nozzle, $m^2$ ($ft^2$).
$B_{ws}$ = Water vapor in the gas stream, proportion by volume.
$C_a$ = Acetone blank residue concentration, mg/g.
$c_s$ = Concentration of particulate matter in stack gas, dry basis, corrected to standard conditions, g/dscm (g/dscf).
I = Percent of isokinetic sampling.
$L_a$ = Maximum acceptable leakage rate for either a pretest leak check or for a leak check following a component change; equal to 0.00057 $m^3$/min (0.02 cfm) or 4 percent of the average sampling rate, whichever is less.
$L_i$ = Individual leakage rate observed during the leak check conducted prior to the "$i^{th}$" component change (i = 1, 2, 3 . . . n), $m^3$/min (cfm).
$L_p$ = Leakage rate observed during the post-test leak check, $m^3$/min (cfm).
$m_n$ = Total amount of particulate matter collected, mg.
$M_w$ = Molecular weight of water, 18.0 g/g-mole (18.0 lb/lb-mole).
$m_a$ = Mass of residue of acetone after evaporation, mg.
$P_{bar}$ = Barometric pressure at the sampling site, mm Hg (in. Hg).
$P_s$ = Absolute stack gas pressure, mm Hg (in. Hg).
$P_{std}$ = Standard absolute pressure, 760 mm Hg (29.92 in. Hg).
R = Ideal gas constant, 0.06236 mm Hg-$m^3$/°K-g-mole (21.85 in. Hg-$ft^3$/°R-lb-mole).
$T_m$ = Absolute average dry gas meter temperature (see Figure 17-3), °K (°R).
$T_s$ = Absolute average stack gas temperature (see Figure 17-3), °K (°R).
$T_{std}$ = Standard absolute temperature, 293°K (528°R).
$V_a$ = Volume of acetone blank, ml.
$V_{aw}$ = Volume of acetone used in wash, ml.
$V_{lc}$ = Total volume of liquid collected in impingers and silica gel (see Figure 17-4), ml.
$V_m$ = Volume of gas sample as measured by dry gas meter, dcm (dcf).
$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter, corrected to standard conditions, dscm (dscf).
$V_{w(std)}$ = Volume of water vapor in the gas sample, corrected to standard conditions, scm (scf).
$v_s$ = Stack gas velocity, calculated by Method 2, Equation 2-9, using data obtained from Method 17, m/sec (ft/sec).
$W_a$ = Weight of residue in acetone wash, mg.
Y = Dry gas meter calibration coefficient.
$\Delta H$ = Average pressure differential across the orifice meter (see Figure 17-3), mm $H_2O$ (in. $H_2O$).
$\rho_a$ = Density of acetone, mg/ml (see label on bottle).
$\rho_w$ = Density of water, 0.9982 g/ml (0.002201 lb/ml).
$\theta$ = Total sampling time, min.
$\theta_1$ = Sampling time interval, from the beginning of a run until the first component change, min.
$\theta_i$ = Sampling time interval, between two successive component changes, beginning with the interval between the first and second changes, min.





$\theta_p$ = Sampling time interval, from the final ($n^{th}$) component change until the end of the sampling run, min.
13.6 = Specific gravity of mercury.
60 = Sec/min.
100 = Conversion to percent.

6.2 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 17-3).

6.3 Dry Gas Volume. Correct the sample volume measured by the dry gas meter to standard conditions (20° C, 760 mm Hg or 68° F, 29.92 in. Hg) by using Equation 17-1.

$$V_{m(std)} = V_m Y \left(\frac{T_{std}}{T_m}\right)\left[\frac{P_{bar} + \frac{\Delta H}{13.6}}{P_{std}}\right]$$

$$= K_1 V_m Y \frac{P_{bar} + (\Delta H/13.6)}{T_m}$$

Equation 17-1

where:

$K_1$ = 0.3858° K/mm Hg for metric units; 17.64° R/in. Hg for English units.

NOTE.—Equation 17-1 can be used as written unless the leakage rate observed during any of the mandatory leak checks (i.e., the post-test leak check or leak checks conducted prior to component changes) exceeds $L_a$. If $L_p$ or $L_i$ exceeds $L_a$, Equation 17-1 must be modified as follows:

(a) Case I. No component changes made during sampling run. In this case, replace $V_m$ in Equation 17-1 with the expression:

$$[V_m - (L_p - L_a)\theta]$$

(b) Case II. One or more component changes made during the sampling run. In this case, replace $V_m$ in Equation 17-1 by the expression:

$$[V_m - (L_1 - L_a)\theta_1 - \sum_{i=2}^{n} (L_i - L_a)\theta_i - (L_p - L_a)\theta_p]$$

and substitute only for those leakage rates ($L_i$ or $L_p$) which exceed $L_a$.

6.4 Volume of water vapor.

$$V_{w(std)} = V_{lc}\left(\frac{\rho_w}{M_w}\right)\left(\frac{RT_{std}}{P_{std}}\right) = K_2 V_{lc}$$

Equation 17-2

where:

$K_2$ = 0.001333 $m^3$/ml for metric units; 0.04707 $ft^3$/ml for English units.

6.5 Moisture Content.

$$B_{ws} = \frac{V_{w(std)}}{V_{m(std)} + V_{w(std)}}$$

Equation 17-3

6.6 Acetone Blank Concentration.

$$C_a = \frac{m_a}{V_a \rho_a}$$

Equation 17-4

6.7 Acetone Wash Blank.

$$W_a = C_a V_{aw} \rho_a$$

Equation 17-5

6.8 Total Particulate Weight. Determine the total particulate catch from the sum of the weights obtained from containers 1 and 2 less the acetone blank (see Figure 17-4).

NOTE.—Refer to Section 4.1.5 to assist in calculation of results involving two or more filter assemblies or two or more sampling trains.

6.9 Particulate Concentration.

$$c_s = (0.001\ g/mg)\,(m_n/V_{m(std)})$$

Equation 17-6

6.10 Conversion Factors:

| From | To | Multiply by |
|---|---|---|
| scf | $m^3$ | 0.02832 |
| g/$ft^3$ | gr/$ft^3$ | 15.43 |
| g/$ft^3$ | lb/$ft^3$ | $2.205\times10^{-3}$ |
| g/$ft^3$ | g/$m^3$ | 35.31 |

6.11 Isokinetic Variation.

6.11.1 Calculation from Raw Data.

$$I = \frac{100\, T_s\, [K_3 V_{lc} + (V_m Y/T_m)\,(P_{bar} + \Delta H/13.6)]}{60\, \theta v_s P_s A_n}$$

Equation 17-7

where:

$K_3$ = 0.003454 mm Hg-$m^3$/ml-°K for metric units; 0.002669 in. Hg-$ft^3$/ml-°R for English units.

6.11.2 Calculation from Intermediate Values.

$$I = \frac{T_s V_{m(std)} P_{std}\, 100}{T_{std} v_s \theta A_n P_s\, 60\,(1-B_{ws})}$$

$$= K_4 \frac{T_s V_{m(std)}}{P_s v_s A_n \theta (1-B_{ws})}$$

Equation 17-8

where:

$K_4$ = 4.320 for metric units; 0.09450 for English units.

6.12 Acceptable Results. If 90 percent 0I0110 percent, the results are acceptable. If the results are low in comparison to the standard and I is beyond the acceptable range, or, if I is less than 90 percent, the Administrator may opt to accept the results. Use Citation 4 in Section 7 to make judgments. Otherwise, reject the results and repeat the test.

7. *Bibliography.*

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[FR Doc. 78-4795 Filed 2-22-78; 8:45 am]





[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 828-6]

### KRAFT PULP MILLS

### Draft Guideline Document: Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Draft Guideline Document.

SUMMARY: This action announces the availability of a draft guideline document for the control of total reduced sulfur (TRS) emissions from existing kraft pulp mills, and invites public comments on the contents of the document. Standards of performance for control of TRS from new, modified, and reconstructed kraft pulp mills are being promulgated elsewhere in this issue of the FEDERAL REGISTER. Under the Clean Air Act, the Administrator must issue this draft document, consider the public comments received on the draft, and publish a final guideline document. Publication of the final document will trigger the development of State plans to control TRS emissions from existing draft pulp mills.

DATE: Comments must be received on or before April 24, 1978. (60 days after this publication).

ADDRESS: Comments should be submitted, preferably in triplicate, to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin.

A copy of the draft guideline document may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711 (specify "Draft Guideline Document: Control of TRS Emissions from Existing Kraft Pulp Mills").

The draft guideline document and all public comments received will be available for inspection and copying during normal business hours at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: The Clean Air Act applies to three general categories of pollutants emitted from stationary sources. The first category consist of pollutants (often referred to as "criteria pollutants") for which air quality criteria, national ambient air quality standards, and State implementation plans are established under sections 108-110 of the Act. The second category consist of pollutants listed and controlled as hazardous pollutants under section 112 of the Act.

The third category consists of pollutants that are (or may be) harmful to public health or welfare but are not or cannot be controlled under sections 108-110 or 112. Section 111(d) requires control of existing sources of such pollutants whenever standards of performance (for those pollutants) are established under section 111(b) for new sources of the same type. For convenience of reference, such pollutants are referred to as "designated pollutants," and existing facilities whose emissions of such pollutants must be controlled under section 111(d) are referred to as "designated facilities."

On November 17, 1975 (40 FR 53340), EPA promulgated a new subpart B to 40 CFR Part 60 establishing procedures and requirements for submittal of State plans for control of designated pollutants from designated facilities under section 111(d). A summary of subpart B and a discussion of the basic concepts underlying it appear in the preamble published in connection with its promulgation. In brief, subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish a draft guideline document containing information pertinent to the control of the same pollutant from designated (i.e., existing) facilities. He will also publish a notice of availability of the draft guideline document and invite comments on its contents. After consideration of these comments, the Administrator will publish a final guideline document for the pollutant in question, and the States will then have nine months to develop and submit plans for control of that pollutant from designated facilities. Within four months after the date for submission of plans, the Administrator will approve or disapprove each plan (or portion thereof). If a State plan (or portion thereof) is disapproved, the Administrator will promulgate a plan (or portion thereof) within six months after the date for plan submission. These and related provisions of subpart B are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

As discussed in the preamble to subpart B, a distinction is drawn between designated pollutants which may cause or contribute to endangerment of public health (referred to as "health-related pollutants") and those for which adverse effects on public health have not been demonstrated (referred to at "welfare-related pollutants"). For health-related pollutants, emission standards and compliance schedules in State plans must ordinarily be at least as stringent as the corresponding emission guidelines and compliance times in EPA's guideline documents. As Provided in subpart B, States may apply less stringent requirements when economic considerations or other factors, such as the remaining useful life of a designated facility, make such requirements significantly more reasonable. For welfare related pollutants, States may balance the emission guidelines, compliance times, and other information in EPA's guideline documents against other factors of public concern in developing their plans, as explained more fully in the preamble to subpart B and in the introductory portion of each guideline document. Thus, the States have more flexibility in establishing plans for welfare-related pollutants than is provided for plans involving pollutants that may affect public health.

For reasons explained in the draft guideline document, the Administrator has determined that atmospheric TRS emissions in the kraft pulping industry may cause or contribute to endangerment of the public welfare but that adverse effects on public health have not been demonstrated. As indicated above, this means that TRS emissions will be considered a welfare-related pollutant and the States will have greater flexibility in developing their plans than would be the case if public health might be affected.

EMISSION GUIDELINES: The emission guidelines and compliance times contained in the draft guideline document reflect the Administrator's judgment on the degree of control attainable with application of the best system of continuous emission reduction (considering the cost, nonair quality health, environmental impacts, and energy requirements of such reduction) that has been adequately demonstrated for existing facilities at kraft pulp mills, including the time within which these systems can be purchased and installed. The emission guidelines presented in the document for control of TRS emissions from existing facilities at kraft pulp mills are 5 parts per million (ppm) of TRS from digester systems, 5 ppm of TRS from multiple-effect evaporator systems, 5 ppm of TRS from straight kraft recovery furnace systems designed for low TRS emissions (the basis for this design is defined in the guideline document), 20 ppm of TRS from all other straight kraft recovery furnace systems, 25 ppm of TRS from cross-recovery furnace systems, 20 ppm of TRS from lime kiln systems, and 5 ppm of TRS from condensate stripper systems. These concentration standards are all four-hour averages. The recommended

emission guideline for the smelt dissolving tank is 0.0084 gram of TRS per kilogram of black liquor solids (dry weight). The amount of time necessary to retrofit an existing kraft mill can vary widely depending upon such factors as space limitation, weather conditions, lack of available utilities, delays in equipment delivery, and time required to develop engineering data. Subject to these considerations, the approximate times necessary to retrofit existing facilities are 3-6 years for recovery furnaces; 2 years for digesters, multiple-effect evaporators, smelt dissolving tanks and condensate strippers; and 2-4 years for lime kilns. The rationale for the selection of these guidelines, including emission test data and control technology, is discussed in the draft guideline document.

MISCELLANEOUS: This action is being performed under the authority of section 111(d) of the Clean Air Act, as amended. In accordance with section 117 of the Act, publication of this draft guideline document has been preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons are invited to participate in the development of these guidelines. The Administrator welcomes comments on all aspects of the draft guideline document, including economic and technological issues, the proposed test methods, and the determination that TRS is a welfare-related, rather than health-related pollutant for purposes of section 111(d) and subpart B of 40 CFR Part 60.

AUTHORITY: This notice of proposed guidelines is issued under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. (42 U.S.C. 7411, 7414, 7601(a)).

Dated: February 10, 1978.

BARBARA BLUM,
*Acting Administrator.*

[FR Doc. 78-4794 Filed 2-22-78; 8:45 am]



federal register

THURSDAY, FEBRUARY 23, 1978
PART VI

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Human Development Services

■

## Runaway Youth: Program and Activities

[4110-92]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Human Development Services

[45 CFR Part 1351]

### RUNAWAY YOUTH: PROGRAM AND ACTIVITIES

### Proposed Rulemaking

AGENCY: Office of Human Development Services, HEW.

ACTION: Proposed rules.

SUMMARY: Notice is hereby given that the Assistant Secretary for Human Development Services, with the approval of the Secretary for Health, Education, and Welfare, proposes to issue regulations to implement the Runaway Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by the Juvenile Justice Amendments of 1977 on October 3, 1977, Pub. L. 95-115 (Act).) The Act authorizes financial assistance for the purpose of developing or strengthening runaway houses (local facilities) to deal primarily with the immediate needs (temporary shelter and counseling) of runaway or otherwise homeless youth and their families. The Act authorizes, in addition, the provision of aftercare services.

The legislation mandates that these services must be provided outside the law enforcement structure and the juvenile justice system.

The legislation also provides for technical assistance and short-term training under Part A of Title III. Those eligible for the grants are: States, localities and nonprofit private agencies and coordinated networks of such agencies.

The Assistant Secretary for Human Development Services also proposes to revise, clarify, and rewrite existing regulations, published on December 13, 1976, in the FEDERAL REGISTER (41 FR 54296) as Part 1351 to 45 CFR Chapter XIII.

DATES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations on or before March 27, 1978.

ADDRESSES: Submit comments to the Youth Development Bureau, Administration for Children, Youth and Families, Human Development Services, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Room 3260, Washington, D.C. 20201. All written submissions made pursuant to this notice will be available for public inspection at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202-245-2873).

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Jefferson, Youth Development Bureau, CYF, HDS, HEW, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-2862.

SUPPLEMENTARY INFORMATION:

A. LEGISLATIVE BACKGROUND

The President and the Congress of the United States continue to regard the problems of troubled youth as a national priority. A major aim of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Juvenile Justice Amendments of 1977 is to care for America's youth population and to prevent the break-up of families. Of particular interest to the President and Congress is the plight of runaway youth. Between 700,000 and one million youth run away from home each year. The runaway youth problem has been described as:

> "One of the most critical that we have in this country. It reflects the results of problems and pressures throughout America which manifest themselves within families and ultimately causes the breakup of these families." (Congressional Record, May 19, 1977, H4710.)

Title III of the 1974 Act provides for a Runaway Youth Program. The program is designed to alleviate the immediate needs of youth during the runaway episode by ensuring that temporary shelter and care is available; to reunite youth with their families, if this is determined to be in the youth's best interests; to strengthen family relationships; and to help youth decide upon future courses of action.

In the 1977 the Congress reaffirmed its commitment to the Runaway Youth Program, introduced new provisions designed to strengthen the program, and urged the Federal bureaucracy to provide strong leadership in addressing the problems of runaway and otherwise homeless youth.

The 1977 Juvenile Justice Amendments increased the amount of a maximum Runaway Youth Program grant for which priority will be given from $75,000 to $100,000. The Amendments also increased the level of program budget for which funding priority will be given from $100,000 to $150,000. Moreover, they stressed the need for runaway houses to serve homeless youth as well as runaway youth. In addition, they authorized HEW to provide short-term training to runaway youth service providers. And, they emphasized the need for federal-state-local action and public-private partnerships through coordinated social service and human resource networks to address the problems of runaway youth and otherwise homeless youth.

Of critical importance to the success of the Runaway Youth Program is the location of runaway youth programs in community based facilities.

Temporary shelter care facilities or runaway programs have been regarded as a "place where runaways can find shelter and immediate assistance, such as medical care and counseling." In addition, "once in the runaway house, the young person would be encouraged to contact home and reestablish in a permanent living arrangement. Professional, medical, and psychological services would be available to these houses from the community as they are needed." (United States Senate, Committee on the Judiciary of S. 1021, Report No. 95-165, May 14, 1977.)

B. SUMMARY OF HEW'S RUNAWAY YOUTH PROGRAM REGULATIONS

HEW is revising its Runaway Youth Program regulations (41 FR 54296, December 13, 1976, 45 CFR Part 1351) in order to:

(1) Implement the Juvenile Justice Amendments of 1977 relating to the Runaway Youth Program;

(2) Clarify and simplify the existing regulations under HEW's Operation Common Sense. The aim of Operation Common Sense is to produce readable and understandable regulations which reflect Congressional intent and which do not unnecessarily regulate consumers and providers, including State and local governments;

(3) Carry out the goals of the President's zero-based review of Federal planning requirements. The purpose of the zero-based review is to eliminate unnecessary, burdensome requirements.

The proposed rules for Part 1351, the Runaway Youth Program, are divided into three subparts. Subparts A consists of definitions of significant terms used in the legislation and regulations. This subpart has been modified to include new terms—for example, coordinated networks of agencies, homeless youth, short-term training; to delete certain definitions which are unnecessary or redundant; and to revise certain definitions according to changes in Departmental policy.

One revised definition is that of "runaway youth." Under existing regulations youth up to age 18 are eligible for HEW-funded runaway programs. Since the age of majority varies from State to State, HEW proposes to define a runaway youth as: "A person who has not yet reached the legal age of majority who absents himself or herself from home or a place of legal residence without the permission of parents or legal guardians."

The provisions of subpart B pertain to the Runaway Youth Grant Program. The purpose of this subpart is to outline the overall intent of Congress for the implementation of the Runaway Youth Grant Program, and to provide rules regarding grant applications and the use of grant funds. Subpart C relates to legislative authority for the provision of technical assistance and short-term training to States, localities, and nonprofit private agencies and coordinated networks of such agencies. The purpose of this subpart is to describe the types of assistance and training that will be available.





NOTE.—The Office of Human Development Services has determined that this document does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: January 11, 1978.

ARABELLA MARTINEZ,
*Assistant Secretary for Human Development Services.*

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*

The Department proposes to amend Part 1351, Chapter XIII of Title 45 of the Code of Federal Regulations (CFR) as follows:

**Subpart A—Definitions**

Sec.
1351.1 Definitions.

**Subpart B—Runaway Youth Grant Program**

1351.10 What is the purpose of the Runaway Youth Grant Program?
1351.11 Who is eligible to apply for a Runaway Youth Program grant?
1351.12 Who gets priority for the award of a Runaway Youth Program grant?
1351.13 What are the Federal and non-Federal participation requirements under a Runaway Youth Program grant?
1351.14 What costs are allowable under a Runaway Youth Program grant?
1351.15 What costs are not allowable under a Runaway Youth Program grant?
1351.16 How is application made for a Runaway Youth Program grant?
1351.17 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?
1351.18 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

**Subpart C—Technical Assistance and Short-Term Training**

1351.20 Technical assistance and short-term training.

AUTHORITY: 91 Stat. 1058 (42 U.S.C. 5711)

**Subpart A—Definitions**

**§ 1351.1 Definitions.**

For the purposes of this part:

"Aftercare services" means the provision of services to runaway or otherwise homeless youth and their families, following such youth's return home or placement in alternative living arrangements which assist in alleviating the problems which contributed to his or her running away or being homeless.

"Area" means a specific neighborhood or section of the locality in which the runaway program is or will be located.

"Coordinated networks of agencies" means an association of two or more States, localities, or nonprofit private agencies, or any combination thereof, whose purpose is to develop or strengthen services to runaway or otherwise homeless youth and their families.

"Counseling services" means the provision of guidance, support and advice to runaway or otherwise homeless youth and their families designed to alleviate the problems which contributed to the youth's running away or being homeless, resolve intrafamily problems, to reunite such youth with their families, whenever appropriate, and to help them decide upon a future course of action.

"Demonstrably frequented by or reachable" means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway program itself.

"Homeless youth" means a person who has not yet reached the legal age of majority and who is in need of services and without a place of shelter where he or she receives supervision and care.

"Juvenile justice system" means agencies such as, but not limited to, juvenile courts, law enforcement, probation, parole, correctional institutions, training schools, and detention facilities.

"Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, but not limited to, police departments and sheriffs offices.

"Runaway house" means a locally controlled facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, and counseling services to runaway or otherwise homeless youth.

"Runaway youth" means a person who has not yet reached the legal age of majority and who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

"Short-term training" means the provision of instruction to develop and improve skills necessary for providing and strengthening services to runaway or otherwise homeless youth and their families.

"Technical assistance" means the provision of expertise for the purpose of developing or strengthening services for runaway of otherwise homeless youth and their families.

"Temporary shelter" means the provision of short-term room and board and core crisis intervention services by a runaway program.

**Subpart B—Runaway Youth Grant Program**

**§ 1351.10 What is the purpose of the Runaway Youth Grant Program?**

The purpose of the Runaway Youth Grant Program is to establish or strengthen existing or proposed community-based runaway houses to provide temporary shelter and care to runaway or otherwise homeless youth who are in urgent need of temporary shelter, counseling and aftercare services. The Department is worried about the increasing numbers of youth who leave, and stay away from, their homes without permission of their parents. There is also national concern about runaway youth who have no resources, who live on the street, and who represent law enforcement problems in the communities to which they run. The problems of runaway or otherwise homeless youth should not be the responsibility of already overburdened police departments and juvenile justice authorities. Rather, Congress intends that the responsibility for locating, assisting, and returning such youth should be placed with low-cost, community-based human service programs.

**§ 1351.11 Who is eligible to apply for a Runaway Youth Program Grant?**

(a) States, localities, nonprofit private agencies and coordinated networks of such agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system.

(b) A State includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(c) A locality is a unit of general government—for example, a city, county, township, town, parish, village, or a combination of such units.

(d) A nonprofit private agency is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway program. It may include agencies which are fully controlled by private boards or persons.

**§ 1351.12 Who gets priority for the award of a Runaway Youth Program grant?**

In making Runaway Youth Program grants, HEW gives priority to those private organizations or institutions which have had past experience in dealing with runaway or otherwise homeless youth. HEW also gives priority to applicants whose grant requests





are less than $100,000 and whose project budgets for runaway services are

Management Office at the appropriate Regional Office.

(b) Several program policies regarding confidentiality of information,



● Linking community and state resources and services.

works of states, localities, and nonprofit private agencies to provide services.

(b) Short-term training may be pro-

are less than $100,000 and whose project budgets for runaway services are smaller than $150,000. Past experience means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling, and referral services to such youth and their families, either directly or through linkages established with other community agencies.

**§ 1351.13 What are the Federal and non-Federal Participation requirements under a Runaway Youth Program grant?**

HEW will pay up to 90 percent of the costs of operating a runaway program for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway house for any fiscal year.

**§ 1351.14 What costs are allowable under a Runaway Youth Program grant?**

All costs necessary to operate a runaway program with a maximum residential capacity to serve 20 youth, including non-Federal share, are allowable if they are consistent with HEW's cost principles contained in 45 CFR Part 74. Such costs include temporary shelter, referral services, counseling services, aftercare services, and staff training. However, costs for acquisition and renovation of existing structures may not normally exceed 15 percent of the grant award. HEW may waive this limitation upon written request under special circumstances based on demonstrated need.

**§ 1351.15 What costs are not allowable under a Runaway Youth Program grant?**

A Runaway Youth Program grant does not cover the cost of constructing new facilities.

**§ 1351.16 How is application made for a Runaway Youth Program grant?**

HEW publishes annually in the FEDERAL REGISTER a program announcement of grant funds available under the Runaway Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

(a) Obtain a program announcement from the FEDERAL REGISTER or from one of HEW's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;

(b) Obtain an application package from one of HEW's Regional Offices; and

(c) Upon fulfillment of the requirements of OMB-Circular A-95, submit a completed application to the Grants Management Office at the appropriate Regional Office.

**§ 1351.17 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?**

In reviewing applications for a Runaway Youth Program grant, HEW takes into consideration a number of factors, including:

(a) Whether the application meets one or more of the program's funding priorities;

(b) The need for Federal support based on the number of runaway youth in the area in which the runaway house is or is to be located;

(c) The availability of services to runaway youth in the area in which the runaway program is located;

(d) A maximum residential capacity of any runaway house which does not exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;

(e) Plans for meeting the best interests of the youth. These must include contacts with parents or relatives (if such action is required by State law), and assuring such youth's safe return home or to local government officials or law enforcement officials, and efforts to provide appropriate alternative living arrangements;

(f) Plans for aftercare services or counseling for runaway or otherwise homeless youth and their parents; and

(g) The consistency of the grant application with the provisions of the Act, these regulations, and evaluation criteria published in the FEDERAL REGISTER program announcement governing the Runaway Youth Program.

**§ 1351.18 What additional information should an applicant or grantee have about a Runaway Youth Program grant?**

(a) Several other HEW rules and regulations apply to applicants for or recipients of Runaway Youth Program grants. These include:

(1) The provisions of 45 CFR Part 74 pertaining to the Administration of Grants;

(2) The provisions of 45 CFR Part 16, Departmental Grants Appeal Process, and the provisions of Part 75, Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR Part 75;

(3) The provisions of 45 CFR Part 80 and 45 CFR Part 81 pertaining to nondiscrimination under programs receiving Federal assistance, and hearing procedures;

(4) The provisions of 45 CFR Part 84 pertaining to discrimination on the basis of handicap;

(5) The provisions of 45 CFR Part 86 pertaining to discrimination on the basis of sex;

(6) The provisions of 45 CFR Part 46 pertaining to protection of human subjects.

(b) Several program policies regarding confidentiality of information, treatment, conflict of interest and State protection apply to recipients of Runaway Youth Program grants. These include:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway program funded under this Act shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and parent or legal guardian.

(2) *Medical, psychiatric or psychological treatment.* No youth shall be subject to medical, psychiatric or psychological treatment without the consent of the youth and parent or legal guardian unless otherwise permitted by State law.

(3) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(4) *State law protection.* HEW policies regarding confidential information and experimentation and treatment shall not apply if HEW finds that State law is more protective of the rights of runaway or otherwise homeless youth.

(c) Nothing in the Runaway Youth Act or these regulations gives the Federal Government control over the staffing and personnel decisions of runaway houses receiving Federal funds.

### Subpart C—Technical Assistance and Short-Term Training

**§ 1351.20 Technical assistance and short-term training.**

To improve the administration of the Runaway Youth Program, Congress has authorized funds which HEW may use to provide technical assistance and short-term training to States, localities, and nonprofit private agencies and coordinated networks and such agencies. HEW may require runaway houses to accept technical assistance and short-term training as a condition of continued funding. Runaway programs will also be expected to coordinate activities with a 24-hour National toll-free communication system which links runaway programs and other service providers with youth in crisis.

(a) Technical assistance may be provided in such areas as:

- Program management.
- Fiscal management
- Youth and family counseling.
- Crisis intervention techniques.





- Linking community and state resources and services.

(b) Short-term training may be provided in such areas as:

- Shelter facility staff development.
- Aftercare services or counseling.
- Development of coordinated networks of states, localities, and nonprofit private agencies to provide services.
- Low cost community alternatives for runaways and otherwise homeless youth.

[FR Doc. 78-4776 Filed 2-22-78; 8:45 am]

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federal register

THURSDAY, FEBRUARY 23, 1978
PART VII

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Human Development Services

■

# ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES RUNAWAY YOUTH PROGRAM

Grant Applications Announcement

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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Human Development Services

[Program Announcement No. 13623-78-1]

### ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES; RUNAWAY YOUTH PROGRAM

### Announcement of Grant Applications

The Administration for Children, Youth and Families (ACYF) announces that applications will be accepted until April 14, 1978 from States, localities, and nonprofit private agencies and coordinated networks of such agencies wishing to compete for grants in fiscal year 1978 under the Runaway Youth Program. This program is authorized by the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by the Juvenile Justice Amendments of 1977, Pub. L. 95-115, on October 3, 1977.

#### A. Program Purpose

The purpose of the Runaway Youth Grant Program is to establish or strengthen existing or proposed community-based programs to provide temporary shelter, counseling and aftercare services to runaway or otherwise homeless youth and their families. The act mandates that these services must be provided outside the law enforcement structure and the juvenile justice system.

A runaway program is defined as a locally controlled facility providing temporary shelter, counseling and aftercare services to runaway or otherwise homeless youth and their families.

#### B. Eligible Applicants

States, localities, nonprofit private agencies and coordinated networks of such agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system. A State includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

A locality is a unit of general government—for example a city, county, township, town parish, village, or a combination of such units.

A nonprofit private agency is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway program. It may include agencies which are fully controlled by private boards or persons.

#### C. Program Objectives

All eligible applications will be considered which meet the following program objectives:

(1) To establish a runaway youth program which is located in an area demonstrably frequented by or easily reachable by runaway or otherwise homeless youth.

Demonstrably frequented by or reachable means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway program.

(2) To provide services to runaway or otherwise homeless youth either directly or through formal linkages established with other community agencies.

(3) To maintain a maximum residential capacity which does not exceed 20 youths with a ratio of staff to youth sufficient to assure adequate supervision and treatment (applicable State and local licensing requirements must be complied with).

(4) To contact parents or legal guardians (if such action is required by State law) and to assure the safe return of youth according to their best interests.

(5) To establish arrangements with appropriate agencies for the provision of alternative living arrangements.

(6) To assure the return of youth who have run away from correctional institutions in accordance with applicable Federal, State and local laws.

(7) To establish proper working relationships with law enforcement personnel.

(8) To provide aftercare services or counseling to youth within (and, as possible, beyond) the State in which the program is located.

(9) To maintain adequate statistical records profiling the youth and parents served.

(10) To submit annual reports detailing how the runaway program has been able to meet the goals of its plans including a description of any barriers which have been encountered.

#### D. Priorities for Funding

Funding priorities will be given to private organizations or institutions which have had past experience in dealing with runaway or otherwise homeless youth; whose grant requests are smaller than $100,000; and, whose annual project budgets for runaway youth services are smaller than $150,000. Past experience means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling, and referral services to such youth and their families, either directly or through linkages established with other community agencies.

#### E. Available Funds

ACYF expects to award $10,240,000 in grants for the Runaway Youth Program in Fiscal Year 1978. A grant is the award made in support of an approved application for Federal financial assistance.

All grants will be awarded on an open, competitive basis. Programs previously funded under the Runaway Youth Act must also successfully compete with all other applicants for funding.

It is anticipated that 150 grants will be awarded pursuant to this announcement. In general, the amount of a grant award ranges from $25,000 to $75,000 annually. The size of the grant will be determined by:

The number of runaway or otherwise homeless youth in the community in which the project will be located; and

The existing availability of services designed to meet the needs of runaway or otherwise homeless youth.

Generally, programs can be supported for periods of one to three years with renewal on an annual basis. However, continued support will be subject to the availability of funds and the grantee's satisfactory performance of the program for which the grant was awarded.

#### F. Federal and Non-Federal Participation Requirements

The Administration for Children, Youth and Families will pay up to 90 percent of the costs of operating a runaway program for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway program for any fiscal year. The non-Federal participation may be in cash or in-kind, (including the facility, equipment or services) and must be project related and allowable under the provisions of 45 Code of Federal Regulations Part 74 pertaining to the Administration of Grants.

#### Application Process

(1) *Availability of Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained by writing to the appropriate Regional Director of Youth Development according to the State in which the program will be located. Addresses are listed in Section H of this announcement.

(2) *A-95 Clearinghouse Notice.* Prior to the submission of an application, all applicants who request grant support must (in compliance with the Department's implementation of the Office of management and Budget Circular





No. A-95 Revised, interim procedure at 41 FR 3160, July 29, 1976) notify both the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification should be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

(3) *Application submission.* In order to be considered for a grant under the Runaway Youth Act, all applicants must adhere to the following:

Applications must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award;

Applicants must complete standard forms provided in the application kit;

Applications must be developed in accordance with the Proposed Program Guidelines developed by ACYF for the Runaway Youth Program; and

Completed applications must be submitted to the appropriate Regional Grants Management Officer.

Regulations applicable to the Runaway Youth Program where published in the Federal Register in Chapter XIII of Title 45 CFR Part 1351, on December 13, 1976. Section 1351.14, Application; content, of these regulations is being revised for simplification. Applicants may choose to develop their applications in accordance with the proposed revisions as described in § 1351.15 of the Notice of Proposed Rulemaking implementing the Juvenile Justice Amendments of 1977 to the Runaway Youth Act, published on ————————. The closing date for receipt of applications under this program announcement is April 14, 1978. An application will be considered to have arrived by the closing date if:

The application is received or postmarked on or before the closing date, or

The application is hand delivered to the office designated to receive the application no later than the close of business on April 14, 1978.

(4) *Review and evaluation of applications.* Competing grant applications will be reviewed and evaluated against the following criteria:

Whether the application meets one or more of the Runaway Youth Programs's funding priorities as described in this announcement.

The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the program will be located.

The availability of services for runaway or otherwise homeless youth in the area in which the program will be located.

The consistency of the grant application with program objectives as detailed in this announcement.

Proposed methods and procedures for attaining program objectives for assuring that the best interests of the youth are met. These must include contacts with parents or relatives; the safe return of the youth home or to local government or law enforcement officials; the provision of aftercare services or counseling.

The plan for providing a maximum residential capacity which does not exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment (in accordance with applicable State and local licensing requirements).

Documentation that staffing levels are adequate to carry out the project.

Documentation that program personnel, actual or proposed are well trained and qualified.

Documentation that adequate facilities are available to the applicant for carrying out the program.

The capability of the applicant to provide statistical reports on the clients served.

The capability of the applicant to develop appropriate working relationships with other social service agencies and law enforcement personnel in the area where the program will be located.

The estimated cost to the Government is reasonable in relation to the anticipated program results.

The overall completeness and adequacy of the application.

(5) *Application consideration.* (a) The Regional Director for Youth Development in conjunction with the Associate Director of the Youth Development Bureau in the headquarters office will determine the final action to be taken with respect to each grant application.

(b) All applications which do not conform to this announcement or are late will not be accepted. Applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

(c) All grant applications will be subjected to a competitive review and evaluation conducted by qualified persons outside the Youth Development Program Office. The results of this review will assist the Regional Director of Youth Development's consideration of the competing applications.

(d) Consideration of applications will also take into account the comments of the A-95 Clearinghouses and the ACYF Regional or headquarters program offices. Comments may also be requested from appropriate specialists and consultants outside of the Federal government.

(e) After a decision has been reached to approve or disapprove a competing grant application, all applicants will be notified of that decision.

#### H. Regional Office Addresses

REGION I

Ms. Susan Selya, Director of Youth Development, Office of Human Development Services John F. Kennedy Federal Building, Government Center, Room 2000, Boston, Mass., 02203, 617-223-4383 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.)

REGION II

Mr. Thomas Kearney, Director of Youth Development, Office of Human Development Services, 26 Federal Plaza, Room 4149, New York, N.Y. 10007, 212-264-5765, (New York, New Jersey, Puerto Rico, Virgin Islands.)

REGION III

Ms. Mary Williams, Director of Youth Development, Office of Human Development Services, P.O. Box 13716, Philadelphia, Pa. 19101, 215-596-6132, (Delaware, District of Columbia, Maryland, Virginia, West Virginia.)

REGION IV

Ms. Thalia J. Richie (T.J.), Director of Youth Development, Office of Human Development Services, Suite 903, 101 Marietta Street, Atlanta, Ga. 30323, 404-221-2231. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.)

REGION V

Ms. Nancy Fischer, Director of Youth Development, Office of Human Development Services, 300 South Wacker Drive, Chicago, Ill. 60606 312-353-8029. (Illinois, Indiana, Minnesota, Ohio, Wisconsin, Michigan.)

REGION VI

Mr. Jerry Mabe, Director of Youth Development, Office of Human Development Services, Fidelity Union Tower, Room 500, 1507 Pacific Avenue, Dallas, Tex. 75201, 214-749-2491. (Arkansas, Louisiana, New Mexico, Oklahoma, Texas.)

REGION VII

Ms. Linda D. Cloud, Director of Youth Development, Office of Human Development Services, 601 East 12th Street, Kansas City, Mo. 64106, 816-758-3981. (Iowa, Kansas, Missouri, Nebraska.)

REGION VIII

Mr. Albert Martinez, Director of Youth Development, Office of Human Development Services, Federal Office Building, 19th and Stout Streets, Denver, Colo. 80202, 303-327-3106. (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.)

REGION IX

Mr. Roger Injayan, Director of Youth Development, Office of Human Development Services, Federal Office Building, 50 Fulton Street, Room 139, San Francisco, Calif. 94102, 415-556-6178. (Arizona, California, Hawaii, Nevada, Guam. American Samoa, and Trust Territory.)





REGION X

Mr. Les Rucker, Director of Youth Develop-

REGION X

Mr. Les Rucker, Director of Youth Development, Office of Human Development Services, Arcade Plaza Building, 1321 Second Avenue (MS-622), Seattle, Wash. 98101, 206-399-0992. (Alaska, Idaho, Oregon, Washington.)

(Catalog of Federal Domestic Assistance Program Number: 13.623—Runaway Youth.)

Dated: ————————

BLANDINA CARDENAS,
*Commissioner, Administration for Children, Youth and Families.*

Approved: ————————

ARABELLA MARTINEZ,
*Assistant Secretary for Human Development Services.*

[FR Doc. 78-4813 Filed 2-22-78; 8:45 am]

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FRIDAY, FEBRUARY 24, 1978

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# rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

### Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

### Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment shows (1) a title change from Confidential Assistant to the Secretary to Special Assistant to the Secretary to more accurately reflect the duties of the position; and (2) an excetion under Schedule C of the position of Special Assistant to the Solicitor because it is confidential in nature.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT.

William Bohling, 202-632-4533.

Accordingly 5 CFR 213.3312(a) (1) and (2) are amended and (b)(4) is added as set out below:

§ 213.3312 **Department of the Interior.**

(a) *Office of the Secretary.*

(1) Four Confidential Assistants to the Secretary.

(2) Five Special Assistants to the Secretary.

• • • • •

(b) *Office of the Solicitor.* • • •

(4) One Special Assistant to the Solicitor.

• • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78-4708 Filed 2-23-78; 8:45 am]

[1505-01]

### Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER A—CHILD NUTRITION PROGRAMS

### PART 230—NONFOOD ASSISTANCE PROGRAM

### Appendix—Initial Apportionment of Food Service Equipment Funds Pursuant to Child Nutrition Act of 1966, for Fiscal Year 1978

*Correction*

In FR Doc. 78-3183 appearing at page 5794 in the issue for Friday, February 10, 1978, on page 5795, second table heading which reads "Section 5(B)—Continued" should read "Section 5(E)—Continued".

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[3410-02]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 133, 134; Amdt. 1]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 26-March 4, 1978, and increases the quantity of such lemons that may be so shipped during the period February 19-25. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 26, 1978, and the amendment is effective for the period February 19-25, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on February 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.434 **Lemon Regulation 134.**

*Order.* (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 26, 1978, through March 4, 1978, is established at 240,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

§ 910.433 **[Amended]**

Paragraph (a) of § 910.433 Lemon Regulation 133 (43 FR 6914) is amended to read as follows: "The quantity of lemons grown in California and Arizo-

na which may be handled during the period February 19, 1978, through February 25, 1978, is established at 255,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 22, 1978.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-5165 Filed 2-23-78; 11:32 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment to the regulations under the Virus-Serum-Toxin Act expands, clarifies, and explains the criteria for interpreting results obtained when the chicken inoculation test for pathogens has been conducted on test birds. Reactions of test birds to a product being tested are used as a basis for evaluating that product, but the present regulations are too limited in that they do not give adequate guidance for the performance of such tests, and do not adequately explain how the results obtained from the tests affect a given serial or subserial of a product. This amendment corrects this deficiency.

EFFECTIVE DATE: This amendment becomes effective March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, Md. 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION:

PROPOSAL PUBLISHED

On November 18, 1977, a proposed notice of amendment to Part 113 of Title 9 was published in 42 FR 59509. The proposed notice contained changes in paragraph (f) of § 113.36 of the regulations which contains the requirements for detection of pathogens by the chicken inoculation test.

The proposed changes provided for a repeat test when the results of a test are "inconclusive". It was also proposed that the term "sicken or die" be replaced by the terms "do not remain healthy" and "unfavorable reactions". In the opinion of Veterinary Services, these terms would provide for a broader test criterion and would be more appropriate in the case of some products. The proposed amendment also provided for the inclusion of subserials as well as serials of a product in the regulations since the test prescribed therein is performed on both serials and subserials.

It was further proposed that a serial or subserial of a product being tested would be declared unsatisfactory if control test birds remain healthy and unfavorable reactions which are found to be attributable to the test product occur in the vaccinates. However, if the control birds do not remain healthy, or if the vaccinates exhibit unfavorable reactions which are not found to be attributable to the test product, it was proposed that the test be declared "inconclusive".

Comments on this amendment were solicited and one favorable response was received. No objections were submitted.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendment of Part 113 of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted.

In § 113.36, paragraph (f) is revised to read as follows:

§ 113.36 Detection of pathogens by the chicken inoculation test.

* * * * *

(f) If the controls remain healthy and unfavorable reactions attributable to the product occur in the vaccinates, the serial or subserial tested is unsatisfactory. If the controls do not remain healthy or if unfavorable reactions not attributable to the product occur in the vaccinates, or both, the test shall be declared inconclusive and may be repeated: *Provided*, That, if the test is not repeated, the serial of subserial tested shall be considered unsatisfactory.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 17th day of February 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 78-4832 Filed 2-23-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0144]

PART 264a—RESERVE BANK DIRECTORS—ACTIONS AND RESPONSIBILITIES

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: As a result of enactment of the Federal Reserve Reform Act of 1977, provisions of the U.S. Code relating to acts affecting a personal financial interest were amended to apply to directors of Federal Reserve Banks. Under the amended statute, a director of a Federal Reserve Bank is prohibited from participating personally and substantially in any particular matter in which the director, the director's spouse or minor child, or other individuals or organizations identified in the statute, have a financial interest. However, such prohibition shall not apply, if the director has first advised the Board of Governors of the Federal Reserve System of the nature and circumstances of the particular matter, has made full disclosure of the financial interest involved, and has received in advance a written determination by the Board of Governors that the financial interest "is not so substantial as to be deemed likely to affect the integrity of the services" which the Federal Reserve System may expect from such director. The statute further provides that such prohibition shall not apply if, by general rule or regulation published in the FEDERAL REGISTER, the financial interest has been exempted by the Board of Governors as being "too remote or too inconsequential" to affect the integrity of directors' services.

This rule is promulgated by the Board of Governors for the purpose of implementing and providing guidance concerning the recently amended statute. Specifically, the rule contains prohibitions against director participation in particular matters, sets forth proposed procedures under which a director may obtain an ad hoc exemption pursuant to the statute, and identifies certain financial interests of directors that the Board has exempted from coverage by the statute as being too remote or too inconsequential to affect the integrity of directors' services.





EFFECTIVE DATE: February 17, 1978; comments due, April 14, 1978.

ADDRESS: Interested persons are invited to review the rule and to submit comments (indicating docket No. R-0144) to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Thomas J. O'Connell, Counsel to the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2791.

SUPPLEMENTARY INFORMATION:

The Board believes that the following additional information with respect to the rule is in the public interest. Directors of Federal Reserve Banks are charged by law with the responsibility for supervising and controlling the operations of the Federal Reserve Banks, under the general supervision of the Board of Governors of the Federal Reserve System, and for assuring that the affairs of the Banks are administered fairly and impartially. The Federal Reserve Act provides that Reserve Bank directors will be selected with due consideration to the interests of various segments of the population and economy, thus assuring that the Federal Reserve System will receive the benefit of the experienced judgment of individuals from a broad spectrum of the communities that will be affected by actions of the System. For example, the Federal Reserve Act provides that each head office of a Reserve Bank will have nine directors. Three are designated class A directors and are required to be "chosen by and representative of" member banks of the Board of Governors System. Three are designated class B directors and are to be elected by the member banks; three are designated class C directors and are appointed by the Board of Governors. Both class B and C directors are to represent the public with "due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers." All directors are to be chosen "without discrimination on the basis of race, creed, color, sex, or national origin."

The Federal Reserve Act contemplates that directors will be gainfully employed in several designated areas of endeavor, but will devote a portion of their time to Federal Reserve Bank functions. The amended 18 U.S.C. 208 makes applicable to Reserve Bank directors a standard of conduct formulated primarily for application to individuals serving the Federal government full time and generally with no other substantial occupation or calling. While it is the judgment of the Board of Governors that the ethical standards historically adhered to by the boards of directors of Federal Reserve Banks have been in accord with the spirit of 18 U.S.C. 208, the unique position of Federal Reserve Bank directors was felt to warrant formulation by the Board of Governors of principal standards, as set forth in this rule, under which any potential conflicts could be resolved in a manner consistent with the interests of the public, the Federal Reserve System, and the directors involved.

Pursuant to the authority contained in 5 U.S.C. 553(b)(B), this rule is being published as a final rule without prior general notice of proposed rulemaking, but with opportunity after receipt of comments for later amendments. The Board has for good cause found that this rule must be adopted immediately in view of the present applicability of 18 U.S.C. 208 to directors of Reserve Banks and the desirability of promulgating an immediately applicable rule for the guidance of such directors at this date. Interested persons are invited to review the rule and to submit relevant data, views, comments, or arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 14, 1978. All material submitted should include the docket number R-0144. Copies of any comments received will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)). Consideration will be given to any comments received and the Board will amend the rule as determined necessary or desirable.

Title 12, CFR is amended by adding Part 264a to read as follows:

PART 264a—RESERVE BANK DIRECTORS—ACTIONS AND RESPONSIBILITIES

Sec.
264a.1 Purpose.
264a.2 Definitions.
264a.3 Prohibition against Director participation in particular matters.
264a.4 Granting of ad hoc exemptions.
264a.5 Exemption of remote or inconsequential financial interests.

AUTHORITY: 18 U.S.C. 208, as amended by the Federal Reserve Reform Act of 1977, Pub. L. No. 95-188, sec. 205, 91 Stat. 1387; 12 U.S.C. 248.301.

§ 264a.1 Purpose.

Directors of Federal Reserve Banks are charged by law with the responsibility of supervising and controlling the operations of the Reserve Banks, under the general supervision of the Board of Governors, and for assuring that the affairs of the Banks are administered fairly and impartially. The Federal Reserve Act provides that Reserve Bank directors will be selected with due consideration to the interests of various segments of the population and the economy, thus assuring that the Federal Reserve System will receive the benefit of the experienced judgment of individuals from a broad spectrum of the communities what will be affected by actions of the System. For example, the provisions of section 4 of the Federal Reserve Act, as amended by the Federal Reserve Reform Act of 1977, provide that both class B and C directors shall be chosen to represent the public and with "due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers." Section 4 further provides that class A directors "shall be chosen by and be representative of the stockholding banks" of the Federal Reserve System. Recognizing that Reserve Bank directors may have, in their private capacities, business, consumer, or other interests to which legitimate attention is to be given; but recognizing also that these same individuals have fiduciary responsibilities as directors of Reserve Banks, this regulation is promulgated for the purpose of assuring preservation of and adherence to the intent of both the Federal Reserve Act and section 208 of Title 18, United States Code.

§ 264a.2 Definitions.

For purposes of this part, the following definitions shall apply:

(a) The term "director," unless otherwise indicated, means a head office or branch director of a Federal Reserve Bank.

(b) The term "Board of Governors" means the Board of Governors of the Federal Reserve System.

(c) The term "board" means the board of directors of a Federal Reserve Bank.

(d) The term "related person" means (1) a partner of a director, (2) any organization in which the director is serving as an officer, director, trustee, partner or employee, or (3) any person or organization with whom the director is negotiating or has any arrangement concerning prospective employment.

(e) The term "participate" means to act through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or as is otherwise within the meaning of the provisions of 18 U.S.C. 208.

(f) The term "particular matter" means a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other subject within the meaning of the provisions of 18 U.S.C. 208.

§ 264a.3 Prohibition against Director participation in particular matters.

(a) Pursuant to the provisions of 18 U.S.C. 208(a), no director may participate personally and substantially in a particular matter in which, to the di-





rector's knowledge, the director, the director's spouse or minor child, or any organization in which the director is serving as an officer, director, trustee, partner or employee, or any person or organization with whom the director is negotiating or has any arrangement concerning prospective employment, has a financial interest, unless the director has first advised the Board of Governors of the nature and circumstances of the particular matter, has made full disclosure of the financial interest involved, and has received in advance a written determination by the Board of Governors that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Board may expect from such director.

(b) Pursuant to the provisions of 18 U.S.C. 208(b)(2), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a regulated investment company, as defined in section 851 of the Internal Revenue Code of 1954, as amended, if the particular matter will affect the financial interest only as a result of its effect on the regulated investment company as a whole.

(c) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a mutual fund that owns stock in a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the mutual fund as a whole.

(d) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(e) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(f) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(g) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(h) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(i) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(j) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(k) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(l) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(m) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(n) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(o) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(p) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(q) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(r) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(s) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(t) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(u) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(v) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(w) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(x) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(y) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(z) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.



of indebtedness issued by the financial institution or other enterprise.

(b) Pursuant to the provisions of 18 U.S.C. 208(b)(2), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a regulated investment company, as defined in section 851 of the Internal Revenue Code of 1954, as amended, if the particular matter will affect the financial interest only as a result of its effect on the regulated investment company as a whole.

(c) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a mutual fund that owns stock in a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the mutual fund as a whole.

(d) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(e) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

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(g) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(h) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

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(k) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(l) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(m) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(n) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(o) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(p) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(q) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(r) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(s) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(t) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(u) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(v) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(w) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(x) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(y) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

(z) Pursuant to the provisions of 18 U.S.C. 208(b)(1), a director may participate in a particular matter in which the director's financial interest is the ownership of shares of a bank, bank holding company, or other financial institution, if the particular matter will affect the financial interest only as a result of its effect on the bank, bank holding company, or other financial institution as a whole.

Flood Disaster Protection Act of 1973 ("the 1973 Act") were amended by sec-

rector's knowledge, the director, the director's spouse or minor child, or related persons have a financial interest unless such action is otherwise permitted by 18 U.S.C. 208(b) and §§264a.4 or 264a.5 of this part.

(b) Except as provided by 18 U.S.C. 208(b) and §§264a.4 or 264a.5 of this part, no director shall participate in deliberations or decisions of a Reserve Bank board when the question presented is whether the board should approve or ratify an extension of credit by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in a hazardous financial condition, and

(1) Where the director has knowledge that he, his spouse, or minor child has a financial interest in the proposed transaction as a result of:

(i) Being a borrower or applicant for credit from the borrowing bank, other than consumer credit as defined in Regulation Z (12 CFR 226.2 (p));

(ii) Maintaining a depositary relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(iii) Owning stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, the market value of which exceeds $100,000 or represents more than 1 percent of the value of that class of stock, stock option, bond, note, or other form of indebtedness issued by the borrowing bank.

(2) Where the director has a financial interest in the proposed transaction as a result of:

(i) Service by the director as an officer or director of the borrowing bank;

(ii) Service by the director as an officer or director of another bank that is known by the director to be located in the same geographic market for local banking services as the borrowing bank and is known by the director to be in direct and substantial competition with the borrowing bank;

(iii) Service by the director as an officer or director of another bank that is known by the director:

(A) To have outstanding or to be negotiating an extension of credit from, or to, the borrowing bank, other than federal funds or foreign exchange transactions; or

(B) To maintain a correspondent or depositary relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(iv) Service by the director as one of the principal officers of any business enterprise that constitutes the director's primary business or professional occupation where such business enterprise is known by the director:

(A) To have outstanding or to be negotiating a direct extension of credit or direct line of credit from the borrowing bank;

(B) To maintain a prinicpal depositary relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(C) To own stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, the market value of which exceeds $100,000 or represents more than 1 per cent of the value of that class of stock, stock options, bonds, notes or other form of indebtedness issued.

(3) Where the director has knowledge that a partner of the director has a financial interest in the proposed transaction; or

(4) Where the director has a financial interest in the proposed transaction as a result of the director's participation in current negotiations or arrangements concerning prospective employment with the borrowing bank.

(c) It is recognized that a Reserve Bank board can, within the spirit and letter of its responsibilities, delegate to appropriate officials of the Reserve Bank authority to act with respect to extensions of credit to individual banks determined to be in hazardous financial condition, thus avoiding both ratification by the Board and applicability to the directors of the prohibitions of this section. Such delegation would not preclude continued advice to the board of appropriate information regarding bank conditions in the district so as to enable the board fully to perform its general oversight responsibilities.

**§ 264a.4 Granting of ad hoc exemptions.**

(a) The prohibitions of 18 U.S.C. 208 and § 264a.3 of this part shall not apply if the director first advises the Board of Governors of the nature and circumstances of the particular matter before the board and makes full disclosure of the financial interest involved and receives in advance a written determination made by the Board of Governors, or its designee, pursuant to 18 U.S.C. 208(b)(1), that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Federal Reserve System may expect from such director.

(b) Telegraphic communications from the President, First Vice President, Secretary or General Counsel of a Reserve Bank to the Board of Governors on behalf of a director and setting forth the precise nature of both the particular matter before the board and the financial interest involved shall be considered to meet the director's duty of full disclosure set forth in paragraph 264a.4(a). Telegraphic response to the same identified officials of the Reserve Bank by the Board of Governors, or its designee, shall be deemed to meet the requirement of a written determination by the Board of Governors set forth in paragraph 264a.4.

**§ 264a.5 Exemption of remote or inconsequential financial interests.**

(a) Pursuant to the provisions of 18 U.S.C. 208(b)(2), certain actions of directors of Federal Reserve Banks may be exempted from the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part, if by general rule or regulation published in the FEDERAL REGISTER, the financial interest involved has been determined to be too remote or too inconsequential to affect the integrity of directors' services. Financial interests will be viewed as too remote or too inconsequential:

(1) In circumstances in which a director's action on a matter will not directly, substantially, and predictably affect the financial interest; or

(2) In circumstances in which a director's independence of judgment will not be affected by the financial interest.

(b) The Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in the following matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters:

(1) Deliberations concerning and ratification of ordinary and routine extensions of credit to a member bank that have previously been made by officials of the Reserve Bank under appropriate provisions of the Federal Reserve Act, regulations and policies of the Board of Governors and the Federal Reserve Banks, and the established operating procedures at the director's Reserve Bank;

(2) Deliberations concerning or affecting a financial institution, to the extent the financial interest in such matters results from:

(i) Maintenance at the financial institution of a checking or other deposit account covered by federal insurance;

(ii) A fiduciary relationship involving the utilization of the financial institution's trust or investment advisory services;

(iii) The receipt from the financial institution of consumer credit, as that term is defined in Regulation Z (12 CFR 226.2(p)); or

(iv) Participation in federal funds or foreign exchange transactions with the financial institution;

(3) Deliberations concerning or affecting a financial institution or other enterprise to the extent the financial interest results from ownership of stock, stock options, bonds, notes, or other forms of indebtedness, the market value of which is less than $100,000 and represents less than 1 per cent of the value of that class of stock, stock option, bond, note or other form of indebtedness issued by the financial institution or other enterprise.

(c) Section 264a.3(b) of this part specifically identifies certain financial interests, the existence and knowledge of which will preclude a director from participating in deliberations or decisions of a Reserve Bank board (except through recourse to the procedures set forth in § 264a.4) when the question presented is whether the board should approve or ratify an extension of credit by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in hazardous financial condition. Financial interests identified in § 264a.3(b) are viewed by the Board as offering a clear potential for conflict. The Board has determined that any other financial interest that a director, the director's spouse or minor child, or related persons may have in such extensions of credit to banks in hazardous condition are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters. These would include, for example, financial interests that might result from:

(1) A director's ownership of stock of a bank or business that may have an interest in the condition of the borrowing bank; or

(2) A director's service as a director or trustee of a business or other organization, other than a bank, that may, itself or through a subsidiary, have an interest in the condition of the borrowing bank.

(d) The functions of directors often include their participation in discussions concerning (1) international, national, and regional economic and financial conditions, (2) monetary policy, (3) general conditions, trends or issues with respect to bank credit, (4) establishment of rates to be charged for all advances and discounts by Federal Reserve banks, subject to review and determination of the Board of Governors pursuant to the Federal Reserve Act, and (5) statutes and proposed or pending legislation in which the Federal Reserve System has a legitimate interest. The foregoing matters are not particular matters of the type described in 18 U.S.C. 208 and, therefore, that statute is not applicable to participation in such matters. However, even if the statute were held to be applicable to participation in such matters, the Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in such matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters.

(e) Nothing in this section shall preclude a director from refraining, to the extent consistent with responsibilities imposed upon the directors by the Federal Reserve Act, from participation in a particular matter. The Board hereby gives notice of its intention to undertake a continuing review of the experience of Reserve Bank boards under this regulation with a view to assuring preservation of and adherence to the intent of both the Federal Reserve Act and 18 U.S.C. 208, as amended. In the course of such review, particular attention will be given to the provisions of this section.

NOTE.—A Guide to Conduct for Directors of Federal Reserve Banks and Branches of Federal Reserve Banks appears in the Notices section of this issue of the FEDERAL REGISTER.

Board of Governors of the Federal Reserve System, February 17, 1978.

THEODORE E. ALLISON,
*Secretary.*

[FR Doc. 78-4999 Filed 2-23-78; 8:45 am]





[7535-01]

## CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

## PART 760—FLOOD INSURANCE

### Miscellaneous Amendments

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration is revising its flood insurance regulations to conform to the recent statutory amendments to the Flood Disaster Protection Act of 1973. These amendments rescind the former prohibitions in that Act against granting loans secured by property located in a designated special flood hazard area unless the community in which the property is located was participating in the National Flood Insurance Program. New requirements for notices to be given to member-borrowers are also imposed by the amendments. Recommended notices are set out in the revised regulations.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick S. Lipton, Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, 202-632-4870.

SUPPLEMENTARY INFORMATION: Sections 3(a)(4) and 202(b) of the Flood Disaster Protection Act of 1973 ("the 1973 Act") were amended by section 703 of the Housing and Community Development Act of 1977 (Pub. L. 95-128) ("the 1977 Act"). Prior to its amendment by the 1977 Act, section 202(b) required the National Credit Union Administration to prohibit by regulation any Federal credit union or federally-insured State credit union (referred to collectively as "federally-insured credit unions") from making any loan secured by improved real estate or a mobile home located or to be located in a special flood hazard area, as designated by the Secretary of the Department of Housing and Urban Development, unless the community in which such property is located was then participating in the National Flood Insurance Program ("NFIP"). Section 703(a) of the 1977 Act removes this prohibition against making such loans in cases where the community in which the property is located is not participating in the NFIP. Section 703(a) also provides that the National Credit Union Administration shall by regulation require that as a condition of making, increasing, extending or renewing such loans, federally-insured credit unions notify the purchaser or lessee that the property is located in a special flood hazard area and whether, in the event of a disaster caused by flood, Federal disaster relief assistance will be available for such property.

Certain exemptions to the prohibitions previously contained in section 202(b) of the 1973 Act were provided for by the Housing Authorization Act of 1976. Section 760.2 of the flood insurance regulations (12 CFR § 760.2) was previously revised to reflect these exemptions. Due to the amendments to section 202(b) contained in the 1977 Act, these exemptions are no longer necessary. Therefore, subsection (a) of § 760.2 has been deleted, and the succeeding subsections redesignated (a) through (d).

As explained above, section 703 of the 1977 Act removes the prohibition against a federally-insured credit union from making loans to finance improved real estate or mobile homes located in a designated special flood hazard area where the surrounding community does not participate in the NFIP. However, such loans made in a community that is participating in the NFIP remain subject to the requirements in section 102(b) of the 1973 Act that the building or mobile home and any personal property securing such loan be covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or the maximum limit of coverage made available under the 1973 Act with respect to the particular type of property, whichever is less.

In addition, for property located in a special flood hazard area where the





surrounding community is participat-

1. Section 760.0 is amended as set

creasing, extending or renewing any



flood hazard area. This area is delineated on ———— 's Flood Insurance Rate Map

date your community was identified as being flood prone.

FOR FURTHER INFORMATION CONTACT:

surrounding community is participating in the NFIP, section 1364 of the National Flood Insurance Act of 1968 requires that a federally-insured credit union notify the purchaser or lessee (or obtain written assurances that the seller or lessor has notified the purchaser or lessee) of the special flood hazards, in writing, a reasonable period in advance of the signing of the mortgage or other similar security agreement covering the loan.

The notice provisions of section 1364 were implemented by subsection (e) of the flood insurance regulations (12 CFR § 760.2(e)). That subsection, redesignated subsection (d), is still applicable. The newly designated subsection (d) is also amended to reflect the new notice requirements in the 1977 Act, and to require that member-borrowers provide the federally-insured credit union with a written statement acknowledging the receipt of such required notices.

A new subsection (e) has been added to § 760.2 which sets forth suggested forms of notices that will, if used, comply with the notice provisions required by both the 1973 and 1977 Acts. Although use of the exact language set forth in Appendix A to subsection (e) is not mandatory, such language is suggested in light of the fact that the authorities responsible for administering both the NFIP and Federal Disaster Relief Assistance Program (e.g., the Small Business Administration and the Federal Insurance Administration) have approved such language. If a federally-insured credit union desires to make substantive changes to the notices set forth in Appendix A to subsection (e), it should obtain approval from all involved authorities.

The Administrator for good cause finds that (1) the procedures prescribed by the provisions of 5 U.S.C. 553 relating to notice and public procedure are unnecessary and contrary to the public interest, since the amendments to the flood insurance regulations relieve restrictions and conform to present statutory provisions and (2) publication of said amendments for the 30 day period prior to the effective date as specified in 5 U.S.C. 553(d) is unnecessary for the same reasons.

Accordingly, the Administrator hereby revises § 760.0 and subsections (a) through (d) of § 760.2 of the National Credit Union Administration Rules and Regulations (12 CFR §§ 760.0 and 760.2) and adds subsection (e) to § 760.2, to read as set forth below, effective February 24, 1978.

LAWRENCE CONNELL,
*Administrator.*

FEBRUARY 10, 1978.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766), Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789) and Sec. 703(a), 91 Stat. 1144 (42 U.S.C. 4104a).

1. Section 760.0 is amended as set forth below:

§ 760.0 Scope.

In enacting the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) ("the Act") on December 31, 1973, the Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards. The most recent amendments to that Act were contained in the Housing and Community Development Act of 1977 (Pub. L. 95-128), signed on October 12, 1977. The Congress further found that a component part of this accelerating development has been the availability of financial assistance, including real estate loans by Federal credit unions, federally-insured State credit unions and other financial institutions, thus encouraging construction in flood prone areas. Accordingly, the Flood Disaster Protection Act, as amended, imposes certain conditions on the making of such loans by federally supervised, regulated or insured credit unions and other financial institutions, requiring in substance that the property securing such loans be covered by adequate flood insurance, where the community in which the property is located is participating in the National Flood Insurance Program. To implement these requirements, the Federal financial supervisory agencies designated in the Act, including the National Credit Union Administration, were directed, pursuant to section 102(b) and 202(b) of the Act, to issue appropriate regulations with respect to institutions under their supervisory jurisdiction. This regulation is intended to comply with that legislative mandate and is issued pursuant to sections 102(b) and 202(b) of the Flood Disaster Protection Act of 1973, as amended.

2. Section 760.2 is amended as set forth below:

a. By deleting paragraph (a) and by redesignating paragraphs (b) through (e) as paragraphs (a) through (d);

b. By deleting the letter (e) in the newly designated paragraph (c) and substituting therefor the letter (d); and

c. By revising newly designated paragraph (d), and adding a new paragraph (e) as set forth below:

§ 760.2 Implementation.

* * * * *

(d) Each Federal credit union and each federally-insured State credit union, as a condition of making, increasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, whether or not the community in which such an area is located is participating in the National Flood Insurance Program, shall:

(1) Notify the member-borrower of such special flood hazards, in writing, a reasonable period in advance of the signing of the mortgage or other similar security agreement covering the loan. The notice shall state that the property securing the loan is in an area so identified. In lieu of the notification required in this paragraph, a Federal credit union or a federally-insured State credit union may obtain satisfactory written assurances from the seller or lessor, which are acknowledged by the borrower, that such seller or lessor has notified the borrower, prior to the execution of any mortgage or other similar security agreement, that the property securing the loan is in an area so identified;

(2) Notify the member-borrower of whether, in the event of a federally-declared disaster caused by flood to such property, Federal disaster relief assistance will be available for such property; and

(3) Require that the member-borrower, prior to the signing of such loan document, provide to the Federal credit union or the federally-insured State credit union a written statement acknowledging that the member-borrower has received the notices required by this section. A suggested form of such acknowledgement is set out in Appendix A of paragraph (e).

(e) A Federal credit union or a federally-insured State credit union providing the appropriate forms of notices set out in Appendix A below to a member-borrower within a reasonable period of time, as prescribed in paragraph (d) of this section, will be considered to be in compliance with the notice requirements of this section. In addition to providing the appropriate forms of notices set out in Appendix A below, a Federal credit union or a federally-insured State credit union must retain a copy of form (3), Statement of the Member-Borrower, set out in Appendix A, signed and dated by the member-borrower, in its files until the underlying loan has been repaid in full.

APPENDIX A

(1) NOTICE TO BORROWER OF SPECIAL FLOOD HAZARD AREA

Notice is hereby given to ———— that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Secretary of the Department of Housing and Urban Development as a special flood hazard area. This area is delineated on ———— 's Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1% chance of being flooded within any given year. The risk of exceeding the 1% chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26% chance of being flooded.

(2) NOTICE TO BORROWER ABOUT FEDERAL FLOOD DISASTER ASSISTANCE

[Lender Check (a) or (b)]

☐ (a) *Notice in participating communities*

The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event that such property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance may be available. However, such assistance will not be available if your community is not participating in the National Flood Insurance Program at the time such assistance would be approved (unless such approval is granted within one year from the date your community was identified by the Secretary of the Department of Housing and Urban Development as being flood prone). This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of the amount of your flood insurance.

☐ (b) *Notice in nonparticipating community*

The improved real estate or mobile home securing your loan is or will be located in a community that is not now participating in the National Flood Insurance Program. This means that you are not eligible for Federal flood insurance. In the event that your property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance will not be available (unless approval for such assistance is granted within one year from the date your community was identified by the Secretary of the Department of Housing and Urban Development as being flood prone). In other words, Federal flood disaster relief assistance will be available only if, at the time such assistance would be approved, your community is participating in the National Flood Insurance Program, or approval for such assistance is granted within one year from the date your community was identified as being flood prone.

(3) STATEMENT OF THE MEMBER-BORROWER

I, ———— a member of the ———— Credit Union, hereby acknowledge that on the date indicated below I have received a Notice To Borrower of Special Flood Hazards, indicating that the property securing my loan is in an area identified as having special flood hazards, and a Notice to Borrower About Federal Flood Disaster Assistance, indicating whether such assistance will or will not be available for such property.

Dated: ————————————

————————————
[Signature and address of member-borrower.]

[FR Doc. 78-4911 Filed 2-23-78; 8:45 am]





[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 29387; Regulation ER-1045, Amdt. 62]

## PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule corrects an error made in ER-1036, December 19, 1977, in the computation of certain minimum military charter rates for foreign and overseas air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). This correction reduces the minimum rate for one-way, cargo charters performed with DC-8-61/63F aircraft from 26.840 to 26.150 cents per ton-mile.

DATES: Adopted: February 15, 1978. Effective: December 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard S. Friedman, Postal and Military Rates Section, B.F.R., B-66b, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, Phone: 202-673-5368.

SUPPLEMENTARY INFORMATION: MAC has brought to our attention an error in ER-1036 in the computation of the minimum rates for one-way, cargo charters performed with DC-8-61/63F aircraft. The commercial backhaul savings were added instead of deducted in the computation of the one-way cargo rate for stretched jets on Appendix C to ER-1036. The commercial backhaul savings of 0.3453 cents should have been deducted from the sub-total of the one-way live and ferry backhaul rate of 26.4949 cents to produce a total one-way cargo charter rate of 26.1496, or 26.150 cents per tonmile for pay purposes.

Since this rule amendment merely corrects a computational error in ER-1036, the Board finds that good cause exists to make this Part 288 amendment effective on less than thirty (30) days notice and, also, to make the corrected one-way, cargo charter rate for DC-8-61/63F aircraft effective December 27, 1977, the effective date of ER-1036.

In consideration of the above, the Board is amending Part 288 of the Economic Regulations (14 CFR Part 288), effective as follows:

1. Amend paragraph (a)(1) of section 288.7 to change the rates as follows:

§ 288.7 Reasonable level of compensation.

* * * * * *

(a) For Charter services in foreign and overseas transportation, and in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, other than specified in paragraph (c) of this section, the following minimum rates are adopted:

(1) Performed with turbine-powered aircraft:

Amended Rates Effective December 27, 1977

| Aircraft Type | Passenger rates, per passenger-mile | | Cargo, per ton-mile | | Convertible Rates 1/ | | Mixed passenger-cargo rates, per revenue plane-mile 1/ 2/ | |
|---|---|---|---|---|---|---|---|---|
| | Round Trip | One Way | Round Trip | One Way | Passenger leg, per passenger-mile | Cargo leg, per ton-mile | Round Trip | One Way |
| Regular Turbojets: (165 ACL) | 3.733c | 7.044c | 14.788c | 29.045c | 3.733c | 17.027c | | |
| Passengers - Pallets | | | | | | | | |
| 165 and 0 | | | | | | | $6.160 | $11.622 |
| 117 and 3 | | | | | | | 5.939 | 11.325 |
| 105 and 4 | | | | | | | 5.883 | 11.251 |
| 93 and 5 | | | | | | | 5.829 | 11.177 |
| 81 and 6 | | | | | | | 5.772 | 11.103 |
| 63 and 7 | | | | | | | 5.689 | 10.991 |
| 51 and 8 | | | | | | | 5.633 | 10.917 |
| 0 and 12 | | | | | | | 5.398 | 10.601 |
| DC-8-61/63F: (219 ACL) | 3.378 | 6.373 | 13.314 | 26.150 | 3.378 | 15.362 | | |
| Passengers - Pallets | | | | | | | | |
| 219 and 0 | | | | | | | 7.398 | 13.956 |
| 159 and 5 | | | | | | | 7.012 | 13.442 |
| 65 and 13 | | | | | | | 6.409 | 12.635 |
| 47 and 14 | | | | | | | 6.293 | 12.481 |
| 0 and 18 | | | | | | | 5.991 | 12.078 |
| B-727 Pacific Interisland 3/ | 4.457 | 8.512 | 22.772 | 45.316 | 4.457 | 27.326 | | |
| Passengers - Pallets | | | | | | | | |
| 105 and 0 | | | | | | | 4.679 | 8.938 |
| 61 and 2 | | | | | | | 4.437 | 8.611 |
| 50 and 3 | | | | | | | 4.376 | 8.529 |
| 46 and 4 | | | | | | | 4.354 | 8.499 |
| 0 and 7 | | | | | | | 4.099 | 8.157 |
| B-727 All Other: 3/ | 5.027 | 9.602 | 25.463 | 50.671 | 5.027 | 30.554 | | |
| Passengers - Pallets | | | | | | | | |
| 105 and 0 | | | | | | | 5.279 | 10.082 |
| 61 and 2 | | | | | | | 4.987 | 9.680 |
| 50 and 3 | | | | | | | 4.914 | 9.579 |
| 46 and 4 | | | | | | | 4.889 | 9.542 |
| 0 and 7 | | | | | | | 4.583 | 9.120 |



Amended Rates Effective December 27, 1977

| Aircraft Type | Passenger rates, per passenger-mile | | Cargo, per ton-mile | | Convertible Rates 1/ | | Mixed passenger-cargo rates, per revenue plane-mile 1/ 2/ | |
|---|---|---|---|---|---|---|---|---|
| | Round Trip | One Way | Round Trip | One Way | Passenger leg, per passenger-mile | Cargo leg, per ton-mile | Round Trip | One Way |
| Regular Turbojets: (180 ACL) | 3.460c | 6.510c | 14.788c | 29.045c | 3.460c | 17.027c | | |
| Passengers - Pallets | | | | | | | | |
| 180 and 0 | | | | | | | $6.222 | $11.718 |
| 128 and 3 | | | | | | | 5.986 | 11.393 |
| 115 and 4 | | | | | | | 5.926 | 11.312 |
| 101 and 5 | | | | | | | 5.865 | 11.231 |
| 88 and 6 | | | | | | | 5.805 | 11.150 |
| 69 and 7 | | | | | | | 5.714 | 11.028 |
| 54 and 8 | | | | | | | 5.647 | 10.937 |
| 0 and 12 | | | | | | | 5.398 | 10.601 |
| DC-8-61/63F: (250 ACL) | 3.060 4/ | 5.742 4/ | 13.314 4/ | 26.150 4/ | 3.060 4/ | 15.362 4/ | | |
| Passengers - Pallets | | | | | | | | |
| 250 and 0 | | | | | | | 7.650 | 14.356 |
| 182 and 5 | | | | | | | 7.196 | 13.732 |
| 74 and 13 | | | | | | | 6.483 | 12.754 |
| 54 and 14 | | | | | | | 6.342 | 12.567 |
| 0 and 18 | | | | | | | 5.991 | 12.078 |

1/ Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the one-way rates shall apply to each leg of the converted round trip.

2/ For the Corel Sea variable mixed operation the conversion charge shall be $207 per cargo pallet in lieu of a seat charge.

3/ Shall also apply to the L-382/L-100-1-/20/30 and CV-990 aircraft.

4/ Also applies to wide-bodied (B-747, DC-10, and L-1011 equipment).

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4835 Filed 2-23-78; 8:45 am]

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[4110-03]

**Title 21—Food and Drugs**

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER A—GENERAL**

**PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION**

**Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs**

REGIONAL FOOD AND DRUG DIRECTORS, ET AL.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends delegations of authority relating to reports of minor violations and defective or noncomplying electronic products. This action is taken to redelegate to field officials authority relating to assemblers of diagnostic x-ray systems for issuing reports of minor violations and notification of defective or noncomplying electronic products. The amendments will provide for more effective enforcement operations.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The amendment to § 5.37(a)(4) (21 CFR 5.37(a)(4)) modifies the delegations to agree with current position titles. The amendment to § 5.37(b) adds Regional Food and Drug Directors and District Directors to the delegates as the authority relates to assemblers of diagnostic x-ray systems. The amendment to § 5.89 (21 CFR 5.89) adds Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches to the delegates as the authority relates to assemblers of diagnostic x-ray systems.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.37 by revising paragraphs (a)(4) and (b), to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) • • •

(4) The Director and Deputy Director of the Bureau of Medical Devices and the Associate Director for Compliance and the Director of the Division of Compliance Operations of that Bureau.

• • • • • •

(b) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings, and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

2. By revising § 5.89 to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(b) The Director of the Division of Compliance of the Bureau of Radiological health is authorized to notify manufacturers of defects in, and noncompliance of electronic products under section 359(e) of the Public Health Service Act and under 1003.11(a) of this chapter; and the Chiefs of District Compliance Branches are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in 1020.30(b) of this chapter.

Effective date: This regulation shall be effective February 24, 1978.

(Secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n).)

Dated: February 15, 1978.

JOSEPH P. HILE,
*Associate Commissioner for Compliance.*

[FR Doc. 78-4891 Filed 2-23-78; 8:45 am]

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[1505-01]

**SUBCHAPTER D—DRUGS FOR HUMAN USE**

[Docket No. 76N-0487]

**PART 310—NEW DRUGS**

**New Drugs Requirement for Labeling Directed to the Patient**

*Correction*

In FR Doc. 78-2300 appearing at page 4214 in the issue for Tuesday, January 31, 1978, make the following corrections:

(1) In § 310.501, paragraph (a)(2)(iv), in the second line, the word "or" should be "of".

(2) In § 310.501, paragraph (a)(3)(viii), in the 10th line, after the word "stroke" insert a comma.

(3) In the same paragraph, in the 25th line, after the word "marketed" insert ")".

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[4110-03]

**Title 45—Public Welfare**

**SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION**

[Docket No. 77N-0013]

**PART 73a—STANDARDS OF CONDUCT: FOOD AND DRUG ADMINISTRATION SUPPLEMENT**

**Supplement Standards of Conduct; Food and Drug Administration**

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This is a revision of the Food and Drug Administration (FDA) Supplement to the Department of Health, Education, and Welfare Standards of Conduct Regulations. Based on experience in FDA, a need has been recognized to further amend and clarify standards of conduct regulations to re-enforce public confidence in the integrity of decisions rendered by FDA employees. This action extends the coverage of employees who must file financial interest statements, protects against inadvertent violations of 18 U.S.C. 208, establishes "exception" procedures for employees, and provides for public disclosure of all approved exceptions.

DATES: The revision shall be effective February 24, 1978; comments by April 10, 1978.

ADDRESS: Although the Notice of Proposed Rule Making is being dispensed with for the reasons cited in the Supplementary Information section, consideration will be given to any written comments which are submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, on or before April 10, 1978. Copies of all comments received will be available for public inspection during regular business hours at the office of the Hearing Clerk.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Price, FDA Conflict of Interest Review Officer, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1935.

SUPPLEMENTARY INFORMATION: Because of FDA's regulatory responsibilities, a decision was made in 1972 to supplement the HEW Standards of Conduct regulation and make specific provisions regarding the financial interests of FDA employees. In the FEDERAL REGISTER of November 16, 1972 (37 FR 24347), the Secretary of HEW approved an FDA supplement to the Department of Health, Education, and Welfare Standards of Conduct. Since that time, these supplemental regulations, combined with the regulations of the Department, have been generally adequate to safeguard against both actual and apparent conflict of interest among FDA employees. However, the expanded importance and visibility of FDA's regulatory activities—along with the continuing desire of that agency to take every possible precaution to assure the integrity of its decisions—makes it desirable at this time to revise the FDA Supplement to:

1. Extend the covereage of "control activity" employees (i.e., employees who must file financial interest statements and whose financial holdings are restricted) to include all employees at GS-11 and above in FDA and in the FDA Division of the Office of the General Counsel, as well as certain FDA employees in positions at grades below GS-11.

2. Emphasize that no employee may participate in a Government matter relating to his or her financial interest, thus protecting against inadvertent violations of 18 U.S.C. 208.

3. Establish "exception" procedures for "control activity" employees whose situations meet prescribed criteria, and authorize the Commissioner of Food and Drugs to approve such exceptions, including situations involving professional employees in the Food and Drug Division of the Office of the General Counsel; and

4. Provide for public disclosure of all approved exceptions in the FDA Public Records and Documents Center.

The principal changes in the regulations are as follows:

1. They establish a procedure to permit control activity employees under certain circumstances to hold what would otherwise be prohibited financial interests. No exception will be granted where there would be a potential for an actual conflict of interest or a direct relationship between the employee's official duties and the regulated activities of the organization in which the financial interest is held. An exception will be permitted only when the financial interest was acquired by marriage or inheritance or when the interest was held prior to a reorganization, change in regulations, or similar circumstances beyond the control of the employee, that resulted in the financial interest becoming prohibited. Moreover, no Bureau Director, Deputy Bureau Director, or higher ranking agency official could be granted an exception because officials of this rank participate in decisions affecting the entire range of the agency's activities. The purpose of this exception procedure is to allow the retention of otherwise prohibited financial interests in unusual cases where retention poses no risk of actual conflict of interest, and disposal would be a hardship on the employee.

2. They provide that all exceptions to the conflict of interest prohibitions that are granted by the Commissioner shall be placed on display in the Public Records and Documents Center of FDA.

3. They emphasize that no employee may participate in a governmental matter involving a financial interest that he had been permitted to hold, unless specific permission to do so had been granted by the Commissioner. For example, while an FDA employee other than a control activity employee may hold a small (less than $5,000) interest in a regulated company, permission to hold such a interest does not allow the employee to participate in matters that may affect the company.

4. A number of editorial changes have been made in the existing regulations to clarify their intent.

The additional sections being added to Part 73a are not numbered in sequence, but bear the same numerical designation as the related provisions in Part 73, the Department Standards of Conduct.

On November 1, 1974, a draft of the proposed changes in the conflict of interest regulations affecting FDA personnel was sent to 6,900 FDA full-time, part-time, and temporary employees, FDA unions and employee organizations, staff of the Assistant General Counsel for FDA, and 10 representatives of consumer organizations. Twenty employees and one consumer group offered comments on the draft changes. Of the 21 responses, 13 commented specifically on the existing or draft regulation, and the other comments were broad expressions of reservations or support. All of the comments were carefully considered, and the regulations have incorporated a number of the suggested changes. These regulations reflect the comments that were adopted and subsequently approved by the U.S. Civil Service Commission on September 25, 1975.

Dated: February 14, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*

Therefore, Title 45 of the Code of Federal Regulations is amended by revising Part 73a to read as follows:

**PART 73a—STANDARDS OF CONDUCT: FOOD AND DRUG ADMINISTRATION SUPPLEMENT**

**Subpart A—General Provisions**

Sec.
73a.735-101 Principles and purpose.
73a.735-103 Responsibilities.
73a.735-104 Advice and guidance.

**Subpart B—Miscellaneous Provisions**

73a.735-201 Control activity employees formerly associated with organizations subject to FDA regulation.

**Subpart C—[Reserved]**

**Subpart D—Outside Employment**

73a.735-401 General provisions.

**Subpart E—Financial Interests**

73a.735-501 General provisions.
73a.735-502 Employees in regulatory activities.
73a.735-504 Exceptions.

**Subparts F Through I—[Reserved]**

**Subpart J—Statements of Employment and Financial Interest**

73a.735-1004 Submission and review of statements.

AUTHORITY: Part 73a is issued under 45 CFR 73.735-105.

**Subpart A—General Provisions**

§ 73a.735-101 Principles and Purpose.

(a) To assure that the business of the Food and Drug Administration

(FDA) is conducted effectively, objectively, and without improper influence or appearance thereof, all employees must be persons of integrity and observe the highest standards of conduct. Because of FDA's special regulatory responsibilities to the consumer and industry, its employees must be especially alert to avoid any real or appearance of conflict of their private interests with their public duties. Their actions must be unquestionable and free from suspicion of partiality, favoritism, or any hint of conflicting interests. This supplement recognizes FDA's public obligation to set reasonable and fair safeguards for the prevention of employee conflicts of interest. It is necessary to meet FDA's regulatory responsibilities and to otherwise assure full protection of the public confidence in the integrity of its employees.

(b) Since FDA is a unique consumer protection and regulatory agency within the Department, the DHEW Standards of Conduct need further supplementation to reflect this role. Therefore, for purposes of implementing the DHEW Standards of Conduct regulations within the FDA, this supplement provides interpretive definitions and additional requirements. As further guidance to its employees and supervisory officials, FDA will issue internal procedural instructions in accordance with this supplement.

§ 73a.735-103 Responsibilities.

(a) A "control activity" employee shall be personally responsible for assuring that he does not hold an interest in any organization whose FDA-regulated activities constitute more than an insignificant part of its business as defined in § 73a.735-502(b)(2). The Associate Commissioner for Administration (or his designee) is available to assist such employees in obtaining corporate data necessary to make such a determination.

(b) Other employees are similarly responsible for observing the financial interest retention requirements in §§ 73a.735-501(b) and 73a.735-502(a)(2).

§ 73a.735-104 Advice and guidance.

(a) The Associate Commissioner for Administration (or his designee) shall provide day-to-day guidance and assistance to employees and supervisors on matters covered by regulations in Part 73 and this part of this chapter.

(b) The FDA Conflict of Interest Review Board shall review and make recommendations to the Commissioner on requests for exceptions to conflict of interest policies and procedures in regulations in this part and Part 73 of this chapter.

Subpart B—Miscellaneous Provisions

§ 73a.735-201 Control activity employees formerly associated with organizations subject to FDA regulation.

(a) For a period of 1 year after FDA appointment, or appointment to the Food and Drug Division, Office of the General Counsel, a control activity employee who was employed in a regulated organization within 1 year before FDA employment shall not participate in any regulatory action before FDA that involves the former employer organization. Exceptions may be authorized only under paragraph (e) of this section.

(b) A control activity employee who was previously employed in a regulated organization shall not participate in any regulatory action before FDA in which the employee had participated personally and substantially in behalf of the former employer organization, e.g., drug investigations/applications, food additive petitions, matters dealing with compliance in areas of radiation-producing products or medical devices. Exceptions may be authorized only under paragraph (e) of this section.

(c) Employment in a regulated organization includes contractual relationships, e.g., attorneys who may have represented an FDA-regulated firm or industry or an association of such firms and individuals who may have served a firm, industry or association in a consultant capacity.

(d) Within 30 days after assignment to a control activity position, an employee shall submit to his supervisor detailed information concerning former industry employers, and dates and substance of involvement in such regulatory matters as may be subject to the prohibition in paragraph (b) of this action.

(e) The Commissioner may grant individual exceptions to paragraphs (a) and (b) of this section whenever he determines that strict application would not be in the best interests of the United States. A memorandum of any exception granted shall be filed for public inspection in the Public Records and Documents Center, Food and Drug Administration, Room 4-68, 5600 Fishers Lane, Rockville, Md. 20857, within 10 days after the Commissioner's decision. The memorandum shall include the employee's name, title, grade, summary of official duties, prior pertinent industry involvement, a brief description of the specific regulatory action in which the employee has been permitted to participate, and a statement explaining why such strict application of the subpart would not be in the best interests of the United States.

Subpart C—[Reserved]

Subpart D—Outside Employment

§ 73a.735-401 General provisions.

(a) Employees of the Food and Drug Administration shall obtain advance approval for all outside employment, whether paid or unpaid. Employment, as used in this section, does not include:

(1) Memberships in charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness organizations.

(2) Memberships in professional organizations. (Officeholding, however, requires advance approval.)

(3) Performance of duties in the Armed Forces Reserve or National Guard.

(b) Control activity employees (defined in § 73a.735-502) will not generally be granted approval to:

(1) Manage or direct an organization whose activities are subject to FDA regulation, or

(2) Be employed in an organization whose business activities are subject to FDA regulation unless:

(i) The regulated activities of the organization are an insignificant part of its total operations, i.e., the regulated products of the organization constitute no more than 10 percent of its annual gross sales, and

(ii) The outside employment is in nonregulated activities of the organization.

(c) All other employees will generally be granted approval to engage in outside employment which is compatible with the full performance of their FDA duties and responsibilities and which will not give rise to a real or apparent conflict of interest. Permissible employment includes but is not limited to:

(1) Employment where the sale of FDA-regulated products is incidental to the purpose of the establishment, e.g., hotels, theaters, bowling alleys, and sports arenas.

(2) Sales and clerical occupations relating to regulated products, e.g., supermarkets, drugstores, department stores, liquor stores.

(3) Trade, industrial, and service occupations relating to regulated products, e.g., gasoline service station attendant, line production or assembly work, cook, waiter, waitress, hospital attendant, snack bar vendor, warehouseman.

(d) All employees will generally be granted approval to engage in paid or unpaid outside employment which contributes to their technical or professional development, e.g.,

(1) Medical, dental, and veterinary practices.

(2) Pharmacy practice after meeting the following conditions which will serve to protect against possible conflicts or apparent conflicts of interest





and to avoid other problems resulting in embarrassment to the employee or FDA:

(i) The primary purpose of the part-time employment is to contribute to the overall professional development of the employee and generally enhance his capability to better perform his current FDA duties.

(ii) The part-time duties will be confined generally to dispensing Rx drugs and related professional pharmacy duties.

(iii) The employee will avoid unrelated nonprofessional duties such as supervision or management of store operations, contractual or purchasing responsibilities (except normal "out-of-stock" requisitioning) and repacking and relabeling of bulk items.

(iv) The employee will demonstrate a high degree of discretion and judgment in his contacts with customers and representatives of regulated industry and competitor firms so as to avoid giving the impression that:

(*a*) His part-time actions, recomendations, opinions, or remarks are official points of view;

(*b*) He is using his FDA position for private gain by oral misrepresentations and false claims of the company's products;

(*c*) He is making a Government decision outside official channels, e.g., to customers, prescribing physicians, buyers, distributors;

(*d*) He or other FDA representatives will give preferential treatment to any regulated organization or representatives of such organizations, or that FDA employees have not exercised complete independence or impartiality in carrying out their regulatory and consumer protection responsibilities; or

(*e*) His part-time work is creating an adverse effect on the image of FDA or discrediting the integrity of official FDA regulatory decisions.

Subpart E—Financial Interests

§ 73a.735-501 General provisions.

(a) No restrictions are placed on ownership of diversified mutual funds.

(b) An FDA employee, other than a control activity employee (defined in § 73a.735-502), may have financial interests:

(1) In an organization whose FDA-regulated activities are an insignificant part of its total operations, i.e., no more than 10 percent of the organization's annual gross sales are in products regulated by FDA; or

(2) In an organization whose FDA-regulated business activities are a significant part ot its total business operations: *Provided,* That:

(i) The holding is less than $5,000 (value or cost at time of initial reporting),

(ii) The holding represents less than 1 percent of the total outstanding stock shares of that organization, and

(iii) No more than 50 percent of the employee's total investment value is concentrated in organizations whose FDA-regulated business activities are a significant part of their business operations.

(c) Notwithstanding the provisions of this part permitting employees to hold financial interests in organizations subject to FDA regulation, an employee holding such an interest shall not participate in an official matter whose outcome would have a direct and predictable effect on his financial interest. However, this prohibition is not applicable to:

(1) Diversified mutual funds, which are exempted from 18 U.S.C. 208 by § 73.735-501(a) of this chapter.

(2) Financial interests for which the Commissioner has in advance granted a written exception on the ground that the public interest would be served if a particular employee is allowed to participate in an official matter whose outcome may have a direct and predictable effect on the employee's financial interest. Such exemptions will be granted only in exceptional circumstances. Any determination to authorize such exceptions shall be made in accordance with 18 U.S.C. 208(b)(1) and documented for public inspection in accordance with § 73a.735-504.

§ 73a.735-502 Employees in regulatory activities.

(a) An employee in regulatory activities ("control activity" employee) may hold financial interests in an FDA-regulated organization only if either of the following conditions are met:

(1) The regulated activities of the organization are an "insignificant" part of its total business operations, or

(2) Written approval for an individual exception is granted by the Commissioner in accordance with § 73a.735-504; however, such approval will not be considered unless all of the following conditions are met:

(i) Retention of the financial interest does not give rise to an actual conflict of interest;

(ii) Acquisition of the financial interest occurred by marriage or inheritance, or the interest was held prior to an FDA reorganization, change in regulations, or similar circumstances beyond the control of the employee that resulted in the interest becoming prohibited;

(iii) No direct relationship exists between the employee's official duties and the regulated activities of the organization in which the financial interest is held;

(iv) The employee occupies a position below that of Bureau/Deputy Bureau Director (or Assistant/Deputy General Counsel, Food and Drug Division, Office of the General Counsel); and

(v) The employee agrees to refrain from engaging, either directly or indirectly, in transactions that are designed to increase the value of his "excepted" financial interest.

(b) To administer provisions within this Part, the following interpretations apply:

(1) A "control activity" employee ("control activity" positions are identified in Appendix C to Part 73 of this chapter), means one who:

(i) Occupies an FDA position classified at GS-11 or above, or PHS Commissioned Officer 0-3 or above, or equivalent;

(ii) Occupies an FDA position below GS-11 with duties of a nature that the employee could in the discharge of his official duties and responsibilities cause an economic advantage for or impose a handicap on a non-Federal enterprise (includes investigators, inspectors, regulatory analysts);

(iii) Occupies a position at GS-11 or above in the Office of the Assistant General Counsel, Food and Drug Division.

(2) "Insignificant" (part of an organization's total business operations) means that the FDA-regulated products constitute no more than 10 percent of the organization's annual gross sales.

§ 73a.735-504 Exceptions.

(a) A control activity employee who can satisfy all of the conditions specified in § 73a.735-502(a)(2) may submit a request to retain a prohibited financial interest. Any such request must be submitted no later than 30 days after the event that results in the employee holding the prohibited financial interest. Such requests for exception should be forwarded in writing through supervisory channels to the Associate Commissioner for Administration for review by the FDA Conflict of Interest Review Board and subsequent recommendation to the Commissioner. All decisions on requests for exceptions shall be in writing and a copy furnished to the employee involved.

(b) A memorandum of each approved exception shall be filed in the Public Records and Documents Center for public inspection. Such public disclosure shall be made within 10 days after the Commissioner's decision. The following is an example of the format of such memorandum (in a hypothetical employee situation):

(1) Employee: Joe Doe.

(2) Title: Research Chemist.

(3) Grade/Salary: GS-14.

(4) Organization: Bureau of Biologics, Food and Drug Administration, Bethesda, Md.

(5) Date of employee's request for exception: ———.

(6) Date of Commissioner's approval: ———.





(7) Basis for exception: Employee owns financial interest in the ABC

an official matter whose outcome will have a direct and predictable effect on



ACTION: Notice of Policy Statement of Maximum Driving Distance Guide-

vehicle being operated at speeds greater than those prescribed by the juris-

FOR FURTHER INFORMATION CONTACT:

*It is further ordered,* That copies of this order shall be served upon the As-

(7) Basis for exception: Employee owns financial interest in the ABC Foods Corporation, and permanent retention is normally prohibited under FDA/HEW conflict of interest regulations for such an employee. The employee, however, acquired this financial interest prior to his reassignment to FDA on ——, which was part of a major Department reorganization transferring certain functions from NIH to the FDA (i.e., FDA's Bureau of Biologics). At the time of acquisition and immediately prior to the reorganization, the employee's financial interest was allowable under Department regulations. The employee's official duties are fully confined to the matters under the jurisdiction of the Bureau of Biologics, and his official duties do not involve any contact with the food industry. The Commissioner has determined that an exception is warranted under the following criteria:

(i) Acquisition occurred prior to Department reorganization;

(ii) Financial interest retention will not give rise to an actual conflict of interest situation;

(iii) There is no direct relationship between the employee's official duties and the regulated activities of ABC Foods;

(iv) The employee occupies a position below that of Bureau or Deputy Bureau Director (or equivalent position in the Office of the Commissioner); and

(v) The employee agrees to refrain from engaging in any direct or indirect transactions that are designed to increase the value/shares of the "excepted" ABC Foods interests.

This exception is considered equitable to the employee involved, and retention of the ABC Foods interest will not in any way impair the interests of the Government or of the public.

(c) In interpreting the requirement of § 73a.735-502(a)(2)(v), events not involving employee discretion (e.g., accepting dividends in the form of cash or additional shares) do not constitute transactions designed to increase the value/shares of an "excepted" financial interest. A transaction involving discretion, e.g., exercise of stock options, may be made only if proposed to the Associate Commissioner for Administration and approved by the Conflict of Interest Review Board as an amendment to the original exception. A memorandum recording such approval shall be made public in accordance with paragraph (b) of this section.

(d) An employee may temporarily retain a prohibited financial interest pending review of a written request for an exception submitted in accordance with this section.

(e) Except as provided in § 73a.735-501(c), no employee may participate in an official matter whose outcome will have a direct and predictable effect on a financial interest held by him. This prohibition applies to official matters handled before and after approval of an exception under this section.

**Subparts F Through I—[Reserved]**

**Subpart J—Statements of Employment and Financial Interests**

**§ 73a.735-1004 Submission and review of statements.**

(a) Employees occupying control activity positions shall file Form HEW-473 "Confidential Statement of Employment and Financial Interests" with the Associate Commissioner for Administration within 30 days after entrance in this category and annually thereafter as of June 30, or such other dates as the Secretary, with the concurrence of the Civil Service Commission, may approve. Prior to the due date, the Associate Commissioner for Administration shall advise "control activity" employees of the annual filing requirement through normal administrative channels. The annual reporting requirement shall commence as of June 30, 1977.

(b) The Associate Commissioner for Administration (or his designee) shall serve as the principal reviewing official for Outside Activity Forms, HEW-520 and 521, and shall make final determinations on matters arising from activities reported on Form HEW-473.

By April 10, 1978, interested persons may file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this rule. Comments received may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Public Health Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact statement is on file with the Hearing Clerk, Food and Drug Administration.

[FR Doc. 78-4879 Filed 2-23-78; 8:45 am]

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[4910-22]

**Title 49—Transportation**

**CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Notice No. 78-4]

**PART 392—DRIVING OF MOTOR VEHICLES**

**Notice of Policy Statement**

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Policy Statement of Maximum Driving Distance Guidelines for Interstate Motor Carriers.

SUMMARY: Notice is given that the FHWA is establishing maximum mileage guidelines to support the objectives of the 55 mph speed limit as well as § 392.6 of the Federal Motor Carrier Safety Regulations (FMCSR), governing hours of service.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

SUPPLEMENTARY INFORMATION: A number of complaints have been received from motorists alleging that trucks are tailgating automobiles and executing other hazardous maneuvers to gain speed. Many truck drivers claim that they are compelled to complete excessively long runs, which result in unlawful speeds and/or hours of service violations.

The national maximum speed limit was established in 1974, and has been strongly reaffirmed by President Carter. The operative law, title 23 U.S.C. 141, requires that each State annually certify to the Secretary of Transportation that it is enforcing the 55 mph speed limit. The national maximum speed limit has proven its value in terms of energy and lifesaving benefits.

When maximum speed limits were reduced to 55 mph, approximately a 20 percent reduction, it was expected that shorter mileage trips would be assigned. From driver's correspondence, it appears otherwise; drivers are still expected to accomplish distances that were previously undertaken. Therefore, drivers are either compelled to speed or exceed the hours of service regulations. That lower speeds do reduce the number and severity of accidents has recently been verified by a research report, "Safety Aspects of the National 55 mph Speed Limit,"[1] authored by the Pennsylvania State University. Deaths decreased most on highways where speed limits changed the most, particularly the Interstate Highway System.

Section 392.6 of the FMCSR states that, "No motor carrier shall schedule a run * * * between points in such period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated."

Considering the life-saving potential that can result from observance of the 55 mph speed limit, the Bureau of Motor Carrier Safety (BMCS) is adopting a policy that trips of between 450 to 500 miles completed within 10 hours are questionable and will have to be documented by motor carriers upon request of BMCS personnel. Trips of over 500 miles are assumed by BMCS to be incapable of being completed without violations of the 55 mph speed limit or hours of service regulations.

On trips of 450 miles or less, where drivers average 50 mph or more, the carrier must be able to document that trips can be made within the speed limit and in the time allotted for that trip.

In those instances where it is established that carriers are operating excessively long runs or allowing violations of the national speed limit, appropriate compliance action will be taken.

Issued on February 13, 1978.

ROBERT A. KAYE,
*Director, Bureau of Motor Carrier Safety.*

[FR Doc. 78-4793 Filed 2-23-78; 8:45 am]

[1] Safety Aspects of the National 55 mph Speed Limit, available from National Technical Information Service, Springfield, Va. 22151, Accession No. PB 267 989/AS, Paper Copy Price $6.75.





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[7035-01]

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Service Order No. 1302]

**PART 1033—CAR SERVICE**

**Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1302).

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., are inoperable because of heavy snow which is depriving industries located adjacent to the MILW tracks of railroad service. Service Order No. 1302 authorizes the Chicago & North Western Transportation Co. to operate over tracks of the MILW in Oshkosh in order to restore railroad service to these shippers.

DATES: Effective 3 p.m., February 17, 1978. Expires 11:59 p.m., February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of February 1978.

The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., have become inoperable because of heavy snow. Numerous shippers located adjacent to the tracks of the MILW have been deprived of essential railroad service because of the inability of the MILW to switch the industries at Oshkosh. The Chicago & North Western Transportation Co. (CNW) has agreed to operate over the tracks of the MILW at Oshkosh in order to restore essential railroad service to these shippers. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring operation of CNW trains over these tracks of the MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

**§ 1033.1302 Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis.**

(a) The Chicago & North Western Transportation Co. (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) at Oshkosh, Wis., for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the MILW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 3 p.m., February 17, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

*It is further ordered,* That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4956 Filed 2-23-78; 8:45 am]

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**SUBCHAPTER B—PRACTICE AND PROCEDURE**

[Ex Parte No. 274 (Sub No. 2)]

**PART 1121—ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE**

**Report, Order and Restatement of Rules**

AGENCY: Interstate Commerce Commission.

ACTION: Restatement of rules.

SUMMARY: The Commission is restating the National Subsidy Standards to conform with the Commission's new Uniform System of Accounts for Railroad Companies (USOA). Comments are invited on substantive changes and whether in light of the new USOA, the formulas for apportioning costs may be refined.

EFFECTIVE DATE: January 1, 1978. Comments must be received on or before March 15, 1978.

ADDRESS: Comments should be mailed to: Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423, attention: Ex Parte 274 (Sub 2).

The Commission invites comments on those areas in which substantive changes were made or a party believes substantive changes may have been made. Interested parties are also asked to consider whether the formulas for apportioning costs (section 1121.43) may be refined in light of the new USOA. An original and 19 copies of the comments should be submitted to the address above.

FOR FURTHER INFORMATION CONTACT:

Edward Schack, Acting Deputy Di-

rector, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, 202-274-7245, or James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423, 202-254-7552.

SUPPLEMENTARY INFORMATION:

REPORT OF THE COMMISSION

Pursuant to the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, (4R Act) Pub. L. 94-210, the Interstate Commerce Commission and its Rail Services Planning Office jointly instituted a rulemaking proceeding entitled Ex Parte 274 (Sub-No. 2) for the purpose of developing and promulgating new regulations governing the abandonment of railroad lines and the discontinuance of service.

In the report and order served on November 10, 1976, in Ex Parte 274 (Sub-No. 2), published at 41 FR, November 4, 1976, page 48520, the abandonment regulations in Part 1121 of Chapter X of Title 49 of the Code of Federal Regulations were replaced in full by new regulations designed to implement rigid time limits on the processing of abandonment applications imposed by 4R Act, to expand the type of notice required by a railroad proposing to abandon a line or discontinue service, and to provide an opportunity for parties wishing to preserve a line, with respect to which the Commission has found that the public convenience and necessity permit abandonment or discontinuance, to offer financial assistance to the railroad.

In response to several petitions for reconsideration, several clarifying modifications were adopted by the Commission in its report and order served May 3, 1977, published at 42 FR, May 7, 1977, page 25327.

Subpart D of the abandonment regulations is known as the National Subsidy Standards. These Standards are based on and refer directly to the Commission's Uniform System of Accounts for Railroad Companies (USOA). The Commission was directed in Section 307 of the 4R Act to establish a new Uniform System of Accounts for Railroad Companies; the new USOA (49 CFR 1201A) was adopted by the Commission on June 13, 1977 and became effective on January 1, 1978. As a result, the Commission is restating Subpart D to conform with the new USOA. The restated standards include a conversion table to help "bridge" from the old to the new accounting system. The Commission intends no substantive change in the National Subsidy Standards other than the following which were required by the new USOA:

The new USOA determines freight-train car costs by car type. The restated standards calculate freight-train car costs by each car type, rather than the present method of calculation which is based on an average of all car types; and

Certain incomes presently reported as revenues are treated in the restated standards as reductions to costs to conform with the new USOA. This change will affect the calculation of the administrative costs.

The following substantive change has been made:

The Standards had formerly prescribed that a subsequent subsidy year's estimate would be based on the third quarter Financial Status Report. In many instances, this third quarter Report may not be issued until after the end of the subsidy year, and would not be available for use in estimating the subsequent year's subsidy. As a result, the Standards have been changed to specify that the last Financial Status Report issued during the first ten months of the subsidy year will be used as the basis of the subsequent year's estimate. This is consistent with the provisions of the Regional Subsidy Standards (49 CFR, Part 1125).

These and other changes in the Standards relate only to the calculation of revenues attributable and on-branch costs. Off-branch costs will be calculated on a new cost-determination formula which is not yet completed. A new off-branch formula will be published when the new costing procedures for railroads which are currently being developed are completed.

Although the restated standards became effective January 1, 1978, parties to existing subsidy agreements may agree to continue to use the present standards for the remainder of the current subsidy year.

ORDER

At the Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 23rd day of January, 1978.

Ex Parte No. 274 (Sub-No. 2)

ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Further consideration having been given to the matters and things involved in this proceeding and the Commission, on the date hereof, having issued its report on further consideration, which report is made a part hereof:

*It is ordered*, That the regulations prescribed in Part 1121 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and they are hereby, amended as set forth in the regulations attached hereto;

*It is further ordered*, That this order shall become effective on January 1, 1978;

*It is further ordered*, That parties to existing rail service continuation agreements may agree to continue to use the existing regulations in Subpart D of Part 1121 for the remainder of the period covered by those agreements;

*It is further ordered*, That the Commission invites comments on those areas in which substantive changes were made or a party believes substantive changes may have been made, and on whether the formulas for apportioning costs (section 1121.43) may be refined in light of the new uniform system of accounts;

*It is further ordered*, That an original and 19 copies of such comments shall be filed with the Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423, attention: Ex Parte 274 (Sub 2) by March 15, 1978;

*It is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Because of the statutory delegations of authority, this proceeding is under the joint authority of the Interstate Commerce Commission and its Rail Services Planning Office, Alan M. Fitzwater, Director.

By the Commission.

H. GORDON HOMME, JR.
*Acting Secretary.*

1. Section 1121.11 is amended by adding paragraph (o) to read as follows:

**§ 1121.11 Definitions.**

• • • • •

(o) "GMA" means the General Managers Association of Chicago

• • • • •

**§ 1121.24 [Amended]**

2. In § 1121.24, the reference to "§ 1121.43(c)" is changed to "§ 1121.44(c)".

**§ 1121.32 [Amended]**

3. In § 1121.32(d)(1), change the reference "§§ 1121.41-1121.44" to "§§ 1121.41-1121.45", also in the last line of paragraph (d)(1), change the reference "§ 1121.45" to "§ 1121.46".

**§ 1121.38 [Amended]**

4. In § 1121.38, change the following references:

(A). In paragraph (b)(2)(i), change "§ 1121.45" to "§ 1121.46".





(B). In paragraph (e), change "§ 1121.45" to "§ 1121.46".

**§ 1121.40 [Amended]**

5. In § 1121.40 (c)(2), change the reference "§ 1121.46" to "§ 1121.47".

6. The Table of Contents for Subpart D is amended as follows:

**Subpart D—Standards for Determining Costs, Revenues, and Return on Value**

• • • • •

Sec.
1121.41 Revenue and Income Attributable to Branch Lines
1121.42 Calculation of Avoidable Costs
1121.43 Apportionment Rules for the Assignment of Expenses to On-Branch Costs
1121.44 Valuation of Rail Properties
1121.45 Reasonable Return
1121.46 Submission of Revenue and Cost Data
1121.47 Financial Status Reports

7. Sections 1121.41-1121.46, including the headings are revised in their entirety and a new § 1121.47 is added to Subpart D to read as follows:

**§ 1121.41 Revenue and income attributable to branch lines.**

The revenue attributable to the rail properties is the total of the revenues assigned to the branch in accordance with this section, plus any subsidy payments that would cease upon discontinuance of service on the branch, for the subsidy year. The revenues assigned shall be derived from the following accounts:

(a) *Account 101-Freight.* The revenue assigned under this account shall be the actual revenues, including transit revenues, accruing to the railroad, derived from waybills and other source documents, for all traffic that:

(1) Originates or terminates on the branch;

(2) Originates or terminates on the branch and is handled off the branch on the system but not on another carrier; and

(3) Originates or terminates on the branch and is handled on another carrier.

All traffic that is received or forwarded through interchange at a point on the branch, including ferry operations, shall be considered as originating or terminating on the branch. The revenues of all other bridge or overhead traffic shall be attributed to the branch on the ratio of miles moved on the branch to miles moved on the system, provided, however, that the parties may agree on a mutually acceptable usage charge for bridge traffic in lieu of the mileage apportionment.

(b) *Account 104—Switching; Account 105—Water transfers; Account 106—Demurrage; Account 110—Incidental; Account 121—Joint Facility-Credit; Account 122—Joint Facility-Debt; Account 506—Revenues from Properties Used in Other Than Carrier Operations; Account 510—Miscellaneous Rent Income; Account 519—Miscellaneous Income.* The revenues assigned under these accounts shall be the actual revenues accruing to the railroad that are directly attributable to the branch.

(c) *Conversion Chart For Revenue Accounts*

| Revenue account title | Previous account No. | Present account No. |
|---|---|---|
| Freight | 101,109 | 101 |
| Switching | 110 | 104 |
| Water transfers | 113 | 105 |
| Demurrage | 137 | 106 |
| Incidental | 130, 132, 133, 135, 138, 139, 141, 142, 143 | 110 |
| Joint facility-credit | 151 | 121 |
| Joint facility-debt | 152 | 122 |
| Revenues from property used in other than carrier operations, less expenses | 502, 511 | 506, 534 |
| Miscellaneous rent income | 510 | 510 |
| Miscellaneous income | 519 | 519 |

**§ 1121.42 Calculation of avoidable costs.**

This section defines: Which cost elements are eligible for inclusion in the calculation of avoidable costs; the conditions under which certain cost elements become eligible for inclusion; and the basis of apportioning those cost elements which are not assigned to the branch on an actual expense basis. The avoidable costs of providing freight service on a branch shall be the total of the costs assigned to the branch in accordance with this section. Those expenses apportioned under this section shall be derived from the latest Form R-1 or Form R-2 of the railroad filed with the ICC prior to the conclusion of the subsidy year, and assigned to the branch according to the procedures set forth in § 1121.43 of these regulations. When the term "Actual" is specified as the basis for assigning an expense, it shall mean that the only costs which can be assigned to the account are those costs which are incurred solely as a result of the continuation of rail freight service on the branch. The accounts in the following charts, which list only the "freight-only" account numbers, shall include the portion of common expenses that have been apportioned to freight service.

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| (a) Maintenance of way and structures | | | |
| (1) Administration: | | | |
| *Track* | | | |
| Salaries and wages | 201 | 11-13-02 | Actual. |
| Materials | | 21-13-02 | Do. |
| Purchased services | | 41-13-02 | Do. |
| Other expenses | | 61-13-02 | Do. |
| *Bridges and buildings* | | | |
| Salaries and wages | 201 | 11-13-03 | Do. |
| Materials | | 21-13-03 | Do. |
| Purchased services | | 41-13-03 | Do. |
| Other expenses | | 61-13-03 | Do. |
| *Signals* | | | |
| Salaries and wages | 201 | 11-13-04 | Do. |
| Materials | | 21-13-04 | Do. |
| Purchased services | | 41-13-04 | Do. |
| Other expenses | | 61-13-04 | Do. |
| *Communications* | | | |
| Salaries and wages | 201 | 11-13-05 | Do. |
| Materials | | 21-13-05 | Do. |
| Purchased services | | 41-13-05 | Do. |
| Other expenses | | 61 13-05 | Do. |
| *Other* | | | |
| Salaries and wages | 201 | 11-13-06 | Do. |
| Materials | | 21-13-06 | Do. |
| Purchased services | | 41-13-06 | Do. |
| Other expenses | | 61-13-06 | Do. |
| (2) Repair maintenance and other roadway—running | | | |
| Salaries and wages | 202 | 11-11-10 | Do. |
| Materials | | 21-11-10 | Do. |
| Repairs by others—DR | | 39-11-10 | Do. |
| Repairs for others—CR | | 40-11-10 | Do. |
| Purchased services | | 41-11-10 | Do. |
| Other expenses | | 61-11-10 | Do. |
| *Roadway—switching* | | | |
| Salaries and wages | 202 | 11-12-10 | Do. |
| Materials | | 21-12-10 | Do. |
| Repairs by others—DR | | 39-12-10 | Do. |
| Repairs for others—CR | | 40-12-10 | Do. |
| Purchased services | | 41-12-10 | Do. |
| Other expenses | | 61-12-10 | Do. |
| *Tunnels and subways—running* | | | |
| Salaries and wages | 206 | 11-11-11 | Do. |
| Materials | | 21-11-11 | Do. |
| Repairs by others—DR | | 39-11-11 | Do. |
| Repairs for others—CR | | 40-11-11 | Do. |
| Purchased services | | 41-11-11 | Do. |
| Other expenses | | 61-11-11 | Do. |
| *Tunnels and subways—switching* | | | |
| Salaries and wages | 206 | 11-12-11 | Do. |
| Materials | | 21-12-11 | Do. |
| Repairs by others—DR | | 39-12-11 | Do. |
| Repairs for others—CR | | 40-12-11 | Do. |
| Purchased services | | 41-12-11 | Do. |
| Other expenses | | 61-12-11 | Do. |
| *Bridges and culverts—running* | | | |
| Salaries and wages | 208-210 | 11-11-12 | Do. |
| Materials | | 21-11-12 | Do. |
| Repairs by others—DR | | 39-11-12 | Do. |
| Repairs for others—CR | | 40-11-12 | Do. |
| Purchased services | | 41-11-12 | Do. |
| Other expenses | | 61-11-12 | Do. |
| *Bridges and culverts—switching* | | | |
| Salaries and wages | 208-210 | 11-12-12 | Do. |
| Materials | | 21-12-12 | Do. |
| Repairs by others—DR | | 39-12-12 | Do. |
| Repairs for others—CR | | 40-12-12 | Do. |
| Purchased services | | 41-12-12 | Do. |
| Other expenses | | 61-12-12 | Do. |
| Ties—running—material | 212 | 21-11-13 | Do. |
| Ties—switching—material | 212 | 21-12-13 | Do. |
| Rails—running—material | 214 | 21-11-14 | Do. |
| Rails—switching—material | 214 | 21-12-14 | Do. |
| Other track material—running—material | 216 | 21-11-15 | Do. |
| Other track material—switching—material | 216 | 21-12-15 | Do. |
| Ballast—running—material | 216 | 21-11-16 | Do. |
| Ballast—switching—material | 216 | 21-12-16 | Do. |
| *Track laying and surfacing—running* | | | |
| Salaries and wages | 220 | 11-11-17 | Do. |
| Materials | | 21-11-17 | Do. |
| Repairs by others—DR | | 39-11 17 | Do. |
| Repairs for others—CR | | 40-11 17 | Do. |
| Purchased services | | 41-11-17 | Do. |
| Other expenses | | 61-11-17 | Do. |
| *Track laying and surfacing—switching* | | | |
| Salaries and wages | 220 | 11-12-17 | Do. |
| Materials | | 21-12-17 | Do. |
| Repairs by others—DR | | 39-12-17 | Do. |
| Repairs for others—CR | | 40-12-17 | Do. |
| Purchased services | | 41-12-17 | Do. |
| Other expenses | | 61-12-17 | Do. |
| *Road property damaged—running* | | | |
| Salaries and wages | 202-220, 249 | 11-11-48 | Do. |
| Materials | | 21-11-48 | Do. |
| Repairs by others—DR | | 39-11-48 | Do. |
| Repairs for others—CR | | 40-11-48 | Do. |
| Purchased services | | 41-11-48 | Do. |
| Other expenses | | 61-11-48 | Do. |
| *Road property damaged—switching* | | | |
| Salaries and wages | 202-220, 249 | 11-12-48 | Do. |
| Materials | | 21-12-48 | Do. |
| Repairs by others—DR | | 39-12-48 | Do. |
| Repairs for others—CR | | 40-12-48 | Do. |
| Purchased services | | 41-12-48 | Do. |
| Other Expenses | | 61-12-48 | Do. |
| *Road property damaged—other* | | | |
| Salaries and wages | 221, 227-247 | 11-13-48 | Do. |
| Materials | 253, 257 | 21-13-48 | Do. |
| Repairs by others—DR | 265, 269 | 39-13-48 | Do. |
| Repairs for others—CR | | 40-13-48 | Do. |
| Purchased services | | 41-13-48 | Do. |
| Other expenses | | 61-13-48 | Do. |
| *Signals and interlockers—running* | | | |
| Salaries and wages | 249 | 11-11-19 | Do. |
| Materials | | 21-11-19 | Do. |
| Repairs by others—DR | | 39-11-19 | Do. |
| Repairs for others—CR | | 40-11-19 | Do. |
| Purchased services | | 41-11-19 | Do. |
| Other expenses | | 61-11-19 | Do. |



| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Signals and interlockers—switching* | | | |
| Salaries and wages | 249 | 11-12-19 | Do. |
| Materials | | 21-12-19 | Do. |
| Repairs by others—DR | | 39-12-19 | Do. |
| Repairs for others—CR | | 40-12-19 | Do. |
| Purchased services | | 41-12-19 | Do. |
| Other expenses | | 61-12-19 | Do. |
| *Communications systems* | | | |
| Salaries and wages | 247 | 11-13-20 | Do. |
| Materials | | 21-13-20 | Do. |
| Repairs by others—DR | | 39-13-20 | Do. |
| Repairs for others—CR | | 40-13-20 | Do. |
| Purchased services | | 41-13-20 | Do. |
| Other expenses | | 61-13-20 | Do. |
| *Electric power systems* | | | |
| Salaries and wages | 253, 257, 304 | 11-13-21 | Do. |
| Materials | | 21-13-21 | Do. |
| Repairs by others—DR | | 39-13-21 | Do. |
| Repairs for others—CR | | 40-13-21 | Do. |
| Purchased services | | 41-13-21 | Do. |
| Other expenses | | 61-13-21 | Do. |
| *Highway grade crossings—running* | | | |
| Salaries and wages | 273 | 11-11-22 | Do. |
| Materials | | 21-11-22 | Do. |
| Repairs by others—DR | | 39-11-22 | Do. |
| Repairs for others—CR | | 40-11-22 | Do. |
| Purchased services | | 41-11-22 | Do. |
| Other expenses | | 61-11-22 | Do. |
| *Highway grade crossings—switching* | | | |
| Salaries and wages | 273 | 11-12-22 | Do. |
| Materials | | 21-12-22 | Do. |
| Repairs by others—DR | | 39-12-22 | Do. |
| Repairs for others—CR | | 40-12-22 | Do. |
| Purchased services | | 41-12-22 | Do. |
| Other expenses | | 61-12-22 | Do. |
| *Station and office buildings* | | | |
| Salaries and wages | 227 | 11-13-23 | Do. |
| Materials | | 21-13-23 | Do. |
| Repairs by others—DR | | 39-13-23 | Do. |
| Repairs for others—CR | | 40-13-23 | Do. |
| Purchased services | | 41-13-23 | Do. |
| Other expenses | | 61-13-23 | Do. |
| *Station buildings—locomotives* | | | |
| Salaries and wages | 235, 253 | 11-13-24 | Do. |
| Materials | and 257 | 21-13-24 | Do. |
| Repairs by others—DR | | 39-13-24 | Do. |
| Repairs for others—CR | | 40-13-24 | Do. |
| Purchased services | | 41-13-24 | Do. |
| Other expenses | | 61-13-24 | Do. |
| *Shop buildings—freight cars* | | | |
| Salaries and wages | 235, 253 | 11-13-25 | Do. |
| Materials | and 257 | 21-13-25 | Do. |
| Repairs by others—DR | | 39-13-25 | Do. |
| Repairs for others—CR | | 40-13-25 | Do. |
| Purchased services | | 41-13-25 | Do. |
| Other expenses | | 61-13-25 | Do. |
| *Shop buildings—other equipment* | | | |
| Salaries and wages | 235, 253 | 11-13-26 | Do. |
| Materials | and 257 | 21-13-26 | Do. |
| Repairs by others—DR | | 39-13-26 | Do. |
| Repairs for others—CR | | 40-13-26 | Do. |
| Purchased services | | 41-13-26 | Do. |
| Other expenses | | 61-13-26 | Do. |
| *Locomotive servicing facilities* | | | |
| Salaries and wages | 231, 233 | 11-13-27 | Do. |
| Materials | | 21-13-27 | Do. |
| *Locomotive servicing facilities* | | | |
| Repairs by others—DR | | 39-13-27 | Do. |
| Repairs for others—CR | | 40-13-27 | Do. |
| Purchased services | | 41-13-27 | Do. |
| Other expenses | | 61-13-27 | Do. |
| *Miscellaneous buildings and structures* | | | |
| Salaries and wages | 221, 229, 239, | 11-13-28 | Do. |
| Materials | 265, 304 | 21-13-28 | Do. |
| Repairs by others—DR | | 39-13-28 | Do. |
| Repairs for others—CR | | 40-13-28 | Do. |
| Purchased services | | 41-13-28 | Do. |
| Other expenses | | 61-13-28 | Do. |
| *Coal terminals* | | | |
| Salaries and wages | 243 | 11-13-29 | Do. |
| Materials | | 21-13-29 | Do. |
| Repairs by others—DR | | 39-13-29 | Do. |
| Repairs for others—CR | | 40-13-29 | Do. |
| Purchased services | | 41-13-29 | Do. |
| Other expenses | | 61-13-29 | Do. |
| *Ore terminals* | | | |
| Salaries and wages | 243 | 11-13-30 | Do. |
| Materials | | 21-13-30 | Do. |
| Repairs by others—DR | | 39-13-30 | Do. |
| Repairs for others—CR | | 40-13-30 | Do. |
| Purchased services | | 41-13-30 | Do. |
| Other expenses | | 61-13-30 | Do. |
| *TOFC/COFC terminals* | | | |
| Salaries and wages | 244 | 11-13-31 | Do. |
| Materials | | 21-13-31 | Do. |
| Repairs by others—DR | | 39-13-31 | Do. |
| Repairs for others—CR | | 40-13-31 | Do. |
| Purchased services | | 41-13-21 | Do. |
| Other expenses | | 61-13-31 | Do. |
| *Other marine terminals* | | | |
| Salaries and wages | 241 | 11-13-32 | Do. |
| Materials | | 21-13-32 | Do. |
| Repairs by others—DR | | 39-13-32 | Do. |
| Repairs for others—CR | | 40-13-32 | Do. |
| Purchased services | | 41-13-32 | Do. |
| Other expenses | | 61-13-32 | Do. |



RULES AND REGULATIONS



FEDERAL REGISTER, VOL. 43, NO. 38—FRIDAY, FEBRUARY 24, 1978

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Motor vehicle loading and distribution facilities* | | | |
| Salaries and wages | 227 | 11-13-33 | Do. |
| Materials | | 21-13-33 | Do. |
| Repairs by others—DR | | 39-13-33 | Do. |
| Repairs for others—CR | | 40-13-33 | Do. |
| Purchased services | | 41-13-33 | Do. |
| Other expenses | | 61-13-33 | Do. |
| *Facilities for other specialized service operations* | | | |
| Salaries and wages | 227, 237 | 11-13-35 | Do. |
| Materials | | 21-13-35 | Do. |
| Repairs by others—DR | | 39-13-35 | Do. |
| Repairs for others—CR | | 40-13-35 | Do. |
| Purchased services | | 41-13-35 | Do. |
| Other expenses | | 61-13-35 | Do. |
| *Roadway machines* | | | |
| Salaries and wages | 269 | 11-13-36 | Daily repair costs per GMA, for each type of machine used on the branch line sec. 1121.43(a)(1). |
| Materials | | 21-13-36 | Do. |
| Repairs by others—DR | | 39-13-36 | Do. |
| Repairs for others—CR | | 40-13-36 | Do. |
| Purchased services | | 41-13-36 | Do. |
| Other expenses | | 61-13-36 | Do. |
| *Small tools and supplies* | | | |
| Salaries and wages | 271 | 11-13-37 | Assign supplies on the daily costs per GMA, for each type of machine used on the branch; small tool assign to maintenance of way 11-11/12-10 through 17, and 48, sec. 1121.43(a)(2). |
| Materials | | 21-13-37 | |
| Repairs by others—DR | | 39-13-37 | |
| Repairs for others—CR | | 40-13-37 | |
| Purchased services | | 41-13-37 | |
| Other expenses | | 61-13-37 | |
| *Snow removal* | | | |
| Salaries and wages | 272 | 11-13-38 | Actual. |
| Materials | | 21-13-38 | Do. |
| Repairs by others—DR | | 39-13-38 | Do. |
| Repairs for others—CR | | 40-13-38 | Do. |
| Purchased services | | 41-13-38 | Do. |
| Other expenses | | 61-13-38 | Do. |
| Fringe benefits—running | 277, 457 | 12-11-00 | 11-11-XX, sec. 1121.43(a)(3)(i). |
| Fringe benefits—switching | 277, 457 | 12-12-00 | 11-12-XX, sec. 1121.43(a)(3)(ii). |
| Fringe benefits—other | 277, 457 | 12-13-00 | 11-13-XX, sec. 1121.43(a)(3)(iii). |

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Casualties and insurance—running* | | | |
| Other casualties | 274 | 52-11-00 | Actual. |
| Insurance | 275 | 53-11-00 | Do. |
| *Casualties and insurance—switching* | | | |
| Other casualties | 274 | 51-12-00 | Do. |
| Insurance | 275 | 53-12-00 | Do. |
| Lease rentals—debit—running | 542 | 31-11-00 | Do. |
| Lease rentals—debit—switching | 542 | 31-12-00 | Do. |
| Lease rentals—debit—other | 542 | 31-13-00 | Do. |
| Lease rentals—credit—running | 509 | 32-11-00 | Do. |
| Lease rentals—credit—switching | 509 | 32-12-00 | Do. |
| Lease rentals—credit—other | 509 | 32-13-00 | Do. |
| Joint facility rent—debit—running | 541 | 33-11-00 | Do. |
| Joint facility rent—debit—switching | 541 | 33-12-00 | Do. |
| *Casualties and insurance—other* | | | |
| Other casualties | 274, 420 | 52-13-00 | Do. |
| Insurance | 275 | 53-13-00 | Do. |
| Joint facility—debit—other | 541 | 33-13-00 | Do. |
| Joint facility rent—credit—running | 508 | 34-11-00 | Do. |
| Joint facility rent—credit—switching | 508 | 34-12-00 | Do. |
| Joint facility rent—credit—other | 508 | 34-13-00 | Do. |
| Other rents—debit—running | 543 | 35-11-00 | Do. |
| Other rents—debit—switching | 543 | 35-12-00 | Do. |
| Other rents—debit—other | 543 | 35-13-00 | Do. |
| Other rents—credit—running | 510 | 36-11-00 | Do. |
| Other rents—credit—switching | 510 | 36-12-00 | Do. |
| Other rents—credit—other | 510 | 36-13-00 | Do. |
| Depreciation—running | 266 | 62-11-00 | Do. |
| Depreciation—switching | 266 | 62-12-00 | Do. |
| Depreciation—other | 266, 305 | 62-13-00 | Do. |
| Joint facility—debit—running | 278 | 37-11-00 | Do. |
| Joint facility—debit—switching | 278 | 37-12-00 | Do. |
| Joint facility—debit—other | 278 | 37-13-00 | Do. |
| Joint facility—credit—running | 279 | 38-11-00 | Do. |
| Joint facility—credit—switching | 279 | 38-12-00 | Do. |
| Joint facility—credit—other | 279 | 38-13-00 | Do. |
| *Dismantling retired road property—running* | | | |
| Salaries and wages | 270 | 11-11-39 | Do. |
| Materials | | 21-11-39 | Do. |
| Purchased services | | 41-11-39 | Do. |
| Other expenses | | 61-11-39 | Do. |
| *Dismantling retired road property—switching* | | | |
| Salaries and wages | 270 | 11-12-39 | Do. |
| Materials | | 21-12-39 | Do. |
| Purchased services | | 41-12-39 | Do. |
| Other expenses | | 61-12-39 | Do. |
| *Dismantling retired road property—other* | | | |
| Salaries and wages | 270, 306 | 11-13-39 | Do. |
| Materials | | 21-13-39 | Do. |
| Purchased services | | 41-13-39 | Do. |
| Other expenses | | 61-13-39 | Do. |





| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Other—running* | | | |
| Salaries and wages | 281-282, 274 | 11-11-99 | Do. |
| Materials | | 21-11-99 | Do. |
| Purchased services | | 41-11-99 | Do. |
| Other expenses | | 61-11-99 | Do. |
| *Other—switching* | | | |
| Salaries and wages | 281-282, 274 | 11-12-99 | Do. |
| Materials | | 21-12-99 | Do. |
| Purchased Services | | 41-12-99 | Do. |
| Other Expenses | | 61-12-99 | Do. |
| *Other—other* | | | |
| Salaries and wages | 281-282, 274 | 11-13-99 | Do. |
| Materials | | 21-13-99 | Do. |
| Purchased services | | 41-13-99 | Do. |
| Other expenses | | 61-13-99 | Do. |
| (b) Maintenance of equipment | | | |
| (1) Locomotives: | | | |
| *Administration* | | | |
| Salaries and wages | 301 | 11-21-01 | Do. |
| Materials | | 21-21-01 | Do. |
| Purchased services | | 41-21-01 | Do. |
| Other expenses | | 61-21-01 | Do. |
| *Repairs and maintenance* | | | |
| Salaries and wages | 311 | 11-21-41 | Road diesel and road electric locomotive gross ton miles. Yard diesel and yard electric locomotive unit hours, §1121.43(b)(1). |
| Materials | | 21-21-41 | Do. |
| Repairs by others—DR | | 39-21-41 | Do. |
| Repairs for others—CR | | 40-21-41 | Do. |
| Purchased services | | 41-21-41 | Do. |
| Other expenses | | 61-21-41 | Do. |
| *Machinery repair* | | | |
| Salaries and wages | 302 | 11-21-40 | Actual. |
| Materials | | 21-21-40 | Do. |
| Repairs by others—DR | | 39-21-40 | Do. |
| Repairs for others—CR | | 40-21-40 | Do. |
| Purchased services | | 41-21-40 | Do. |
| Other expenses | | 61-21-40 | Do. |
| *Equipment damaged* | | | |
| Salaries and wages | 311 | 11-21-48 | Do. |
| Materials | | 21-21-48 | Do. |
| Repairs by others—DR | | 39-21-48 | Do. |
| Repairs for others—CR | | 40-21-48 | Do. |
| Purchased services | | 41-21-48 | Do. |
| Other expenses | | 61-21-48 | Do. |
| *Equipment damaged* | | | |
| Fringe benefits | 335, 457 | 12-21-00 | 11-21-XX, sec. 1121.43(b)-(3)(i). |

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Other casualties and insurance* | | | |
| Other casualties | 332 | 52-21-00 | Actual. |
| Insurance | 333 | 53-21-00 | Do. |
| Lease rentals—debit | 537 | 31-21-00 | Do. |
| Lease rentals—credit | 504 | 32-21-00 | Do. |
| Joint facility rent—debit | 541 | 33-21-00 | Do. |
| Joint facility rent—credit | 508 | 34-21-00 | Do. |
| Other rents—debit | 537 | 35-21-00 | Do. |
| Other rents—credit | 504 | 36-21-00 | Do. |
| Joint facility—debit | 336 | 37-21-00 | Do. |
| Joint facility—credit | 337 | 38-21-00 | Do. |
| Depreciation | 331, 305 | 62-21-00 | All locomotives, locomotive unit hours, sec. 1121.43(b)(2). |
| *Dismantling retired property* | | | |
| Salaries and wages | 306, 329 | 11-21-39 | Actual. |
| Materials | | 21-21-39 | Do. |
| Purchased services | | 41-21-39 | Do. |
| Other expenses | | 61-21-39 | Do. |
| *Other* | | | |
| Salaries and wages | 339, 332 | 11-21-99 | Do. |
| Materials | 339 | 21-21-99 | Do. |
| Purchased services | 339 | 41-21-99 | Do. |
| Other expenses | 339, 332 | 61-21-99 | Do. |
| (2) Freight cars: | | | |
| *Administration* | | | |
| Salaries and wages | 301 | 11-22-01 | Do. |
| Materials | | 21-22-01 | Do. |
| Purchased services | | 41-22-01 | Do. |
| Other expenses | | 61-22-01 | Do. |
| *Machinery repair* | | | |
| Salaries and wages | 302 | 11-22-40 | Do. |
| Materials | | 21-22-40 | Do. |
| Repairs by others—DR | | 39-22-40 | Do. |
| Repairs for others—CR | | 40-22-40 | Do. |
| Purchased services | | 41-22-40 | Do. |
| Other expenses | | 61-22-40 | Do. |
| *Equipment damage* | | | |
| Salaries and wages | 314 | 11-22-48 | Do. |
| Materials | | 21-22-48 | Do. |
| Repairs by others—DR | | 39-22-48 | Do. |
| Repairs for others—CR | | 40-22-48 | Do. |
| Purchased services | | 41-22-48 | Do. |
| Other expenses | | 61-22-48 | Do. |
| Fringe benefits | 335, 457 | 12-22-00 | 11-22-XX, sec. 1121.43-(b)(3)(iii). |
| *Other casualties and insurance* | | | |
| Other casualties | 332 | 52-22-00 | Actual. |
| Insurance | 333 | 53-22-00 | Do. |
| Joint facility rent—DR | 541 | 33-22-00 | Do. |
| Joint facility rent—CR | 508 | 34-22-00 | Do. |
| Joint facility—DR | 336 | 37-22-00 | Do. |
| Joint facility—CR | 337 | 38-22-00 | Do. |

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Dismantling retired property* | | | |
| Salaries and wages | 306, 329 | 11-22-39 | Do. |
| Materials | | 21-22-39 | Do. |
| Purchased services | | 41-22-39 | Do. |
| Other expenses | | 61-22-39 | Do. |
| *Other* | | | |
| Salaries and wages | 330, 339, 332 | 11-22-99 | Do. |
| Materials | | 21-22-99 | Do. |
| Purchased services | | 41-22-99 | Do. |
| Other expenses | | 61-22-99 | Do. |
| Freight car costs per day and per mile: | | | |
| Repair and maintenance | | | |
| Salaries and wages | 314 | 11-22-42 | These accounts are used to develop the cost per car day and per car mile for each type of car, sec. 1121.42(g). |
| Materials | | 21-22-42 | Do. |
| Repairs by others—DR | | 39-22-42 | Do. |
| Repairs for others—CR | | 40-22-42 | Do. |
| Purchased services | | 41-22-42 | Do. |
| Other expenses | | 61-22-42 | Do. |
| Lease rentals—DR | 536 | 31-22-00 | |
| Lease rentals—CR | 503 | 32-22-00 | |
| Depreciation | 331, 305 | 62-22-00 | |
| Other rents—DR | 536 | 35-22-00 | |
| Other rents—CR | 503 | 36-22-00 | |
| (3) Other equipment: | | | |
| *Administration* | | | |
| Salaries and wages | 301 | 11-23-01 | Actual. |
| Materials | | 21-23-01 | Do. |
| Purchased services | | 41-23-01 | Do. |
| Other expenses | | 61-23-01 | Do. |
| Repair and maintenance: | | | |
| *Trucks, trailers and containers—revenue service* | | | |
| Salaries and wages | 318 | 11-23-43 | Do. |
| Materials | | 21-23-43 | Do. |
| Repairs by others—DR | | 39-23-43 | Do. |
| Repairs for others—CR | | 40-23-43 | Do. |
| Purchased services | | 41-23-43 | Do. |
| Other expenses | | 61-23-43 | Do. |
| Floating equipment—revenue service | | | |
| Salaries and wages | 323 | 11-23-44 | Do. |
| Materials | | 21-23-44 | Do. |
| Repairs by others—DR | | 39-23-44 | Do. |
| Repairs for others—CR | | 40-23-44 | Do. |
| Purchased services | | 41-23-44 | Do. |
| Other expenses | | 61-23-44 | Do. |
| *Computer and data processing* | | | |
| Salaries and wages | Various accounts. | 11-23-46 | Do. |



| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| Materials | | 21-23-46 | Do. |
| Repairs by others—DR | | 39-23-46 | Do. |
| Repairs for others—CR | | 40-23-46 | Do. |
| Purchased services | | 41-23-46 | Do. |
| Other expenses | | 61-23-46 | Do. |
| *Machinery* | | | |
| Salaries and wages | 302 | 11-23-40 | Do. |
| materials | | 21-23-40 | Do. |
| Repairs by others—DR | | 39-23-40 | Do. |
| Repairs for others—CR | | 40-23-40 | Do. |
| Purchased services | | 41-23-40 | Do. |
| Other expenses | | 61-23-40 | Do. |
| *Work and other non revenue equipment* | | | |
| Salaries and wages | 326, 328 | 11-23-47 | Do. |
| Materials | | 21-23-47 | Do. |
| Repairs by others—DR | | 39-23-47 | Do. |
| Repairs for others—CR | | 40-23-47 | Do. |
| Purchased services | | 41-23-47 | Do. |
| Other expenses | | 61-23-47 | Do. |
| *Equipment damaged* | | | |
| Salaries and wages | 318, 323, 326, 328 | 11-23-48 | Do. |
| Materials | | 21-23-48 | Do. |
| Repairs by others—DR | | 39-23-48 | Do. |
| Repairs for others—CR | | 40-23-38 | Do. |
| Purchased services | | 41-23-48 | Do. |
| Other expenses | | 61-23-46 | Do. |
| *Equipment damaged* | | | |
| Fringe benefits | 335, 457 | 12-23-00 | 11-23-XX, sec. 1121.43(b)(3)(ii). |
| *Other casualties and insurance* | | | |
| Other casualties | 332 | 52-23-00 | Actual. |
| Insurance | 333 | 53-23-00 | Do. |
| Lease rentals—DR | 539, 540 | 31-23-00 | Do. |
| Lease rentals—CR | 506, 507 | 32-23-00 | Do. |
| Joint facility rent—DR | 541 | 33-23-00 | Do. |
| Joint facility rent—CR | 508 | 34-23-00 | Do. |
| Other rents—DR | 539, 540 | 35-23-00 | Do. |
| Other rents—CR | 506, 507 | 36-23-00 | Do. |
| Depreciation | 331, 305 | 62-23-00 | Do. |
| Joint facility—DR | 336 | 37-23-00 | Do. |
| Joint facility—CR | 337 | 38-23-00 | Do. |
| *Dismantling retired property* | | | |
| Salaries and wages | 306, 329 | 11-23-39 | Do. |
| Materials | | 21-23-39 | Do. |
| Purchased services | | 41-23-39 | Do. |
| Other expenses | | 61-23-39 | Do. |
| *Other* | | | |
| Salaries and wages | 339, 332 | 11-23-99 | Do. |
| Materials | 339 | 21-23-99 | Do. |
| Purchased services | 339 | 41-23-99 | Do. |
| Other expenses | 339, 332 | 61-23-99 | Do. |
| (c) Transportation | | | |
| (1) Train operations: | | | |





| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Administration* | | | |
| Salaries and wages | 371 | 11-31-01 | Do. |
| Materials | | 21-31-01 | Do. |
| Purchased services | | 41-31-01 | Do. |
| Other expenses | | 61-31-01 | Do. |
| *Engine crews* | | | |
| Salaries and wages | 392 | 11-31-56 | Do. |
| Materials | 402 | 21-31-56 | Train hours, sec. 1121.43(c)(1)(i). |
| Purchased services | 402 | 41-31-56 | Actual. |
| Other expenses | 402 | 61-31-56 | Do. |
| *Train crews* | | | |
| Salaries and wages | 401 | 11-31-57 | Do. |
| Materials | 402 | 21-31-57 | Trains hours, sec. 1121.43(c)(1)(i). |
| Purchased services | 402 | 41-31-57 | Actual. |
| Other expenses | 402 | 61-31-57 | Do. |
| *Dispatching trains* | | | |
| Salaries and wages | 372 | 11-31-58 | Do. |
| Materials | | 21-31-58 | Do. |
| Purchased services | | 41-31-58 | Do. |
| Other experses | | 61-31-58 | Do. |
| *Operating signals and interlockers* | | | |
| Salaries and wages | 404 | 11-31-59 | Do. |
| Materials | | 21-31-59 | Do. |
| Purchased services | | 41-31-59 | Do. |
| Other expenses | | 61-31-59 | Do. |
| *Operating drawbridges* | | | |
| Salaries and wages | 406 | 11-31-60 | Do. |
| Materials | | 21-31-60 | Do. |
| Purchased services | | 41-31-60 | Do. |
| Other expenses | | 61-31-60 | Do. |
| *Highway crossing protection* | | | |
| Salaries and wages | 405 | 11-31-61 | Do. |
| Materials | | 21-31-61 | Do. |
| Purchased services | | 41-31-61 | Do. |
| Other expenses | | 61-31-61 | Do. |
| *Train and inspection and lubrication* | | | |
| Salaries and wages | 314, 402, 311 | 11-31-62 | Train hours, Sec. 1121.43(c)(1)(i). |
| Materials | | 21-31-62 | Do. |
| Purchased services | | 41-31-62 | Actual. |
| Other expenses | | 61-31-62 | Do. |
| *Locomotive fuel* | | | |
| Salaries and wages | 394 | 11-31-67 | Diesel locomotive unit hours, Sec. 1121.43(c)(1)(ii). |
| Materials | | 21-31-67 | |
| Purchased services | | 41-31-67 | |
| Other expenses | | 61-31-67 | |



| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Electric power purchased or produced for motive power* | | | |
| Salaries and wages | 395, 445 | 11-31-68 | Electric locomotive unit hours, sec. 1121.43(c)(1)(iii). |
| Materials | 395, 445 | 21-31-68 | |
| Purchased services | 395, 396, 445 | 41-31-68 | |
| Other expenses | 395, 445 | 61-31-68 | |
| *Servicing locomotives* | | | |
| Salaries and wages | 400 | 11-31-69 | Locomotive unit miles, sec. 1121.43(c)(1)(iv). |
| Materials | | 21-31-69 | Do. |
| Purchased services | | 41-31-69 | Do. |
| Other expenses | | 61-31-69 | Do. |
| Freight lost or damaged—solely related | 418, 419 | 51-31-00 | Actual. |
| *Clearing wrecks* | | | |
| Salaries and wages | 415 | 11-31-63 | Do. |
| Materials | | 21-31-63 | Do. |
| Purchased services | | 41-31-63 | Do. |
| Other expenses | | 61-31-63 | Do. |
| Fringe benefits | 409, 457 | 12-31-00 | 11-31-XX, sec. 1121.43(c)(4)(i). |
| *Other casualties and insurance* | | | |
| Other casualties | 416, 417, 420 | 52-31-00 | Actual. |
| Insurance | 414 | 53-31-00 | Do. |
| Joint facility—DR | 412 | 37-31-00 | Do. |
| Joint facility—CR | 413 | 38-31-00 | Do. |
| *Other* | | | |
| Salaries and wages | 402, 411, 420 | 11-31-99 | Do. |
| Materials | | 21-31-99 | Do. |
| Purchased services | | 41-31-99 | Do. |
| Other expenses | | 61-31-99 | Do. |
| (2) Yard operations: | | | |
| *Administration* | | | |
| Salaries and wages | 371 | 11-32-01 | Do. |
| Materials | | 21-32-01 | Do. |
| Purchased services | | 41-32-01 | Do. |
| Other expenses | | 61-32-01 | Do. |
| *Switch crews* | | | |
| Salaries and wages | 378, 380 | 11-32-64 | Do. |
| Materials | 389 | 21-32-64 | Locomotive unit hours, sec. 1121.43(c)(2)(i) |
| Purchased services | 389 | 41-32-64 | Actual. |
| Other expenses | 389 | 61-32-64 | Do. |
| *Controlling operations* | | | |
| Salaries and wages | 377 | 11-32-65 | Do. |
| Materials | 389 | 21-32-65 | Do. |
| Purchased services | 389 | 41-32-65 | Do. |
| Other expenses | 389 | 61-32-65 | Do. |

| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Yard and terminal clerical* | | | |
| Salaries and wages | 377 | 11-32-66 | Actual. |
| Materials | 389 | 21-32-66 | Do. |
| Purchased services | 389 | 41-32-66 | Do. |
| Other expenses | 389 | 61-32-66 | Do. |
| *Operating switches, signals, retarders and humps* | | | |
| Salaries and wages | 379 | 11-32-59 | Do. |
| Materials | 389 | 21-32-59 | Do. |
| Purchased services | 389 | 41-32-59 | Do. |
| Other expenses | 389 | 61-32-59 | Do. |
| *Locomotive fuel* | | | |
| Salaries and wages | 382 | 11-32-67 | Diesel locomotive unit hours, sec. 1121.43(c)(2)(ii) |
| Materials | | 21-32-67 | Do. |
| Purchased services | | 41-32-67 | Do. |
| Other expenses | | 61-32-67 | Do.. |
| *Electric power purchased or produced for motive power* | | | |
| Salaries and wages | 383, 445 | 11-32-68 | Electric locomotive unit hours, sec. 1121.43(c)(2)(iii). |
| Materials | 383, 445 | 21-32-68 | Do. |
| Purchased services | 383, 384, 445 | 41-32-68 | Do. |
| Other expenses | 383, 445 | 61-32-68 | Do. |
| *Servicing locomotives* | | | |
| Salaries and wages | 388 | 11-32-69 | Locomotive unit hours, sec. 1121.43(c)(2)(i). |
| Materials | | 21-32-69 | Do. |
| Purchased services | | 41-32-69 | Do. |
| Other expenses | | 61-32-69 | Do. |
| Freight lost or damaged—solely related | 418, 419 | 51-32-00 | Actual. |
| *Clearing wrecks* | | | |
| Salaries and wages | 415 | 11-32-63 | Do. |
| Materials | | 21-32-63 | Do. |
| Purchased services | | 41-32-63 | Do. |
| Other expenses | | 61-32-63 | Do. |
| Fringe benefits | 409, 457 | 12-32-00 | 11-32-XX, sec. 1121.43-(c)(4)(ii). |
| *Other casualties and insurance* | | | |
| Other casualties | 416, 420 | 52-32-00 | Actual. |
| Insurance | 414 | 53-32-00 | Do. |
| Joint facility—DR | 390, 412 | 37-32-00 | Do. |
| Joint facility—CR | 391, 413 | 38-32-00 | Do. |
| *Other* | | | |
| Salaries and wages | 411, 420 | 11-32-99 | Do. |
| Materials | | 21-31-99 | Do. |
| Purchased services | | 41-32-99 | Do. |
| Other expenses | | 61-32-99 | Do. |
| (3) Train and yard operations common: | | | |
| *Cleaning car interiors* | | | |
| Salaries and wages | 402 | 11-32-70 | Do. |
| Materials | | 21-32-70 | Do. |
| Purchased services | | 41-32-70 | Do. |
| *Adjusting and transferring loads* | | | |
| Salaries and wages | 373, 402 | 11-33-71 | Do. |
| Materials | 376, 402 | 21 33-71 | Do. |
| Purchased services | 376, 402 | 41-33-71 | Do. |
| *Carloading devices and grain doors* | | | |
| Salaries and wages | 402 | 11-33-72 | Do. |
| Materials | | 21-33-72 | Do. |
| Purchased services | | 41-33-72 | Do. |
| Freight lost or damaged—all other | 418, 419 | 51-33-00 | Do. |
| Fringe benefits | 409 | 12-33-00 | 11-33-XX, sec. 1121.43(c)(4)(iii). |
| (4) Specialized service operations: | | | |
| *Administration* | | | |
| Salaries and wages | 371, 408, 443 | 11-34-01 | Actual. |
| Materials | | 21-34-01 | Do. |
| Purchased services | | 41-34-01 | Do. |
| Other expenses | | 61-34-01 | Do. |
| *Pick-up and delivery, marine line haul, and rail substitute service* | | | |
| Salaries and wages | 408, 421, 422 | 11-34-73 | Do. |
| Materials | | 21-34-73 | Do. |
| Purchased services | | 41-34-73 | Do. |
| Other expenses | | 61-34-73 | Do. |
| *Loading and unloading and local marine* | | | |
| Salaries and wages | 375, 408, 421 | 11-34-74 | Do. |
| Materials | 422 and 443 | 21-34-74 | Do. |
| Purchased services | | 41-34-74 | Do. |
| Other expenses | | 61-34-74 | Do. |
| *Protective services* | | | |
| Salaries and wages | 402, 421, 422, 443 | 11-34-75 | Do. |
| Materials | | 21-34-75 | Do. |
| Purchased services | | 41-34-75 | Do. |
| Other expenses | | 61-34-75 | Do. |
| Freight lost or damaged—Solely related | 418, 419 | 51-34-00 | Do. |
| Fringe benefits | 409, 457, 449 | 12—34-00 | 11-34-XX, sec. 1121.43-(c)(4)(iv). |
| *Casualties and insurance* | | | |
| Other casualties | 416, 420 | 52-34-00 | Actual. |
| Insurance | 414 | 53-34-00 | Do. |
| Joint facility—DR | 412, 447 | 37-34-00 | Do. |
| Joint facility—CR | 413, 448 | 38-34-00 | Do. |
| *Other* | | | |
| Salaries and wages | 411, 442, 446, 420 | 11-34-99 | Do. |
| Materials | | 21-34-99 | Do. |
| Purchased services | | 41-34-99 | Do. |
| Other expenses | | 61-34-99 | Do. |
| (5) Administrative support operations: | | | |





| Operating expense group and accounts | Previous account No. | Present account No. | Basis of assignment to on-branch costs |
|---|---|---|---|
| *Administration* | | | |
| Salaries and wages | 371 | 11-35-01 | Do. |
| Materials | | 21-35-01 | Do. |
| Purchased services | | 41-35-01 | Do. |
| Other expenses | | 61-35-01 | Do. |
| *Employees performing clerical and accounting functions* | | | |
| Salaries and wages | 373 | 11-35-76 | Do. |
| Materials | 376 | 21-35-76 | Do. |
| Purchased services | 376 | 41-35-76 | Do. |
| Other expenses | 376 | 61-35-76 | Do. |
| *Communication systems operation* | | | |
| Salaries and wages | 373, 407 | 11-35-77 | Do. |
| Materials | 376, 407 | 21-35-77 | Do. |
| Purchased services | 376, 407 | 41-35-77 | Do. |
| Other expenses | 376, 407 | 61-35-77 | Do. |
| *Loss and damage claims processing* | | | |
| Salaries and wages | 418, 419 | 11-35-78 | Number of claims, sec. 1121.43(c)(3)(i). |
| Materials | | 21-35-78 | Do. |
| Purchased services | | 41-35-78 | Do. |
| Other expenses | | 61-35-78 | Do. |
| Fringe benefits | 409, 457 | 12-35-00 | 11-35-XX, sec. 1121.43-(c)(4)(v). |
| Joint facility—DR | 412, 447 | 37-35-00 | Actual. |
| Joint facility—CR | 413, 448 | 38-35-00 | Do. |
| *Casualties and insurance* | | | |
| Other casualties | 416, 420 | 52-35-00 | Do. |
| Insurance | 414 | 53-35-00 | Do. |
| *Other* | | | |
| Salaries and wages | 411, 420 | 11-35-99 | Do. |
| Materials | 411 | 21-35-99 | Do. |
| Purchased services | 411 | 41-35-99 | Do. |
| Other expenses | 411, 420 | 61-35-99 | Do. |
| (d) General Administrative | | | |
| *Officers—general administration* | | | |
| Salaries and wages | 351, 451, 452 | 11-61-01 | Do. |
| Materials | | 21-61-01 | Do. |
| Purchased services | | 41-61-01 | Do. |
| Other expenses | | 61-61-01 | Do. |
| *Accounting, auditing and finance* | | | |
| Salaries and wages | 452, 451 | 11-61-86 | Do. |
| Materials | | 21-61-86 | Do. |
| Purchased services | | 41-61-86 | Do. |
| Other expenses | | 61-61-86 | Do. |
| *Management services and data processing* | | | |
| Salaries and wages | 452, 451 | 11-61-87 | Do. |
| Materials | | 21-61-87 | Do. |
| Purchased services | | 41-61-87 | Do. |
| Other expenses | | 61-61-87 | Do. |
| *Marketing* | | | |
| Salaries and wages | 352 | 11-61-88 | Do. |
| Materials | | 21-61-88 | Do. |
| Purchased services | | 41-61-88 | Do. |
| Other expenses | | 61-61-88 | Do. |
| *Sales* | | | |
| Salaries and wages | 352 | 11-61-89 | Do. |
| Materials | | 21-61-89 | Do. |
| Purchased services | | 41-61-89 | Do. |
| Other expenses | | 61-61-89 | Do. |
| *Industrial development* | | | |
| Salaries and wages | 356, 452, 451 | 11-61-90 | Do. |
| Materials | | 21-61-90 | Do. |
| Purchased services | | 41-61-90 | Do. |
| Other expenses | | 61-61-90 | Do. |
| *Personnel and labor relations* | | | |
| Salaries and wages | 452, 451 | 11-61-91 | Do. |
| Materials | | 21-61-91 | Do. |
| Purchased services | | 41-61-91 | Do. |
| Other expenses | | 61-61-91 | Do. |
| *Legal and secretarial* | | | |
| Salaries and wages | 452, 454, 274 | 11-61-92 | Do. |
| Materials | 332 and 420 | 21-61-92 | Do. |
| Purchased services | | 41-61-92 | Do. |
| Other expenses | | 61-61-92 | Do. |
| *Public relations and advertising* | | | |
| Salaries and wages | 353, 354 | 11-61-93 | Do. |
| Materials | | 21-61-93 | Do. |
| Purchased services | | 41-61-93 | Do. |
| Other expenses | | 61-61-93 | Do. |
| *Research and development* | | | |
| Salaries and wages | Various accounts | 11-61-94 | Do. |
| Materials | | 21-61-94 | Do. |
| Purchased services | | 41-61-94 | Do. |
| Other expenses | | 61-61-94 | Do. |
| Fringe benefits | 359, 456, 457 | 12-61-00 | 11-61-XX, sec. 1121.43(d)(1). |
| *Casualties and insurance* | | | |
| Other casualties | None | 52-61-00 | Actual |
| Insurance | 357, 455 | 53-61-00 | Do. |
| Writedown of uncollectible accounts | 706, 707 | 63-61-00 | Do. |
| Other taxes except on corporate income or payroll | 532 | 65-61-00 | Do. |
| Joint facility—DR | 461 | 37-61-00 | Do. |
| Joint facility—CR | 462 | 38-61-00 | Do. |
| *Other* | | | |
| Salaries and wages | 355, 360, 460 | 11-61-99 | Do. |
| Materials | 351, 451, 452 and 453 | 21-61-99 | Do. |
| Purchased services | | 41-61-99 | Do. |
| Other expenses | | 61-61-99 | Do. |

(e) *Deadheading, taxi, and hotel costs.* The costs assigned under this subsection shall be the actual costs incurred as a result of providing service to the branch line for deadheading, taxi, and hotel costs. The amounts included under this subsection shall not be included under other subsections of these regulations.

(f) *Overhead movement costs.* The costs assigned under this subsection shall be the actual costs incurred in moving overhead in order to provide service to the branch. The amounts shown under this subsection shall not be included under other subsections of these regulations.

(g) *Freight car costs.* For Class I railroads, the on-branch costs for time-mileage freight cars shall be calculated on the basis of the railroad's average costs per day and per mile. The costs per day and per mile shall be calculated separately for each type of car specified in Ex Parte 334 (Car Service Compensation—Basic Per Diem Charges—Formula Revision In Accordance With the Railroad Revitalization and Regulatory Reform Act of 1976). These costs shall include: *Account 11-22-42—Salaries and wages—freight cars—repairs and maintenance; Account 21-22-42—Materials—freight cars—repairs and maintenance; Account 39-22-42—Repairs billed by others (Debit)—freight cars—repairs and maintenance; Account 40-22-42—Repairs billed to others (Credit)—freight cars—repairs and maintenance; Account 41-22-42—Other purchased services—freight cars—repairs and maintenance; Account 61-22-42—Other expenses—freight cars—repairs and maintenance; Account 31-22-00—Lease rentals (Debit)—freight cars; Account 32-22-00—Lease Rentals (Credit)—freight cars; Account 35-22-00—Other rents (Debit)—freight cars; Account 26-22-00—Other rents (Credit)—freight cars; and Account 62-22-00—Depreciation—freight cars;* and the return on investment in freight cars. The system total of the repair and maintenance accounts, all accounts designated XX-XX-42, and depreciation shall be divided into time related costs and mileage related costs on the basis of the present Rail Form A apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs, and 60 percent time and 40 percent mileage for depreciation). Return on investment shall be treated as a 100 percent time-related cost. The system total receipts and payments for the hire of time mileage cars and the basic data used in the development of the car-day and car-mile factors shall be taken from the railroad's latest Form R-1 and company records. The specific steps to complete the calculations are as follows:

(1) The total system car days by car type shall be calculated by averaging the railroad's freight car ownership at the beginning and ending of the year (R-1, schedule 710, columns (b) and (k)); multiplying the average by the standard active number of car days (346) as developed in ICC Docket No. 31358; substracting car days on foreign lines (source: company records) and adding the foreign car days on home line (source: company records). This procedure shall be completed for each car type specified in Ex Parte 334.

(2) The total railroad car miles shall be calculated by adding the loaded car miles for railroad owned and leased cars (Form OSA, column (d), items 5-010 through 5-027) to the empty car miles for railroad owned and leased cars (Form OSA, column (d), items 5-110 through 5-127). The total car miles, loaded and empty shall be calculated for each car type specified in Ex Parte 334.

(3) The cost per car-day shall be calculated for each type of time-mileage car by adding 50 percent of the total freight car repair costs for each car type (R-1, schedule 415, column (b)); 60 percent of the depreciation costs for each car type (R-1, schedule 415, column (c)); 100 percent of return on investment, which shall be calculated by obtaining the net depreciated investment for each car type and multiplying it by the interest rate which applied to the latest equipment trust certificates, conditional sales agreement, or lease entered into by the railroad for the purchase or lease of freight cars; the time portion of the railroad's payments for hire of time-mileage freight cars (R-1, schedule 366, columns (h) and (i)); subtracting the time portion of the railroad's receipts for hire to time-mileage freight cars (R-1, schedule 366, columns (d) and (e)); and dividing the result by the total car days for each car type developed in paragraph (1).

(4) The cost per mile shall be calculated for each type of time-mileage car by adding 50 percent of the total freight train car repair cost for each car type (R-1, schedule 415, column (b)); 40 percent of the total depreciation costs for each car type (R-1, schedule 415, column (c)); the mileage portion of the railroad's payments for the hire of time-mileage freight cars (R-1, schedule 366, column (g)); subtracting the mileage portion of the railroad's receipts for hire of time-mileage of freight cars (R-1, schedule 366, column (c)); and dividing the result by the total car miles for each car type developed in paragraph (2).

(5) The costs per car-day and per car-mile developed in paragraphs (3) and (4) of this section shall be applied to the total car-days and total car miles for each car type accumulated on the branch for all traffic originated and/or terminated on the branch and all bridge traffic handled by the branch during the subsidy period which are attributed to time-mileage freight-train cars. The car-day and car-mile factors shall be furnished by the railroads. The on-branch costs for freight cars rented on a straight mileage basis shall be the railroad's total payments for mileage cars (R-1, schedule 366, column (f)), for each car type; divided by the total miles on which the charges were based. For Class II railroads, the on-branch costs for time-mileage and straight mileage freight cars shall be calculated in the same manner prescribed for Class I railroads, using the latest data available.

(h) *Return on investment—locomotives.* The return on investment in locomotives shall be separated between yard and road with a further separation between diesel and other (electric). The return on investment for each category of locomotives shall be calculated in accordance with the following procedure.

(1) The net investment for each category of locomotives shall be determined from the carrier's records.

(2) The current cost of capital used in the calculation of return on investment for locomotives shall be the rate of interest which applied to the latest equipment trust certificates, conditional sales agreements, or equipment lease agreements entered into by the railroad for the purchase or lease of new locomotives.

(3) The return on investment for all categories of locomotives is calculated by multiplying the net investment in step (1) above by the current costs of capital as determined in step (2).

(4) The return on investment shall be assigned to the branch on the basis of the ratio of locomotive unit hours on the branch to total locomotive unit hours on the system for the applicable classification of locomotive.

(i) *Revenue taxes.* The amount of revenue taxes shall be computed based on the amounts directly paid in those States that subject the railroad to a revenue tax.

(j) *Property taxes.* (1) The amount of property taxes shall be the amount levied against the property on the branch, in those States where a true ad valorem tax is levied, based on the value of certain kinds of railroad property, such as track, land, buildings, and other facilities.

(2) In States where property taxes are assessed on the basis of a formula of a State-wide valuation of property and the branch or branches are included in the valuation of the railroad operating the service, the tax on each branch shall be based on the distribution of the assessment by the State to that branch and the application of the appropriate tax rate or rates.

(3) In States where the real property taxes are assessed and levied against the owner of the property but the rolling stock is assessed to the railroad operating the service on the basis of a formula of a State-wide valuation of property, the tax on rolling stock attributable to each branch shall be determined as follows:

(i) Find the percent which the cost of equipment as used in the formula is to the total of all property cost as used in the formula;

(ii) Apply that percentage to the total State assessment to determine the portion of the assessment attributable to rolling stock;

(iii) Allocate the rolling stock assessment thus determined to each branch on the basis of car and locomotive unit miles on the branch to total car and locomotive unit miles in the state;

(iv) Apply appropriate tax rate or rates to the allocated assessment thus determined.

(k) *Administrative costs.* The costs assigned under this account shall be the actual costs directly attributable to the administration of the subsidy program or at the option of the carrier, one percent of the total annual revenues attributed to the branch shall be allowable to cover all costs of administering the subsidy program.

(l) *Casualty reserve account.* The costs assigned under this account shall be any payments mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability under those accounts that are used to record any costs incurred by the railroad as a result of an accident.

(m) *Rehabilitation.* Rehabilitation costs shall not be included unless: (1) The track involved does not meet minimum Federal Railraod Administration (FRA) Class I safety standards (49 CFR Part 213), in which case the railroad will furnish a detailed estimate of the costs to rehabilitate the track to the minimum level with the abandonment application and provision to cover such costs shall be included in the subsidy agreement; or (2) the potential subsidizer requests a level of service which requires expenditures for rehabilitation.

(n) *Off-branch costs.* Until the ICC revises the Rail Form A cost procedure to facilitate the incorporation of the new USOA as well as review and if necessary change the theories contained within the present formula the procedure for determining the off-branch costs will use the existing Rail Form A formula applied to the latest Annual Report, Form R-1, that has been filed by the railroad using the prior unrevised accounting system. The development of the off-branch costs shall be as follows:

(1) Terminal costs, line-haul car costs, and interchange costs shall be considered as the off-branch avoidable costs of providing service over the remainder of the railroad's system. These costs shall be computed by applying variable unit costs to the service units attributed to the branch traffic during the subsidy period.

(2) The following through-train, single-line, variable unit costs shall be developed by a Class I railroad by applying Rail Form A to data contained in its latest Form R-1 filed with the Commission:

(i) Normal Rail Form A carload terminal cost per carload by car type.

(ii) Modified Rail Form A, carload terminal cost per carload by car type (i.e., (A) substitute an intertrain switching cost separated between mileage and other than mileage cars, in place of a roadtrain to industry switching cost; (B) substitute modified car ownership costs per car-day for two days developed in accordance with § 1121.42(g)(3) for the standard Rail Form A car ownership cost).

(iii) Rail Form A per hundredweight terminal cost.

(iv) Rail Form A cost per car-mile by car type.

(v) Rail Form A cost per ton-mile.

(vi) Rail Form A cost per car interchanged, separated between mileage and other than mileage cars.

These costs shall be applied by Class I railroads in accordance with the procedure set forth below in § 1121.42(n)(3).

(3) Calculations by car type: (i) The sum of all terminal costs incurred off the branch line shall be calculated by multiplying the modified terminal cost per carload by car type, paragraph (n)(2)(ii) of this section, by the total number of carloads originated or terminated on the branch line during the subsidy year. To this amount add the normal terminal cost per carload by car type, paragraph (n)(2)(i) of this section, times the number of carloads which originated or terminated on the branch that are local to the railroad serving the branch.

(ii) The sum of the hundredweight terminal costs incurred off the branch line shall be calculated by multiplying the hundredweight of freight originated or terminated on the branch that are local to the railroad serving the branch.

(iii) The sum of the line-haul car-mile costs incurred off the branch line shall be calculated by multiplying the car-mile cost by car type, paragraph (n)(2)(iv) of this section, by the loaded car-miles generated off the branch line by cars originated or terminated on the branch during the subsidy year. Where overhead movements to and from the branch have been included in the on-branch cost calculation under other sections of § 1121.42 the related loaded car-miles shall be excluded from this calculation.

(iv) The sum of the line-haul ton-mile costs shall be determined by multiplying the ton-mile cost, paragraph (n)(2)(v) of this section, by the total ton-miles of revenue freight incurred by the railroad on its lines, other than the branch lines, for revenue freight originated or terminated on the branch during the subsidy year.

(v) The interchange cost shall be calculated by multiplying the cost per car interchanged, paragraph (n)(2)(vi) of this section, by the number of carloads of traffic interchanged at a point off the branch line and originated or terminated on the branch.

(4) Class II line-haul railroads shall calculate off-branch costs as follows: (i) The estimated system variable expenses shall be calculated by multiplying the sum of the total operating expenses, rents and taxes, including Federal Income Taxes (schedule 410, total of accounts 201 through 278, columns (b) and (c) and (d)) in the carrier's latest Annual Report (Form R-2) by 0.78, the three-year composite variability ratio for all Class I railroads.

(ii) The cost per ton-mile of revenue freight is calculated by dividing the amount developed in step (i) by the system total ton-miles of revenue freight (schedule 2601, L. 25, col. (d)) in the carrier's latest Annual Report (Form R-2).

(iii) The cost developed in step (ii) shall be applied to the total revenue ton-miles of traffic which is attributable to the branch and which moves over other portions of the railroad's system.

### § 1121.43 Apportionment rules for the assignment of expenses to on-branch costs.

The accounts specified under §§ 1121.42(a), (b), (c), and (d) as having an assignment basis other than "Actual" shall be apportioned according to the rules contained in this section.

(a) *Maintenance of Way and Structures*—(1) *Roadway machines.* All accounts designated XX-13-36 shall be assigned to the branch on the basis of the average repair costs, for each type of machine, included in the daily rental fees charged by the operating railroad or as published by the General Manager's Association of Chicago (GMA), based on the actual number of days each type of machine is used on the branch.

(2) *Small Tools and Supplies.* All accounts designated XX-13-37 shall be assigned to the branch as follows: (i) The costs of supplies, consumed in the operation of roadway machines, shall be assigned to the branch on the basis of the average costs of supplies per day, included in the daily rental fees charged by the operating railroad or as published by the GMA, multiplied by the actual number of days that the machine is used on the branch; (ii) the costs of small tools shall be assigned to

the branch on the basis of the ratio that the branch amounts in Accounts 11-11-10 through 11-11-17 and 11-11-48, plus 11-12-10 through 11-12-17 and 11-12-48 bear to the railroad's system total for the same accounts.

(3) *Fringe Benefits.* Fringe benefits shall be assigned to the branch separated between running, switching and other, on the ratio that the total branch salary and wages bear to the total system salaries and wages for each activity as follws:

(i) *Fringe Benefits—Running, Account 12-11-00,* total of all 11-11-XX accounts branch to system;

(ii) *Fringe Benefits—Switching, Account 12-12-00,* total of all 11-12-XX accounts branch to system; and

(iii) *Fringe Benefits—Other, Account 12-13-00,* total of all 11-13-XX accounts branch to system.

(b) *Maintenance of equipment*—(1) *Locomotive repairs and maintenance.* All accounts designated XX-21-41 shall be separated between yard and road with a further separation between diesel and other (electric). The costs for these accounts for yard locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric yard locomotive unit-hours to the total system diesel and electric yard locomotive unit-hours. The costs for these accounts for road locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric locomotive gross ton-miles in road service to the total system diesel and electric locomotive gross ton-miles in road service. The costs assigned under these accounts for specialized equipment devoted exclusively to branch line service shall be the actual costs for the specific equipment used.

(2) *Locomotive Depreciation—Account 61-22-00,* shall be separated between yard and road with a further separation between diesel and other (electric). The cost shall be assigned to the branch on the ratio of locomotive unit hours on the branch to the total locomotive unit hours on the system for the particular type of locomotive used to serve the branch. The cost assigned under this account for specialized equipment devoted exclusively to branch line service shall be the actual cost for the specific equipment used.

(3) *Fringe Benefits.* Fringe benefits for locomotives and other equipment shall be assigned to the branch on the ratio that the total branch salary and wages bear to the system total salaries and wages for each type of equipment as follows: (i) *Locomotives—Account 12-21-00,* total of all 11-21-XX accounts branch to system.

(ii) *Other Equipment—Account 12-23-00,* total of all 11-23-XX accounts branch to system.

(iii) Fringe benefits for freight cars shall be calculated by first estimating the total in Account 11-22-42, Freight car repairs—salaries and wages, that is included in the total on branch costs for freight cars as determined from the car day and car mile cost calculations, in § 1121.42(g) of these regulations.

To this amount is added the branch totals in the balance of all 11-22-XX accounts. The ratio of this total branch account to the system total for all 11-22-XX accounts is applied to Account 12-22-00, Fringe Benefits—Freight Cars.

(c) *Transportation*—(1) *Train Operations*—(i) *Engine Crews—Materials, Account 21-31-56; Train Crews—Materials, Account 21-31-57; Train Inspection and Lubrication—Salaries and Wages, Account 11-31-62; and Materials—Account 21-31-62.* If the branch is served by a local/way or through train crew, the costs in these accounts shall be assigned to the branch on the ratio of train hours on the branch to the total system train hours.

(ii) *Locomotive Fuel*—All accounts designated XX-31-67 shall be assigned to the branch on the ratio of road diesel locomotive unit hours on the branch to the total system road diesel locomotive unit hours.

(iii) *Electric Power Purchased or Produced for Motive Power*—All accounts designated XX-31-68 shall be assigned to the branch on the ratio of road electric locomotive unit hours on the branch to the total system road electric locomotive unit hours.

(iv) *Servicing Locomotives*—All accounts designated XX-31-69 shall be assigned to the branch on the ratio of road locomotive unit miles on the branch to the total system road locomotive unit miles.

(2) *Yard Operations*—(i) *Switch Crews—Materials, Account 21-32-64,* and *Servicing Locomotives,* all accounts designated XX-32-69. The costs for these accounts shall be assigned to the branch on the ratio of yard locomotive unit hours on the branch to the system total yard locomotive unit hours.

(ii) *Locomotive Fuel*—All accounts designated XX-32-67 shall be assigned to the branch on the ratio of yard diesel locomotive unit hours on the branch to the total system yard diesel locomotive unit hours.

(iii) *Electric Power Purchased or Produced for Motive Power*—All accounts designated XX-32-68 shall be assigned to the branch on the ratio of yard electric locomotive unit hours on the branch to the total system yard electric locomotive unit hours.

(3) *Administrative support operations.* (i) *Loss and Damage Claims Processing*—All accounts designated XX-35-78 shall be assigned to the branch on the ratio of the number of claims processed for loss or damage occurring on the branch to the total number of claims processed by the railroad.

(4) *Transportation Fringe Benefits.* Fringe benefits shall be assigned to the branch separated between train operations, yard operations, train and yard operations common, specialized service operations, and administrative support operations. The costs for each activity shall be assigned to the branch on the ratio that the total branch salary and wages bear to the total system salary and wages for each activity shown below.

(i) *Train Operations, Account 12-31-00,* total of all 11-31-XX accounts branch to system.

(ii) *Yard Operations, Account 12-32-00,* total of all 11-32-XX accounts branch to system.

(iii) *Train and Yard Operations Common, Account 12-33-00,* total of all 11-33-XX accounts branch to system.

(iv) *Specialized Service Operations, Account 12-34-00,* total of all 11-34-XX accounts branch to system.

(v) *Administrative Support, Account 12-35-00,* total of all 11-35-XX accounts branch to system.

(d) *General administrative.* (1) *Fringe Benefits, Account 12-61-00,* shall be assigned to the branch on the ratio that the total branch salary and wages in all 11-61-XX accounts bear to the system total salary and wages in all 11-61-XX accounts.

**§ 1121.44 Valuation of rail properties.**

The investment base to which the return element shall apply shall be the sum of:

(a) The allowable working capital computed at 15 days on-branch cash avoidable costs (on-branch avoidable costs less depreciation);

(b) The amount of current income tax benefits resulting from abandonment of the line which would have been applicable to the period of the subsidy agreement (this information to be furnished by the railroad and subject to audit by the person offering the subsidy); and

(c) The net liquidation value, for their highest and best use for non-rail purposes, of the rail properties on the line to be subsidized which are used and required for performance of the services requested by the person offering the subsidy. This value shall be determined by computing the current appraised market value of such properties for other than rail transportation purposes, less all costs of dismantling and disposition of improvements necessary to make the remaining properties available for their highest and best use and complying with applicable zoning, land use, and environmental regulations.





**§ 1121.45 Reasonable return.**

(a) A carrier not in reorganization shall furnish to the Commission and to any financially responsible person considering the offer of a rail service continuation payment, a statement, with substantiation, of its current cost of capital, after adjustment for the effects of current Federal and State income taxes.

(b) For a carrier in reorganization, the cost of capital for the purpose of the rail service continuation payment shall be the average yield on all railroad bonds for the week immediately preceding the execution of the subsidy agreement, as quoted by any standard investors' service, adjusted for the effects of Federal or State income taxes (if any), actually incurred by the carrier during the term of the agreement.

(c) The return element of the subsidy payment shall be computed by applying the cost of capital as determined above to the investment base determined pursuant to § 1121.44. The return shall be adjusted annually to reflect the carrier's actual current (cash) effective Federal and State income tax rate. In the event the carrier and the subsidizer cannot agree as to the amount of the return element, this amount will be determined by the Commission, and the Commission's determination shall be final.

**§ 1121.46 Submission of revenue and cost data.**

The following information shall be submitted by applicant as Exhibit 1 to an abandonment or discontinuance application (§ 1121.32(d)) and shall be developed in accordance with the methodology established in § 1121.41-45, as applicable. Such information, form, and methodology shall also be used by an offeror of financial assistance to formulate a Proposed Subsidy Payment (§ 1121.38).

| | Base year operations | Projected subsidy year operations |
|---|---|---|
| Revenues attributable for | | |
| 1. Freight originated and/or terminated on branch | | |
| 2. Bridge traffic | | |
| 3. All other revenue and income | | |
| 4. Total revenues attributable (lines 1 through 3) | | |
| Avoidable costs for | | |
| 5. On-branch costs (lines 5a through 5j) | | |
| a. Maintenance of way and structures | | |
| b. Maintenance of equipment | | |
| c. Transportation | | |
| d. General administrative | | |
| e. Deadheading, taxi, and hotel | | |
| f. Overhead movement | | |
| g. Freight car costs | | |
| h. Return on investment—locomotives | | |
| Avoidable costs for | | |
| i. Revenue taxes | | |
| j. Property taxes | | |
| 6. Off-branch costs | | |
| 7. Total avoidable costs (line 5 plus line 6) | | |
| Subsidization costs for | | |
| 8. Rehabilitation[1] | | |
| 9. Administration costs (subsidy year only)[2] | | |
| 10. Casualty reserve account[2] | | |
| 11. Total subsidization costs (lines 8 through 10) | | |
| Return on value for | | |
| 12. Valuation of property (lines 12a through 12c) | | |
| a. Working capital | | |
| b. Income tax benefits | | |
| c. Net liquidation value | | |
| 13. Rate of return | | |
| 14. Total return on value (line 12 times line 13) | | |
| 15. Avoidable loss from operations (line 4 minus line 7) | | |
| 16. Estimated subsidy (line 4 minus lines 7, 11 and 14) | | |

[1] Projection shall include amounts necessary to attain FRA class I safety standard.
[2] Omit in applications pursuant to secs. 1121.32 and 1121.33.

**§ 1121.47 Financial status reports.**

Within 30 days after the end of each quarter of the subsidy year, each carrier which is party to a financial assistance agreement shall submit to the subsidizer a Financial Status Report for each line operated under subsidy. Such Financial Status Report shall be in the form prescribed below. Significant deviations from the negotiated estimates must be explained. Unless the parties agree otherwise, the last Financial Status Report issued within the first ten months of the subsidy period will be the basis for negotiating the financial assistance agreement for the subsequent subsidy year. The year-end report will be the basis of the subsidy payment adjustment. All data shall be developed in accordance with the methodology set forth in §§ 1121.41-1121.45. In the quarterly reports, the actual data for the year to date and a projection to the end of the subsidy year shall be shown for each item.

| | Actual | Projected |
|---|---|---|
| Revenues for | | |
| 1. Freight originated and/or terminated on branch | | |
| 2. Bridge traffic | | |
| 3. All other revenue and income | | |
| 4. Total revenues (lines 1 through 3) | | |
| Avoidable costs for | | |
| 5. On-branch costs (lines 5a through 5j) | | |
| a. Maintenance of way and structures | | |
| b. Maintenance of equipment | | |
| c. Transportation | | |
| d. General administrative | | |
| e. Deadheading, taxi, and hotel | | |
| f. Overhead movement | | |
| Avoidable costs for | | |
| g. Freight car costs | | |
| h. Return on investment—locomotives | | |
| i. Revenue taxes | | |
| j. Property taxes | | |
| 6. Off-branch costs | | |
| 7. Total avoidable costs (line 5 plus line 6) | | |
| Subsidization costs for | | |
| 8. Rehabilitation | | |
| 9. Administrative costs | | |
| 10. Casualty | | |
| 11. Total subsidization costs (lines 8 through 10) | | |
| Return on value | | |
| 12. Valuation of property (lines 12a through 12c) | | |
| a. Working capital | | |
| b. Income tax benefits | | |
| c. Net liquidation value | | |
| 13. Rate of return | | |
| 14. Total return on value (line 12 times line 13) | | |
| Subsidy payment | | |
| 15. Subsidy payment (line 4 minus lines 7, 11, and 14) | | |

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[7035-01]

**SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS**

[No. 36622]

**PART 1242—SEPARATION OF COMMON OPERATING EXPENSES BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE FOR RAILROADS**

**Revision to the Rules Governing the Separation of Common Operating Expenses Between Freight Service and Passenger Service for Railroads**

AGENCY: Interstate Commerce Commission.

ACTION: Final Report and Order.

SUMMARY: The Interstate Commerce Commission has adopted a revision to the Rules Governing the Separation of Common Operating Expenses Between Freight Service and Passenger Service for Railroads (Separation Rules). This revision updates the current Separation Rules to conform to the revised Uniform System of Accounts operating expense structure.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter D. Vliet, Chief, Cost Analysis Branch, Section of Cost and Valuation, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-6175.

SUPPLEMENTARY INFORMATION:

BACKGROUND

By Notice of Proposed Rulemaking served under Docket No. 36622

(Notice) on September 1, 1977, and published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45346), the Commission made public that it had under consideration a general revision of the Rules Governing the Separation of Common Operating Expenses Between Freight and Passenger Service for Railroads (Separation Rules) (49 CFR 1242). The purpose of this revision is to conform the Separation Rules to the revised Uniform System of Accounts for Railroads (USOA) (49 CFR 1201) served on June 24, 1977, under Docket No. 36367, effective January 1, 1978. All interested parties were given the opportunity to submit their views in writing by October 12, 1977.

The previous separation rules were based on fully shared costs in which freight and passenger services are each assigned its full and fairly allocated portion of total expenses. These rules were constructed on the premise that both freight and passenger services were to be provided in the long run and that the cost of providing one service should not be burdened with costs associated in any way with the other service. Further, Docket No. 34013, Rules to Govern the Assembling and Presenting of Cost Evidence, decided in July 1970, requires the exclusion of passenger deficits from freight costs for ratemaking purposes.

Also, the previous separation rules addressed the expense account assignment of solely related freight and solely related passenger expenses as well as expenses common to both services. This was necessary since the USOA did not provide separate accounts for each type of service.

The revised Separation Rules continue to use fully allocated cost concepts. Full costing is supported by the long-term nature of passenger service, which is evidenced by Federal, state, and local governments' increased commitments to continuing, improving, and expanding commuter and intercity passenger service.

The revised rules focus on the separation of only the common expense accounts between freight service and passenger service. The revised USOA (Docket No. 36367) provides a three-tier account structure for solely related freight, solely related passenger, and common services. Consequently, the revised Separation Rules need not address the assignment of solely related expenses.

The revised USOA utilizes a natural expense concept that maintains separate accounts for labor, material, and other expenses. The Separation Rules maintain this distinction and require the carrier to separate the common expenses on a natural expense basis.

The Separation Rules continue to use allocation bases that encompass operating statistics, solely related freight/passenger ratios, and other common account apportionments. We have initiated certain refinements in order to be more specific, reduce the complexity of an already complex formula, and improve the rationale for allocation bases.

### REPRESENTATIONS

We specifically solicited comments and suggestions from interested parties on the allocation bases used in the Separation Rules. As a result of written comments received in this proceeding, we have incorporated certain proposed changes in the Separation Rules. The specific representations are detailed below, followed by appropriate discussions and conclusions.

#### SEPARATION RULES AND SUBSIDY STANDARDS

Consolidated Rail Corp. (ConRail) had no objection to the proposed methodology for separating common operating expenses between freight service and passenger service. However, ConRail stated that the Separation Rules should not amend the Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments promulgated by the Rail Services Planning Office (RSPO) (49 CFR Part 1127).

#### QUARTERLY REPORTS

The Association of American Railroads (AAR) contended that the reference in § 1242.0 to quarterly reports should be deleted since there is no reference in the present separation rules and since the revised USOA makes no reference to quarterly reports.

#### REPORTING APPORTIONED COMMON EXPENSES

The AAR suggested that the last sentence in § 1242.0 be changed from the reference to reporting common apportionments to read, "The carrier shall report freight and passenger expenses to the Commission as required by annual or other reports."

#### NOTE ON CARRIER RELIEF

The AAR suggested that the note on page 17 dealing with individual carrier relief from any specific separation rule that is an undue accounting burden, be included as part of § 1242.0.

#### § 1242.04, SPECIAL TESTS

The AAR suggested that § 1242.04, Special Tests, be introduced as follows:

The results of special tests or specific information may be substituted for procedures described herein where a reasonable or improved separation of common expenses results.

#### NUMBER "98" IN FUNCTION ACCOUNT GROUP (§ 1242.05)

The AAR stated that the reference to function 98 in § 1242.05, Operating Expense Account Number Notation, is not included in the revised USOA and requires additional explanation.

#### WAY AND STRUCTURES ACCOUNTS 21-XX-13, 21-XX-14, 21-XX-15, AND 21-XX-18 (§ 1242.15)

The AAR maintained that under § 1242.15, accounts 21-17-13 to 21-18-16 should be revised to read XX-17-13 to XX-18-16, to provide for purchased services expenses related to these functions.

#### SEPARATION OF EXPENSES IN §§ 1242.26 AND 1242.28

The AAR suggested that the separation of §§ 1242.26 and 1242.28 be based on the separation of expenses relating to track structure.

#### SEPARATION OF EXPENSES IN §§ 1242.31, 1242.32, 1242.52, AND 1242.53

The AAR stated that the separation of §§ 1242.31 and 1242.32 should be based on 1242.14 and the separation of §§ 1242.52 and 1242.53 should be based on 1242.43 to eliminate possible distortion when only one solely related class of service exists with common service.

#### SEPARATION BASIS OF § 1242.34, ADMINISTRATION

The AAR recommended that under § 1242.34, Administration, account 62-26-00, Depreciation, be deleted since no valid relationship exists.

#### § 1242.35, REPAIR AND MAINTENANCE

Under § 1242.35, Repair and Maintenance, AAR recommended the word "Where" be inserted immediately after (a), (b), and (c) to introduce the instructions. Also, an option to utilize locomotive ton miles or locomotive unit miles should be provided.

#### SEPARATION BASIS OF § 1242.43, ADMINISTRATION

Under § 1242.43, Administration, AAR recommended the elimination of computer and data processing equipment (XX-27-46) as a basis for allocation since no relationship exists between the functions of administration on the one hand and computers and data processing on the other.

#### SEPARATION BASIS FOR § 1242.79, COMMUNICATION SYSTEMS OPERATIONS

AAR maintained that the separation of common expenses under § 1242.79, Communications System Operations, should be the same as § 1242.18, Communication Systems.





#### SEPARATION BASIS FOR PUBLIC RELATIONS AND ADVERTISING EXPENSES UNDER § 1242.84

Under § 1242.84, the AAR believed that Public Relations and Advertising expenses (XX-63-93) should be assigned to freight or passenger service only.

#### COMPLEXITY OF SEPARATION RULES

The AAR stated that railroads are concerned that several of the rules are unduly complicated. As an example, AAR mentions §§ 1242.14, and 1242.16, which respectively deal with the separation of Administration—other and Road property damaged—other.

### DISCUSSION AND CONCLUSIONS

The issues raised by the respondents to this proceeding are discussed below.

#### SEPARATION RULES AND SUBSIDY STANDARDS

Section 205(d)(5) of the Regional Rail Reorganization Act of 1973 (the Act) as amended by the Rail Revitalization and Regulatory Reform Act of 1976 (the 4R Act), directs the Rail Service Planning Office (RSPO) to determine and publish standards for the computation of subsidies for commuter rail service. Further, Section 205(d)(6) of the Act authorizes the RSPO to determine and publish standards for defining revenue attributable to rail properties, avoidable cost of providing service, and reasonable return on value. Accordingly, RSPO published Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments (Standards) (49 CFR 1127). These standards use a methodology of apportioning expenses based on specific accounts prescribed by the Uniform System of Accounts (USOA) (49 CFR 1201).

ConRail expressed concern that the revised Separation Rules would amend these subsidy standards. However, the revised Separation Rules base the common expense allocations on the revised USOA effective 1/1/78. RSPO will, under a separate rulemaking, align its published standards to the revised USOA. The revised subsidy standards may use allocations from the revised Separations Rules; however, the direct cause of changes to the Separation Rules and changes to the Subsidy Standards is the revised USOA.

#### QUARTERLY REPORTS

The AAR contended that we should delete the requirement in § 1242.0 that carriers use the Separation Rules in quarterly reports.

Ex Parte No. 290, Procedures Governing Rail Carriers General Increase Proceedings, (351 ICC 544) requires carriers to submit freight traffic cost data on the most recent four-quarter period (beginning four months after the close of a calendar year quarter). This requires the apportionment of common expenses to freight and passenger services for periods which may not correspond to calendar years. As a result the Separation Rules must be used for reports other than annual but not for regular quarterly reporting to the Commission. Accordingly, we have revised Section 1240.0 to delete the reference to quarterly reports.

#### REPORTING APPORTIONED COMMON EXPENSES

AAR suggested we change the last sentence in § 1242.0 from "* * * report common expense apportionments * * *" to "* * * report freight and passenger expenses * * *".

This would materially alter the intent of the last sentence which is to ensure that carriers will maintain supportive data of common expense apportionments to freight and passenger services and report such apportionments when needed by the Commission. We have changed the last sentence in § 1242.0 to more clearly reflect this intention.

#### NOTE ON CARRIER RELIEF

The AAR suggested we insert the note on carrier relief in § 1242.0 rather than at the end of the Separation Rules. Since the note is an exception to the Separation Rules and requires carriers to fully support their requests, we have not changed the position of the note.

#### § 1242.04, SPECIAL TESTS

The AAR's request for more flexibility to use special tests or specific information as a substitute for procedures described in the Separation Rules introduces a significant loophole which could undermine general uniformity of the rules as written. Further, the note discussing carrier relief provides the procedures that must be followed to deviate from the Separation Rules. Consequently, we have not changed § 1242.04.

#### NUMBER "98" IN FUNCTION ACCOUNT GROUP (§ 1242.05)

The AAR's statement that the last paragraph § 1242.05 refers to function 98 reflects a misunderstanding about the intent of the number 98. The number "98" in the function account group is an aggregation of several functions which avoids the unnecessary detail of listing all the accounts which are aggregated to form one freight-passenger separation instruction. The number "98" is not contained in the USOA; its use is limited to the separation rules. We have modified the explanation of "98" to clarify its purpose.

#### WAY AND STRUCTURES ACCOUNTS 21-XX-13, 21-XX-14, 21-XX-15, AND 21-XX-18 (SECTION 1242.15)

We disagree with the AAR's request to change functions 13, 14, 15, and 16 to provide for purchased services of these functions. The Uniform System of Accounts shows these functions as material (21-XX-XX) functions only (40 CFR 1201). Accordingly, we have not changed Section 1242.15. If these functions are later opened to other natural expenses, we shall revise the Separation Rules accordingly.

#### SEPARATION OF EXPENSES IN §§ 1242.26 AND 1242.28

We concur with the AAR's recommendation that common expenses pertaining to §§ 1242.26, Miscellaneous Buildings and Structures, and 1242.28, Roadway Machines, Small Tools and Supplies, and Snow Removal, be separated on the basis of the separation of common track structure expenses. Virtually all of §§ 1242.26 and 1242.28 relate to maintenance of road and right-of-way. We have revised the instructions to §§ 1242.26 and 1242.28 accordingly. Further, we have deleted from the allocation basis of § 1242.10, Roadway Machines (XX-19-36) and Snow Removal (XX-19-38), so that this separation computation will be feasible.

#### SEPARATION OF EXPENSES IN §§ 1242.31, 1242.32, 1242.52, AND 1242.53

Sections 1242.31, 1242.32, 1242.52, and 1242.53 as written eliminate any distortion that may occur when only one solely related class of service exists. The alternatives listed in the instructions are in the order of preference. The least preferred is that suggested by the AAR. We believe the AAR's statement does not contradict the test. Accordingly, we have made no changes.

#### SEPARATION BASIS OF § 1242.34

We have deleted account 62-26-00, Depreciation, from the allocation basis for accounts XX-26-01, equipment administration (§ 1242.34). While some administration expense is connected with maintaining depreciation records, the amount is on a much lower ratio than for the other expenses listed as a basis of distributing administration.

#### § 1242.35, REPAIR AND MAINTENANCE

We have revised § 1242.35 to include the word "Where" immediately after (a), (b), and (c). Also we restored the option to utilize either locomotive ton-miles or locomotive unit miles. These options were contained in the previous separation rules and provide railroads the choice of selecting the service unit which best reflect their operations.

SEPARATION BASIS OF § 1242.43, ADMINISTRATION

We concur with the AAR on its request to eliminate computers and data processing equipment (XX-27-46) from the allocation basis for other equipment administration. Since virtually all maintenance and repair expenses associated with computers are purchased services, accounts XX-27-46, should not be used as a basis for apportioning administrative expense. Accordingly, we have deleted XX-27-46 from the allocation base.

SEPARATION BASIS FOR § 1242.79, COMMUNICATION SYSTEMS OPERATIONS

We have revised § 1242.79 to adopt AAR's recommendation that the basis of allocation be the same as it is for Way and Structures—Other, Repair and Maintenance, Communication Systems (XX-13-20) (§ 1242.18). The basis for separation was essentially the same with the exception that § 1242.79 included administration support under the transportation activity. We see no fundamental difference and believe the AAR recommendation helps simplify the common expense separation.

SEPARATION BASIS FOR PUBLIC RELATIONS AND ADVERTISING EXPENSES UNDER § 1242.84

We disagree with the AAR contention that public relations and advertising expenses (accounts XX-63-93) should be changed to exclude common expenses. If the only expenses are solely related to freight and/or passenger services, the expenses are assigned to the solely related account(s). However, in cases where common public relations and advertising expenses occur, their apportionment must be addressed by the Separation Rules.

COMPLEXITY OF SEPARATION RULES

The AAR expressed railroad concern about the complexity of many rules and cited two examples. We realize that the revised separation rules are more complex than the previous rules. This is due largely to an increased number of accounts and the natural expense account structure which maintains separate accounts for labor, material, and other natural expense elements.

We note that the AAR has not presented specific alternatives which would be equally or more appropriate. If experience with the new rules reveals any undue complexities, we will, of course, test alternatives to determine if acceptable results can be obtained from a simpler approach.

Accordingly, 49 CFR Part 1242 is revised as follows:

H. G. HOMME, Jr.,
*Acting Secretary.*

## PART 1242—SEPARATION OF COMMON OPERATING EXPENSES BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE FOR RAILROADS[1]

LIST OF INSTRUCTIONS


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1242.0 Separation of common operating expenses.

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1242.03 Made by accounting divisions.
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1242.28 Roadway machines, small tools and supplies, and snow removal (accounts XX-19-36 to XX-19-38, inclusive).
1242.29 Fringe benefits (accounts 12-17-00, 12-18-00, 12-19-00).
1242.30 Dismantling retired road property and depreciation (accounts XX-17-39, XX-18-39, XX-19-39, 62-17-00, 62-18-00, and 62-19-00).
1242.31 Lease rentals—debit and credit, and other rents—debit and credit (accounts 31-17-00, 31-18-00, 31-19-00, 32-17-00, 32-18-00, 32-19-00, 35-17-00, 35-18-00, 35-19-00, 36-17-00, 36-18-00, and 36-19-00).
1242.32 Joint facility rents—debit and credit and joint facility—debit and credit (accounts 33-17-00, 33-18-00, 33-19-00, 34-17-00, 34-18-00, 34-19-00, 37-17-00, 37-18-00, 37-19-00, 38-17-00, 38-18-00, and 38-19-00).
1242.33 Other expenses and casualties and insurance (accounts XX-17-99, XX-18-99, XX-19-99, 50-17-00, 50-18-00, and 50-19-00).

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1242.35 Repair and maintenance (accounts XX-26-41).
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1242.38 Fringe benefits (account 12-26-00).
1242.39 Lease rentals—debit and credit, other rents—debit and credit, and repairs billed to others (accounts 31-26-00, 32-26-00, 35-26-00, 36-26-00, and 40-26-98).
1242.40 Joint facility rents—debit and credit, and joint facility—debit and credit (accounts 33-26-00, 34-26-00, 37-26-00, and 38-26-00).
1242.41 Other and casualties and insurance (accounts XX-26-99 and 50-26-00).

EQUIPMENT—FREIGHT CARS

1242.42 Administration, repair and maintenance, machinery repair, equipment damaged, dismantling retired property, fringe benefits, other casualties and insurance, lease rentals, joint facility rents, other rents, depreciation, joint facility, repairs billed to others, and other (accounts XX-22-01, XX-22-42, XX-22-40, XX-22-48, XX-22-39, 12-22-00, 50-22-00, 31-22-00 to 38-22-00 inclusive, 62-22-00, 40-22-98, and XX-22-99).

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1242.43 Administration (accounts XX-27-01).
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1242.45 Passenger and other revenue equipment (accounts XX-27-45).
1242.46 Computers and data processing equipment (account XX-27-46).
1242.47 Machinery (accounts XX-27-40).
1242.48 Work and other nonrevenue equipment (accounts XX-27-47).
1242.49 Equipment damaged (accounts XX-27-48).
1242.50 Fringe benefits (account 12-27-00).
1242.51 Dismantling retired property and depreciation (accounts XX-27-39 and 62-27-00).
1242.52 Lease rentals—debit and credit, other rents—debit and credit, and repairs billed to others—credit (accounts 31-27-00, 32-27-00, 35-27-00, 36-27-00, and 40-27-98).
1242.53 Joint facility rents—debit and credit and joint facility—debit and credit (accounts 33-27-00, 34-27-00, 37-27-00, and 38-27-00).
1242.54 Other and casualties and insurance (accounts XX-27-99 and 50-27-00).

TRANSPORTATION—TRAIN OPERATIONS

1242.55 Administration (accounts XX-51-01).
1242.56 Engine crews and train crews (accounts XX-51-56 and XX-51-57).
1242.57 Dispatching trains (accounts XX-51-58).
1242.58 Operating signals and interlockers, operating drawbridges, and highway crossing protection (accounts XX-51-59, XX-51-60, and XX-51-62).
1242.59 Train inspection and lubrication (accounts XX-51-62).
1242.60 Locomotive fuel, electric power purchased/produced for motive power, and servicing locomotives (accounts XX-51-67, XX-51-68, and XX-51-69).
1242.61 Freight lost or damaged—solely related (to train) (account 51-51-00).
1242.62 Clearing wrecks (accounts XX-51-63).
1242.63 Fringe benefits (account 12-51-00).
1242.64 Joint facility—debit and credit (accounts 37-51-00 and 38-51-00).
1242.65 Other and casualties and insurance (accounts XX-51-99 and 50-51-00).

TRANSPORTATION—YARD OPERATIONS

1242.66 Administration (accounts XX-52-01).
1242.67 Switch crews; controlling operations; yard and terminal clerical; operating switches, signals, retarders, and humps; locomotive fuel; electric power purchased/produced for motive power; and servicing locomotives (accounts XX-52-64, XX-52-65, XX-52-66, XX-52-59, XX-52-67, XX-52-68, and XX-52-69).
1242.68 Freight lost or damaged—solely related (to yard) (account 51-52-00).
1242.69 Clearing wrecks (accounts XX-52-63).
1242.70 Fringe benefits (account 12-52-00).
1242.71 Joint facility—debit and credit (accounts 37-52-00 and 38-52-00).
1242.72 Other and casualties and insurance (accounts XX-52-99 and 50-52-00).

TRANSPORTATION—TRAIN AND YARD OPERATIONS COMMON

1242.73 Cleaning car interiors and freight lost and damaged—all other (accounts XX-53-70 and 51-53-00).
1242.74 Adjusting and transferring loads and car loading devices and grain doors (accounts XX-33-71 and XX-33-72).
1242.75 Fringe benefits (account 12-53-00).

TRANSPORTATION—SPECIALIZED SERVICE OPERATIONS

1242.76 Administration; pickup and delivery, marine line haul and rail substitute service; loading, unloading and local marine; protective services; freight lost or damaged—solely related; fringe benefits; casualties and insurance; joint facility—debit and credit; and other (accounts XX-34-01, XX-34-73, XX-34-74, XX-34-75, 51-34-00, 12-34-00, 50-34-00, 37-34-00, 38-34-00, and XX-34-99).

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1242.77 Administration (accounts XX-55-01).
1242.78 Employees performing clerical and accounting functions, and loss and damage claims processing (accounts XX-55-76 and XX-55-78).
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1242.80 Fringe benefits (account 12-55-00).
1242.81 Joint facility—debit and credit (accounts 37-55-00 and 38-55-00).
1242.82 Other and casualties and insurance (accounts XX-55-99 and 50-55-00).

GENERAL AND ADMINISTRATION

1242.83 Officers—general superintendence; accounting, auditing and finance; management services and data processing; personnel and labor relations; legal and secretarial; research and development; writedown of uncollectible accounts; property taxes; other taxes except on corporate income or payrolls; and other (accounts XX-63-01, XX-63-86, XX-63-87, XX-63-91, XX-63-92, XX-63-94, 63-63-00, 64-63-00, 65-63-00, and XX-63-99).
1242.84 Marketing, sales, and public relations and advertising (accounts XX-63-88, XX-63-89, and XX-63-93).
1242.85 Fringe benefits (account 12-63-00).
1242.86 Industrial development (accounts XX-61-90).
1242.87 Joint facility—debit and credit and casualties and insurance (accounts 37-63-00, 38-63-00, and 50-63-00).


[1] The accounts mentioned in this Part refer to and agree with Part 1201 of this chapter.

AUTHORITY: 49 U.S.C. 12, 20.

### § 1242.00 Separation of common operating expenses.

(a) Commencing with annual reports for the year 1978 or for any portion thereof until further order, all class I railroad companies including class I switching and terminal companies (§ 1240.1 of this chapter) subject to section 20 of the Interstate Commerce Act as amended shall separate operating expenses common to both freight service and passenger service in accordance with the regulation in this part.

(b) The carrier shall maintain records supporting its common operating expense apportionments to freight and passenger services. The carrier shall report common expense apportionments to the Commission as required.

GENERAL

### § 1242.01 Expenses solely related to freight service and passenger service.

The Uniform System of Accounts for Railroad Companies (49 CFR 1201) requires that carriers assign directly to freight service or to passenger service, including allied services, the expenses, taxes, and purchased services incurred solely for the benefit of either freight or passenger service.

### § 1242.02 Common expenses.

The Uniform System of Accounts also requires that carriers assign to common expense accounts the remaining expenses, taxes and purchased services which are not solely related to either freight or passenger service. The following instructions govern the separation of common expense accounts between freight and passenger services.

### § 1242.03 Made by accounting divisions.

The separation shall be made by accounting divisions, where such divisions are maintained, and the aggregate of the accounting divisions reported for the quarter and for the year.

### § 1242.04 Special tests.

When the separation of common expense accounts between freight and passenger services is based upon special tests or service unit factors, such tests shall be made at sufficiently frequent intervals to represent actual operating conditions. The service unit factors used are those of the reporting period.

### § 1242.05 Operating expense account number notation.

(a) The operating expense account numbers consist of a six-digit coding structure divided into three two-digit groups. The first two-digit group denotes natural expenses; the second group denotes activities/subactivities for freight, passenger or common service; and the third group signifies applicable function assignment.

(b) For reporting purposes, four natural expense categories are utilized. The categories are: salaries and wages (accounts 11-XX-XX); material, tools, supplies, fuels and lubricants (accounts 21-XX-XX); purchased services (accounts 31-XX-XX to 41-XX-XX, inclusive); and general (accounts 61-XX-XX to 65-XX-XX, inclusive, 51-XX-XX, 52-XX-XX, 53-XX-XX and 12-XX-XX).

(c) The symbol "XX" in the first two-digit group is used throughout the separation instructions to denote more than one natural expense associated with the same activity/subactivity-function account structure. For reporting purposes, the natural expense account numbers represented by "XX" include:

11—Salaries and wages;
21—Materials, tools, supplies, fuels, and lubricants;
30 or 41—Purchased services:
30—Summation of certain purchased service accounts;
41—Other purchased services;
61—General.

(d) The "30" natural expense designation indicates a summation of spe-







cific purchased service accounts that designated by XX-19-02. The separa-



(b) *Running tracks.* The expenses of passenger expenses does not aggregate

### § 1242.29 Fringe benefits (Accounts 12-17-

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cific purchased service accounts that are reported in total rather than individually. The specific accounts under the way and structures activity except for administration functions include 39-1X-XX, repairs billed by others, Dr.; 40-1X-XX, repairs billed to others, cr.; and 41-1X-XX, other purchased services. For the equipment activity excluding administration functions, the "30" designation denotes the summation of 39-2X-XX and 41-2X-XX.

(e) The "41" natural expense designation (other purchased services) is the purchased service category of the "XX" code for the following:

(1) Way and structures activity administration—function accounts,

(2) Equipment activity administration—function accounts,

(3) Transportation activity expense accounts, and

(4) General and administration activity expense accounts.

(f) The "61" general natural expense designation is applicable to all accounts with the "XX" symbol except transportation, train and yards accounts (XX-(33/43/53)-XX).

(g) The natural expense account number "50" is used throughout the separation instructions to indicate the summation of accounts 52-XX-XX, Other casualties, and 53-XX-XX, Insurance, that are reported as one item, "Casualties and Insurance," (50-XX-XX).

(h) The number "98" in the function account group (last two digits) is used in the separation rules to designate the summation of a natural expense consisting of more than one functional assignment that is reported as one item. This includes Repairs Billed to Others, Cr.—Equipment (40-2X-XX). For example, the locomotive subactivity contains accounts 40-(21/24/26)-40, 40-(21/24/26)-41, and 40-(21/24/26)-48 which are treated as 40-(21/24/26)-98.

**§ 1242.06 Instructions for separation.**

(a) Certain instructions for separating common expense accounts (dependent accounts) between freight and passenger services base the allocation on the proportional freight/passenger separation of other common expense accounts (independent accounts). The dependent account is frequently identified by an "XX" symbol in the natural expense position (first two digits) with corresponding independent accounts also identified by the "XX" natural expense symbol. Unless otherwise stated, the applicable natural expense associated with "XX" symbol shall be the same for both the dependent and independent accounts.

(b) To illustrate, § 1242.10 provides instructions for separating common Way and Structures, Administration—Track accounts (dependent accounts) designated by XX-19-02. The separation is based on certain other common Way and Structures accounts including Roadway—Running, XX-17-10, and Roadway—Switching, XX-18-10.

(c) As § 1242.05 states, the "XX" symbol denotes the following natural expenses for Way and Structures administration functions:

11—Salaries and wages,
21—Materials, tools, supplies, fuels, and lubricants,
41—Other purchased services, and
61—General.

These natural expenses shall be individually applied to the separation rules in § 1242.10. In each case, the independent accounts providing the basis for freight/passenger separation of the dependent account shall have the same natural expense designation. For example, the basis of separating account 11-19-02, Salaries and Wages, Way and Structures, Administration—Track, would be based on certain independent accounts including 11-17/18-10, Salaries and Wages, Way and Structures, Running/Switching, Repair and Maintenance, Roadway.

OPERATING EXPENSES—WAY AND STRUCTURES

**§ 1242.10 Administration—track (Accounts XX-19-02).**

Separate common administration—track expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

Roadway:
Running (XX-17-10)
Switching (XX-18-10)
Ties:
Running (21-17-13)
Switching (21-18-13)
Rails:
Running (21-17-14)
Switching (21-18-14)
Other Track Materials:
Running (21-17-15)
Switching (21-18-15)
Ballast:
Running (21-17-16)
Switching (21-18-16)
Track Laying and Surfacing:
Running (XX-17-17)
Switching (XX-18-17)
Road Property Damaged:
Running (XX-17-48)
Switching (XX-18-48)
Other (XX-19-48)
Dismantling Retired Road Property:
Running (XX-17-39)
Switching (XX-18-39)
Other (XX-19-39)
Tunnels and Subways:
Running (XX-17-11)
Switching (XX-18-11)
Bridges and Culverts:
Running (XX-17-12)
Switching (XX-18-12)
Electric Power Systems (XX-19-21)
Station and Office Buildings (XX-19-23)
Shop Buildings:
Locomotives (XX-19-24)
Other Equipment (XX-19-26)
Locomotive Servicing Facilities (XX-19-27)
Miscellaneous Buildings and Structures (XX-19-28)

**§ 1242.11 Administration-bridges and buildings (Accounts XX-19-03).**

Separate common administration—bridges and buildings expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

Administration:
Track (XX-19-02)
Bridges and Buildings (XX-19-03)
Signals (XX-19-04)
Communications (XX-19-05)

**§ 1242.12 Administration—signals (Accounts XX-19-04).**

Separate common administration—signals expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

Signals and Interlockers:
Running (XX-17-19)
Switching (XX-18-19)

**§ 1242.13 Administration—Communications (Accounts XX-19-05).**

Separate common administration—communications expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

Communications Systems (XX-19-20)

**§ 1242.14 Administration—other (Accounts XX-19-06).**

Separate common administration—other expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

Administration:
Track (XX-19-02)
Bridges and Buildings (XX-19-03)
Signals (XX-19-04)
Communications (XX-19-05)

**§ 1242.15 Roadway, tunnels and subways, bridges and culverts, ties, rails, other track material, ballast, track laying and surfacing, and road property damaged (Accounts XX-17-10 to XX-18-12 inclusive, 21-17-13 to 21-18-16 inclusive, XX-17-17, XX-18-17, XX-17-48, and XX-18-48).**

The expenses for running and switching subactivities shall be separated between freight service and passenger service as follows:

(a) *Switching tracks.* (1) Yard: Expenses for yards used in common by freight and passenger services shall be apportioned on the basis of the respective switching locomotive unit-hours in the common yards. (2) Way: Where the tracks at any one location are used in common by both freight and passenger services, expenses may be assigned to that service which makes the dominant use of them.





(b) *Running tracks.* The expenses of tracks used in common by both services shall be apportioned on the basis of gross ton-miles (including locomotive ton-miles) handled over these tracks in the respective services.

**§ 1242.16 Road property damaged—other (Accounts XX-19-48).**

Separate common expenses in proportion to the total common expenses assigned to freight/passenger from the following Way and Structures accounts:

Road Property Damaged—Running (XX-17-48)
Road Property Damaged—Switching (XX-18-48)

**§ 1242.17 Signals and interlockers (Accounts XX-17-19 and XX-18-19).**

Separate common expenses on the basis of the total train-hours in running service, and/or the yard-switching plus train switching hours in the switching service over the tracks on which the common signals and interlockers are used.

**§ 1242.18 Communication systems (Accounts XX-19-20).**

Separate common expenses on the basis of the common expense separation in:

Way and Structures—Administration—Track, Bridges and Culverts, and Signals (Accounts XX-19-02 to XX-19-04, inclusive)
Equipment—Administration—Locomotives and Other Equipment (Accounts XX-26-01 and XX-27-01)
Transportation—Administration—Train, Yard, and Administrative Support (Accounts XX-51-01, XX-52-01, and XX-55-01)
Dispatching Trains (Accounts XX-51-58)

**§ 1242.19 Electric power systems (Accounts XX-19-21).**

Separate common expenses on basis of common expenses of electric power purchased or produced for motive power (Accounts XX-51-68 and XX-52-68).

**§ 1242.20 Highway grade crossings (Accounts XX-17-22 and XX-18-22).**

Separate running and switching common expenses according to distribution of the running and switching portions only of common expense accounts listed in § 1242.10, Administration—Track (Accounts XX-19-02).

**§ 1242.21 Station and office buildings (Accounts XX-19-23).**

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. If the sum of the direct freight and the direct passenger expenses does not aggregate to more than 50 percent of the total charges for an accounting division, the common expenses should be separated on the basis of special test. Where common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, the common expenses shall be separated on the basis of a special study.

**§ 1242.22 Shop Buildings—locomotives (Accounts XX-19-24).**

Separate common expenses according to distribution of common expenses in the following accounts:

Machinery Repair (XX-26-40)
Locomotive—Repair and Maintenance (XX-26-41)

**§ 1242.23 Shop buildings—freight cars (Accounts XX-13-25).**

These accounts pertain solely to freight service and contain no common expense for separation herein.

**§ 1242.24 Shop buildings—other equipment (Accounts XX-19-26).**

Assign directly to freight (or as particular facts suggest otherwise).

**§ 1242.25 Locomotive servicing facilities (Accounts XX-19-27).**

Separate common expenses according to distribution of common expenses in the following accounts:

Locomotive Fuel (XX-51-67 and XX-52-67)
Electric Power Purchased or Produced for Motive Power (XX-51-68 and XX-52-68)
Servicing Locomotives (XX-51-69 and XX-52-69)

**§ 1242.26 Miscellaneous building and structures (Accounts XX-19-28).**

Separate common expenses as specific facts indicate or according to distribution of common expenses listed in § 1242.10, Administration-Track (Accounts XX-19-02).

**§ 1242.27 Coal marine terminals, ore marine terminals, TOFC/COFC terminals, other marine terminals, motor vehicle loading and distribution facilities, and facilities for other specialized service operations (Accounts XX-13-29 to XX-13-35, inclusive).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

**§ 1242.28 Roadway machines, small tools and supplies, and snow removal (Accounts XX-19-36 to XX-19-38, inclusive).**

Separate common expenses according to distribution of common expenses listed in § 1242.10, Administration—Track (Accounts XX-19-02).

**§ 1242.29 Fringe benefits (Accounts 12-17-00, 12-18-00, and 12-19-00).**

Separate common expenses in the running subactivity in the same proportion as the salaries and wages, way and structures, common expenses in all accounts with a designated running subactivity. Separate common expenses in the switching subactivity in the same proportion as the salaries and wages, way and structure, common expense accounts with a designated switching activity. Separate common expenses in the other subactivity in the same proportion as the salaries and wages, way and structures, common expenses in all accounts with a designated other subactivity.

**§ 1242.30 Dismantling retired road property and depreciation (Accounts XX-17-39, XX-18-39, XX-19-39, 62-17-00, 62-18-00, and 62-19-00).**

Separate common expenses in each account for each subactivity (running, switching and other) in proportion to the separation of common repair and maintenance expenses associated with the particular common properties depreciated and/or dismantled.

**§ 1242.31 Lease rentals—debit and credit and other rents—debit and credit (Accounts 31-17-00, 31-18-00, 31-19-00, 32-17-00, 32-18-00, 32-19-00, 35-17-00, 35-18-00, 35-19-00, 36-17-00, 36-18-00, and 36-19-00).**

(a) Separate common debit expense accounts in each subactivity (running, switching and other) in proportion to the separation of solely related freight or passenger service in each account. If there are no solely related expenses in an account or if the solely related expenses are assignable entirely to freight or to passenger service, separate common debit expense accounts on the basis of the same percentages calculated for the separation of administration—other (Accounts XX-19-06).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administration—other (Accounts XX-19-06).

**§ 1242.32 Joint facility rents—debit and credit and joint facility—debit and credit. (Accounts 33-17-00, 33-18-00, 33-19-00, 34-17-00, 34-18-00, 34-19-00, 37-17-00, 37-18-00, 37-19-00, 38-17-00, 38-18-00, and 38-19-00).**

(a) Solely related (freight or passenger service) debit expense accounts in each subactivity (running, switching and other) shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use by other carriers. Common debit expenses shall be separated on the basis of the percentage separations of the solely related expenses in each individual account. If there are no solely re-

lated expenses or if the solely related expenses are assigned entirely to freight or to passenger service, separate common debit expenses on the same percentages calculated for the separation of administrative—other (Accounts XX-19-06).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administration—other (Account XX-19-06).

**§ 1242.33 Other expenses and casualties and insurance (Accounts XX-17-99, XX-18-99, XX-19-99, 50-17-00, 50-18-00, and 50-19-00).**

Separate common expenses on the basis of the percentages calculated for the separation of administrative—other (Accounts XX-19-06).

OPERATING EXPENSES—EQUIPMENT

LOCOMOTIVES

**§ 1242.34 Administration (Accounts XX-26-01).**

Separate common expenses according to distribution of common expenses in the following accounts:

Repair and Maintenance (XX-26-41)
Machinery Repair (XX-26-40)
Equipment Damage (XX-26-48)
Dismantling Retired Property (XX-26-39)

**§ 1242.35 Repair and maintenance (Accounts XX-26-41).**

(a) Where the carrier maintains records of the repairs by individual locomotive units or classes of locomotive units:

(1) If individual locomotive units or classes of locomotive units are used exclusively in road-freight, road-passenger, yard-freight, or yard-passenger service, the separation shall be actual.

(2) If individual locomotive units or classes or locomotive units are used interchangeably (common) in road-freight (including train-switching), road passenger (including train switching), yard-freight or yard-passenger service, separate the heavy shop repairs between these services on the basis of run-out unit miles of individual locomotive units or classes of locomotive units since the previous shopping; and separate the cost of running repairs between such services on the basis of the miles run by the individual locomotive unit or class of locomotive unit in each service during the accounting period for which the separation is being made.

(b) Where the carrier maintains records of heavy shop repair costs by individual locomotive units or classes of locomotive units, but does not maintain records of the cost of running repairs by individual locomotive units:

(1) The heavy shop repairs shall be separated as indicated in (a) above.

(2) The common expenses of running repairs shall be separated among road-freight (including train switching), road-passenger (including train switching), yard-freight and yard-passenger services on the basis of locomotive unit miles or locomotive ton-miles for the accounting period for which the separation is being made.

(c) Where the carrier does not maintain records of either heavy shop repairs or running repairs by individual locomotive units or classes of locomotive units: The expenses shall be separated among road-freight service (including train-switching), road-passenger service (including train switching), yard freight, and yard-passenger services, on the basis of locomotive unit-miles or locomotive ton-miles for the accounting period for which the separation is being made.

**§ 1242.36 Machinery repair and equipment damaged (Accounts XX-26-40 and XX-26-48).**

Separate common expenses according to separation of common expenses in repair and maintenance (Accounts XX-26-41).

**§ 1242.37 Dismantling retired property and depreciation (Accounts XX-26-39 and 62-26-00).**

Separate common expenses in each account in proportion to the separation of common repair and maintenance expenses associated with the particular common properties depreciated and/or dismantled.

**§ 1242.38 Fringe benefits (Account 12-26-00).**

Separate common expenses in proportion to the split of common salaries and wages in administration, locomotive repair and maintenance, machinery repair, equipment damaged, and dismantling retired road property (Accounts 11-26-01, 11-26-41, 11-26-40, 11-26-48, and 11-26-39).

**§ 1242.39 Lease rentals—debit and credit, other rents—debit and credit, and repairs billed to others (Accounts 31-26-00, 32-26-00, 35-26-00, 36-26-00 and 40-26-98).**

(a) Separate common debit expense accounts in proportion to the assignment of solely related freight or passenger service in each individual debit account. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common debit expense accounts on the same percentage basis calculated for the separation of administration (Accounts XX-26-01).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administration (Accounts XX-26-01).

**§ 1242.40 Joint facility rents—debit and credit, and joint facility—debit and credit (Accounts 33-26-00, 34-26-00, 37-26-00 and 38-26-00).**

(a) Solely related freight and passenger debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses; or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Accounts XX-26-01).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administration (Accounts XX-26-01).

**§ 1242.41 Other and casualties and insurance (Accounts XX-26-99 and 50-26-00).**

Separate common expenses on the basis of percentages calculated for the separation of administration (Accounts XX-26-01).

FREIGHT CARS

**§ 1242.42 Administration, repair and maintenance, machinery repair, equipment damaged, dismantling retired property, fringe benefits, other casualties and insurance, lease rentals, joint facility rents, other rents, depreciation, joint facility, repairs billed to others, and other (Accounts XX-22-01, XX-22-42, XX-22-40, XX-22-48, XX-22-39, 12-22-00, 50-22-00, 31-22-00 to 38-22-00 inclusive, 62-22-00, 40-22-98 and XX-22-99).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

OTHER EQUIPMENT

**§ 1242.43 Administration (Accounts XX-27-01).**

Separate common expenses according to freight/passenger separation of the following accounts:

Passenger and Other Revenue Equipment (XX-27-45)
Work and Other Non-Revenue Equipment (XX-27-47)

**§ 1242.44 Trucks, Trailers, and Containers (revenue service) and floating equipment (revenue service) (Accounts XX-23-43 and XX-23-44).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

**§ 1242.45 Passenger and other revenue equipment (Accounts XX-27-45).**

Separate as particular facts suggest.





**§ 1242.46 Computers and data processing equipment (Accounts XX-27-46).**

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. If the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses shall be separated on the basis of a special test. If common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, follow the intent of the above instructions.

**§ 1242.47 Machinery (Accounts XX-27-40).**

Separate common expenses on the basis of the freight/passenger separation of administration (Accounts XX-27-01).

**§ 1242.48 Work and other non-revenue equipment (Accounts XX-27-47).**

Separate common expenses according to distribution of common expenses in Way and structures—administration—other (Accounts XX-19-06).

**§ 1242.49 Equipment damaged (Account XX-27-48).**

Separate common expenses according to distribution of common expenses in machinery, passenger and other revenue equipment, computer and data processing equipment and work and other non-revenue equipment accounts (Accounts XX-27-40, XX-27-45, XX-27-46, and XX-27-47).

**§ 1242.50 Fringe benefits (Account 12-27-00).**

Separate common expenses in proportion to the percentage separation of common salaries and wages in administration (Account XX-27-01).

**§ 1242.51 Dismantling retired property and depreciation (Accounts XX-27-39 and 62-27-00).**

Separate common expenses in proportion to the separation of common repair and maintenance expenses associated with the particular common property depreciated and/or dismantled.

**§ 1242.52 Lease rentals—debit and credit, other rents—debit and credit, repairs billed to others—credit (Accounts 31-27-00, 32-27-00, 35-27-00, 36-27-00, and 40-27-98).**

(a) Separate common debit expense accounts in proportion to the separation of solely related (freight or passenger service) in each individual account. If there are no solely related expenses or if the solely related expenses are assignable entirely to freight or passenger service, separate common debit expense accounts on the same percentages calculated for the separation of administration (Account XX-27-01).

(b) Separate common credit expense accounts on the basis of the same percentages calculated for the separation of administration (Account XX-27-01).

**§ 1242.53 Joint facility rents—debit and credit and joint facility—debit and credit (Accounts 33-27-00, 34-27-00, 37-27-00 and 38-27-00).**

(a) Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use made of the facility by other carriers. Common debit expense accounts shall be separated on the basis of the percentage separation of the solely related expenses in each individual account. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-27-01).

(b) Separate all common credit expense accounts on the basis of the same percentages calculated for the separation of administration (Account XX-27-01).

**§ 1242.54 Other and casualties and insurance (Accounts XX-27-99 and 50-27-00).**

Separate common expenses on the basis of the percentages calculated for the separation of administration (Account XX-27-01).

OPERATING EXPENSES—TRANSPORTATION

TRAIN OPERATIONS

**§ 1242.55 Administration (Account XX-51-01).**

Separate common expenses according to distribution of common expenses in the following accounts:

Engine Crews (XX-51-56)
Train Crews (XX-51-57)
Dispatching Trains (XX-51-58)
Operating Signals and Interlockers (XX-51-59)
Operating Drawbridges (XX-51-60)
Highway Crossing Protection (XX-51-61)
Train Inspection and Lubrication (XX-51-62)
Locomotive Fuel (XX-51-67)
Electric Power Purchased/Produced for Motive Power (XX-51-68)
Servicing Locomotives (XX-51-69)
Clearing Wrecks (XX-51-63)

**§ 1242.56 Engine crews and train crews (Accounts XX-51-56 and XX-51-57).**

Separate common expenses on the basis of direct assignment or if there are no directly assignable expenses, separate on the basis of train hours, including train switching hours.

**§ 1242.57 Dispatching trains (Account XX-51-58).**

Separate common expenses on the basis of train hours, including train switching hours.

**§ 1242.58 Operating signals and interlockers, operating drawbridges, highway crossing protection (Accounts XX-51-59, XX-51-60 and XX-51-61).**

Separate common expenses on the basis of total train hours (including train switching hours) of the particular common operating divisions or track segment on which the common signals, interlockers, drawbridges and highway crossings are located.

**§ 1242.59 Train inspection and lubrication (Account XX-51-62).**

Separate common expenses on basis of directly assigned expenses. If there are no directly assignable expenses, separate on the basis of train miles.

**§ 1242.60 Locomotive fuel, electric power purchased/produced for motive power and servicing locomotives (Accounts XX-51-67, XX-51-68 and XX-51-69).**

Separate common expenses in each account on basis of direct expenses. If there are no direct expenses, separate on the basis of train hours and way-switching service hours.

**§ 1242.61 Freight lost or damaged—solely related (to train) (Account 51-51-00).**

Separate common expenses on the basis of proportion of the solely related expenses assigned to freight and passenger services or on the basis of a special study.

**§ 1242.62 Clearing wrecks (Account XX-51-63).**

Separate common expenses according to specific circumstances.

**§ 1242.63 Fringe benefits (Account 12-51-00).**

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages account—administration (Account 11-51-01).

**§ 1242.64 Joint facility—debit and credit (Accounts 37-51-00 and 38-51-00).**

(a) Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use made of the facility by other carriers. Common debit expense accounts shall be sepa-

rated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to either freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-51-01).

(b) Separate common credit expense accounts on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

**§ 1242.65 Other and casualties and insurance (Accounts XX-51-99 and 50-51-00).**

Separate common expenses on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

YARD OPERATIONS

**§ 1242.66 Administration (Account XX-52-01).**

Separate common expenses according to distribution of common expenses in the following accounts:

Switch Cews (XX-52-64)
Controlling Operations (XX-52-65)
Yard and Terminal Clerical (XX-52-66)
Operating Switches, Signals, Retarders and Humps (XX-52-59)
Locomotive Fuel (XX-52-67)
Servicing Locomotives (XX-52-69)
Electric Power Purchased/Produced for Motive Power (XX-52-68)
Clearing Wrecks (XX-52-63)

**§ 1242.67 Switch crews; controlling operations; yard and terminal clerical; locomotive fuel; electric power purchased/produced for motive power; operating switches signals, retarders, and humps; and servicing locomotives (Accounts XX-52-64, XX-52-65, XX-52-66, XX-52-59, XX-52-67, XX-52-68 and XX-52-69).**

Separate common expenses on the basis of the distribution of freight and passenger yard-switching hours in those yards common to both freight and passenger services.

**§ 1242.68 Freight lost or damaged—solely related (to yard) (Account 51-52-00).**

Separate common expenses on the basis of the solely related freight and passenger expenses or on the basis of a special study.

**§ 1242.69 Clearing wrecks (Account XX-52-63).**

Separate common expenses according to specific circumstances.

**§ 1242.70 Fringe benefits (Account 12-52-00).**

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages administration account (Account 11-52-01).

**§ 1242.71 Joint facility—debit and credit (Accounts 37-52-00 and 38-52-00).**

(a) Solely related freight and passenger service debit expenses accounts shall be assigned according to the use made of each facility by the reporting carriers, regardless of the use made of the facility by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-52-01).

(b) Separate common credit expense accounts on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

TRAIN AND YARD OPERATIONS COMMON

**§ 1242.73 Cleaning car interiors and freight lost and damaged—all other (Accounts XX-53-70 and 51-53-00).**

Separate common expenses on basis of solely related freight and passenger expenses or special study.

**§ 1242.74 Adjusting and transferring loads, and car loading devices and grain doors (Accounts XX-33-71 and XX-33-72).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

**§ 1242.75 Fringe benefits (Account 12-53-00).**

Separate common expenses in proportion to the freight/passenger separation calculated for the salaries and wages—cleaning car interiors common account (Account 11-53-70).

SPECIALIZED SERVICE OPERATIONS

**§ 1242.76 Administration; pickup and delivery, marine line haul, and rail substitute service; loading, unloading and local marine; protective services; freight lost or damaged—solely related; fringe benefits; casualties and insurance; joint facility, and other (Accounts XX-34-01, XX-34-73, XX-34-74, XX-34-75, 51-34-00, 12-34-00, 5-34-00. 37-34-00, 38-34-00 and XX-34-99).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

ADMINISTRATIVE SUPPORT OPERATIONS

**§ 1242.77 Administration (Account XX-55-01).**

Separate common expenses in the same proportion as common expenses are separated in employees performing clerical and accounting functions, communication systems operations and loss and damage claims processing (Accounts XX-55-76, XX-55-77 and XX-55-78).

**§ 1242.78 Employees performing clerical and accounting functions and loss and damage claims processing (Accounts XX-55-76 and XX-55-78).**

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the particular accounting division. If the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses shall be separated on the basis of special test. If common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, and even though the direct charges are over 50 percent of the total charges, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting division, follow the intent of the above instructions.

**§ 1242.79 Communication systems operations (Account XX-55-77).**

Separate common expenses on bases of the percentages calculated for the separation of Communication Systems (Account XX-19-20), § 1242.18.

**§ 1242.80 Fringe benefits (Account 12-55-00).**

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages—administration account (Account 11-55-01).

**§ 1242.81 Joint facility—debit and credit (Accounts 37-55-00 and 38-55-00).**

Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carriers, regardless of the use made of the facility by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to either freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Accounts XX-55-01).

Separate common credit expenses on the basis of the percentages calculated for the separation of administration (Accounts XX-55-01).

**§ 1242.82 Other and casualties and insurance (Accounts XX-55-99 and 50-55-00).**

Separate common expenses on the basis of the percentages calculated for the separation of administration (Accounts XX-55-01).

OPERATING EXPENSES

GENERAL AND ADMINISTRATION

**§ 1242.83 Officers—general superintendence; accounting, auditing and finance; management services and data processing; personnel and labor relations; legal and secretarial; research and development; writedown of uncollectible accounts; property taxes; other taxes except on corporate income or payrolls; and other (Accounts XX-63-01, XX-63-86, XX-63-87, XX-63-91, XX-63-92, XX-63-94, 63-63-00, 64-63-00, 65-63-00 and XX-63-99).**

Separate common expenses in proportion to the separation of all other common expenses except General and Administrative Expenses.

**§ 1242.84 Marketing, sales, and public relations and advertising (Accounts XX-63-88, XX-63-89 and XX-63-93).**

Separate each common expense account on the basis of the solely related freight and passenger expense accounts.

**§ 1242.85 Fringe benefits (Account 12-63-00).**

Separate the common expenses in proportion to the total common salaries and wages expense separation (Accounts 11-XX-XX) determined in Section 1242.83 and 1242.84.

**§ 1242.86 Industrial development (Accounts XX-61-90).**

These accounts pertain solely to freight service and contain no common expenses for separation herein.

**§ 1242.87 Joint facility—debit and credit and casualties and insurance (Accounts 37-63-00, 38-63-00 and 50-63-00).**

Separate the common expenses in proportion to the total of all common expense separations determined in §§ 1242.83 and 1242.84 above.

NOTE.—If compilation of the data in compliance with any of the above separation rules results in an undue burden in accounting expense, the carrier may request relief from such rules by letter to the Director, Bureau of Accounts. If reliable data can be developed through other methods and procedures, the carrier may request substitution of such methods also by letter to the Director, Bureau of Accounts. In both cases, the carrier shall support the request with full details.

[FR Doc. 78-4958 Filed 2-23-78; 8:45 am]





[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

**Opening of Red Rock Lakes National Wildlife Refuge, Mont., to Sport Fishing**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of the Red Rock Lakes National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunities to the public.

DATES: Fishing season from the third Saturday in June through November (June 17 through November 30, 1978).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Mont. 59739; phone 406-276-3347, or Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101; phone 406-657-6115.

SUPPLEMENTARY INFORMATION:

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

Sport fishing is permitted on the Red Rock Lakes National Wildlife Refuge, Mont., as posted. All areas open to fishing are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101. Sport fishing shall be in accordance with all applicable State of Montana regulations subject to the following special conditions:

1. Boats with motors are prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

E. D. STROOPS,
*Refuge Manager, Red Rock Lakes National Wildlife Refuge, Lima, Mont. 59739.*

FEBRUARY 10, 1978.

[FR Doc. 78-4884 Filed 2-23-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

**Opening of Quivira National Wildlife Refuge, Kans., to Sport Fishing**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Quivira National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 1, 1978, through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Darling, Refuge Manager, P.O. Box G, Stafford, Kans. 67578, 316-486-2393

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the Quivira National Wildlife Refuge, Kansas, only in the areas designated by signs as being open to fishing. These areas comprising 990 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open season: May 31, 1978 through September 30, 1978 in designated waters.

2. Fishing will be with closely attended rod(s) and line(s) only.

3. The use of boats is not permitted. One-man floater tubes may be used.

4. Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not

contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

CHARLES R. DARLING,
*Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.*

JANUARY 31, 1978.

[FR Doc. 78-4885 Filed 2-23-78; 8:45 am]

[4310-55]

## PART 33—SPORT FISHING

### Opening of Squaw Creek National Wildlife Refuge, Mo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Squaw Creek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 1, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

B. A. Heck, Refuge Manager, Squaw Creek National Wildlife Refuge, P.O. Box 101, Mound City, Mo. 64470.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Squaw Creek National Wildlife Refuge, Mo., sunrise to sunset, only on the areas designated by signs as being open to fishing. These areas comprising 2,500 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open season will be April 1, 1978, through December 31, 1978, during daylight hours only.

2. Spearing and gigging of nongame fish is permitted April 1, 1978, through June 30, 1978.

3. Bullfrogs may be taken from June 30 through October 31, 1978.

4. Snapping turtles may be taken by rod, reel, and pole April 1, 1978, through December 31, 1978.

5. Snapping turtles may be taken by snagging or grabbing from March 15 through May 15 and from October 1 through December 31, 1978.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: February 10, 1978.

B. A. HECK,
*Refuge Manager.*

[FR Doc. 78-4886 Filed 2-23-78; 8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-01]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

[7 CFR Part 1]

### FEE SCHEDULE

AGENCY: Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to increase the fees USDA agencies may charge for responding to Freedom of Information Act and Privacy Act requests. The increased fees are necessary to offset increased costs. The proposed amendment also makes minor administrative changes in the Department's fee schedule.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS: Send comments to Acting Associate Director, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Anthony E. Cooch, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7527.

It is proposed to amend 7 CFR, Subtitle A, part 1, Subpart A, as follows:

APPENDIX A—FEE SCHEDULE

1. By revising paragraph b in section 4 to read as follows:

SEC. 4. *Circumstances governing exceptions to the charging of fees for records and related services.* • • •

(b) *Fees not to be charged for records and related services.* Documents shall be furnished without charge or at a reduced charge under the following conditions:

• • • • • •

2. By revising paragraphs c and e in section 8 to read as follows:

SEC. 8. *Fees for records and related services.* • • •

(c) Manual searches will be charged for at the rate of $5.50 per hour for clerical time and $11 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

• • • • • •

(e) Computer services will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed, except that where commercial time-sharing computer sources are the required search media, the contract rate charged by the commercial source to the Government will be charged. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual: Fort Collins Computer Center, U.S. Department of Agriculture, 3825 East Mulberry Street, P.O. Box 1206, Fort Collins, Colo. 80521.

New Orleans Computer Center Users Manual: New Orleans Computer Center, U.S. Department of Agriculture, 13800 Old Gentilly Road, Building 350, New Orleans, La. 70129.

Kansas City Computer Center Users Manual: Kansas City Computer Center, U.S. Department of Agriculture, 8930 Ward parkway, P.O. Box 205, Kansas City, Mo. 64141.

Washington Computer Center Users Handbook: Washington Computer Center, U.S. Department of Agriculture, Room S-100, South Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

St. Louis Computer Center. Charges for the St. Louis Computer Center will be based on actual expenses incurred in performing the search. Address is: St. Louis Computer Center, U.S. Department of Agriculture, 1520 Market Street, St Louis, Mo. 63103.

3. By revising section 10 to read as follows:

SEC. 10. *Agencies which furnish photographic reproductions.*—(a) *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), APFO, USDA-ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

Soil Conservation Service (SCS), Cartographic Division, SCS, Washington, D.C. 20250, or Cartographic Facility in nearest SCS Technical Service Center.

(b) *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (address above).

Forest Service (FS), USDA, P.O. Box 2417, Washington, D.C. 20013, or nearest Forest Service Regional Office.

Office of Governmental and Public Affairs, USDA, photographic Division, Room 530A, Washington, D.C. 20250.

Soil Conservation Service, Information Division, Audio Visual Branch, Washington, D.C. 20250.

National Agricultural Library, Information Officer, Room 204, Beltsville, Md. 20705.

4. By revising paragraphs (a) and (c) in section 16 to read as follows:

SEC. 16. *Photographic reproduction prices.* The prices for photographis reproductions listed here are the most generally requested items.

(a) *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Microfilm—$1 for each 30 pages or fraction thereof. Photoreproduction—$2 for each 10 pages or fraction thereof. Magnetic tape containing bibliographic files—$45 per reel.

• • • • • •

(c) *Aerial photographic reproductions: black and white.* No minimum charge on aerial photography orders.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

| *Size* | *Price each* |
|---|---|
| 10x10 in on RC (resin-coated base paper) | $2.00 |
| 10x10 in on white opaque print film | 3.00 |

2. *Diapositives.*

| *Size* | *Price each* |
|---|---|
| 10x10 in film positive | 3.00 |
| 10x10 in glass plates 0.06 in thickness | 20.00 |

3. *Copy negatives.*

| *Size* | *Price each* |
|---|---|
| 10x10 in (direct duplicating film) one-step method | 3.00 |
| 10x10 in two-step method | 6.00 |

4. *Aerial photo index sheets.*

| *Size* | *Price each* |
|---|---|
| 20x24 in on FC (resin-coated base) paper | 5.00 |
| 20x24 in film positive | 15.00 |

5. *Enlargements (projection prints).* The price for enlargements of various sizes are set forth below. The size in each case refers to the approximate paper size required to produce the enlargement order.

| Size | Price each: RC (resin-coated base) paper | Price each: Film positive transparency |
|---|---|---|
| 12x12 in | $5.00 | $7.00 |
| 17x17 in | 6.00 | 8.00 |
| 24x24 in | 7.00 | 10.00 |
| 38x38 in | 15.00 | 17.00 |

6. *Aperture cards (photo indexes).* Duplicate of an aperture card—price each—$0.25.

7. *Color aerial photography.* Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

Reproductions made from color negatives. Size is approximate size of print:

| Size | Price each: RC (resin-coated base) color paper | Price each: Color film positive transparency |
|---|---|---|
| 10x10 in contact print | $5.50 | $12.00 |
| 12x12 in enlargement | 15.00 | ..... |
| 17x17 in enlargement | 20.00 | ..... |
| 24x24 in enlargement | 25.00 | ..... |
| 38x38 in enlargement | 40.00 | ..... |

Reproductions made from color positive transparencies (natural color or color infrared):

| Size | Price each: White opaque base color print film | Price each: Color film positive transparency |
|---|---|---|
| 10x10 in | $7.00 | $12.00 |
| 12x12 in | 15.00 | 20.00 |
| 17x17 in | 25.00 | 30.00 |
| 24x24 in | 30.00 | 35.00 |
| 38x38 in | 45.00 | 50.00 |

8. Landsat/Skylab imagery. Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

| Size | Price each: Black and white | Price each: Color |
|---|---|---|
| 70 mm transparency | $4.00 | $5.00 |
| 10x10 in RC paper print | 4.00 | 9.00 |
| 10x10 in film positive | 5.00 | 12.00 |
| 12x12 in RC paper print enlargement | 10.00 | 15.00 |
| 17x17 in RC paper print enlargement | 12.00 | 20.00 |
| 24x24 in RC paper print enlargement | 20.00 | 25.00 |
| 38x38 in RC paper print enlargement | 25.00 | 40.00 |
| 10x10 color composite negative | ..... | 20.00 |
| 10x10 color internegative | ..... | 16.00 |

9. *Special need.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a or the Department Aerial Photography Coordinator, Aerial Photography Field Office, USDA—ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

AUTHORITY: 5 U.S.C. 301; 5 U.S.C. 552; 31 U.S.C. 483a; and 7 CFR 2.75(a)(3)(ii).

Done at Washington, D.C., this 21st day of February 1978.

E. ALVAREZ,
*Acting Associate Director,*
*Office of Operations and Finance.*

[FR Doc. 78-4959 Filed 2-23-78; 8:45 am]

[3410-30]

**Food and Nutrition Service**

**[7 CFR Part 210]**

**NATIONAL SCHOOL LUNCH PROGRAM**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the national school lunch program regulations to implement section 8 of Pub. L. 95-166. This amendment would allow local school food authorities to permit students in junior high schools and middle schools to choose less than the complete type A lunch without losing the full Federal cash reimbursement therefor.

DATES: Comments must be received on or before April 10, 1978, to be assured of consideration.

ADDRESS: Comments should be sent to: William G. Boling, Manager, Child Nutrition Programs, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

FOR FURTHER INFORMATION CONTACT:

William G. Boling, Manager, Child Nutrition Programs, USDA, Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: In recent years there has been increased national concern about the problem of food waste. In an effort to lessen this problem, Pub. L. 94-105, enacted on October 7, 1975, provided that students in senior high schools participating in the national school lunch program, not be required to accept offered foods which they do not intend to consume. National school lunch program regulations, paragraph (a)(4) of § 210.10, requirements for lunches, was amended on June 3, 1976. The amended regulations required that students in senior high schools be offered all five items comprising the full type A lunch but they have the option of choosing as few as three of these food items. If a nonneedy student chooses less than the complete type A lunch, the student is expected to pay the established price of the lunch. The amount of Federal reimbursement made to any such school for such a lunch is not affected.

In furtherance of the objective of reducing food waste, Pub. L. 95-166 requires that, when approved by the local school district or nonprofit private school, students in any junior high school and middle school shall have the same option to refuse part of the type A lunch that Pub. L. 94-105 presently allows senior high school students.

All persons who desire to comment on the wording of the proposed regulation are encourage to do so. Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate form.

Accordingly, § 210.10, paragraph (a)(4), would be amended to read as follows:

**§ 210.10 Requirements for lunches.**

(a) • • •

(4) Senior high school students and, when approved by the local school food authority, students in any other grade level in any junior high school or middle school as defined by the State and local educational agencies, shall be offered the complete type A lunch pattern listed in paragraph (a)(2) of this section. Such students must choose at least three of the five food items contained within the four food components of the type A lunch, but the choice of fewer than all five items shall not relieve nonneedy students from paying the full price of the type A lunch or those students determined eligible for reduced price lunches under Part 245 of this chapter from paying the reduced price charge.

Dated: February 21, 1978.

CAROL TUCKER FOREMAN,
*Assistant Secretary.*

[FR Doc. 78-4960 Filed 2-23-78; 8:45 am]

[3510-07]

**DEPARTMENT OF COMMERCE**

**Bureau of the Census**

**[15 CFR Part 30]**

**FOREIGN TRADE STATISTICS**

**Exports of Used Vehicles**

AGENCY: Bureau of the Census, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations to provide that for a period of 6 months only, the vehicle identification numbers must be shown on Shipper's Export Declarations covering the exportation of used vehicles, and that carriers must submit such Shipper's Export Declarations to Customs prior to exportation. This action is intended to facilitate Customs' positive association of the Shipper's Export Declaration with the vehicle it is intended to cover, prior to its exportation, and is expected to provide a means for detection and deterrence of the exportation of stolen vehicles.

DATE: Comments should be submitted on or before March 27, 1978.

ADDRESS: Interested persons may submit such written data, views or arguments as they may desire, to the Director of the Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT:





Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, 301-763-5342.

It is proposed to amend the pertinent portions of the Foreign Trade Statistics Regulations to provide that for a period of 6 months only, exporters (or their agents) shall show the vehicle identification number on Shipper's Export Declarations required for the exportation of used vehicles (including automobiles, trucks, tractors, buses, motorcycles, special purpose vehicles, self-propelled farm machinery, self-propelled construction equipment, self-propelled special use equipment, and other similar vehicles), and that such Shipper's Export Declarations be presented to Customs a minimum of 48 hours prior to exportation. This will facilitate Customs' positive association of the Shipper's Export Declaration with the vehicle it is intended to cover, prior to its exportation, and is expected to provide a means for detection and deterrence of the exportation of stolen vehicles.

To effect this change in reporting requirements, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

These regulations are to be issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.

1. Section 30.7 is amended by the addition of the following sentence, immediately after the first sentence, and preceding the present parenthetical sentence.

**§ 30.7 Information required on Shipper's Export Declarations.**

• • • (See § 30.42 for additional information required for a limited time on Shipper's Export Declarations covering the exportation of used vehicles.) • • •

2. A new § 30.42 is added to read as follows:

**§ 30.42 Special temporary requirements for the exportation of used motor vehicles.**

Shipper's Export Declarations covering exports of used motor vehicles, including automobiles, trucks, tractors, buses, motorcycles, special purpose vehicles, self-propelled farm machinery, self-propelled construction equipment, self-propelled special use equipment, and other similar vehicles are subject to the following special provisions:

(a) When a used motor vehicle as defined above is to be exported from the United States to a foreign country, or shipped from the U.S. to Puerto Rico, exporters (or their agents) shall show on the Shipper's Export Declaration, required under these regulations, under the description of commodities, that vehicle's identification number.

(b) Shipper's Export Declarations covering the exportation of used vehicles shall be presented to Customs at the port of exportation at least 48 hours prior to exportation by the exporter (or his agent). One copy of the Shipper's Export Declaration, presented to Customs by the exporter, bearing a notation of its prior receipt by Customs, must be delivered to the exporting carrier prior to exportation; and, notwithstanding the provisions of § 30.24 of these Regulations relating to the delayed filing of Shipper's Export Declarations and manifests, carriers may not export used vehicles from the United States until the required Shipper's Export Declaration bearing the notation of its prior receipt by Customs has been received by the carrier.

(c) Failure of the exporter (or his agent, including the carrier) to provide Customs, at least 48 hours prior to exportation, a copy of the required Shipper's Export Declaration containing the vehicle identification number of the used vehicle to be exported shall result in the detention of such vehicle by Customs until there is compliance with above requirement.

(d) The provisions of this § 30.42 shall be effective for a period of six (6) months only from the date that this requirement is adopted and shown in the FEDERAL REGISTER, after which time the requirements of this § 30.42 are hereby rescinded.

MANUEL D. PLOTKIN,
*Director, Bureau of the Census.*

I concur:

BETTE ANDERSON,
*Under-Secretary,*
*Department of the Treasury.*

[FR Doc. 78-4883 Filed 2-23-78; 8:45 am]

[8010-01]

**SECURITIES AND EXCHANGE COMMISSION**

**[17 CFR Part 240]**

[Release No. 34-14486; File No. S7-581]

**DISSEMINATION OF PROXY INFORMATION TO BENEFICIAL OWNERS BY ISSUERS THROUGH INTERMEDIARY RECORDHOLDERS**

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission today withdrew a proposed rule amendment that was intended to clarify the obligations of publicly-held companies concerning the transmission of proxy materials to beneficial shareowners through intermediaries who hold securities in street or nominee name.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda Kurjan, Staff Attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549; 202-376-7470.

SUPPLEMENTARY INFORMATION: Currently, every issuer who intends to solicit proxies for a shareholders' meeting is required by Rule 14a-3(d) under the Securities Exchange Act of 1934 [17 CFR § 240.14a-3(d)] to inquire of known intermediary-recordholders at least 10 days prior to the record date for the meeting whether the intermediaries represent beneficial owners of the issuer's securities, in order that sufficient sets of proxy materials may be sent to the intermediaries for distribution to the shareowners. The proposed amendment, which the Commission has determined to withdraw, would have imposed an obligation on the issuer to make such inquiry of intermediaries who first become recordholders after the issuer's initial inquiry but on or before the record date.

BACKGROUND

In 1974, the Commission adopted Rule 14a-3(d) under the Securities Exchange Act of 1934 (the "Act"), requiring that, if an issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies are held of record by certain intermediaries, the issuer must inquire of such intermediaries prior to the meeting regarding the number of beneficial owners for which the securities are held and then supply the intermediaries with sufficient sets of proxy materials for distribution to the beneficial owners.[1] On July 5, 1977, the Commission announced the adoption of amendments to Rule 14a-3(d) to provide, among other things, that the issuer must make such inquiry at least 10 days before the record date for the meeting.[2] The rule is intended to establish a minimum standard to facilitate prompt and efficient dissemination of proxy materials to beneficial owners.

[1] Securities Exchange Act Release No. 11079 (October 31, 1974), 39 FR 40766. The intermediaries are brokers, dealers, banks and voting trustees.

[2] Securities Exchange Act Release No. 13719; 42 FR 35953. In addition, the amendments require that the issuer forward the proxy materials to such intermediaries in a "timely" manner. The Commission also adopted Rule 14b-1, which imposed on broker-dealer recordholders the obligation to respond to the issuer's request promptly

(Continued)





When the minimum 10-day provision was proposed, several commentors

for proxy materials by learning of upcoming proxy solicitations through

SUMMARY: The Food and Drug Administration is terminating a notice of



February 14, 1978, make the following

be removed by passing it through a

ing Clerk docket number found in

When the minimum 10-day provision was proposed, several commentors pointed out that the rule would require an issuer to inquire of all persons who are intermediaries at a time 10 or more days prior to the record date, but would not appear to require any inquiry of those who first become recordholders after the initial inquiry. The Commission therefore published for comment a proposal to clarify the issuer's continuing obligation to make inquiry of new intermediary-recordholders.[3]

The Commission received relatively few responses, primarily from small or medium sized issuers. Based on its review of the public comments, the Commission has determined to withdraw the proposed amendment to Rule 14a-3(d).

WITHDRAWAL OF PROPOSED AMENDMENT TO RULE 14a-3(d)

Some of the comment letters supported the continuing obligation of issuers. The Commission commends issuers who already send inquires to new intermediary-recordholders and endorses that approach as a sound business practice.

Nevertheless, most of the commentors objected to the imposition of the proposed rule, explaining that compliance would entail a substantial expenditure of time, money and manpower to identify and canvass any intermediaries that became recordholders for the first time during the interim. Moreover, it is probable that an issuer's efforts would reveal few such intermediaries, particularly if the issuer made the initial inquiry only a few weeks before the record date.

Withdrawal of the rule proposal should not significantly impede conscientious intermediaries in obtaining materials for their clients. Such intermediaries will receive at least one set of proxy meterials as shareholders of record and should be able to request any necessary additional materials from the issuer if they act promptly. Furthermore, since a new intermediary-recordholder generally will not have established positions for numerous clients, the distribution of the materials should be simplified. Finally, intermediaries can anticipate the need for proxy materials by learning of upcoming proxy solicitations through available sources other than the issuers, such as securities exchanges and private services which publish record, meeting and dividend dates and similar information.

The Commission agrees that in some circumstances the cost and administrative burden that would be imposed on issuers could outweigh the intended benefits. Moreover, the Commission believes that most intermediary-recordholders are conscientious and responsible and will, upon learning of a proxy solicitation, take any necessary steps to obtain and disseminate materials to the beneficial owners entitled to vote. Accordingly, the Commission has determined to withdraw the proposal.

The Commission recognizes that some intermediaries may fail to carry out their reponsibilities to obtain and forward the materials, despite collateral notice of an upcoming meeting. The Commission believes it is unacceptable for any beneficial owner to be deprived of proxy materials as a result of intermediary inaction. Because the rule being withdrawn does not appear to assure transmittal of issuer communications to such shareowners without imposing an undue regulatory burden on issuers, the Commission intends to explore with the self-regulatory organizations and other knowledgeable persons alternative ways to deal with this problem. In this regard, the Commission welcomes comments from interested members of the public.

In consideration of the foregoing, the proposal to amend 17 CFR Part 240 by revising paragraph (d) of § 240.14a-3, information to be furnished security holders, which was published in the FEDERAL REGISTER on July 13, 1977 (42 FR 35990) is hereby withdrawn.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

FEBRUARY 17, 1978.

[FR Doc. 78-4856 Filed 2-23-78; 8:45 am]

(Continued)

and to forward the proxy materials promptly to the beneficial owners.

Adoption of the amendments was endorsed by the Commission in its Final Report of the Street Name Study, Final Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other than the Name of the Beneficial Owner of Such Securites, 94th Cong. 2d Sess., 43-44 (Committee Print 1976).

[3]Securities Exchange Act Release No. 13720 (July 5, 1977); 42 FR 35990.

[4110-03]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Food and Drug Administration**

**[21 CFR Part 175]**

[Docket No. 77N-0434]

**ZINC-SILICON DIOXIDE MATRIX COATINGS**

**Termination of Proposed Rulemaking**

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Food and Drug Administration is terminating a notice of proposed rulemaking concerning zinc-silicon dioxide matrix coatings for use in contact with foods because of the need for more information on the use of the coatings.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER of January 28, 1967 (32 FR 1055) to amend § 175.390 zinc silicon-dioxide matrix coatings (21 CFR 175.390) to restrict those coatings to use in contact with foods having a pH of 7.0 or higher. No comments were received on the proposal.

Since publication of the notice of proposed rulemaking, additional information has been received indicating that the functionality of these coatings should be reviewed over all pH ranges. Review of available data indicates that the proposed rulemaking is inadequate. More information on the use of these coatings is needed before a decision can be made on whether to issue a revised proposal. A general notice soliciting data on these coatings and requesting samples for test purposes will appear at a future date in the FEDERAL REGISTER.

Therefore, the proposed rulemaking in the FEDERAL REGISTER of January 28, 1967 (32 FR 1055) on this matter is no longer appropriate and is hereby terminated.

This action is taken under the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4868 Filed 2-23-78; 8:45 am]

[1505-01]

**[21 CFR Parts 182, 184]**

[Docket No. 77N-0041]

**STANNOUS CHLORIDE**

**Proposed Affirmation of GRAS Status as Direct Human Food Ingredient**

*Correction*

In FR Doc. 78-4005, appearing at page 6242 in the issue for Tuesday,





February 14, 1978, make the following corrections:

(1) On page 6243, in the second full paragraph of the first column, in the 6th line "20ppb" should be "30ppb".

(2) Also on page 6243, in the middle column, in the third full paragraph, the 5th line should read: "hibited premortal signs within 8 hours and".

(3) On page 6244, in the third column, in the third paragraph, the room number now given as "Room 4065", should be "Room 4-65".

[4110-03]

**[21 CFR Part 436]**

[Docket No. 77N-0129]

**STERILITY TEST**

**Isopropyl Myristate**

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document would amend the antibiotic drug regulations by adding new restrictions to a diluting fluid to ensure its suitability for the sterility testing of ophthalmic ointments.

DATE: Comments by April 25, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: A Study published in 1973 (Kiyoshi Tsuji and John H. Robertson, "Microbial Toxicity of Isopropyl Myristate," Applied Microbiology, 25:139-145, January 1973 (a copy is on file at office of Hearing Clerk)) pointed out that the microbial toxicity of isopropyl myristate (IPM) varied from lot to lot, making it unsuitable in some cases for use in sterility testing.

A collaborative study conducted by the Food and Drug Administration (FDA) confirmed the results of the published study. The collaborative study indicated that IPM with a water extract pH of less than 5.5 is toxic to certain microorganisms, thus invalidating sterility test results.

The studies show that the pH of a water extract of IPM correlates with the microbial toxicity and can therefore be used as an indicator of the suitability of IPM for sterility testing. If IPM is found to be unsuitable because of a pH below 5.5, impurities can be removed by passing it through a glass column packed with basic alumina. The compounds that contribute to the acidity are absorbed, and the toxicity is reduced to a useable level.

Therefore, the Commissioner of Food and Drugs proposes that the regulations describing IPM be amended to require that, unless the pH of a water extract is 5.5 or greater, the IPM is to be passed through a basic alumina-packed glass column to remove substances that are toxic to microbial populations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 436 be amended by revising § 436.20(d)(5) to read as follows:

§ 436.20 Sterility test methods and procedures.

* * * * * *

(d) * * *

(5) *Diluting fluid E.* Use isopropyl myristate that is sterile and microbially nontoxic, and that has a water-extract pH of 5.5 or greater. Determine the water-extract pH of a portion of the isopropyl myristate as follows: Place 100 milliliters of the isopropyl myristate sample and 10 milliliters of distilled water into a centrifuge bottle of approximately 250 milliliters capacity and seal the bottle tightly. Place the centrifuge bottle on a shaker so that its longest dimension is oriented in the direction of shaker movement and shake at 250 cycles per minute for 1 hour. Centrifuge the bottle at 1,800 revolutions per minute for 20 minutes. With a suitable vacuum system remove and discard the upper layer; then pipet 5 milliliters of the lower water layer into a beaker and determine the pH using a standardized pH meter. If the water extract pH is less than 5.5, pass the isopropyl myristate through a glass column packed with basic aluminum oxide, activity grade No. 1. Determine the water-extract pH of a portion of the isopropyl myristate that has been passed through the aluminum oxide column. Sterilize isopropyl myristate by filtration through a 0.22-micron membrane filter and aseptically dispense 100-milliliter portions into sterile 250-milliliter flasks.

* * * * *

Interested persons may, on or before April 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 16, 1978.

MARY A. MCHENRY,
*Assistant Director for Regulatory Affairs, Bureau of Drugs.*

[FR Doc. 78-4889 Filed 2-23-78; 8:45 am]

[6560-01]

**Food and Drug Administration**

**[21 CFR Part 561]**

[FRL 859-3; FAP 6H5117/P9]

**TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY**

**Proposed Feed Additive Tolerances for 2 - Ethoxy - 2,3 - Dihydro - 3,3 - Dimethyl - 5-Benzofuranyl Methanesulfonate**

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a permanent tolerance be established for residues of the herbicide 2-ethoxy-2,3 - dihydro - 3,3 - dimethyl - 5 - benzofuranyl methanesulfonate. The proposal was submitted by Fisons Corp. This amendment to the regulations will establish a maximum permissible level for residues of the subject pesticide in sugar beet molasses.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm, 401, East Tower, 401 M Street SW., Washington D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA (202-755-2197).

SUPPLEMENTARY INFORMATION: On March 12, 1976, the EPA published in the FEDERAL REGISTER (41 FR 10709) a notice that Fisons Corp., Agricultural Chemicals Division, Two Preston Court, Bedford, Mass. 01730, had submitted a petition (FAP 6N5117). This

petition proposed that 21 CFR 561.235 be amended by the establishment of a regulation permitting the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate in beet fields to control weeds with a tolerance limitation resulting from such use for residues of the herbicide and its metabolites in sugar beet molasses at 0.5 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973. 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The data considered in support of the proposed tolerances included radio tracer metabolism studies in beans, sugar beets, rats, and a cow; sugar beet residue studies; a 28-day cattle-feeding study; poultry-feeding studies; 90-day rat- and swine-feeding studies; a rat dominant lethal test; a teratogenicity test; and a two-year rat-feeding study. Studies currently lacking to reinforce the present findings are a three-generation reproduction study and an oncogenicity study on a second mammalian species. Both studies have been started and the reproduction study results are expected to be available in November 1978 and the oncogenicity results in March 1979. A two-year dog study has been begun with the final results expected in August 1979. Should adverse findings develop, Fisons Corp. has agreed to withdraw the subject herbicide from the U.S. market.

A feed additive tolerance had previously been established (21 CFR 561.235) for residues of the herbicide in sugar beet molasses at 0.5 ppm. The no-effect level (NEL) is 1,000 ppm and the acceptable daily intake (ADI) is 0.5 milligram (ng.)/kilogram (kg.)/day. The maximum permissible intake (MPI) for a 60-kg man is 30 mg./day. An adequate analytical method (gas chromatography using a sulfur-specific flame photometric method) is available for enforcement purposes.

There are no pending regulatory actions against the continued registration of the herbicide. Therefore, it is proposed that 21 CFR 561.235 be revised as set forth below. (A related proposed rulemaking document to amend 40 CFR 180 by establishing tolerances for residues of the subject herbicide in or on sugar beet roots and tops and in the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep appears elsewhere in today's FEDERAL REGISTER.)

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this proposal in the FEDERAL REGISTER, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6H5117/P9". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

Statutory authority: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Dated: February 15, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

It is proposed that Part 561, Subpart A, section 561.235 be revised in the heading and in the text to read as follows:

**§ 561.235 2 - Ethoxy - 2,3 - dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate.**

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses resulting from application of the herbicide to growing sugar beets.

[FR Doc. 78-4853 Filed 2-23-78; 8:45 am]

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[4110-03]

**[21 CFR Parts 1000 and 1020]**

[Docket No. 76N-0055]

**DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS**

**Proposed Amendment to Performance Standard**

AGENCY: Food and Drug Administration.

ACTION: Proposed rule

SUMMARY: The agency is proposing amendments to the performance standard for diagnostic X-ray systems and their major components to incorporate clarifying interpretations that have been made by the agency since promulgation of the standard. Amendments are also being proposed to clarify and supplement the policy on assembly and reassembly of diagnostic X-ray systems by including interpretations that have been required concerning this policy. The proposed amendments would recodify this revised policy as an integral part of the performance standard for diagnostic X-ray systems. Finally, it is proposed to codify as part of the performance standard the policy on modification of diagnostic X-ray systems and components that was contained in the preamble to the final order establishing the performance standard. These amendments would formalize current policy and would not impose a burden on those affected.

DATE: Comments by April 25, 1978, it is proposed that the amendments become effective upon publication of the final rule in the FEDERAL REGISTER.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), the Commissioner of Food and Drugs proposes to amend the performance standard for diagnostic X-ray systems and their major components in § 1020.30 (21 CFR 1020.30) by incorporating into the standard interpretations previously made concerning assembler certification requirements and replacement of X-ray tubes in tube-housing assemblies. Amendments are also proposed that would clarify and supplement the policy on assembly and reassembly of diagnostic X-ray systems (currently codified in 21 CFR 1000.16) and would recodify this revised policy as an integral part of the performance standard for diagnostic X-ray systems and their major components by redesignating § 1000.16 as § 1020.30(p). Finally, a new § 1020.30(q) is proposed that would codify the policy on modification of diagnostic X-ray components and systems certified under the performance standard.

The intent to develop these amendments was announced in a notice published in the FEDERAL REGISTER of March 30, 1976 (41 FR 13368) and





drafts of portions of the proposed amendments have been made available to those parties expressing an interest. In accordance with section 358(f) of the act, these proposals have been reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Education, and Welfare, which must be consulted prior to the establishment or amendment of performance standards for electronic products. The Committee concurred with publication of the proposals for public comment. A discussion of the proposed amendments follows.

REPORTING ASSEMBLY OF ACCESSORY COMPONENT

1. An amendment is proposed for the assembler reporting requirements for some types of certified accessory components in proposed § 1020.30(d)(3). These reporting procedures are currently being followed as a result of an advisory opinion, and the amendments would incorporate these reporting procedures into the standard. Proposed § 1020.30(d)(3)(i) would require that only the initial installation or assembly of interchangeable and removable accessory components into a diagnostic X-ray system at the user's facility be reported in accordance with § 1020.30(d) (1) and (2). No report of assembly would be required for subsequent use at the user's facility of components such as accessory beam-limiting devices or a removable cradle assembly. The reporting of each use of such components with compatible X-ray systems at the user's facility or the occasional use with a single system is required by a literal interpretation of the current § 1020.30(d). The Commissioner has determined that such reporting is unnecessary and the proposed amendment would eliminate the redundancy.

2. Proposed § 1020.30(d)(3)(ii) would eliminate the assembler certification requirement for certified components that are compatible with all types of X-ray systems with which they are designed to be used and that do not require installation or compatibility information to assure compliance with the standard. Such components would have to be identified as requiring no report of assembly by the manufacturer in the manufacturer's initial report required by § 1002.10 (21 CFR 1002.10). An example of such a component would be a certified tabletop cassette holder compatible with all X-ray systems with which it might be used. A self-contained, portable X-ray system that requires no installation or assembly in accordance with manufacturer's instructions and no compatibility information would also be exempt from assembler reporting if the conditions specified in proposed § 1020.30(d)(3)(ii) are met. The elimination of this reporting requirement would not compromise radiation protection since review of the manufacturer's initial report will assure compliance with the performance standard.

3. To specify those components to which the proposed reporting exceptions contained in § 1020.30(d)(3) apply, the Commissioner proposed to define accessory components in § 1020.30(b)(56).

RELOADING OF X-RAY TUBE-HOUSING ASSEMBLIES

1. The present wording of § 1020.30(e)(2) (21 CFR 1020.30(e)(2)) defines the replacement of an X-ray tube in a previously manufactured tube-housing assembly as manufacture of a new tube-housing assembly and requires that the manufacturer relabel and recertify the reloaded tube-housing assembly. The Commissioner has determined that the requirement for recertification of the tube-housing assembly is appropriate only for tube-housing assemblies originally manufactured and certified pursuant to § 1020.30(c) and proposes to amend § 1020.30(e)(2) to reflect this determination. This policy regarding the reloading of X-ray tube-housing assemblies was stated to manufacturers in a letter dated July 24, 1974.

The Commissioner advises that the radiation leakage criteria of the performance standard are identical to earlier voluntary standards, and most uncertified tube-housing assemblies are manufactured in accordance with these voluntary standards. He believes the public health will be protected through the provisions of 21 CFR Parts 1003 and 1004 requiring a manufacturer to repair, replace, or refund the cost of X-ray equipment manufactured after October 18, 1968, if the equipment fails to meet the manufacturer's radiation safety design specifications. Furthemore, X-ray systems currently in use must meet applicable State and local radiation safety requirements.

The Commissioner also believes that technical feasibility problems justify this proposal. Certification of any component specified in § 1020.30(a) requires that the manufacturer provide information to the assembler and user concerning the compatibility of the certified component with other diagnostic X-ray system components. Requiring the certification of originally uncertified tub-housing assemblies could lead to the removal of serviceable tube-housing assemblies from use because the manufacturer doing the tube reloading may not be able to provide adequate compatibility information for the tube-housing assembly. Even if compatibility information could be provided, the additional expense could increase the cost of reloading such that it exceeds the component value.

2. Proposed § 1020.30(e)(3) would exempt X-ray tube-housing assemblies designed for quick change X-ray tubes from the recertification and labeling requirements of § 1020.30(e)(2). This proposed amendment recognizes technical developments not envisioned when the original performance standard was written and codifies an administrative interpretation concerning this type of tube-housing assembly.

Proposed § 1020.30(b)(55) defines a quick change X-ray tube, requiring it and its associated tube housing to be designed such that: (i) The tube housing would only accept compatible tubes; (ii) the tube could not be inserted into its housing in a manner that would result in noncompliance with the performance standard; (iii) the focal spot position would not cause noncompliance with the provisions of the standard; (iv) the shielding within the tube housing could not be displaced; and (v) any removal and subsequent reinstallation of a beam-limiting device during reloading of the tube in the tube housing would not result in noncompliance with the applicable field limitation and alignment requirements of the performance standard. The Commissioner has found that such tube-housing assemblies can be reloaded without altering the compliance status of the system. Thus, instead of recertification, he proposes that individuals who reload tube-housing assemblies containing quick change X-ray tubes need only label the assembly to show that a new tube has been installed.

One X-ray equipment manufacturer, commenting on a draft of this amendment, objected to the condition that the proper interface of the quick change tube-housing assembly and the beam-limiting device be automatically assured by their design. The comment stated that this requirement might inhibit future developments by limiting quick change X-ray tube designs and would also require reloaded tube-housing assemblies not meeting this condition to be recertified. The comment suggested that compliance of such systems with the field limitation and alignment requirements of the standard be maintained by proper instuctions to the user or assembler.

The Commissioner does not accept this suggestion. This proposal is intended to eliminate unnecessary reporting for those systems whose foolproof design has simplified X-ray tube replacement. If compliance of the system following X-ray tube replacement depends on the user or assembler following manufacturer's instructions and accomplishing tasks such as alignment, adjustment or testing, which are properly part of the manu-

facturing process, the person performing the tube repalcement must, as a manufacturer, recertify the tube-housing assembly.

AMENDMENTS TO THE POLICY ON ASSEMBLY AND REASSEMBLY; RECODIFICATION

Section 1000.16, published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27432), established the policy designed to assure the the radiation safety integrity of new, certified, X-ray systems assembled after the effective date of the diagnostic X-ray equipment performance standard and to prevent the future downgrading of these systems during reassembly through the addition of uncertified components. Section 1000.16 addresses the circumstances under which certified components shall be assembled or reassembled into diagnostic X-ray systems such that the completed systems provide, at the earliest practicable date, the radiation safety protection and performance required by the performance standard for diagnostic X-ray systems (21 CFR 1020.30, 1020.31, and 1020.32). Because a diagnostic X-ray system is often assembled from individual components manufactured by several different component manufacturers, a policy on assembly and reassembly of diagnostic X-ray systems was necessary to define the responsibilities of the assembler-manufacturer in providing such protection. To more clearly identify these policies as additions to or clarifications of the specific requirements of the performance standard, the Commissioner proposes to recodify § 1000.16 as new § 1020.30(p). Also, the following revisions and additions are proposed:

1. Proposed § 1020.30(p)(1)(iv) (currently § 1000.16(a)(4)) would be amended to clarify that replacement of components during the reassembly of an existing X-ray system is permitted.

The Commissioner advises that the phrase "new components added to an original system" was intended to include replacement components, whether new or used, incorporated into the system for the first time during reassembly. However, it was necessary to clarify § 1000.16(a)(4) through advisory opinions, and the standard is to be amended to include this clarification. The amended paragraph would clearly state that when a previously existing system is reassembled and sold, any of the components may be replaced, but if the original system contained one or more certified components, only certified components could be added or installed as replacement components.

2. A typographical error in § 1020.30(p)(2)(ii) (currently § 1000.16(b)(2)) would be corrected. Reference should be to the report filed pursuant to § 1020.30(d) rather than § 1020.30(c).

3. Section 1000.16(e) would be revoked because it duplicates the requirements of § 1020.30(d).

4. The Commissioner recognizes that a literal reading of § 1000.16 prohibits the installation of an uncertified component into a system containing one or more certified components, thus precluding reinstallation of an uncertified component that has been removed for repair. The Commissioner does not intend to prevent or impede necessary repair of systems, and proposed § 1020.30(p)(5)(i) would specifically permit the removal and reinstallation of components during repair. Proposed § 1020.30(p)(5)(ii) would also permit returning the malfunctioning X-ray systems to use after exchanging identical serviceable components for components needing repair. The Commissioner believes this would minimize service interruption and also allow more efficient repair at locations other than at the site where the component is used. Exchange basis repair would be permitted when an identical model component is installed in place of a malfunctioning one. However, exchange basis repair of certified components would require the assembler to file a report of assembly in accordance with § 1020.30(d), whereas on site removel and reinstallation of components during repair would not require this.

Proposed § 1020.30(p)(5)(iii) would formalize the policy that permits temporary installation of a component in place of a malfunctioning component while the X-ray system is being repaired. Components temporarily installed in place of certified components removed for repair would be required to be certified, and provisions are proposed for labeling temporarily installed components in lieu of filing a report of assumbly as required by § 1020.30(d). The Commissioner has determined that the certification requirements of sectoin 358(h) of the act for temporarily installed components may be satisfied by a tag or label attached to the temporarily installed component and that such assembly need not be reported to the Bureau of Radiological Health unless or until the component is permanently installed in an X-ray system. The Commissioner advises that the policy stated in § 1020.30(p)(5) would continue in effect after August 1, 1979, as the removal and reassembly of components in the course of repair of an X-ray system would not be prohibited by § 1020.30(p) (3) or (4).

5. Proposed § 1020.30(p)(6) concerns the use of certified accessory components with an X-ray system and the effect of this use on the status of the X-ray system under proposed § 1020.30(p). One of the aims of § 1000.16 was to foster the gradual improvement of X-ray systems by requiring that components added to a system containing one or more certified components also be certified. There are, however, several types of certifiable components whose use within an X-ray system is not required for compliance of the system as a whole with the performance standard and which may be used only occasionally within an X-ray system (e.g., removable cradles or tabletop cassette holders). These devices may be purchased by a facility for use with several X-ray systems. The Commissioner does not consider occasional use of such certified accessory components with an otherwise uncertified X-ray system to be installation or addition of a certified component into the system; thus, under proposed § 1020.30 (p) (1) (iv) (currently § 1000.16 (a) (4)), future components added to the uncertified system would not need to be certified. Other accessory components that do affect compliance with the standard or influence radiation protection, e.g., an accessory beam-limiting device, would not meet the criteria of § 1020.30(p)(6).

MODIFICATION OF CERTIFIED DIAGONISTIC X-RAY COMPONENTS AND SYSTEMS

The policy on modification of diagnostic X-ray components and systems was first stated in the preamble to the final order establishing the diagnostic X-ray equipment performance standard published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16461). Modification of certified X-ray components or systems such that the component or system no longer meets the standard is considered manufacturing, and individuals who intend to perform such modifications first must obtain a variance as prescribed by § 1010.4 (21 CFR 1010.4) or be granted an exemption under sections 358(a)(5) or 360B(b) of the act. However, the Commissioner has determined there is no need to obtain a variance or exemption to modify systems that are not to be used for the diagnosis or visualization of humans, or for those modifications that do not result in noncompliance with the performance standard. This is proposed to be codified as § 1020.30(q) of the performance standard so that a clear statement of the policy is readily available for reference. Therefore, normal performance of repair, adjustment, and routine maintenance would not be affected.

To further clarify that in certain circumstances owners are also manufacturers of diagnostic X-ray systems and components under the act, the Commissioner proposes to modify § 1020.30(b)(3) defining assembler. The owner of a diagnostic X-ray system is a manufacturer of a electronic product if he or his employees assemble or modify certified components or systems that are subsequently used in a commercial or professional capacity. This was stated in the preamble of the August 15, 1972 regulation, but was not clearly reflected in the definition. To prevent any misunderstanding, this is now being added to the definition of assembler. The Commissioner advises that this proposed addition does not place new responsibilities on the owners of diagnostic X-ray systems because owners who perform acts of manufacture are currently subject to the regulations of Subchapter J (21 CFR Subchapter J).

Because these amendments would codify current policy previously announced and would not impose more stringent requirements, it is proposed to make these amendments effective upon date of publication of the final rule in the FEDERAL REGISTER.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment and other pertinent background data on which the Commissioner relies in proposing these amendments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend 21 CFR Subchapter J as follows:

**§ 1000.16 [Redesignated]**

1. In Part 1000, § 1000.16 assembly and reassembly of diagnostic X-ray systems is revised and redesignated as § 1020.30(p).

2. In Part 1020, § 1020.30 is amended by revising paragraph (b)(3) and by adding new paragraph (b) (55) and (56), by revising the introductory text of paragraph (d) and by adding new paragraph (d)(3), by revising paragraph (e)(2) and by adding new paragraphs (e)(3), (p), and (q) to read as follows:

**§ 1020.30 Diagnostic X-ray systems and their major components.**

* * * * *

(b) * * *

(3) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or sub-system. The term includes the owner of an X-ray system or his employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

* * * * *

(55) "Quick change X-ray tube" means an X-ray tube designed for use in its associated tube housing such that: (i) The tube cannot be inserted in its housing in a manner that would result in noncompliance of the system with the requirements of paragraphs (k) and (m) of this section; (ii) the focal spot position will not cause noncompliance with the provisons of this section or §§ 1020.31 or 1020.32; (iii) the shielding within the tube housing cannot be displaced; and (iv) any removal and subsequent replacement of a beam-limiting device during reloading of the tube in the tube housing will not result in noncompliance of the X-ray system with the applicable field limitation and alignment requirements of §§ 1020.31 and 1020.32.

(56) "Accessory component" means: (i) A component used with diagnostic X-ray systems, such as a cradle or film changer, that is not necessary for the compliance of the system with applicable provisions of this subchapter but which requires an initial determination of compatibility with the system; or (ii) a component necessary for compliance of the system with applicable provisions of this subchapter but which may be interchanged with similar compatible components without affecting the system's compliance, such as one of a set of interchangeable beam-limiting devices; or (iii) a component compatible with all X-ray systems with which it may be used and that does not require compatibility or installation instructions, such as a tabletop cassette holder.

* * * * *

(d) *Certification by assembler.* An assembler who installs one or more components certified as required by paragraph (c) of this section into an X-ray system shall install certified components that are of the type required by §§ 1020.31 or 1020.32 and, except as provided for in paragraph (d)(2) of this section, shall assemble, install, adjust, and test the certified components in accordance with the instructions of their respecitive manufacturers. All assemblers who install certified components shall file a report of such assembly as specified in paragraph (d) (1), (2), and (3) of this section. The report shall be construed as the assembler's certification and identification under §§ 1010.2 and 1010.3 of this chapter. All assembler reports shall be on a form prescribed by and available from the Director, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, Md. 20857. Completed reports shall be submitted to the Director, the purchaser, and, where applicable, to the State agency responsible for radiation protection, within 15 days following completion of the assembly.

* * * * *

(3) *Accessory components.* The following requirements are applicable to the assembly of accessory certified components and X-ray systems that do not require assembly by the dealer or purchaser.

(i) The initial installation or assembly of interchangeable and removable accessory certified components within a diagnostic X-ray system following delivery at the user's facility shall be reported, as required by paragraph (d) (1) and (2) of this section. No report of assembly is required for subsequent use of such components.

(ii) Assembler certification as specified in paragraph (d) (1) and (2) of this section is not required for certified components or systems that have been described by their manufacturer in the information furnished the user as not requiring assembler certification. Prior to stating that assembler certification is not required for a component or system, the manufacturer of the item shall have reported to the Bureau of Radiological Health, in the report required by § 1002.10 of this chapter, that compliance with this section and §§ 1020.31 and 1020.32 is assured by the following conditions:

(*a*) Certification of compliance by the manufactuer is not contingent upon acts of assembly or installation by the dealer or purchaser.

(*b*) Preparation for use by either the dealer or user does not require adherence to manufacturer's instructions to ensure compliance.

(c) Interconnection or use, or both, of the component or system does not require compatibility specifications.

(e) * * *

(2) *Replacement of tubes.* Except as specified in paragraph (e)(3) of this section, the replacement of an X-ray tube in a previously manufactured tube-housing assembly certified pursuant to paragraph (c) of this section shall constitute manufacture of a new tube-housing assembly, and the manufacturer shall be subject to the provisions of paragraph (e)(1) of this section. The manufacturer shall remove, cover, or deface any previously affixed inscriptions, tags, or labels that are no longer applicable.

(3) *Quick change X-ray tubes.* The requirements of paragraph (e)(2) of this section shall not apply to tube-housing assemblies designed and designated by their original manufacturer as containing quick change X-ray tubes. The manufacturer of such X-ray tubes shall include with each replacement tube a label with the tube manufacturer's name, the model, and serial number of the X-ray tube. The

manufacturer of the tube shall instruct the assembler who installs the new tube to attach the label to the tube-housing assembly and to remove, cover, or deface the previously affixed inscriptions, tags, or labels that are described by the tube manufacturer as no longer applicable.

• • • • •

(p) *Assembly and reassembly of diagnostic X-ray system.* The following provisions shall apply to the assembly and reassembly of diagnostic X-ray components specified in paragraph (a)(1) of this section into diagnostic X-ray systems.

(1) *Assembly after August 1, 1974.* Except as provided in paragraph (p)(2) of this section, specified components which are assembled after August 1, 1974, and prior to August 1, 1979, into those X-ray systems which contain, or will contain upon completion of the assembly, one or more components certified pursuant to paragraph (c) of this section, shall be only those which have themselves been so certified. For example, after August 1, 1974:

(i) An assembler who installs a new, complete diagnostic X-ray system may not assemble a system consisting of both certified and uncertified components.

(ii) An assembler who installs components into an existing diagnostic X-ray system, containing one or more certified components prior to such installation, may only install components which have been certified by the component manufacturer(s), regardless of whether or not certified components themselves are replaced.

(iii) An assembler who installs a group of components into an existing diagnostic X-ray system, containing no certified components prior to the assembly, may not install a combination of certified and uncertified components. He may install all uncertified components or all certified components into such a system.

(iv) Except as required by paragraph (p)(4) of this section, an assembler may reassemble a previously existing (used) system for resale whether or not the system is comprised of all uncertified or a combination of certified and uncertified components. However, any new components added to, or installed in place of, original components in an existing system comprised of one or more certified components must be certified.

(2) *Purchase prior to August 1, 1974.* The provisions of paragraph (p)(1) of this section shall not apply to the assembly of specified components provided:

(i) All of the specified components which are assembled into the X-ray system after August 1, 1974, were purchased prior to that date; and

(ii) The report filed pursuant to paragraph (d) of this section includes adequate evidence that all of the specified components assembled were purchased prior to August 1, 1974. A copy of a notarized bill of sale, or other notarized contract for purchase clearly establishing the date of purchase of each of the specified components will be considered adequate evidence.

(3) *Assembly after August 1, 1979.* Specified components which are assembled into a diagnostic X-ray system after August 1, 1979, shall be only those which have been certified pursuant to paragraph (c) of this section. For example, after August 1, 1979:

(i) An assembler who installs a complete diagnostic X-ray system may not install components which have not been certified by the component manufacturer(s).

(ii) Only those components which have been certified by the component manufacture may be installed into an existing diagnostic X-ray system whether or not the system contained certified components prior to the assemble.

(4) *Reassembly after August 1, 1979.* Specified components which are reassembled after August 1, 1979, into diagnostic X-ray systems after relocation and sale of such systems to a purchaser, shall be only those which have been certified in accordance with paragraph (c) of this section. For example, after August 1, 1979:

(i) An assembler who reassembles an existing diagnostic X-ray system in a new location, when this reassembly is associated with a change in ownership of the system, may only reassemble those components into the system which are certified.

(ii) An assembler who reassembles an existing diagnostic X-ray system in a new location may install uncertified components which were contained in the system prior to disassembly, if the reassembly is not associated with a change of ownership of the system. However, any new components added to the original system must be certified.

(5) *Repair of X-ray systems.* The following requirements govern the assembly and reassembly of diagnostic X-ray components during repair of diagnostic X-ray components and systems:

(i) The removal of a component, whether certified or uncertified, from an X-ray system for the purpose of repair and the subsequent reinstallation of the component into the system following repair is not prohibited by this section. Persons performing repair of certified components are not required to recertify the repaired component in accordance with paragraph (c) of this section except for reloaded, previously certified, X-ray tube housing assemblies. A report in accordance with paragraph (d) of this section is not required to be filed to report the reinstallation of a certified component into an X-ray system following repair of the component or system.

(ii) The installation into an X-ray system of components specified in paragraph (a) of this section, on an exchange basis when an identical model is installed in place of a malfunctioning component, shall not be subject to, or affect the status of, the X-ray system under paragraph (p) (1), (3), and (4) of this section. A report in accordance with paragraph (d) of this section shall be filed to report installation of certified components.

(iii) Components installed temporarily in an X-ray system in place of certified components removed temporarily for repair shall be certified. The temporary installation of such certified components is not subject to the report required in paragraph (d) of this section, provided the temporarily installed component is identified by a tag or label bearing the information set forth in paragraph (p)(5)(ii) (*a*) or (*b*) of this section. The replacement of the temporarily installed component by a permanently installed certified component shall be reported in accordance with paragraph (d) of this section.

(*a*) *Temporarily installed compatible component.* A temporarily installed compatible component shall bear the following statement and information:

TEMPORARILY INSTALLED COMPATIBLE COMPONENT

This certified component has been assembled, installed, adjusted, and tested by me according to the instructions provided by the manufacturer.

Signature _____
Company Name _____
Street Address, P.O. Box _____
City, State, Zip Code _____
Date of Installation _____

(*b*) *Temporarily installed noncompatible component.* A temporarily installed noncompatible component shall bear the following statement and information:

TEMPORARILY INSTALLED NONCOMPATIBLE COMPONENT

This certified component has been assembled or installed by me, but could not be assembled, installed, adjusted, and tested according to the instructions provided by the manufacturer because other already existing components of the system do not meet the compatibility specifications of the certified component being installed and there are no commercially available certified components of a similar type that are compatible with the system.

Signature _____
Company Name _____
Street Address, P.O. Box _____
City, State, Zip Code _____
Date of Installation _____

(6) *Accessory components.* The use with an X-ray system of accessory components specified in paragraph (a) of this section which are not permanently installed in the X-ray system, which are not essential to the performance of the system in compliance with the requirements of this section and §§ 1020.31 and 1020.32, and which are subject to the assembler reporting exeptions specified in paragraph (d)(3) of this section, shall not be subject to, or affect the status of the X-ray system under paragraph (p) (1), (3), and (4) of this section.

(q) *Modification of certified diagnostic X-ray components and systems.* (1) Diagnostic X-ray components and systems, certified in accordance with § 1010.2 of this chapter shall not be modified such that the component or system fails to comply with any applicable provision of this chapter unless a variance in accordance with § 1010.4 of this chapter or an exemption under sections 358(a)(5) or 360B(b) of the Public Health Service Act has been granted for such modification.

(2) The owner of a diagnostic X-ray system who uses the system in a professional or commercial capacity may modify the system, provided the modification does not result in the failure of the system or component to comply with the applicable requirements of this section or §§ 1020.31 or 1020.32. The owner who causes such modification to occur need not submit the reports required by Supart B of Part 1002 of this chapter provided the modification of the X-ray system does not result in a failure to comply.

Interested persons may, on or before April 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that his document does not contain a major proposal requiring preparation of an economic impact statement under Excutive Order 11821 (as amended By Excutive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 16, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4890 Filed 2-23-78; 8:45 am]





[4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of the Secretary**

**[24 CFR Part 81]**

[Docket No. R-77-509]

**REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION**

**Proposed Rulemaking**

AGENCY: Federal National Mortgage Association (FNMA).

ACTION: Proposed rule.

SUMMARY: The Secretary proposes to revise existing Part 81 to: 1. Require from FNMA certain reports on a regular basis, 2. provide for certain examinations and audits, 3. impose certain standards upon FNMA's mortgage market transactions, and 4. make minor technical changes to the existing book-entry regulations. The Secretary has determined that there is a need to develop a regulatory framework for FNMA operations in furtherance of national housing goals.

COMMENT DUE DATE: March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Irving P. Margulies, Room 10244, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-7203.

SUPPLEMENTARY INFORMATION: Title III of the National Housing Act, 12 U.S.C. 1723(a) (Charter Act), created FNMA in order to establish a secondary market for home mortgages. Section 309(h) empowers the Secretary to "• • • make such rules and regulations as shall be necessary and proper to insure that the purposes of (Title III) are accomplished."

The Secretary has determined that there is a need to develop a regulatory framework for FNMA operations. This Notice, therefore, proposes to expand Part 81 in order to provide for reports, audits and examinations of FNMA and to impose upon FNMA's mortgage market transactions certain requirements in furtherance of national housing goals, including, but not limited to, that of providing adequate housing for low and moderate income families. Section 309(h).

As revised, Part 81 would consist of five subparts: A—General Provisions, B—Operations of FNMA, C—Reporting Requirements, D—Examination and Audits, and E—Book-Entry Procedures for FNMA Securities. Subpart E would consist of existing 24 CFR 81.6 through 81.14, unchanged except for renumbering of its sections and updating of the references to FNMA, which is presently cited as the corporation. There follows a section-by-section discussion of the proposed new provisions for Part 81.

In Subpart A, § 81.1 describes the scope of the part and § 81.2 sets forth eight definitions of terms that are used throughout these regulations. Attention is drawn especially to the definition of "Housing for Low and Moderate Income Families" which would include: (1) Any housing financed by a mortgage loan insured by FHA under Sections 221(d)(2), 221(d)(3), 221(d)(4), 235, or 236 of the National Housing Act; (2) any housing project having 25 percent or more of its units eligible for rental assistance under Section 8 of the United States Housing Act of 1937, and (3) any single-family dwelling purchased at a price below the current median price for such housing in the Standard Metropolitan Statistical Area, or county not in such area, in which the dwelling is located.

In Subpart B, § 81.11 would outline, in general, the Secretary's statutory authority to regulate FNMA operations. Section 81.12, paragraph (a), concerns common stock purchases by FNMA mortgage sellers and servicers. Subparagraph (a)(1) would approve FNMA's determination that sellers of mortgages not be required to purchase common stock, thus codifying the present temporary suspension of that requirement. Subparagraph (a)(2) would approve FNMA's determination that each mortgage servicer be required to own one share of common stock for each $100,000, or fraction thereof, of FNMA-held mortgages purchased after September 1, 1969, and serviced by such servicer. The present requirement is one share for each $10,000 of mortgages serviced. Subparagraph (a)(3) would provide that common stock shall be sold for a price equal to the issue price as determined by FNMA with the Secretary's approval. Subparagraph (a)(3) would also provide for at least 15 days notice before changing the issue price, and it specifies information that must accompany a request to the Secretary for approval of such a change. Notice is presently required, but there is no provision for Secretarial approval. Paragraph (b) contains provisions permitting FNMA to limit or deny pre-emptive rights to shareholders for stock issuances other than those under Paragraph (a). This provision is unchanged in substance from present requirements except that reference to convertible debt issuances has been eliminated. Paragraph (c) sets forth existing requirements for shareholder resolutions concerning pre-emptive rights. Paragraph (d) contains the present requirement for Secretarial approval of any stock issuance other than one to servicers in accor-

dance with Paragraph (a); however, the existing provision for approval of debt securities convertible into common stock is omitted. It would be necessary to request approval of stock issuances at least 30 days before the proposed issue date and to include the information set forth in Paragraph (d).

Section 81.13 is reserved for future regulation.

Section 81.14 would govern issuance of obligations by FNMA. Paragraph (a) sets forth the statutory authority for such regulation. Under paragraph (b), FNMA could issue obligations (except as provided in paragraph (d)) only with the prior written approval of the Secretary. However, FNMA would be prohibited from issuing any obligation convertible into common stock. Paragraph (c) would require FNMA to submit a request for approval at least 15 days prior to the proposed date of issuance of obligations, accompanied by certain specified materials. Paragraph (d) would give automatic approval for issuance of discount notes of 180 days or less, up to an aggregate outstanding principal amount of $2,000,000,000.

Section 81.15 would regulate the maximum debt-to-capital ratio for FNMA. Under Section 304(b) of the Charter Act, FNMA's debt-to-capital ratio may not exceed 15 to 1, unless allowed by the Secretary: Paragraph (a) would fix a maximum debt-to-capital ratio of 25 to 1, the ratio set by the present regulations. Paragraph (b) would prohibit FNMA from issuing any general obligations (under section 304(b) of the Charter Act) if such issuance would cause the maximum ratio to be exceeded. The Paragraph omits the present provisions that allow automatic increases in the maximum ratio to accommodate reductions in capital, surplus, or reserves or to accommodate refinancing of subordinated debt with general obligations. Paragraph (c) would allow FNMA to submit written requests for Secretarial approval of higher debt-to-capital ratio. Paragraph (d) would provide for decreases in the maximum ratio by the Secretary after notice to FNMA and a reasonable opportunity to comment on such proposed action.

Section 81.16 would govern FNMA's transactions in conventional mortgages, implementing the approval authority contained in Section 302(b)(2) of the Charter Act. Paragraph (a) would provide for the Secretary's approval for FNMA to purchase, service, sell, and otherwise deal in conventional home mortgages and unit mortgages, subject to the limitations and requirements contained in other provisions of the section. Home mortgages are those secured by single-family dwellings; unit mortgages are those secured by condominium or PUD units. Paragraphs (b) and (c) would codify the present limitations now found in the FNMA conventional Selling Contract supplement with respect to loan-to-value ratio and maximum principal amount. Paragraph (d) would require that a certain percentage of commitments for the purchase of conventional mortgages made by FNMA in any calendar year be for mortgages on property located in a central city or cities in a Standard Metropolitan Statistical Area. Paragraph (e) would require that a certain percentage of commitments for the purchase of conventional mortgages made by FNMA in any calendar year be for mortgages on properties improved by a previously occupied home. In the case of both paragraphs (d) and (e), the percentage requirements would be 10 percent of the dollar amount of purchase commitments made during 1978 and 30 percent for 1979 and subsequent years. In addition, both paragraphs would provide for Secretarial suspension of the percentage requirements in critical economic situations.

Section 81.17 would implement the Secretary's authority set forth in Section 309(h) of the Charter Act to require that a rasonable portion of FNMA's mortgage purchases be allocated to mortgages for financing housing for low and moderate income families as defined in § 81.2(g). There is no comparable provision in the present regulations. Paragraph (b) would require at least 30 percent of FNMA's mortgage purchases in any calendar year to consist of mortgages on low and moderate income family housing.

In § 81.18, Paragraph (b) would require FNMA to obtain Secretarial approval of a revised statement of home mortgage underwriting guidelines to make clear that it does not practice unlawful discrimination in the purchases of mortgages. Paragraph (c) would provide for review of and comment on any amendments to such guidelines by Secretary.

Section 81.19 would impose equal employment opportunity requirements on FNMA and its contractors and vendors. The provisions of this section are drawn from E.O. 11246, which requires similar provisions to be included in Government contracts.

Subpart C would impose certain reporting requirements on FNMA to implement Section 309(h) of the Charter Act. Section 81.21 sets forth a citation of this statutory authority.

Section 81.22 would require for the first time that FNMA submit certain reports concerning its secondary market operations. Paragraph (a) would require FNMA to develop and update a general plan for the conduct of its secondary market operations, covering a period of at least 3 years. The plan, with annual revisions as appropriate, would be submitted to the Secretary during the month of November of each year. Paragraph (b) would require FNMA to submit a report on loan purchases and sales by December 15 of each year, with actual data for the Federal fiscal year just ended and projected data for the current calendar year, the following calendar year, and the current Federal fiscal year. Paragraph (c) would require FNMA to submit, by December 15 of each year, a budget plan for its secondary market operations for the following year.

Section 81.23 would require FNMA to submit detailed reports on its activities and operations to the Secretary. Paragraph (a) specifies 23 different types of reports which would be required on a regular basis. The information to be required for each such report is described in Appendix A to Part 81. It is contemplated that Appendix A would be amended from time to time. Paragraph (b) would contain requirements for the signing of reports by FNMA officers and submission of copies.

Section 81.24 would require FNMA to submit to the Secretary, prior to each commitment auction, an estimate of the dollar amounts of purchase commitments it expects to issue in each auction.

Section 81.25 would require FNMA to submit to the Secretary a copy of the complete minutes of each meeting of the Board of Directors and each meeting of a committee.

Section 81.26 would provide for such further reports and other information on FNMA activities as the Secretary may request in writing from time to time.

Subpart D would contain provisions relating to examinations and audits by HUD. Section 81.32 provides for examination of FNMA's books, records, and documents by duly authorized representatives of the Secretary. Section 81.33 provides for an annual HUD audit of FNMA's affairs.

Interested persons are invited to submit written comments, views or data regarding this proposed rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All such submissions received on or before March 27, 1978, will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth in the preceding paragraph.

The requirements of E.O. 11821 regarding economic impact have been complied with.

Title 24, Subtitle A is proposed to be amended by revising Part 81 to read as follows:

## PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

### Subpart A—General Provisions

Sec.
81.1 Scope of part.
81.2 Definitions.

### Subpart B—Operations of FNMA

81.11 General.
81.12 Issuance of common stock.
81.13 [Reserved]
81.14 Issuance of obligations.
81.15 Debt-to-capital ratio.
81.16 Transactions in conventional mortgages.
81.17 Mortgages on housing for low and moderate income families.
81.18 Home mortgage underwriting guidelines.
81.19 Equal employment opportunity.

### Subpart C—Reporting Requirements

81.21 General.
81.22 Secondary market operations.
81.23 Regular reports.
81.24 Estimates of amount of purchase commitments at FNMA auctions.
81.25 Minutes of meetings.
81.26 Other reports.

### Subpart D—Examinations and Audits

81.31 General.
81.32 Examination of books, records, and documents.
81.33 Annual audit of FNMA.

### Subpart E—Book-Entry Procedures for FNMA Securities

81.41 Definitions.
81.42 Authority of Reserve bank.
81.43 Scope and effect of book-entry procedure.
81.44 Transfer or pledge.
81.45 Withdrawal of FNMA securities.
81.46 Delivery of FNMA securities.
81.47 Registered bonds and notes.
81.48 Servicing book-entry FNMA securities; payment interest; payment at naturity or upon call.
81.49 Treasury Department regulations; applicability to FNMA.

APPENDIX A—FNMA Reporting Requirements to the Secretary of Housing and Urban Development.

### Subpart A—General Provisions

#### § 81.1 Scope of part.

This part contains a codification of regulations relating to FNMA issued by the Secretary, as authorized by the Charter Act. Subpart A contains definitions relating to this entire part. Subpart B contains regulations governing the operations of FNMA. Subpart C contains regulations requiring FNMA to prepare and submit certain reports on its activities to the Secretary on a regular basis. Subpart D contains regulations governing examinations and audits of FNMA by the Secretary. Subpart E contains regulations governing book-entry procedures for FNMA securities and related matters.

#### § 81.2 Definitions.

As used in this part, the term—

(a) "Charter Act" means the Federal National Mortgage Association Charter Act (Title III of the National Housing Act, 12 U.S.C. 1716, et seq.).

(b) "FNMA" means the Federal National Mortgage Association.

(c) "Secretary" means the Secretary of Housing and Urban Development and, where appropriate, any person delegated by the Secretary to perform a particular function for the Secretary.

(d) "Debt-to-capital ratio" means the ratio of (1) the aggregate principal amount outstanding at any one time of obligations issued by FNMA under Section 304(b) of the Charter Act to (2) the sum of FNMA's capital, capital surplus, general surplus, reserves, undistributed earnings, and the total outstanding principal amount of obligations issued by FNMA under Section 304(e) of the Charter Act.

(e) "Home mortgage" means a mortgage loan secured by real property upon which is located a dwelling unit designed for residential use for not more than one family, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage.

(f) "Unit mortgage" means a mortgage loan secured by real property consisting of a dwelling unit designed for residential use for not more than one family in a condominium or planned unit development project, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage. A unit mortgage is secured by the dwelling unit itself and an individual interest in the common areas of the project or membership or a stock interest in an association having title to the common areas of the project.

(g) "Housing for low and moderate income families" means—

(i) Any housing financed by a mortgage loan insured by FHA under Sections 221(d)(2), 221(d)(3), 221(d)(4), 235, or 236 of the National Housing Act;

(ii) Any housing project in which 25 percent or more of the units are eligible for rental assistance under Section 8 of the United States Housing Act of 1937; and

(iii) Any single-family dwelling purchased at a price below the then current median price for such housing in the Standard Metropolitan Statistical Area, or county not in such Area, in which the dwelling is located.

(h) "conventional," when used to describe a mortgage loan, means not insured or guaranteed by the United States or any agency thereof.

### Subpart B—Operations of FNMA

#### § 81.11 General.

Section 309(h) of the Charter Act provides the Secretary with general regulatory power over FNMA and directs the Secretary to make such rules and regulations as shall be necessary and proper to insure that the purposes of the Charter Act are accomplished. In addition, the Charter Act requires the approval of the Secretary with respect to certain of FNMA's operations and activities. Finally, the Charter Act specifically authorizes the Secretary to require that a reasonable portion of FNMA's mortgage purchases be related to the national goal of providing adequate housing for low and moderate income families. This subpart contains regulations, implementing the foregoing authority, which govern certain of the operations and activities of FNMA.

#### § 81.12 Issuance of common stock.

(a)(1) Section 303(c) of the Charter Act directs FNMA to issue shares of its common stock to each seller of mortgages to FNMA who makes capital contributions to FNMA. Under section 303(b) of the Charter Act, such capital contributions may be required by FNMA in such amounts as may be determined from time to time by FNMA with the approval of the Secretary. The Secretary hereby approves the determination of FNMA that, on and after April 1, 1978, FNMA shall no longer require any capital contributions to be made by such sellers.

(2) Section 303(c) of the Charter Act directs FNMA to require each servicer of its mortgages to own a minimum amount of FNMA common stock, as determined from time to time by FNMA with the approval of the Secretary. The Secretary hereby approves the determination of FNMA that, on and after April 1, 1978, FNMA shall require each servicer of its mortgages to own one share of its common stock (stated value of $6.25) for each $100,000, or fraction thereof, of the aggregate outstanding principal balances of all mortgages held by FNMA which have been purchased subsequent to September 1, 1968, and which are then serviced by such servicer for FNMA.

(3) Section 303(c) of the Charter Act also authorizes FNMA to issue additional shares of stock in return for appropriate payments into capital or capital and surplus. Such shares shall be sold for an amount equal to the issue price determined from time to time by FNMA with the written approval of the Secretary. Prior to April 1,

1978. FNMA shall obtain the written approval of the Secretary for the issue price which is to be in effect on that date. Thereafter, any request for approval of a change in the issue price shall be submitted to the Secretary in writing not less than 15 days prior to the proposed effective date of such change. Such request for approval shall contain the following information:

(i) The current issue price;

(ii) The proposed new issue price and the proposed effective date thereof;

(iii) The issue prices in effect for the preceding two year and dates such issues prices were in effect;

(iv) The book value per share of common stock at the end of each calendar quarter during the preceding two years; and

(v) The net income per share of common stock for each calendar quarter during the preceding two years.

(b) For any and all stock other than stock issued pursuant to paragraph (a)(2) of this section, FNMA is authorized to adopt a shareholder resolution, governing all such issues and sales of shares of its common stock, which permits FNMA to provide for or limit or deny to shareholders pre-emptive rights in all purchases of issues of such stock. Such resolution shall be effective with respect to each such issue from and after the date of adoption thereof and until expressly repealed or amended by a subsequent resolution duly adopted in accordance with the procedures set forth in paragraph (c) of this section.

(c) The shareholder resolution authorized by paragraph (b) of this section shall be made in the following manner:

(1) The Board of Directors of FNMA shall adopt the proposed resolution setting forth the language thereof and directing that it be submitted to a vote at a meeting of shareholders of FNMA, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed resolution or a summary of it shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided for notices of meetings of shareholders in the bylaws of FNMA.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed resolution. The proposed resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the shares of FNMA which are outstanding and entitled to vote thereon.

(d) Except as provided in paragraph (a) of this section, FNMA shall not issue any stock without the prior written approval of the Secretary. Any request for such approval shall be submitted to the Secretary in writing not less than 30 days prior to the date on which FNMA proposes to issue such stock. Such request for approval shall contain the following information:

(1) The proposed date of issuance and amount of the stock to be issued;

(2) The proposed use of proceeds, including the amount to be used for repayment of maturing debt and the amount to be used for each other purpose; and

(3) FNMA's assessment as to current conditions in the capital market and the effect of the proposed issuance thereon.

§ 81.13 [Reserved]

§ 81.14 Issuance of obligations.

(a) Section 309(h) of the Charter Act provides that no stock, obligation, security, or other instrument shall be issued by FNMA without the prior approval of the Secretary. Section 311 of the Charter Act provides that all issuances of stock, obligations, securities, participations, or other instruments by FNMA shall be made only with the aproval of the Secretary.

(b) Except as is otherwise provided in paragraph (d) of this section, FNMA shall not issue any obligation, security, or other debt instrument without obtaining the prior written approval of the Secretary in accordance with the procedure set forth in paragraph (c) of this section. FNMA shall not issue any obligation, security, or debt instrument convertible into common stock.

(c) Not less than 15 days prior to the proposed date of issuance of any obligations, securities, or other debt instruments, FNMA shall submit to the Secretary a written request for approval of such issuance. Such request for approval shall be accompanied by a copy of any communication submitted to the Secretary of the Treasury requesting his approval of such issuance, as required by subsection (b), (d), or (e) of section 304 of the Charter Act, and shall provide the following information with respect to the proposed issuance of obligations, securities, or other debt instruments:

(1) The proposd date of issuance, interest rate or rates, maturity or maturities, and principal amount;

(2) Whether the debt is to be secured by mortgages or subordinated to other obligations;

(3) The proposed use of proceeds, including the amount to be used for repayment of maturing debt and the amount to be used for each other purpose;

(4) A computation showing that any applicable limitation (as set forth in section 304(b) or section 304(e) of the Charter Act) will not be exceeded as a result of the proposed issuance; and

(5) FNMA's assessment as to current conditions in the capital market and the effect of the proposed issuance thereon.

(d) The approval of the Secretary is hereby given for FNMA to issue discount notes with maturities not in excess of 180 days, in a total principal amount not in excess of $2,000,000,000 outstanding at any one time.

§ 81.15 Debt-to-capital ratio.

(a) Under section 304(b) of the Charter Act, FNMA's debt-to-capital ratio may not exceed 15 to 1, unless a greater maximum ratio is fixed by the Secretary. The maximum debt-to-capital ratio for FNMA is hereby fixed at 25 to 1.

(b) FNMA shall not issue any obligations under section 304(b) if such issuance would cause FNMA's debt-to-capital ratio to exceed the maximum ratio fixed in paragraph (a) of this section.

(c) Any request by FNMA to fix a higher maximum debt-to-capital ratio shall be submitted in writing to the Secretary, together with a justification for such increase (including possible alternatives thereto) and supporting financial data, not less than 30 days prior to the proposed effective date of such increase.

(d) The Secretary may decrease the maximum ratio fixed in paragraph (a) of this section, if it is determined that such action is warranted by FNMA's current financial condition and that such action will not be detrimental to the holders of FNMA obligations issued under section 304(e) of the Charter Act. In such event, the Secretary shall give FNMA written notice of the proposed decrease and a reasonable opportunity to comment thereon, prior to any action by the Secretary.

§ 81.16 Transactions in conventional mortgages.

(a) Section 302(b)(2) of the Charter Act authorizes FNMA, with the approval of the Secretary, to engage in certain transactions with conventional mortgages, for the purposes set forth in section 301(a) of the Charter Act. Subject to the limitations and requirements contained in this section, the approval of the Secretary is hereby given for FNMA to purchase, service, sell, and otherwise deal in conventional home mortgages and unit mortgages.

(b) FNMA shall not purchase any conventional home mortgage if the outstanding principal balance of the mortgage at the time of purchase exceeds 80 percent of the value of the property securing the mortgage, unless one of the following requirements is met;

(1) The seller of the mortgage retains a participation interest therein of not less than 10 percent;

(2) For such period and under such circumstances as FNMA may require, the seller of the mortgage agrees to





purchase or replace the mortgage upon demand of FNMA in the event that the mortgage is in default; or

(3) That portion of the unpaid principal balance of the mortgage which is in excess of 75 percent of the value of the security property is insured by a mortgage insurer acceptable to FNMA.

(c) FNMA shall not purchase any conventional home mortgage if the outstanding principal balance of the mortgage at the time of purchase exceeds: (1) 90 percent of the value of the property securing the mortgage or (2) $75,000 ($112,500, if the property securing the mortgage is located in Alaska or Hawaii); except that a home mortgage or a unit mortgage insured as provided in paragraph (b)(3) of this section may be purchased with a loan-to-value ratio not in excess of 95 percent if the unpaid principal balance thereof does not exceed $60,000 ($90,000, if the property securing the mortgage is located in Alaska or Hawaii).

(d) (1) Except as otherwise provided in subparagraph (2) of this paragraph, in each calendar year beginning with 1978, of the commitments to purchase conventional home mortgages made by FNMA during such calendar year, not less than the following percentage of the aggregate principal balance of the mortgages represented by such commitments shall consist of mortgages secured by properties located in a central city or cities in a Standard Metropolitan Statistical Area:

(i) For 1978, 10 percent;

(ii) For 1979 and subsequent years, 30 percent.

(2) The requirements set forth in subparagraph (1) of this paragraph may be suspended by the Secretary upon a determination that economic conditions have resulted in a reduction in volume of home construction or acquisition which threatens seriously to affect the economy and to delay the achievement of national housing goals. In such event, the commitments made by FNMA for the purchase of conventional home mortgages during the period of such suspension shall not be included in computing the percentage requirements of subparagraph (1) of this paragraph.

(e) (1) Except as otherwise provided in subparagraph (2) of this paragraph, in each calendar year beginning with 1978, of the commitments to purchase conventional home mortgages made by FNMA during such calendar year, not less than the following percentage of the aggregate principal balance of the mortgages represented by such commitments shall consist of mortgages secured by property improved by a previously occupied home:

(i) For 1978, 10 percent;

(ii) For 1979 and subsequent years, 30 percent.

(2) The requirements set forth in subparagraph (1) of this paragraph may be suspended by the Secretary upon a determination that economic conditions have resulted in a reduction in volume of home construction or acquisition which threatens seriously to affect the economy and to delay the achievement of national housing goals. In such event, the commitments made by FNMA for the purchase of conventional home mortgages during the period of such suspension shall not be included in computing the percentage requirements of subparagraph (1) of this paragraph.

§ 81.17 Mortgages on housing for low and moderate income families.

(a) Section 309(h) of this Charter Act authorizes the Secretary to require that a reasonable portion of FNMA's mortgage purchases be related to the national goal of providing adequate housing for low and moderate income families, but with reasonable economic return to FNMA.

(b) In each calendar year beginning with 1978, FNMA shall purchase mortgages on housing for low- and moderate-income families in an aggregate principal amount equal to not less than 30 percent of the aggregate principal amount of all mortgages purchased by FNMA during such calendar year.

§ 81.18 Home mortgage underwriting guidelines.

(a) This section is adopted pursuant to the general regulatory power vested in the Secretary by the first sentence of section 309(h) of the Charter Act.

(b) On or before May 1, 1978, FNMA shall submit to the Secretary for approval revised home mortgage underwriting guidelines. These underwriting guidelines shall make clear that, in purchasing conventional mortgages, FNMA will not decline to purchase any mortgage loan, or discriminate in the fixing of the amount, interest rate, duration, or other terms or conditions of any mortgage loan that FNMA will purchase: (1) Because of the race, color, religion, sex, marital status, or national origin, (i) of the borrower, (ii) of any persons associated with the borrower in connection with such mortgage loan or the purposes thereof, or (iii) of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings securing such mortgage loan; or (2) because of (i) the racial or ethnic composition of the area in which the property which would secure the mortgage loan is located or (ii) the age of the area or the housing stock in such area.

(c) After adoption of revised home mortgage underwriting guidelines approved by the Secretary, FNMA shall not amend them without submitting a copy of any proposed amendment to the Secretary for review and comment thereon, not less than 30 days prior to the adoption of any such amendment.

§ 81.19 Equal employment opportunity.

(a) This section is adopted pursuant to the general regulatory power vested in the Secretary by the first sentence of section 309(h) of the Charter Act.

(b) FNMA shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. FNMA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following:

(1) Employment, upgrading, demotion, or transfer;

(2) Recruitment or recruitment advertising;

(3) Layoff or termination;

(4) Rates of pay or other forms of compensation; and

(5) Selection for training programs.

(c) FNMA shall post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of paragraph (b) of this section.

(d) FNMA shall, in all solicitations or advertisements for employees placed by it or on its behalf, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(e) FNMA shall send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Secretary, advising the labor union or workers' representative of FNMA's obligations under this section, and shall request that such union or representative post copies of the notice in conspicuous places available to employees and applicants for employment.

(f) FNMA shall comply with all provisions of Executive Order 11246, and of the applicable rules, regulations, and orders of the Secretary of Labor promulated thereunder.

(g) FNMA shall furnish all information and reports required by Executive Order 11246, and by the applicable rules, regulations, and orders of the Secretary of Labor promulgated thereunder, and shall permit access to its books, records, and accounts by the Secretary and by the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(h) FNMA shall include the provisions of paragraphs (b) through (g) of this section in every contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246, so that such provisions will be binding upon each contractor or vendor. FNMA will





take such action with respect to any contract or purchase order as the Sec-

(c) On or before December 15 of each year, FNMA shall submit to the

with maturities under one year) issued during each calendar quarter shall be



(22) A report on the distribution of the holdings of FNMA common stock

nancial statements, duly authorized representatives of the Secretary shall

which specifies the amount and description of any securities, that is, loan

take such action with respect to any contract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event FNMA becomes involved in, or is threatened with, litigation with a contractor or vendor as a result of such direction by the Secretary, FNMA may request the United States to enter into such litigation to protect the interest of the United States.

### Subpart C—Reporting Requirements

**§ 81.21 General.**

Section 309(h) of the Charter Act provides that the Secretary may require FNMA to make reports on its activities as the Secretary deems advisable. This subpart contains a codification of the requirments of the Secretary as to the information on FNMA's activities to be provided in reports submitted to the Secretary.

**§ 81.22 Secondary market operations.**

(a) No later than July 1, 1978, FNMA shall develop a general plan for the conduct of the secondary market operations authorized by the Charter Act. The plan shall contain FNMA's proposed method for (1) providing liquidity for mortgage lenders, (2) conducting its stabilization functions (both bringing new sources of mortgage funds into mortgage investments and generally being a net purchaser of mortgage loans in periods of credit stringency and a net seller of mortgage loans in periods of credit ease), (3) transferring mortgage funds from areas of capital surplus to areas of capital shortage (both on a national basis and within Standard Metropolitan Statistical Areas), and (4) providing support for sound market-rate government insured mortgages for low and moderate income housing. The plan shall cover a period of at least three years, and FNMA shall revise it annually as appropriate. Such plan, as revised, shall be submitted to the Secretary during the month of November of each year.

(b) On or before December 15 of each year, FNMA shall submit to the Secretary a report setting forth the dollar volume of its loan purchases and sales during the Federal fiscal year just ended, and its loan holdings at the end of such Federal fiscal year, together with projections of these data for the current calendar year, the following calendar year, and the current Federal fiscal year. Such data shall be in form appropriate for inclusion in the Special Analyses of the Budget of the United States Government. The data shall distinguish between loans on one-to-four family homes and loans on multifamily projects containing five or more dwelling units.

(c) On or before December 15 of each year, FNMA shall submit to the Secretary a budget plan for its secondary market operations for the following year. This plan shall include the following information for each of the calendar quarters during such year, with separate figures given for FHA-insured, VA-guaranteed, and conventional loans in the data relating to home loans:

(1) Estimated commitments to purchase home mortgage loans expected to be (i) offered to and (ii) accepted by FNMA under the Free Market System auctions and otherwise;

(2) Estimated FNMA purchases and sales of home mortgage loans;

(3) Estimated commitments to purchase multifamily residential or other project loans expected to be (i) offered to and (ii) accepted by FNMA;

(4) Estimated purchases and sales of multifamily residential and other project loans;

(5) Estimated amounts expected to be borrowed through issuance of debt securities, other than discount notes, (i) for repayment of maturing debt securities and (ii) for expected loan purchases.

**§ 81.23 Regular reports.**

(a) FNMA shall submit to the Secretary on a regular basis such reports on the activities and operations of FNMA as are prescribed in this paragraph. Each such report shall contain the information required for the activity or operation which is the subject of the report, as specified in Appendix A to this part (and as it may be amended from time to time).

(1) A report on each auction of commitments to purchase loans shall be submitted promptly after the date of each such auction;

(2) A report on stand-by commitments issued during each month shall be submitted within 5 days after the end of each such month;

(3) A report on status of borrowing authority as of the end of each month shall be submitted within 5 days after the end of each such month;

(4) A report on delinquencies, defaults, and foreclosure actions during each month shall be submitted within 10 days after the end of each such month;

(5) A statement of indebtedness as of the end of each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(6) A statement of loan portfolio as of the end of each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(7) A report on each issuance of long-term securities shall be submitted promptly after the completion of each such issuance;

(8) A report on short-term securities (discount notes or other securities with maturities under one year) issued during each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(9) A report on investor groups purchasing FNMA securities issued during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(10) A report on the age distribution of the properties financed by mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(11) A report on the geographic location of the properties financed by the mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(12) A report on average yields of home mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(13) A report on average yields of project loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(14) A report on the lender groups from whom mortgage loans were purchased during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(15) A report on the mortgage loans on multifamily residential properties and non-residential properties acquired by FNMA during each month shall be submitted within 10 days after the end of each such month;

(16) A report on mortgage loans sold by FNMA during each calendar quarter shall be submitted within 10 days after the each of each such calendar quarter;

(17) A report on the average yields at which mortgage loans were sold during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(18) A report on FNMA's holdings of security investments as of the end of each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(19) A report on the composition of revenues received by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(20) A report on the composition of expenditures made by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(21) A statement of the net income earned by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;





(22) A report on the distribution of the holdings of FNMA common stock as of the end of each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(23) A report on the market price of FNMA common stock for each month shall be submitted within 5 days after the end of each such month.

(b) Each report required to be submitted to the Secretary under the provisions of this section shall be signed by a Principal Officer of FNMA. In addition, one copy of each such report shall be sent to the Assistant Secretary-FHA Commissioner, and one copy shall be sent to the General Counsel of HUD.

**§ 81.24 Estimates of amount of purchase commitments at FNMA auctions.**

Prior to the close of business on the last business day prior to the day on which FNMA is scheduled to hold commitment auctions, FNMA shall submit to the Secretary an estimate of the dollar amounts of purchase commitments it expects to issue in its FHA-VA mortgage auction and in its conventional mortgage auction.

**§ 81.25 Minutes of meetings.**

Within 10 days after each meeting of the Board of Directors of FNMA and each meeting of any committee of FNMA, including the Executive Committee, FNMA shall submit to the Secretary a copy of the complete minutes of each such meeting.

**§ 81.26 Other reports.**

In addition to the reports and information required by the other provisions of this subpart, FNMA shall furnish to the Secretary such further reports and other information concerning its activities as the Secretary may request in writing from time to time.

### Subpart D—Examinations and Audits

**§ 81.31 General.**

Section 309(h) of the Charter Act provides that the Secretary may examine and audit the books and financial transactions of FNMA. This subpart provides for such examinations and audits.

**§ 81.32 Examination of books, records, and documents.**

FNMA shall, at all times during its regular business hours and at its several offices, make its books, records, and documents relating to its operations and financial transactions available for examination by duly authorized representatives of the Secretary.

**§ 81.33 Annual audit of FNMA.**

Each calendar year, following the submission of the report by FNMA's independent auditors on FNMA's financial statements, duly authorized representatives of the Secretary shall conduct an audit of FNMA's affairs for the preceding calendar year, including such tests of FNMA's accounting records and such other auditing procedures as they may consider necessary in the circumstances.

### Subpart E—Book-entry Procedures for FNMA Securities

**§ 81.41 Definitions.**

As used in this subpart, the term—

(a) "Reserve bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of FNMA and, when indicated, acting in its individual capacity or as Fiscal Agent of the United States.

(b) "FNMA security" means any obligation of FNMA (except short-term discount notes and obligations convertible into shares of common stock) issued under 12 U.S.C. 1719 (b), (d), and (e) in the form of a definitive FNMA security or a book-entry FNMA security.

(c) "Definitive FNMA security" means a FNMA security in engraved or printed form.

(d) "Book-entry FNMA security" means a FNMA security in the form of an entry made as prescribed in this part on the records of a Reserve bank.

(e) "Pledge" includes a pledge of, or any other security interest in, FNMA securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is, with respect to FNMA securities issued under 12 U.S.C. 1719 (d) and (e), the date fixed in the authorizing resolution of the Board of Directors of FNMA on which the obligor will make payment of the security before maturity in accordance with its terms, and, with respect to FNMA securities issued under 12 U.S.C. 1719(b), the date fixed in the offering notice issued by FNMA.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

**§ 81.42 Authority of Reserve bank.**

Each Reserve bank is hereby authorized, in accordance with the provisions of this part, to:

(a) Issue book-entry FNMA securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date;

(b) Effect conversions between book-entry FNMA securities and definitive FNMA securities;

(c) Otherwise service and maintain book-entry FNMA securities; and

(d) Issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred, and the date of the transaction.

**§ 81.43 Scope and effect of book-entry procedure.**

(a) A Reserve bank as Fiscal Agent of FNMA may apply the book-entry procedure provided for in this part to any FNMA securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such FNMA securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depositary with respect to such FNMA securities.

(b) A Reserve bank as Fiscal Agent of the corporation may apply the book-entry procedure to FNMA securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the aproval of the Secretary of the Treasury, to any other FNMA securities deposited with a Reserve bank, as Fiscal Agent of the United States.

(c) Any person having an interest in FNMA securities which are deposited with a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry FNMA securities pursuant to the provisions of this part, and in the manner and

under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

**§ 81.44 Transfer or pledge.**

(a) A transfer or pledge of book-entry FNMA securities to a Reserve bank (in its individual capacity or as Fiscal Agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under §§ 81.41 through 81.48 is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall:

(1) Have the effect of a delivery in bearer form of definitive FNMA securities;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder; and

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FNMA securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter affected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable FNMA securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as Fiscal Agent of the United States) in a book-entry account under §§ 81.41 through 81.48, including securities in book-entry form under § 81.43(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the FNMA securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry FNMA securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry FNMA securities either in its individual capacity or as Fiscal Agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfer thereof under this paragraph. Where transferable FNMA securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business FNMA securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) or account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account, hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry FNMA securities or any interest therein.

(d) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry FNMA securities and deliver them in accordance with such instructions; no such conversion shall affect existing interest in such FNMA securities.

(e) A transfer of book-entry FNMA securities within a Reserve bank shall be made in accordance with procedures established by the Reserve bank not inconsistent with this part. The transfer of book-entry FNMA securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

**§ 81.45 Withdrawal of FNMA securities.**

(a) A depositor of book-entry FNMA securities may withdraw them from a Reserve bank by requesting delivery of like definitive FNMA securities to itself or on its order to a transferee.

(b) FNMA securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form.

**§ 81.46 Delivery of FNMA securities.**

A Reserve bank which has received FNMA securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this part by the delivery of FNMA securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain FNMA securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

**§ 81.47 Registered bonds and notes.**

No formal assignment shall be required for the conversion to book-entry FNMA securities of registered FNMA securities held by a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) on the effective date of this part for any purpose specified in § 81.43(a). Registered FNMA securities deposited thereafter with a Reserve bank for any purpose specified in § 81.43 shall be assigned for conversion to book-entry FNMA securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve Bank of———, as Fiscal Agent of the Federal National Mortgage Association, for conversion to book-entry FNMA securities."

**§ 81.48 Servicing book-entry FNMA securities; payment of interest; payment at maturity or upon call.**

Interest becoming due on book-entry FNMA securities shall be charged to the general account of the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the general account of the Treasurer of the United States on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

**§ 81.49 Treasury Department regulations; applicability to FNMA.**

The provisions of Treasury Department Circular No. 300, 31 CFR Part 306 (other than Subpart O), as amended from time to time, shall apply, insofar as appropriate, to obligations of FNMA for which a Reserve bank shall act as Fiscal Agent of FNMA and to the extent that such provisions are consistent with agreements between FNMA and the Reserve banks acting as Fiscal Agents of FNMA. Definitions and terms used in Treasury Department Circular No. 300 should read as





though modified to effectuate the application of the regulations to FNMA.

PATRICIA ROBERTS HARRIS,
*Secretary, Housing and Urban Development.*

APPENDIX A.—FNMA REPORTING REQUIREMENTS TO THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

INTRODUCTION

Pursuant to § 81.23 of Title 24 of the Code of Federal Regulations, the Federal National Mortgage Association (FNMA) is required to submit certain regular reports to the Secretary. These reporting requirements are prescribed in this Appendix. They are designed to cover FNMA's current mode of operations. They may be amended from time to time as the mode of operations changes or as new data needs emerge because of changing economic or financial circumstances or because of changes in the informational needs of the Secretary in the discharge of her responsibilities.

All dollar figures shall be in millions of dollars, unless otherwise specified.

1. *Auctions of Commitments to Purchase Loans.* Promptly following each Free Market System auction of commitments to purchase home mortgage loans, the FNMA shall submit to the Secretary the results of such auctions, including the following information (with separate data for FHA insured-VA guaranteed and conventional loans and also total loans:

(a) Date of auction.
(b) Total number of offers received.
(c) Total dollar value of offers received.
(d) Number of competitive offers received.
(e) Number of non-competitive offers received.
(f) Dollar value of non-competitive offers received.
(g) Highest yield offer.
(h) Lowest yield offered.
(i) Average yield offered.
(j) Median yield offered.
(k) Total value offered by mortgage companies.
(l) Total value offered by commercial banks.
(m) Total value offered by savings and loan associations.
(n) Total value offered by mutual savings banks.
(o) Total value offered by other lender groups.
(p) Total value offered by all lender groups.
(q) Number of offers received from sellers who made two or more offers.
(r) Number of such sellers who made two or more offers.
(s) Dollar value of offers received from sellers who made two or more offers

In addition, this report should provide the following information on the offers that are accepted:

(a) Date of auction.
(b) Number of offers accepted.
(c) Dollar value of offers accepted.
(d) Highest yield accepted.
(e) Lowest yield accepted.
(f) Average yield accepted.
(g) Median yield accepted.
(h) Acceptances received by mortgage companies.
(i) Acceptances received by commercial banks.
(j) Acceptances received by savings and loan associations.
(k) Acceptances received by mutual savings banks.
(l) Acceptances received by other lender groups.
(m) Acceptances received by all lender groups.
(n) Number of offers accepted from sellers who made two or more offers.
(o) Dollar value of these offers accepted from sellers who made two or more offers.

2. *Stand-by Commitments.* Not later than five days following the close of each month, the FNMA shall submit to the Secretary a tabulation of convertible stand-by commitments issued during the month for home and project mortgage loans, including the following data (with separate figures for (a) FHA insured home loans, (b) VA guaranteed loans, (c) conventional home loans and (d) FHA issued project loans):

(a) Month, year.
(b) Number of commitments issued.
(c) Dollar value of commitments issued.
(d) Highest yield required.
(e) Lowest yield required.
(f) Average yield.
(g) Median yield required.

3. *Status of Borrowing Authority.* Not later than five days following the close of each month, the FNMA shall submit to the Secretary an end-of-month statement of the Status of Borrowings under Section 304(b) of the FNMA Charter Act, including the following information:

(a) Month, year.
(b) Maximum debt authorized.
(c) Per (Date of latest authorization).
(d) Debt outstanding.
(e) Balance available.
(f) Expected debt repayments over next 30 days.
(g) Amount available to accommodate outstanding and new commitments (e plus f).
(h) Commitments outstanding.
(i) New commitments expected to be accepted during next 30 days.
(j) Balance remaining (g minus (h plus i)).
(k) Expected drawdowns against outstanding commitments during next 30 days.

4. *Delinquencies, Defaults and Foreclosures.* Not later than ten days following the end of each month, FNMA shall submit to the Secretary a statement of delinquencies, defaults and foreclosure actions of the mortgage loans held in the FNMA portfolio. The statement shall include the following data, with separate information for FHA insured home loans, VA guaranteed loans, conventional home loans, FHA insured project loans and total loans:

(a) Month, year.
(b) Number of home loans held at beginning of the month.
(c) Number of home loans with one monthly debt service payment due at the end of the month.
(d) Number of home loans with two monthly debt service payments due at the end of the month.
(e) Number of home loans with three or more monthly debt service payments due at the end of the month.
(f) Number of home loans assigned, replaced, or foreclosed during the month.

5. *Statement of indebtedness.* Not later than 5 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a statement of its indebtedness, as of the end of the quarter. The statement should include:

(a) Quarter, year.
(b) Discount notes due within 1 year.
(c) Debentures and bonds due within 1 year.
(d) Convertible capital debentures due after 1 year.
(e) Other debentures and bonds due after 1 year.
(f) Total bonds, notes, debentures due.
(g) Discount notes coming due during the coming quarter.
(h) Debentures and bonds coming due during the coming quarter.

6. *Statement of loan portfolio.* Not later than ten days following the end of each calendar quarter, the FNMA shall submit to the Secretary a statement of its loan portfolio, as of the end of the quarter. The statement should include:

(a) Quarter, year.
(b) FHA insured home loans held.
(c) VA guaranteed home loans held.
(d) Conventional home loans held.
(e) Total home loans held.
(f) Project loans held.
(g) Total mortgage loans held.

Subschedules shall also be included to show the amounts of FHA insured loans held under the following programs:

*Home loans held under the following programs:* (a) Section 203; (b) Section 221; (c) Section 232; (d) Section 235; (e) Other FHA insured home loans.

*Project loans held under the following programs:* (a) Section 207; (b) Section 221(d)(3) Below Market Rate Program; (c) Section 221(d)(4); (d) Section 236; (e) Section 232 plus 242; (f) All other FHA insured project loans.

7. *Long-term security sales.* Promptly following the sale of each issue of long-term debt securities, the FNMA shall submit to the Secretary the following information:

(a) Date of offering.
(b) Delivery date.
(c) Maturity date.
(d) Maturity period (in years and months).
(e) Amount of issue.
(f) Interest rate or yield (if not issued at par).
(g) List of the dealer firms comprising the selling group.
(h) The amount of securities initially allocated for sale to each member of the selling group.
(i) The amount of securities actually sold by each member of the selling group (after allowance for any reallocations).
(j) A calculation of the distribution shares for each member of the selling group.
(k) Cost of printing the securities.
(l) Newspaper and other advertising costs.
(m) Bond counsel fee or fees.
(n) Commissions paid for sale of securities.
(o) Commission per security (also indicate differential commissions and discounts, if any).
(p) Copies of agreements between FNMA fiscal agent and members of selling group.

8. *Short-term security sales.* Not later than 5 days following the end of each quarter, FNMA shall submit to the Secretary a tabulation of all short-term discount notes or other securities with maturities under one year issued during the quarter, including the following information:

(a) Week of offering.
(b) Maturity period (in days), average maturity, if multiple issues.
(c) Amount issued during week.
(d) Interest rate or yield (if not issued at par), average yield if multiple issues during week.
(e) The dealer firms that comprised each selling group.

(f) The amount of securities actually sold by each member of the group during the quarter.

(g) A calculation of the distribution shares of the sales volume for each member of the selling group during the quarter.

9. *Investors purchasing FNMA security issues.* Not later than 10 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing which investor groups purchased the securities issued by FNMA during the quarter. Separate figures should be shown for purchases of long-term securities and short-term securities as well as total securities purchased by each of the following investor groups:

(a) Commercial banks (excluding trust departments).
(b) Mutual savings banks.
(c) Savings and loan associations.
(d) Life insurance companies.
(e) State and local government retirement funds.
(f) State and local governments.
(g) Private, noninsured pension funds.
(h) Credit unions.
(i) Bank administered personal trusts and estates.
(j) Fire and casualty insurance companies.
(k) Nonfinancial corporations.
(l) Individuals and others.
(m) Retained by members of selling group classified by the Federal Reserve bank of New York as "Government Security Dealers."
(n) Retained by other members of selling group not so classified.

10. *Age distribution of properties financed.* Not later than 10 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the age distribution of the propertries financed by loans purchased by FNMA during the quarter, broken down as follows:

(a) Under 24 months;
(b) 24-60 months;
(c) 5-10 years;
(d) 10-20 years;
(e) 20 years or more.

NOTE.—This quarterly distribution by age of property should be provided separately for: (a) Conventional home loans, (b) VA-guaranteed home loans, (c) FHA section 203 insured loans, (d) all other FHA insured home loans, (e) subsidized FHA insured multifamily project loans, and (f) nonsubsidized project loans.

11. *Geographic location of properties financed.* Not later than 20 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the geographic location of the properties financed by the loans purchased by FNMA during the quarter, broken down as follows:

(a) In central city, broken down by census tracts within the city;
(b) In suburbs (inside SMSA (standard metropolitan statistical area), but outside corporate boundaries of central city);
(c) In rural area (outside of SMSA).

NOTE.—This quarterly distribution by geographic location of property should be provided separately for: (a) Conventional home loans, (b) VA-guaranteed home loans, (c) FHA section 203 insured loans, (d) all other FHA insured home loans, (e) subsidized FHA multifamily project loans and (f) nonsubsidized project loans.

12. *Yields on home loans purchased.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the average yield (gross of loan servicing) of the home mortgage loans purchased during the quarter. If the loans were purchased via a GNMA Tandem Plan, the purchase price and yield should reflect the effective price at which the loans were purchased.

NOTE.—This quarterly distribution by average yield should be provided separately for: (a) Conventional loans, (b) VA-guaranteed loans, (c) FHA section 203 insured loans, (d) all other FHA insured loans, as well as for (e) total home loans.

13. *Yields on project loans purchased.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the average yield (gross of loan servicing) at which project loans were acquired. If the loans were acquired via a GNMA tandem plan, the acquisition price and yield should reflect the effective price at which the loans were acquired.

This quarterly tabulation of average yield should be provided separately for: (a) Section 236 projects, (b) other projects carrying below market interest rates, (c) all other FHA-insured project loans, as well as (d) total FHA-insured project loans.

14. *Sellers of mortgage loans.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the lender groups from whom mortgage loans were purchased during the quarter, with separate information for home mortgage loans and project loans. The lender groups include:

(a) Mortgage companies;
(b) Commercial banks;
(c) Mutual savings banks;
(d) Savings and loan associations;
(e) Government National Mortgage Association;
(f) Other Federal credit agencies (or federally sponsored agencies);
(g) All other financial institutions;
(h) Total institutions and agencies.

15. *Acquisitions of multifamily and nonresidential mortgage loans.* Not later than 10 days following the end of each month, the FNMA shall submit to the Secretary a tabulation of the mortgage loans on multifamily residential properties (containing five or more dwelling units) and nonresidential properties (hospitals and other nonresidential properties) acquired during the month showing the program breakdown of FHA insured loans as follows: (a) Section 207; (b) section 220; (c) section 221 market rate; (d) section 221 below market rate; (e) section 232; (f) section 234; (g) section 236; (h) section 242, (i) total FHA-insured project loans.

16. *FNMA loan sales.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the institution and agency groups to which mortgage loans were sold during the quarter, with separate data for: (a) Home mortgage loans, and (b) project mortgage loans. The groups include: (a) Mortgage companies; (b) commercial banks; (c) mutual savings banks; (d) savings and loan associations; (e) Government National Mortgage Association; (f) Other Federal credit agencies (or federally sponsored agencies); (g) all other financial institutions; (h) Total financial institutions and agencies.

17. *Yields on loans sold.* Not later than 10 days after the end of each quarter the FNMA shall submit to the Secretary a tabulation of the average yields at which mortgage loans were sold during the quarter. Separate average yields should be provided for: (a) Conventional home loans, (b) VA-guaranteed loans, (c) FHA section 203 insured loans, (d) all other FHA-insured home loans, (e) subsidized FHA insured multifamily project loans, and (f) all other FHA project loans.

18. *FNMA security investments.* Not later than 5 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of its holdings of security investments as of the end of the quarter, showing the following:

(a) Quarter, year;
(b) Holdings of Treasury bills and other allegations maturing in less than 1 year;
(c) Holdings of Treasury securities maturing in 1 year or more;
(d) Holdings of securities issued by Federal agencies or federally sponsored agencies maturing in less than 1 year;
(e) Holdings of securities issued by Federal agencies or federally sponsored agencies maturing in 1 year or more;
(f) Holdings of any other securities, including Government-guaranteed securities;
(g) Total security holdings.

19. *Composition of revenues.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the revenues received (measured in thousands of dollars) during the quarter, including the following:

(a) Quarter, year;
(b) Interest and discounts on home mortgage loans;
(c) Interest and discounts on project mortgage loans;
(d) Income from investments in securities;
(e) Commitment fees for home mortgage loans;
(f) Commitment fees for project mortgage loans;
(g) Capital gains on sales of mortgages;
(h) Compensation for services performed for Government National Mortgage Association;
(i) Foreclosure claims collected;
(j) Other income (explain in footnotes);
(k) Total revenues.

In addition, the quarterly report should also show a breakdown of the commitment fees, measured in thousands of dollars, as follows:

(a) Underwriting revenue fees;
(b) Offer fees for competitive free market system bids;
(c) Commitment fees for free market system offers accepted;
(d) Proceeding fees for convertible standby commitment offers;
(e) Commitment fees for convertile standby commitment offers accepted;
(f) Commitment fees upon delivery of a nonconverted convertible standby commitment;
(g) Commitment fees upon receipt of a conversion of convertible standby commitments.

20. *Composition of expenditures.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of its expenditures (measured in thousands of dollars) during the quarter, including the following:

(a) Quarter, year;
(b) Interest cost on discount notes;
(c) Interest cost on all other debt securities;
(d) Capital losses on sales of mortgages;
(e) Loan servicing fees paid to servicers of home mortgage loans;
(f) Loan servicing costs attributable to project mortgage loans holdings;
(g) Actual losses suffered because of foreclosure actions;
(h) Provision for possible future losses on mortgage portfolio (amounts credited to reserves for losses);
(i) Costs attributable to fiscal agent department and other costs associated with issuance of debt securities;
(j) Costs associated with sale or issuance of common stock;
(k) Payments to transfer agents and registrars for FNMA securities;
(l) Payments to independent public auditors;
(m) Payments for office space and equipment;
(n) Salary payments to principal FNMA officers identified on page 31 in the 1976 annual report (or their predecessors or successors);
(o) Other salaries and expenses for FNMA staff;
(p) Other expenses (explain in table footnotes);
(q) Total expenditures.

21. *Calculation of net income.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the net income earned during the quarter and to its distribution (measured in thousands of dollars), including the following:

(a) Quarter, year;
(b) Total revenues (line k of Question 19);
(c) Total expenditures (line q of Question 20);
(d) Net income (line b minus line c);
(e) Adjusted net income before taxes (adjustments for nondeductible items listed in response to Question 20 plus other adjustments, which should be explained in footnotes to table);
(f) Federal income taxes paid or payable;
(g) Transfers to retained earnings;
(h) Dividend payments.

22. *Holdings of common stock.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the distribution of the holdings of FNMA's outstanding common stock, as of the end of the quarter, including the following:

(a) Quarter, year;
(b) Number of shares held by sellers of mortgage loans;
(c) Number of shares held by financial institutions;
(d) Number of shares held by individuals;
(e) Number of shares held by security dealers;
(f) Number of shares held by others;
(g) Total number of shares outstanding.

23. *Common stock prices.* Not later than 5 days after the end of each month, the FNMA shall submit to the Secretary a tabulation of the market price of FNMA's common stock, showing the following:

(a) Month, year;
(b) Highest market price;
(c) Lowest market price;
(d) Range between highest and lowest price;
(e) Average market price.

[FR Doc. 78-4965 Filed 2-23-78; 8:45 am]





[4510-26]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-108]

### OCCUPATIONAL EXPOSURE TO ACRYLONITRILE (VINYL CYANIDE)

### Notice of Availability of Economic and Technological Impact Assessment

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of availability of economic and technological impact assessment of the proposed standard on occupational exposure to acrylonitrile (AN) (vinyl cyanide).

SUMMARY: This notice informs interested persons that the economic and technological impact assessment of the proposed OSHA standard on occupational exposure to acrylonitrile has been prepared and is available for public inspection. Copies are available at the OSHA Technical Data Center. The document will be an appropriate subject for comment and testimony at the public hearing on the proposed AN standard, which is scheduled to begin on March 21, 1978.

DATES: Written comments concerning the impact assessment must be submitted no later than March 21, 1978. Testimony and documentary evidence on subjects other than the details of the impact assessment must still be received by OSHA no later than March 7, 1978. Testimony and documentary evidence directed solely at the contents and methodology of the impact assessment must be received by OSHA no later than March 17, 1978. The public hearing will begin on March 21, 1978.

ADDRESSES: Copies of the impact assessment may be obtained from the Technical Data Center, OSHA, Room S-6212, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Submit written comments to the Docket Officer, Technical Data Center, Docket No. H-108, OSHA, U.S. Department of Labor, Room S-6212, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Submit notices of intention to appear at the hearing, together with testimony and documentary evidence to Mr. Clarence Page, OSHA, Office of Consumer Affairs, Docket No. H-108, U.S. Department of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

FOR FURTHER INFORMATION, CONTACT: Ms. Gail Kleiner, Office of Carcinogen Standards, OSHA, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-6973.

SUPPLEMENTARY INFORMATION: On January 17, 1978, OSHA published an Emergency Temporary Standard (ETS) on occupational exposure to acrylonitrile (AN), also known as vinyl cyanide. (43 FR 2586). In the same issue of the FEDERAL REGISTER, OSHA published a proposed permanent standard for AN (43 FR 2608). At that time, it was noted in the preamble to the proposal that an economic and technological impact assessment was being prepared for OSHA, and that a notice of its availability would be published in the FEDERAL REGISTER as soon as it had been completed. OSHA hereby notifies interested persons that the impact assessment has been provided to OSHA by Enviro Control, Inc., of Rockville, Md., and is now available for public inspection. Copies of the document may be obtained from the Technical Data Center, OSHA, Room S-6212, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Interested persons are invited to submit written data, views, and arguments concerning the economic and technological impact assessment. Written comments on this document must be submitted in quadruplicate, and must be postmarked no later than March 21, 1978, to the Docket Officer, Technical Data Center, Docket No. H-108, OSHA, U.S. Department of Labor, Room S-6212, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

The issues raised by OSHA in the preamble to the proposal (43 FR 2608) clearly encompass the areas of technological and economic feasibility of the provisions of the standard. Therefore, OSHA does not believe that it is necessary to extend the general time periods set forth in the proposal for submission of notices of intention to appear at the hearing (February 27, 1978) or for submission of detailed presentations and documentary evidence to be offered at the hearing (March 7, 1978). However, we have determined that it is appropriate to provide more time for interested persons to submit testimony which will be directed solely at the contents and methodology of the impact assessment. Therefore, persons who have filed timely notices of intention to appear at the hearing will be permitted to submit such additional testimony no later than March 17, 1978. Notices of intention to appear at the hearing, together with testimony and documentary evidence, must be submitted in quadruplicate to Mr. Clarence Page, OSHA Office of Consumer Affairs, Docket No. H-108, U.S. De-

partment of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

Detailed information on the requirements that must be complied with in submitting comments, notices of intention to appear, testimony, and documentary evidence, may be found in the preamble to the proposed permanent standard for occupational exposure to acrylonitrile (43 FR 2608), on page 2613.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 22d day of February, 1978.

(Secs. 4, 6, 8; 84 Stat. 1593, 1599 (29 U.S.C 653, 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.)

EULA BINGHAM,
*Assistant Secretary of Labor*

[FR Doc. 78-5061 Filed 2-23-78; 8:45 am]

[4510-29]

**Pension and Welfare Benefit Programs**

**[29 CFR Part 2530]**

**SEASONAL INDUSTRIES UNDER ERISA**

**Reopening of Comment Period**

AGENCY: Department of Labor.

ACTION: Notice of reopening of comment period.

SUMMARY: The period is reopened for public comment on questions concerning the treatment of seasonal industries under the Employee Retirement Income Security Act of 1974 (ERISA) set forth in the notice of intent to propose regulations published in the FEDERAL REGISTER at 42 FR 32807 (June 28, 1977). This action is being taken in part because of requests from certain members of the public and because of the unusual complexity of the issues involved.

DATE: The comment period is reopened through April 24, 1978.

ADDRESSES: Submit three copies of comments to: Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Comments on Seasonal Industries.

FOR FURTHER INFORMATION CONTACT:

Joseph L. Roberts III, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C., area code 202-523-8515 (not a toll-free number)

SUPPLEMENTARY INFORMATION: On June 28, 1977, the Department of Labor issued a notice of intent to propose regulations concerning seasonal industries and, in that notice, posed a series of questions about which interested persons were requested to submit suggestions and comments (42 FR 32807). The proposed regulations would be issued under sections 202(a)(3)(B), 203(b)(2)(C), and 204(b)(3)(D) of ERISA which authorize the Secretary of Labor to issue regulations defining a year of service and a year of participation in the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year.

Certain members of the public have requested additional time to prepare comments. Because of the unusual complexity of the issues involved in the question of seasonal industries, the Department believes that it is appropriate to grant this additional time by reopening the comment period. Furthermore, since no comments were received from public interest groups or labor organizations, the Department particularly hopes that it will get such comments so that it will have a broader spectrum of views concerning seasonal industries. Accordingly, this notice reopens the period during which those suggestions and comments will be received. Comments previously received after the original August 31, 1977 deadline are being accepted without resubmission.

NOTICE OF REOPENING OF COMMENT PERIOD

Notice is hereby given that the period of time for the submission of public comments on the questions relating to seasonal industries posed in the notice at 42 FR 32807 (June 28, 1977) is reopened through April 24, 1978.

All interested persons are invited to submit written data, views, or arguments concerning the questions posed in the notice at 42 FR 32807 (June 28, 1977) on or before April 24, 1978.

These data, views, and arguments should be submitted in triplicate to the Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Comments on Seasonal Industries. Comments should clearly refer to the questions to which the comments are directed.

Comments previously received after the original deadline of August 31, 1977, are hereby accepted without resubmission.

Signed at Washington, D.C., this 14th day of February 1978.

IAN D. LANOFF,
*Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration.*

[FR Doc. 78-4625 Filed 2-23-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION AGENCY**

**[40 CFR Part 52]**

**[FRL 859-1]**

**DISTRICT OF COLUMBIA IMPLEMENTATION PLAN**

**Proposed Revision**

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The District of Columbia has submitted amendments to the District's air pollution control regulations and has requested that they be reviewed and processed as a revision of the District of Columbia State Implementation Plan (SIP). The amendments provide for a delay in implementing the 0.5 percent sulfur-in-fuel requirement until October, 1978 (the current Federal requirement is 0.5 percent but the local requirement is 1.0 percent). The District is currently meeting both the primary and secondary National Ambient Air Quality Standards for sulfur dioxide.

DATE: Comments must be submitted on or before March 27, 1978.

ADDRESSES: Copies of the proposed SIP revision and accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Attention: Harold A. Frankford.

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Avenue, SW., Washington, D.C. 20032. Attention: Mr. John V. Brink.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford (3AH11), Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Phone: 215-597-8392.





SUPPLEMENTARY INFORMATION: On March 3, 1977, the District of Columbia submitted to the Regional Administrator, EPA Region III, amendments to the District's Air Quality Control Regulations and requested that they be reviewed and processed as a revision of the District of Columbia's State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards. The amendments consist of changes to sections 8-2:704 (allowable sulfur content in fuel oil) and 8-2:705 (allowable sulfur content in coal). The provisions of these amended sections would allow for delay in implementing the 0.5 percent sulfur-in-fuel requirement until October, 1978. The current SIP requirement is 0.5 percent although thelocal requirement allows the use of fuel with a sulfur content of up to 1.0 percent. According to recent data submitted by the District, both the primary and secondary National Ambient Air Quality Standards for sulfur dioxide are currently being met. The District has also requested that subsections (a) and (b) of 40 CFR section 52.476 (related to compliance schedules) be withdrawn.

The District of Columbia submitted proof that a public hearing with respect to this amendment was held in the District on September 10, 1976, in accordance with the requirements of 40 CFR section 51.4.

The public is invited to submit comments on whether the amendments to sections 8-2:704 and 8-2:705 of the District of Columbia's air pollution control regulations on sulfur content in fuel should be approved or disapproved as a revision of the District of Columbia State Implementation Plan. All comments submitted on or before (30 days after publication of this notice) will be considered.

Comments should be addressed to: Mr. Howard Heim, chief, Air Programs Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency. Curtis Building, 10th floor, 6th and Walnut Streets, Philadelphia, Pa. 19106.

The Administrator's decision to approve or disapprove the amendments to sections 8-2:704 and 8-2:705 as a revision of the District's SIP will be further based on whether they meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

(Authority: 42 U.S.C. 7401.)

Dated: February 9, 1978.

JACK J. SCHRAMM,
*Regional Administrator.*

[FR Doc. 78-4855 Filed 2-23-78; 8:45 am]

[6560-01]

**[40 CFR Part 180]**

**[FRL 859-2; PP6F1735/P67]**

**PESTICIDE PROGRAMS**

**TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Proposed Tolerances for the Pesticide Chemical 2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate**

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend 40 CFR 180 by establishing tolerances for residues of the herbicide 2-ethoxy-2, 3-dihydro-3, 3-dimethyl-5-benzofuranyl methanesulfonate. The proposal was submitted by Fisons Corp. This amendment to the regulations would establish maximum permissible levels for residues of the herbicide on sugar beets and in meat, fat, and meat byproducts.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS COMMENTS TO: Federal Register section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2197.

SUPPLEMENTARY INFORMATION: On March 12, 1976, notice was given (41 FR 10709) that Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford, Mass. 01730, had filed a petition (PP6F1735) with the EPA. This petition proposed to amend 40 CFR 180 by establishing tolerances for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate in or on the raw agricultural commodities sugar beet tops at 1 part per million (ppm); sugar beet roots at 0.1 ppm; and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 ppm.

Fisons Corp. subsequently amended the petition by proposing that the tolerances in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep be increased to 0.05 ppm. For this reason, the tolerances are being proposed at this time.

The data submitted in the petition and other relevant material have been evaluated and the herbicide is considered to be useful for the purpose for which the tolerances are sought.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the pupose for which tolerances are sought.

The data considered in support of the proposed tolerances included radio tracer metabolism studies in beans, sugar beets, rats, and a cow; sugar beet residue studies; a 28-day cattle feeding study; poultry feeding studies; 90-day rat and swine feeding studies; a rat dominant lethal test; a teratogenicity test; and a 2-year rat feeding study. Studies currently lacking to reinforce the present findings are a three-generation reproduction study and an oncogenicity study on a second mammalian species. Both studies have been started and the reproduction study results are expected to be available in November 1978 and the oncogenicity results in March 1979. A 2-year dog study has been begun with the final results expected in August 1979. Should adverse findings develop, Fisons Corp. has agreed to withdraw the subject herbicide from the U.S. market.

A feed additive tolerance had previously been established (21 CFR 561.235) for residues of the herbicide in sugar beet molasses at 0.5 ppm. The no-effect level (NEL) is 1,000 ppm, and the acceptable daily intake (ADI) is 0.5 milligram (mg)/kilogram (kg)/day. The maximum permissible intake (MPI) for a 60-kg man is 30 mg-day. An adequate analytical method (gas chromatography using a sulfur-specific flame photometric method) is available for enforcement purposes. (A related document concerning the establishment of a feed additive regulation in sugar beet molasses appears elsewhere in today's FEDERAL REGISTER.)

There are no pending regulatory actions against the continued registration of the herbicide. It is concluded that the tolerances of 1 ppm, of 0.1 ppm, and 0.05 ppm established by amending 40 CFR 180 will protect the public health.

The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in eggs and milk as delineated in 40 CFR 180.6(a)(3).

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request,

within 30 days after publication of this proposal in the FEDERAL REGISTER, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6F1735/P67". All written comments filed in reponse to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

Statutory Authority: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Dated: February 15, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

It is proposed that Part 180, Subpart C, be amended by adding a new section to read as follows:

**§ 180.345 2 - Ethoxy - 2,3 - dihydro - 3,3 - dimethyl - 5 - benzofuranyl methanesulfonate; tolerances for residues.**

Tolerances are established for combined residues of the herbicide 2-ethoxy - 2,3 - dihydro - 3,3 - dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the following raw agricultural commodities:

| Commodity | Parts per million |
|---|---|
| Beets, sugar, roots | 0.10 |
| Beets, sugar, tops | 1.00 |
| Cattle, fat | 0.05 |
| Cattle, mbyp | 0.05 |
| Cattle, meat | 0.05 |
| Goats, fat | 0.05 |
| Goats, mbyp | 0.05 |
| Goats, meat | 0.05 |
| Hogs, fat | 0.05 |
| Hogs, mbyp | 0.05 |
| Hogs, meat | 0.05 |
| Horses, fat | 0.05 |
| Horses, mbyp | 0.05 |
| Horses, meat | 0.05 |
| Sheep, fat | 0.05 |
| Sheep, mbyp | 0.05 |
| Sheep, meat | 0.05 |

[FR Doc. 78-4852 Filed 2-23-78; 8:45 am]

[4110-12]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Social Security Administration**

**Office of Child Support Enforcement**

**Office of Human Development Services**

**Health Care Financing Administration**

**[45 CFR Parts 201, 204, 205, and 213]**

**PUBLIC ASSISTANCE AND SERVICES**

**General Policies and Procedures on Administration of Grants to States**

AGENCIES: Social Security Administration, Office of Child Support Enforcement, Office of Human Development Services, Health Care Financing Administration.

ACTION: Notice of Decision to Recodify Regulations.

SUMMARY: The Department of Health, Education, and Welfare is planning to publish proposed regulations to reorganize, clarify, and simplify existing statements of general policy and procedure covering grants to States under the Social Security Act as follows: Financial assistance and social services under titles I, IV-A, X, XIV, and XVI (AABD); child support enforcement under title IV-D; social services under titles IV-B and XX; and medical assistance under title XIX. The proposed regulations will also fill gaps in existing statements of policy on payments of these grants-in-aid to States. General rules for these programs are presently intermingled under Title 45 of the Code of Federal Regulations in Parts 201, 204, 213, and portions of 205.

FOR FURTHER INFORMATION CONTACT:

Jacqueline Porter, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-6639.

Approved:

Dated: January 13, 1978.

DON WORTMAN,
*Acting Commissioner of Social Security.*

Dated: January 13, 1978.

DON WORTMAN,
*Acting Director, Office of Child Support Enforcement.*

Dated: January 24, 1978.

ARABELLA MARTINEZ,
*Assistant Secretary for Human Development Services.*

Dated: January 20, 1978.

ROBERT A. DERZON,
*Administrator, Health Care Financing Administration.*

[FR Doc. 78-4897 Filed 2-23-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

**[47 CFR Part 64]**

[Docket No. 19308; FCC 78-79]

**RESTORATION OF COMMON CARRIER-PROVIDED INTERCITY PRIVATE LINE SERVICES.**

**New Priority System**

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Communications Commission issues a further notice of proposed rulemaking providing for a new priority system for the restoration of common carrier-provided intercity private line services. Organizations representing the communications industry have worked to resolve problems noted by government and non-government entities under a proposal previously published in 1971. This document results from recommendations of those organizations and will provide all interested parties with the opportunity to comment on the new proposal.

DATES: Comments must be received on or before March 24, 1978, and Reply Comments must be received on or before April 3, 1978.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Dan Vance, Office of Executive Director, 202-632-7232.

SUPPLEMENTARY INFORMATION:

FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: February 8, 1978.

Released: February 21, 1978.

In the matter of amendment of part 64 of the Commission's rules to provide for a new Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services, Docket No. 19308.

1. Notice of Further Proposed Rule Making is hereby given in the above entitled matter.

2. The Domestic and International Common Carrier Communications Services Subcommittee of the National Industry Advisory Committee (NIAC), having met on October 18, 1977, has recommended a new proposed revision to FCC Order 70-291 to the Commission for formal consideration. This proposed revision replaces the proposal previously submitted by the NIAC Subcommittee in 1971 which initiated the original Notice of Proposed Rule Making (Docket 19308) adopted by the Commission on August 18, 1971.[1]

3. The National Industry Advisory Committee (NIAC) is a voluntary organization representing the Communications industry which was organized in 1958 to advise and assist the Federal Communications Commission and other authorities. NIAC's function is to study and submit recommendations for emergency communications policies, plans, systems and procedures for all FCC licensed and regulated communications in order to provide continued communications services in emergency situations.

4. Since August 1971, Docket 19308 has remained open during which time the Domestic and International Common Carrier Communications Services Subcommittee has worked to resolve problems noted by government and nongovernment entities in filing comments under the 1971 Notice of Proposed Rule Making. The NIAC Subcommittee subsequently developed a new proposal for a "Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services". On January 9, 1976, the FCC requested the Office of Telecommunications Policy (OTP) to comment, on behalf of the appropriate departments and agencies of the Executive Branch of the Federal Government, on the NIAC Subcommittee's new proposal. The OTP concurred, with minor changes, in the NIAC Subcommittee's proposal by letter addressed to the Defense Commissioner on September 28, 1977. As noted above, the NIAC Subcommittee then met on October 18, 1977, and formally recommended the new proposal to the Commission. Since more than 6 years have passed since opening Docket 19308, this Further Notice of Proposed Rule Making is in order to provide all interested parties with the opportunity to comment on the new proposal.

5. In this proceeding, the Commission proposes to promulgate rules providing for a revised "Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services". The Commission is obligated by Executive Order 11490 to insure that leased intercity private line communication services vital to the national interest, both government and nongovernment, will be maintained, to the maximum extent possible, at all times.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 24, 1978, and reply comments on or before April 3, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. The proposed amendment to the rules, as set forth in the Appendix, is issued pursuant to the authority in Sections 1, 4(i), and 201 thru 205 of the Communications Act of 1934, as amended and Executive Order 11490, as amended.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments shall be furnished to the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,[2]
WILLIAM J. TRICARICO,
*Secretary.*

APPENDIX

PROPOSED AMENDMENT TO APPENDIX A, SUBPART D, PART 64 OF THE FEDERAL COMMUNICATIONS COMMISSION RULES AND REGULATIONS

Appendix A, Subpart D, Part 64 is revised to read as follows:

APPENDIX A—PRIORITY SYSTEM FOR THE RESTORATION OF COMMON CARRIER-PROVIDED INTERCITY PRIVATE LINE SERVICES

1. The Federal Communications Commission and the Director of the Office of Telecommunications Policy have agreed upon the provisions of a system of priorities applicable to intercity private line services. These rules are applicable to communications common carriers and are in consonance with an Office of Telecommunications Policy (OTP) Circular addressed to the Heads of Executive departments and establishments. These rules and the OTP Circular establish, within the scope of the Commission's and OTP's respective authority, this priority system. The priority system and procedures contained in these rules and the Director of the Office of Telecommunications Policy Circular are intended to be identical, and any differences in terminology arise from differences in the legal situation of the Director and the Commission. The provisions of these rules shall be read and construed to effectuate a single priorities system concurrently promulgated under the respective authority of both and Commission and the Director. Accordingly, these rules establish procedures under which Government and certain private entities will have available a system of priorities to insure that intercity private line services vital to the national interest will be maintained, to the maximum extent possible, during emergency conditions. To meet this requirement, the priority system established by these rules shall be in effect during emergencies and shall govern the proper order of restoration of intercity private line service if that service is interrupted.

2. All communications common carriers, to the extent practicable, shall honor and apply this priority system both as to maintaining intercity private line services for essential users, and in restoring such private line service if it should be interrupted and are expected to incorporate it in their day-to-day operations. The carriers are authorized to honor certified priorities from other carriers where the intercity private line service certified involves the facilities of more than one carrier. Under abnormal conditions the carriers' ability to restore service could be limited by the extent of damage sustained. In implementing this priority system the following principles shall be applied:

a. When necessary, in order to resume a service having a given priority, services having lower or no priorities shall be interrupted in the order of priority, starting with nonpriority services. In the event that nonpriority or lower priority intercity private line services are interrupted to restore higher priority services, the communications common carriers shall, when taking such services, endeavor, if feasible, to notify the user, giving him the reasons for the preemption. In the event that (public correspondence) switched network facilities are used to satisfy a requirement for priority intercity private line service, idle facilities shall be selected first. However, care must be taken not to preempt any facilities used for (public correspondence) long distance message telecommunication services which carry or may reasonably be expected to carry any priority traffic as provided by FCC Order 69-1113. If it is necessary to use busy public correspondence facilities, the communications common carriers shall not normally interrupt conversations having a priority classification as provided by FCC Order 69-1113.

b. Prior to a state of war, or a national emergency as proclaimed by the President, it is contemplated that the application of this system of priorities by the communications common carriers shall not usually require the preemption of other intercity private line services. If preemption is required to restore service it is authorized and restoration of interrupted services by the communications common carriers shall be in the order of priority set forth in these rules.

c. It is recognized that, as a practical matter in providing for the restoration of a priority service on services operating within a multiple channel type of facility (such as a carrier band, cable, or multiplex system), lower priority or nonpriority services on parallel channels within the band or system may be restored concurrently with higher priority services. Reactivation of such lower priority or nonpriority services resulting therefrom shall not, however, interfere with the expeditious restoration of priority service.

3. The priority system and procedures described herein are applicable to:

a. United States intercity domestic private line services, including private line switched network services, furnished by the communications common carriers.

b. United States international private line services to the point of foreign entry.

c. Foreign extension of United States international private line services to the extent possible by agreement between United States communications common carriers and their foreign correspondents, except where arrangements exist for the restoration by foreign correspondents.

[1] See 36 FR 16944, August 28, 1971.

[2] Commissioner Lee absent.

d. International private line services terminating in or transiting the United States.

4. The priority system procedures described herein are not applicable to operational services (for example, internal order wire operational coordination communications of the carriers) of the communications common carriers. It is recognized that a minimum number of operational services are needed by communications common carriers for service reactivation and maintenance purposes. Such minimum number of operational services as are needed for these purposes shall have priority of restoration over all other services and shall be exempt from interruption for the purpose of restoring other priority services.

5. As used herein:

a. "Government" when used alone means Federal, Foreign, State, County, or Municipal government agencies. Specific reference will be made whenever it is intended that intercity private line services of a particular level of government are meant; e.g., "Federal Government", "Foreign Government", and similar elements. The term "Foreign Government" shall include coalitions of governments such as NATO, SEATO, OAS, UN, and Associations of Governments or Governmental Agencies such as Pan American Union, International Monetary Fund and similar elements.

b. "Private Line Service" as applicable to the United States communications common carriers engaged in providing domestic and/or international telecommunications, means the channels and equipment (circuits) specifically provided by the carriers as a unit between intermediate intercity switches (circuit and/or message) or between user and switch or between user and user for the provision of intercity service as ordered by the customer.

c. "Restoration" means the recommencement of intercity private line service by patching, rerouting, substitution of component parts of the service, or otherwise, as determined by the communications common carrier(s) involved.

d. "Station" means the transmitting or receiving equipment, or combination transmitting and receiving equipment, at any location on a premise and connected for private line service.

6. Restoration priority assignments for the Federal Government to be effective pursuant to Section 606 (a), (c), and (d) of the Act will be certified directly to the carriers by the Executive Office of the President. Carriers are directed, insofar as practicable, to incorporate such certifications into their day-to-day operations in accordance with paragraph 2 and 16 of this Part.

7. Basic Requirements:

a. State, County, Municipal governments, Quasi-State and Local governments and all industrial/commercial customers, including the industrial/commercial customers earmarked for prearranged participation with the Federal Government, shall submit their request for priority assignments, using the criteria established in Paragraph 8 hereof, to the Federal Communications Commission on FCC Form 915.

b. Communication circuits which are certified by the FCC for restoration priority must be an integral part of an existing emergency communications plan that has been developed by any industrial/commercial customer or any of the various governments (see a. above) including the Federal Government. To this end all requests for priority assignments on FCC Form 915 must be accompanied by a copy of the appropriate emergency communications plan or reference must be made to an FCC approved emergency communications plan.

c. The Commission shall request comments from the Executive Office of the President whenever an industrial/commercial customer claims Federal participation as a basis for his request. These comments shall be considered by the Commission indeciding whether a request for certification should be honored and what restoration priority level should be assigned.

8. There are four levels of restoration priorities: Priority 1, Priority 2, Priority 3, and Priority 4. The following criteria shall govern qualification for priority certifications for intercity private line services. Restoration of service in accordance with the priorities set forth in this section shall be within the carriers ability to provide such restoration:

a. Priority 1—Priority 1 shall be applicable only to Federal and Foreign Government private line services and also to those industrial/commercial private line services which are earmarked for prearranged voluntary participation with the Federal Government during an emergency. Priorities in this category shall be strictly limited to only those essential to national survival if attack occurs, and they shall satisfy requirements for: obtaining or disseminating critical intelligence concerning the attack, or immediately necessary to maintain the internal security of the United States; conducting diplomatic negotiations critical to the arresting or limiting of hostilities; executing command and control of military forces essential to defense and retaliation; providing warning to the nation's population; and maintaining Federal Government functions essential to national survival under nuclear attack conditions.

Subpriorities under this priority shall include:

(1) Subpriorities 1-A. Reserved for Federal Government Services; through 1-F.

(2) Subpriority 1-G. General Purpose Services including those industrial/commercial services considered essential to the National survival and which are earmarked for prearranged voluntary participation with the Federal Government.

b. Priority 2—Priority 2 shall be applicable to Federal and Foreign Government private line services and also to those industrial/commercial private line services which are earmarked for prearranged voluntary participation in the Federal Government during an emergency. Services in this category shall be strictly limited to only those essential when attack threatens and they shall be required in order to minimize serious danger of: reducing significantly the preparedness of our defense and retaliatory forces; limiting our ability to conduct critical pre-attack diplomatic negotiations to reduce or limit the threat of war; interfering with the effectual direction of the nation's population in the interest of Civil Defense and their survival; weakening our capability to accomplish critical national internal security functions; and inhibiting our ability to conduct essential Federal Government activities necessary to meet a pre-attack situation.

Subpriorities under this priority shall include:

(1) Subpriorities 2-A. Reserved for Federal Government Services; through 2-C.

(2) Subpriority 2-D. Services essential for Air Traffic Control and air operational control of military and civil air support operations;

(3) Subpriority 2-E. Weather communications between major reporting and/or collecting agencies regarding National defense;

(4) Subpriority 2-F. Services for the direction of the U.S. population in the interest of Civil Defense, survival and essential Federal Government functions;

(5) Subpriority 2-G. Civil/Military relocation headquarters communications.

c. Priority 3—Priority 3 shall be applicable to those Federal and Foreign Government services; State, County and Municipal government services; Quasi-government agencies services; and industrial/commercial services which require restoration in order to maintain our defense posture, our diplomatic posture, and the health and safety of our population in a national emergency involving a natural disaster or heightened possibility of hostilities and restoration for those other circuits on which an interruption would cause loss or serious damage to ongoing operations vital to the national interest.

Subpriorities under this priority shall include:

(1) Subpriority 3-A.

(a) The first circuit used to gather and disseminate essential intelligence information for activities not supported by circuits assigned to a higher RP.

(b) The first circuit for critical logistical and administrative military support functions.

(c) The first circuit for air, sea or ground operations required for safety of life, rescue operations, and movement operations.

(d) The first circuit required to maintain essential public utility services.

(e) The first essential weather circuit between major reporting and/or collecting agencies and using locations not supported by the circuits assigned to a higher RP.

(f) Circuits essential to other requirements for the control of civil and/or military air traffic not supported by circuits assigned to a higher RP.

(g) The first circuit used for tracking and telemetering of information from space vehicles and primary circuits required for manned space flight operation.

(2) Subpriority 3-B.

(a) The first circuit to provide for critical damage assessment functions.

(b) Essential circuits to diplomatic posts, for the purpose of informing such posts of the situation and our intention, not supported by a circuit with a higher RP.

(c) The first circuit essential to maintaining law and order between major law enforcement activities not supported by a circuit with a higher RP.

(d) The first circuit to ensure continuity of other critical government operations not supported by a circuit with a higher RP.

(3) Subpriority 3-C.

(a) The first circuit required to arrange for distribution of essential foods and other supplies critical to health.

(b) The first circuit required to provide for hospitalization.

(c) The second circuit, where essential, for guaranteeing civil alert and direction in the interest of civil defense and survival.

(d) Additional general purpose circuits, required to handle priority precedence traffic, between major message relay/switching centers and from such centers to terminal stations which operate or can accept traffic 24 hours per day.

d. Priority 4—Priority 4 shall be applicable only to those Federal and foreign governments; Quasi-Government; State, county, and municipal government; and industrial/commercial services which are required during any emergency for maintaining the public welfare and our national economic posture. Services in this priority category shall be limited to those needed for continuing or reestablishing our more important financial, economic, health and safety activities. This category will not be subcategorized but all certifications will be identified as 4-A for the purpose of record keeping.

e. Operational Requirements—State, county, and municipal government and quasi-State and local government agencies, and industrial/commercial services in the priority 3 and 4 categories shall be further limited to those where, during an emergency, at least one station on the service, either directly connected or through switching, if network switching is involved, shall be manned continually unless such services are automated and under constant surveillance from a remote location.

9. In dealing with interrupted foreign portions of international leased private line services, the United States communications common carriers should endeavor by advance agreements with their foreign correspondents (except as indicated below), to effect the restoration of private line services in accordance with this System. Lacking such an arrangement, United States communications common carriers, as far as practicable, should handle service restoration in accordance with any system acceptable to their foreign correspondents which meets, or comes closest to meeting, the procedures described herein.

10. To insure the effectiveness of this system of priorities it is required that a rigorous examination be made by the users and the FCC to determine whether the requirements for private line service justify placing it into one of the priority categories. Restoration priorities must be realistically applied to available resources. This objective can be achieved only by continuous and close cooperation among agencies of the Federal Government and communications common carriers. It should be understood that communication facilities other than private line services may be available to qualified users during emergencies pursuant to Federal Communications Commission Order 69-1113, October 21, 1969.

11. Initial requests for restoration priority assignments which are denied by the Federal Communications Commission may be resubmitted by the requestor for reconsideration after 90 days, unless requirements for the priority have changed.

12. Federal Communications Commission Order 70-291 is hereby superseded by these Rules.

13. Applications for restoration priority certifications for private line service of State and local government, and Quasi-State and local government agencies, and for industrial/commercial entities shall be submitted to the Federal Communications Commission, Washington, D.C. 20554, in triplicate, on FCC Form 915 signed by the head of such government agency or by an officer of the company or organization, as applicable. The applicant shall be notified by the Commission regarding certification or denial of FCC Form 915 applications within 5 days on new services and, as appropriate, when priorities are changed on existing services. Such certification and/or changes will be included in the user's order on the carrier.

14. The Federal Communications Commission shall certify the restoration priority for a term of 3 years. State and local government (and Quasi-State and local government agencies) and industrial/commercial users of private line services within the priority classifications, shall resubmit their priority requirements on FCC Form 915 with the Federal Communications Commission. The Federal Communications Commission shall notify the communications common carriers of any changes, including deletions or expirations in priority assignment.

15. A periodic review shall be made of those industrial/commercial, State, and local government (and Quasi-State and local government agencies) services, which have received a certified priority assignment from the Federal Communications Commission. The assistance of the communications common carriers will be required to determine the accuracy of records.

16. Should the Commission determine that a restoration priority requirement is unnecessary, the Commission may rescind the certification at any time. However, where such action involves a Federal Government service, such action will not be taken without prior consultation with the Executive Office of the President.

[FR Doc. 78-4947 Filed 2-23-78; 8:45 am]





[7035-01]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC 116]

### OPERATING RIGHTS APPLICATION PROCEEDINGS

#### Consideration of Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission has tentatively decided to consider the rates to be charged by applicants as a factor in determining whether the present or future public convenience and necessity require the grant of new authority to conduct motor common carrier operations in interstate or foreign commerce. The Commission, therefore, is considering the establishment of guidelines and rules to govern the introduction and consideration of rate evidence, including evidence of the applicant's cost of operation, in motor carrier operating rights application proceedings. By this notice, the Commission is seeking public comment on the type of cost or price evidence the Commission might consider in these proceedings, the weight that should be accorded to it, and what conditions, if any, should be placed on grants of new authority based on rate considerations. After reviewing public comments on these questions, the Commission will determine whether to formulate specific proposed regulations. If the Commission takes this further step, public comments will again be requested on the proposed regulations.

DATES: Comments due on or before April 25, 1978.

ADDRESSES: Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, 202-275-1912.

SUPPLEMENTARY INFORMATION: Past Commission practice has been that rates are generally not a matter for consideration in motor common carrier application proceedings if the rates are not so high as to constitute an embargo against the traffic. See *American Trucking Ass'n* v. *United States*, 326 U.S. 77, 86-87, 65 S. Ct. 1499, 89 L. Ed. 2065 (1945); *Auclair Transportation, Inc.* v. *United States*, 221 F. Supp. 328, 333-334 (D. Mass., 1963), affd. per curiam, 376 U.S. 514, 84 S. Ct. 966, 11 L. Ed. 2d 968 (1964). To the limited extent that rates have been considered, they have generally been discussed primarily in terms of their reflecting the nature of the service proposed, and whether it meets the shipper's needs better than the service of existing trucking companies, but not in terms of the direct benefits to accrue to the shipper from having the lower rates available.

A Commission staff task force report entitled "Improving Motor Carrier Entry Regulation" was made public July 6, 1977. That report, in part, recommended the Commission consider rates evidence in application proceedings. The report stated:

> One of the most common criticisms of the Commission's decisionmaking process in the operating rights area is its refusal to take into account the rates proposed to be charged by the applicant. Shippers and carriers alike offer the opinion that many, and perhaps a majority, of applications for authority to serve existing sources of traffic are based on the support of shippers who anticipate a rate advantage. Not to recognize and accept this fact, the critics say, is simply to put one's head in the sand.

The National Transportation Policy of Congress, as set forth in the Interstate Commerce Act, directs the Commission to provide for fair and impartial regulation of all modes of transportation subject to the Act, so administered as to recognize and preserve the advantages of each mode. Therefore, cases where a motor carrier seeks to provide a service at a lower rate than that already provided by other motor carriers have been distinguished from cases where a motor carrier seeks to compete for traffic now handled exclusively by carriers of another mode. In the latter situation it has been held that the rate benefit attributable to differences between the two modes of

transportation is an "inherent advantage" of the competing type of carrier and must be considered by the Commission. *Schaffer Transportation Co. v. United States*, 355 U.S. 83, 73 S. Ct. 178, 2 L. Ed. 2d 117 (1957); *I.C.C. v. J-T Transport Co.*, 368 U.S. 81, 82 S. Ct. 204, 7 L. Ed. 2d 147 (1961).

Just as lower rates may reflect the inherent advantages of differing modes of transportation, lower rates may be an additional inherent advantage of a proposed different or improved service. If lower rates are an additional inherent advantage of a proposed service, this is a relevant factor for the Commission to consider in reaching ultimate findings concerning competition and the sound economic condition of the industry. *Trans-American Van Service, Inc. v. United States*, 421 F. Supp. 308 (1976). If it should appear that carriers are unwilling to offer rates competitive with the proposed service for lack of interest in the traffic, or they are unable to do so because of relative inefficiencies or because their methods of operation are not well suited to meet the demand for a particular type of needed service, these factors may well indicate a public need for additional service.

An additional benefit could accrue from explicit consideration of the rates issue in operating rights application proceedings aside from those experienced directly by a supporting shipper. Specifically, by providing for entry of more efficient carriers, existing carriers would be encouraged to increase their efficiency, thus benefiting the overall economy.

THE PROPOSED RULEMAKING

The purposes of the proposed rulemaking proceeding are principally: to develop procedures whereby rates consideration may be made a part of operating rights application proceedings; to develop guidelines and rules for the type of evidence that would be required; to determine where the burden of proof lies on the rates issue; to determine the weight to be given the rates issue and determinations with regard to it; and to decide how best to assure that an applicant obtaining a grant of authority based on evidence of lower rates fulfills its commitment to price its service at a level commensurate with representations made in the operating rights proceeding.

Parties participating in this proceeding should address the following matters:

1. *What threshold evidence should be required to be submitted by an applicant in order to raise the rates issue?* Would the applicant's prima facie case be met by a showing which would include evidence of existing rates on the traffic involved and a schedule of the applicant's proposed rates for the service it seeks authority to perform? Should it also be required to introduce cost evidence? Should it be required to show that the supporting shipper has negotiated with other carriers in an attempt to achieve lower rates?

2. *Should an opposing party have standing to raise the rates issues in the first instance?* Should opposing carriers be permitted to challenge an application on the basis that its shipper support is motivated by the expectation of lower rates being made available, which prospective rates will allegedly be unreasonably low? If such a challenge is made at the protest stage, might the applicant be required to set forth the prospective rates in its opening statement?

3. *Should the Commission accept evidence by a protestant that it has reduced its rate to or below the level proposed by applicant?* What weight be accorded such a reduction? Should the Commission then accept evidence from applicant of its willingness to offer a more reduced rate?

4. *In order to eliminate the rate issue from at least some cases, should the Commission find (or presume subject to rebuttal) that minor rate differences (e.g., up to 7 percent) are not material and will not be considered?*

5. *Should consideration of the rate issue be affected by the scope of the application or type of service proposed?* Should consideration of rate evidence in motor carrier application proceedings be limited to service proposals which are narrowly drawn with respect to the territory sought to be served? To those applications seeking specific point to point authority? Can the rate issue be effectively defined in applications involving requests for broad territorial authority? Is the state of price competition in either the general commodities or truckload, special commodity sector of the motor carrier industry such that no benefits would result from burdening the record with rate evidence in either or both types of proceedings?

6. *Upon which party—applicant or protestant—should the burden of proof lie with respect to the rate issue?* In the case of initial rates as opposed to changed rates, the burden is upon protestants to prove the rates unjust and unreasonable. Does it follow that in operating rights applications, at least by new entrants, the protesting carriers should have the burden of making a prima facie showing that the proposed rates are not compensatory or unreasonable? Or should the fact that the burden of proof lies with the applicant in an operating rights case be controlling so that the applicant would have the burden of proof in establishing whether its proposed rates are compensatory and reasonable?

7. *What standards might the Commission follow in determining whether or not a proposed rate is reasonable or compensatory?* Should a proposed rate be presumed to be compensatory if it covers the applicant's variable costs? Should the fact that a proposed rate does or does not cover regional average variable costs be considered prima facie evidence of reasonableness or unreasonableness? Should standards adopted by the Commission give weight to such factors as energy savings, traffic pattern (volume, duration, or direction of movement), type of equipment, capacity of vehicles, and vehicle utilization? Should an applicant be permitted to justify proposed rates based on financial evidence showing that the operations which it proposes to conduct under the authority sought and under the rates it proposes to charge would not have an adverse impact upon its financial condition? Should rates that undercut existing prevailing rates by no more than a specified percentage (7 percent, for example) be presumed to be compensatory for purposes of an application proceeding? In the event that authority is granted and the proposed rate is protested—and such a rate would be subject to normal statutory suspension procedure—should any weight be given in a suspension proceeding to evidence submitted in the application proceeding? Should the carrier be permitted to file the proposed rate without its being subject to protest if the proposed rate is a consideration in granting the operating authority?

8. *What weight should be accorded the rates factor?* Should the fact that lower rates are offered be afforded only equitable consideration similar to evidence of operational feasibility? On the other hand, should lower rates be made the controlling factor in proceedings where it appears from the facts of the case that rates are the key issue between the parties and the other factors of public convenience and necessity do not mitigate against according the rates factor primacy? Where the rates proposed by the applicant are not significantly lower than the prevailing rates, should the weight to be accorded to the rate evidence be reduced?

9. *What means should be utilized to insure that carriers obtaining a grant of authority based on evidence of lower rates fulfill their commitment to price their services accordingly?* Should the certificate issued in a case in which an applicant chooses to introduce rate evidence be made subject to a uniform "holddown" provision? Should a uniform holddown period be imposed in the certificates in all such grants of authority, or should the appropriate holddown period be determined on a case-by-case basis? Should relief from holddown requirements be granted to the extent necessary to take into consideration cost increases and to allow the applicant to participate in general rate increases? Should the certificate be conditioned to make it subject to revocation for failure to fulfill the holddown condition?

Instead of directly encumbering the grant with a restriction, should the order or report granting authority simply specify an appropriate holddown period, and reserve to the Commission jurisdiction to act on shipper or competing carrier complaints that the certificate holder's rates are not conforming? Would market forces provide an inhibiting factor sufficient to assure that the applicant would maintain the lower rates proposed, thus eliminating the need for including any holddown provision in the certificate?

Should issuance of the certificate be withheld until the rates become effective? What action should be taken if the rates, following investigation, are found to be unjust and unreasonable?

The proposed rulemaking does not appear to constitute a major Federal action requiring preparation of an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq. However, comments regarding environmental issues, if any, should be included in statements filed with the commission in response to this notice.

Interested persons are invited to file an original and 15 copies (if possible) of their views and comments at the dates and places noted above.

This notice of proposed rulemaking is promulgated pursuant to authority under 49 U.S.C. §§ 304(a)(1) and §§ 304(a)(6), 49 U.S.C. §§ 1003(a) and 1012(a), and 5 U.S.C. §§ 553 and 559.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

FEBRUARY 8, 1978.





Commissioner Murphy, concurring in part, dissenting in part:

The Commission proposes to embark on an exploratory mission to determine whether rates should now be specifically considered in operating rights proceedings. I have no objection to such a review if there is a genuine need therefor. But even assuming arguendo that there is such a present need, one may then ask why not go one step further and open all motor rate proceedings to a reconsideration of the operating rights. Throughout the long history of motor carrier regulation, rate matters have been considered in operating rights cases largely only where an issue of an embargo has been presented. Such a procedure has merit. The Interstate Commerce Act and the Commission's procedures provide ample opportunity to question rate matters in a proceeding of that specific nature. I find little justification in support of the proposal which undoubtedly will unduly complicate and prolong the disposition of an operating rights application.

Turning next to some obvious deficiencies in support of the proposal, it might be noted at the outset that the majority has apparently equated efficiency with a reduction in rates. But such an axiom is an ill-advised criteria to resolve difficult transportation issues.

In granting an application the majority apparently intends to find that the rate or rates to be proposed are just and reasonable. Nevertheless, if further indicates that such rates when filed would be subject to protest and possible investigation and/or suspension. Should the commission find in the application proceeding that the rates to be proposed are reasonable than it is highly unlikely that a subsequent filing of the proposed rate will receive the attention it deserves either from the carriers opposing the application for operating authority or from the Commission.

The suggestion that rates to be proposed which do not undercut existing rates by 7 percent might be presumed to be compensatory lacks substantiation. Pub. L. 94-210, Section 202, embodied a provision limiting the Commission's authority over rail rates which were reduced by 7 percent. But the use of that concept in motor carrier application proceedings does not appear to be germane.

Finally, the majority as an alternative to the issuance of a limited term certificate suggests that the Commission could reserve jurisdiction to act on a complaint of the shipper or competing carrier that the published rates do not conform to the proposal. It should be noted that a shipper or competing carrier presently can question the existing rates of a carrier by filing an appropriate complaint.

In summary, the proposal will undoubtedly open "Pandora's Box" with little or no benefit to the stated goals of the national transportation policy and the commission's obligations under the Interstate Commerce Act.

Accordingly, I reserve my right to review the matter upon the receipt of the comments of the parties.

[FR Doc. 78-4961 Filed 2-23-78; 8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-15]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

### ASSOCIATED ELECTRIC COOPERATIVE, INC.

### Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a possible loan guarantee for Associated Electric Cooperative, Inc., P.O. Box 754, Springfield, Mo. 65801.

These funds will be used to finance the construction of a 630 MW (net) coal-fired generating unit and pollution control equipment at the existing Thomas Hill Power Plant in Randolph County, Mo., approximately 135 miles of 345 kV transmission line in the counties of Randolph, Audrain, Boone, Callaway, Osage, Maries, and Pulaski, Mo., and the acquisition and development of the Bee Veer and Prairie Hill coal mine properties located in Mason, Randolph and Chariton counties.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4314, or at Associated Electric Cooperative, Inc., whose address was given above.

Comments concerning the environmental impact of the proposed construction must be received within sixty (60) days from the date of FEDERAL REGISTER publication of this notice to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 17th day of February, 1978.

DAVID A. HAMIL,
*Administrator.*

[FR Doc. 78-4818 Filed 2-23-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket 32097]

### PITTSBURGH-ORLANDO-DAYTONA BEACH ROUTE PROCEEDING

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held before the undersigned on February 28, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

In order to facilitate and expedite the conduct of the conference, representatives of parties are expected to be prepared and authorized by their principals to (1) discuss the Board's specific requirements for submission of evidence set forth in Order 78-2-42, i.e., low fare proposals, multiple awards etc., (2) agree to a statement of issues, (3) enter into stipulations where appropriate, (4) update the underlying data, (5) state positions on issues, and (6) establish procedural dates.

With respect to the present status of the docket, and in order that the record reflects the most current economic data available, each party is on notice that an update of its economic data will be required. While the specific data requirements will be determined at the conference, it appears that the updated exhibits should, at least, be based upon the following:

1. Traffic data—Fiscal year ending March 31, 1977.
2. Costing—DPFI Version 8 and, possibly, Subpart K (present and proposed—PDR-46).
3. Fare Base—Normal fare and price/quality options.
4. Traffic/capacity and Financial Forecasts—Years 1978 and 1979.

The parties should be on notice that the time for filing evidence will be limited.

NAHUM LITT,
*Chief Administrative Law Judge.*

FEBRUARY 21, 1978.

[FR Doc. 78-4954 Filed 2-23-78; 8:45 am]

[6320-01]

[Docket 30254]

### FLYING TIGER LINE, INC., ET AL

### Postponement of Hearing

In the matter of the Flying Tiger Line, Inc.; Wayne M. Hoffman, Individually; Robert W. Prescott, Individually; Joseph J. Healy, Individually; Charles I. Hopkins, Individually; Rudolph J. Valenta, Individually; Anna C. Chennault, Individually; Respondents.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on February 28, 1978, at 9:30 a.m. (local time), in Hearing Room 1003 C, Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428 (43 F.R. 3602, January 26, 1978) is hereby postponed until further notice.

Dated at Washington, D.C., February 16, 1978.

BURTON S. KOLKO,
*Administrative Law Judge.*

[FR Doc. 78-4953 Filed 2-23-78; 8:45 am]

[6320-01]

[Order 78-2-75; Docket 31897]

### PAN AMERICAN WORLD AIRWAYS, INC.

### Order Extending Authorization

Issued under delegated authority February 14, 1978.

By Order 78-1-70, January 17, 1978, the Board approved the petition of Pan American World Airways, Inc. (Pan American) for authorization to discuss with various other parties, including U.S. certificated and foreign air carriers, the feasibility of a joint computerized reservations system for use within the Federal Republic of Germany. The order specified that the authorization granted would expire after February 1, 1978.

On February 1, 1978, Pan American petitioned the Board requesting extension of that discussion authorization for an additional six-month period.

In support of its petition, Pan American states that various carriers present at the earlier discussions indicated sufficient interest in a joint computerized reservations system to warrant further discussion and research concerning the pricing and feasibility of a joint system. Furthermore, it submits that extension of the authorization would permit a working group to meet periodically, beginning on February 15, 1978, in Germany to discuss appropriate steps to advance the development and installation of a common system, including the possible establishment of pilot projects.

National Airlines, Inc., and Trans World Airlines, Inc., filed answers in support of Pan American's request. No answers in opposition to the petition were received.

Upon consideration of the foregoing, we conclude that Pan American's request for extension of the discussion authorization is reasonable and may result in a more definitive and useful period of research than might otherwise be possible. Therefore, pursuant to authority duly delegated by the Board in Order 78-1-70, we will extend the duration of our discussion authorization to July 31, 1978, subject to the conditions stated below.

Accordingly, *It Is Ordered*, That:

1. Pan American's petition for extension of discussion authority in Docket 31897 be approved, subject to the following conditions:

(a) All U.S. certificated air carriers and foreign air carriers serving the Federal Republic of Germany, and all interested travel agents and/or their trade associations shall be given an opportunity to attend and to participate in all discussions held pursuant to this order, and all interested government agencies and vendors of computerized reservations equipment shall be permitted to attend the discussions as observers and to express their views;

(b) The discussion meetings and other study activities authorized by this order may take place at dates, times, and locations determined by the parties;

(c) Notices, agenda, ground rules for the oral presentation by interested persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting[1] authorized, shall be sent to (1) all persons participating in these discussions, (2) the Board's Docket Section, and (3) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting.[2] Further, the discussants shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meetings, and after an oral presentation by the discussants of the tentative conclusions reached in their executive sessions;

(d) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point; such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[3] within 5 business days after the date of each meeting;

(e) Any agreement or agreements reached as a result of the discussions shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 CFR 261) and Subpart P of the Board's Rules of Practice (14 CFR 302.1608) and shall not become effective unless and until approved by the Board under section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(f) The authorization granted shall expire after July 31, 1978.

2. Except to the extent granted all other outstanding requests in this docket be dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order shall be served on all certificated air carriers, on all other persons who responded to the application, and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-4955 Filed 2-23-78; 8:45 am]

[1] By continuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

[2] In view of the need for immediate action, the conditions in ordering paragraph 1(c) shall not apply to the meeting on February 15, 1978, to the extent that they require the issuance or filing of notices, ground rules, and agenda *before* the meeting.

[3] The discussants are not precluded from setting a nominal charge to be paid by those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. Pan American will serve as the party to contact to make such requests.

[3510-07]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, 1976), notice is hereby given that the Census Advisory Committee on the Black Population for the 1980 Census will convene on March 17, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on the Black Population for the 1980 Census is composed of 21 members appointed by the Secretary of Commerce. It was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m. is: (1) Introductry remarks by the Director, Bureau of the Census, (2) current status of 1980 planning, (3) testing and selection aids, (4) public information plans for dress rehearsal, (5) report on meeting with minority media, (6) Affirmative Action Program (7) data publication plans, (8) Committee discussion; and (9) Committee recommendations and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning these meetings or who wish to submit written statements may contact the Committee Control Officer, Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. Mailing address: Washington, D.C. 20233, telephone 301-763-5169.

Dated: February 21, 1978.

MANUEL D. PLOTKIN,
*Director,*
*Bureau of the Census.*

[FR Doc. 78-4910 Filed 2-23-78; 8:45 am]

[3510-25]

**Industry and Trade Administration**

## EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

**Week Ending January 20, 1978**

Total bituminous coal exports for the week ending January 20, 1978, were 97,800 short tons. This is the lowest weekly export volume reported since the start of the strike and well below the average weekly exports of 205,000 short tons for the preceding three weeks. Reported export contract data indicates that, with adequate supplies of coal available, weekly exports would have been approximately 480,000 short tons.

All bituminous coal exports for the week were of metallurgical grade. The average price of these exports was $48.94 per short ton, with high and low prices of $56 and $46 per short ton, respectively. Comparison of these data with those for prior weeks indicates no price trend; but does disclose weekly price variations according to the quantity and grade of coal exported during a particular week.

Exports of coke manufactured from coal for the week aggregated 29,143 short tons compared with a weekly average of 4,973 short tons for the preceding six weeks of this export monitoring program. However, examination of the individual company reports indicates that the high exports for this week are not indicative of a trend but reflect only the irregular pattern of export loadings.

The average and low prices of coke exports for the week were again distorted by the inclusion of low value breeze coke shipments. The high price for coke was $142.79 per short ton, the same high export price reported in several prior weeks of the monitoring program. Thus no trend toward increased prices is indicated.

Domestic coal production for the week was 4,985,000 short tons, a decrease from the 5,260,000 short tons produced the preceding week. Total coal consumption for the week was 12,183,000 short tons, approximately the same level as the 12,142,000 short tons consumed the preceding week. Total coal stocks at the end of this week were 129,552,000 short tons, a decrease of 8,326,000 short tons from inventories reported for the previous week.

No change in domestic bituminous coal prices was noted.

STANLEY J. MARCUSS,
*Deputy Assistant Secretary*
*for Trade Regulation.*

JANUARY 20, 1978.

TABLE 1.—*U.S. exports of bituminous coal and coke of coal (in short tons)*

[For week ending Jan. 20, 1978]

| Commodity | Exports | | | | | | |
|---|---|---|---|---|---|---|---|
| | Weekly average | | Week ending | | | | |
| | December 1975 | December 1976 | November 1977 | Dec. 9, 1977 | Dec. 16, 1977 | Dec. 23, 1977 | Dec. 30, 1977 |
| Low volatile metallurgical coal [1] | NA | NA | ***133,877 | 199,136 | 96,895 | (*) | (*) |
| Medium volatile metallurgical coal [2] | NA | NA | NA | 283,420 | 118,632 | (*) | (*) |
| High volatile metallurgical coal [3] | NA | NA | NA | 47,055 | 176,827 | (*) | (*) |
| Total metallurgical coal | NA | NA | 889,125 | *55,459 | **436,605 | 521,109 | 128,822 |
| Other bituminous coal | NA | NA | 158,326 | 129,424 | 351,669 | 59,500 | |
| Total bituminous coal | 1,023,827 | 1,044,281 | 1,047,451 | 679,883 | 788,274 | 580,609 | 128,822 |
| Coke of coal | 16,646 | 7,287 | 33,179 | 3,922 | 9,624 | 2,843 | 3,922 |

| | Average | Week ending | | | |
|---|---|---|---|---|---|
| | January 1976 | January 1977 | Jan. 6, 1978 | Jan. 13, 1978 | Jan. 29, 1978 |
| Low volatile metallurgical coal [1] | NA | NA | (*) | (*) | (*) |
| Medium volatile metallurgical coal [2] | NA | NA | (*) | (*) | (*) |
| High volatile metallurgical coal [3] | NA | NA | (*) | (*) | (*) |
| Total metallurgical coal | NA | NA | 174,709 | 311,331 | 97,800 |
| Other bituminous coal | NA | NA | | | |
| Total bituminous coal | 834,857 | 483,983 | 174,709 | 311,331 | 97,800 |
| Coke of coal | 12,326 | 20,514 | 4,466 | 5,062 | 29,143 |

[1] 22 pct of less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to section 7 (c) of the Export Administration Act of 1969, as amended.
* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
*** Partial, in content tons.
NA Not Available.

Source: Office of Export Administration, and Bureau of the Census.





TABLE 2.—*Contracts for export of bituminous coal and coke of coal (in short tons)*

[For week ending Jan. 20, 1978]

| Commodity | Contracts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Week ending | | | | | | Next 6 weeks | Total for 12 weeks |
| | Jan. 27, 1978 | Feb. 3, 1978 | Feb. 10, 1978 | Feb. 17, 1978 | Feb. 24, 1978 | Mar. 3, 1978 | | |
| Low volatile metallurgical coal [1] | 136,482 | 108,802 | 109,922 | 90,882 | 153,882 | 90,886 | 1,001,208 | 1,692,064 |
| Medium volatile metallurgical coal [2] | 463,699 | 290,914 | 194,500 | 107,150 | 369,968 | 211,450 | 1,885,671 | 3,523,350 |
| High volatile metallurgical coal [3] | 63,960 | 42,010 | 31,510 | 36,710 | 67,210 | 36,710 | 278,137 | 558,247 |
| Total metallurgical coal | 664,141 | 441,726 | 335,932 | 234,742 | 591,058 | 339,046 | 3,165,016 | 5,771,861 |
| Other bituminous coal | (*) | (*) | (*) | (*) | (*) | (*) | (*) | (*) |
| Coke of coal | 66,157 | 3,057 | 23,247 | 27,292 | 2,171 | 2,307 | 15,992 | 140,223 |

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7 (c) of the Export Administration Act of 1969, as amended.

Source: Office of Export Administration and Bureau of the Census.

TABLE 3.—*U.S. exports by commodity and area of destination (in short tons)*

[For week ending Jan. 20, 1978]

| Commodity and area of destination | Weekly average | | | Week ending | |
|---|---|---|---|---|---|
| | December 1975 | December 1978 | November 1977 | Dec. 9, 1977 | Dec. 16, 1977 |
| Low volatile [1] metallurgical coal: | | | | | |
| Asia | | | 7,458 | 111,525 | 24,808 |
| Europe | | | 43,463 | 40,893 | 69,440 |
| Western hemisphere | | | 82,956 | 46,718 | 2,647 |
| Total | NA | NA | **133,877 | 199,136 | 96,895 |
| Medium volatile [2] metallurgical coal: | | | | | |
| Asia | | | | 102,906 | 93,291 |
| Europe | | | | 173,711 | 15,958 |
| Western hemisphere | | | | 6,803 | 9,383 |
| Total | NA | NA | NA | 283,420 | 118,632 |
| High volatile [3] metallurgical coal: | | | | | |
| Asia | | | | 11,331 | 0 |
| Europe | | | | 0 | 78,532 |
| Western hemisphere | | | | 35,724 | 100,295 |
| Total | NA | NA | NA | 47,055 | 176,827 |
| Total metallurgical coal: | | | | | |
| Asia | | | 377,151 | 225,762 | 118,099 |
| Europe | | | 269,606 | 214,604 | 161,930 |
| Western hemisphere | | | 224,411 | *110,093 | *112,325 |
| Total | NA | NA | ***889,125 | *550,459 | *436,605 |

| Commodity and area of destination | Week ending | | | | |
|---|---|---|---|---|---|
| | Dec. 23, 1977 | Dec. 30, 1977 | Jan. 6, 1978 | Jan. 13, 1978 | Jan. 20, 1978 |
| Low volatile [1] metallurgical coal: | | | | | |
| Asia | (*) | (*) | (*) | (*) | (*) |
| Europe | (*) | (*) | (*) | (*) | (*) |
| Western hemisphere | (*) | (*) | (*) | (*) | (*) |
| Total | (*) | (*) | (*) | (*) | (*) |
| Medium volatile [2] metallurgical coal: | | | | | |
| Asia | (*) | (*) | (*) | (*) | (*) |
| Europe | (*) | (*) | (*) | (*) | (*) |
| Western hemisphere | (*) | (*) | (*) | (*) | (*) |
| Total | (*) | (*) | (*) | (*) | (*) |
| High volatile [3] metallurgical coal: | | | | | |
| Asia | (*) | (*) | (*) | (*) | (*) |
| Europe | (*) | (*) | (*) | (*) | (*) |

TABLE 3.—*U.S. exports by commodity and area of destination (in short tons)*—Continued

| Commodity and area of destination | Weekly average December 1975 | Weekly average December 1976 | Weekly average November 1977 | Week ending Dec. 9, 1977 | Week ending Dec. 16, 1977 |
|---|---|---|---|---|---|
| | | | | Week ending | |
| | Dec. 23, 1977 | Dec. 30, 1977 | Jan. 6, 1978 | Jan. 13, 1978 | Jan. 20, 1978 |
| Western hemisphere | (*) | (*) | (*) | (*) | (*) |
| Total | (*) | (*) | (*) | (*) | (*) |
| Total metallurgical coal: | | | | | |
| Asia | 134,389 | (*) | (*) | (*) | (*) |
| Europe | 208,831 | (*) | (*) | (*) | (*) |
| Western hemisphere | 136,928 | (*) | (*) | (*) | (*) |
| Total | 521,109 | 128,822 | 174,709 | 311,331 | 97,800 |
| | | Weekly average | | Week ending | |
| | December 1975 | December 1976 | November 1977 | Dec. 09, 1977 | Dec. 16, 1977 |
| Other bituminous coal | NA | NA | 158,326 | 129,424 | 351,669 |
| Total bituminous coal | 1,023,827 | 1,044,281 | 1,047,451 | 679,883 | 788,274 |
| Coke of coal | 16,646 | 7,287 | 33,179 | 3,922 | 9,624 |
| | | | | Week ending | |
| | Dec. 23, 1977 | Dec. 30, 1977 | Jan. 6, 1978 | Jan. 13, 1978 | Jan. 20, 1978 |
| Other bituminous coal | 59,500 | 0 | 0 | 0 | 0 |
| Total bituminous coal | 580,509 | 128,822 | 174,709 | 311,331 | 97,800 |
| Coke of coal | 2,843 | 3,922 | 4,466 | 5,062 | 29,143 |

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[*] Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
[**] Partial, in content tons.
[***] Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.
NA: Not available.
Source: Office of Export Administration, and the Bureau of the Census.

TABLE 4.—*Anticipated exports by commodity and area of destination (in short tons)*

[For week ending Jan. 20, 1978]

| Commodity and area of destination | Contracts: Week ending Jan. 27, 1978 | Feb. 3, 1978 | Feb. 10, 1978 | Feb. 17, 1978 | Feb. 24, 1978 | Mar. 3, 1978 | Next 6 weeks | Total for 12 weeks |
|---|---|---|---|---|---|---|---|---|
| Total metallurgical coal:[1] | | | | | | | | |
| Asia | 365,648 | 174,089 | 109,761 | 87,421 | 315,437 | 191,725 | 1,700,743 | 2,944,824 |
| Europe | 263,106 | 123,726 | 192,076 | 113,228 | 241,526 | 113,226 | 1,226,703 | 2,273,589 |
| Western hemisphere | 35,387 | 143,911 | 34,095 | 34,095 | 34,095 | 34,095 | 204,570 | 520,248 |
| Total | 664,141 | 441,726 | 335,932 | 234,742 | 591,058 | 339,046 | [3]3,165,016 | [5]5,771,661 |
| Other bituminous coal | (*) | (*) | (*) | (*) | (*) | (*) | (*) | (*) |
| Total bituminous coal | (*) | | | | | | | |
| Coke of coal | 86,157 | 3,037 | 23,247 | 27,292 | 2,171 | 2,307 | 15,992 | 140,223 |

[1] Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[2] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[3] Data withheld to avoid disclosure of data withheld above. See footnote 2.
[4] Includes 33,000 short tons to destinations not listed above.
Source: Office of Export Administration and Bureau of the Census.





TABLE 5.—*Export prices of bituminous coal and coke of coal, in dollar per short ton*

[Week ending Jan. 20, 1978]

| Commodity | January 1976 average | January 1977 average | November 1977 average | Weighted average | High | Low |
|---|---|---|---|---|---|---|
| Low volatile metallurgical coal[1] | NA | NA | NA | (*) | (*) | (*) |
| Medium volatile metallurgical coal[2] | NA | NA | NA | (*) | (*) | (*) |
| High volatile metallurgical coal[3] | NA | NA | NA | (*) | (*) | (*) |
| Total metallurgical coal | NA | NA | $53.84 | $48.94 | $56.00 | $46.00 |
| Other bituminous coal | NA | NA | 35.01 | | | |
| Total bituminous coal | $49.16 | $54.34 | 50.99 | 48.94 | 56.00 | 46.00 |
| Coke of coal | 61.22 | 45.25 | 79.70 | 51.64 | 142.79 | 33.29 |

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

TABLE 6.—*U.S. trade in bituminous coal and coke of coal, in short tons*

[For week ending Jan. 20, 1978]

| | Weekly average, December 1975 | Weekly average, December 1976 | Weekly average, November 1977 | Week ending Dec. 9, 1977 | Week ending Dec. 16, 1977 | Week ending Dec. 23, 1977 | Week ending Dec. 30, 1977 |
|---|---|---|---|---|---|---|---|
| Imports: | | | | | | | |
| Bituminous coal[1] | 20,097 | 21,452 | 31,158 | NA | NA | NA | NA |
| Coke of coal | 20,774 | 28,903 | 41,267 | NA | NA | NA | NA |
| Exports: | | | | | | | |
| Bituminous coal[1] | 1,023,827 | 1,044,281 | 1,047,451 | 679,883 | 788,274 | 580,609 | 128,822 |
| Coke of coal | 16,646 | 7,287 | 33,179 | 3,922 | 9,624 | 2,843 | 3,922 |
| | | | January 1976 average | January 1977 average | Week ending Jan. 6, 1978 | Week ending Jan. 13, 1978 | Week ending Jan. 20, 1978 |
| Imports: | | | | | | | |
| Bituminous coal[1] | | | 16,346 | 27,198 | NA | NA | NA |
| Coke of coal | | | 3,483 | 5,987 | NA | NA | NA |
| Exports: | | | | | | | |
| Bituminous coal[1] | | | 834,857 | 483,983 | 174,709 | 311,331 | 97,800 |
| Coke of coal | | | 12,326 | 20,514 | 4,466 | 5,062 | 29,143 |

[1] Includes both metallurgical grade and steam coal.
Source: Office of Export Administration and Bureau of the Census.

TABLE 7.—*Bituminous coal and coke of coal* production, consumption, and stocks (in thousand short tons)*

[For week ending Jan. 21, 1978]

| | Weekly average December 1975 | Weekly average December 1976 | Weekly average November 1977 | Week ending Dec. 10, 1977 | Week ending Dec. 17, 1977 | Week ending Dec. 24, 1977 | Week ending Dec. 31, 1977 |
|---|---|---|---|---|---|---|---|
| Total bituminous coal production** | 12,019 | 12,593 | 14,798 | 9,100 | 5,080 | 5,515(R) | 5,700 |
| Consumption | | | | | | | |
| Metallurgical*** | 1,519 | 1,568 | NA | 1,290 | 1,368 | 1,364 | 1,324 |
| Other bituminous | | | | | | | |
| Electric utility | 8,414 | 9,387 | NA | 9,228 | 9,550 | 9,398 | 8,928 |
| General industry | 1,358 | 1,421 | NA | 1,330 | 1,252 | 1,163 | 1,146 |
| Total other | 9,772 | 10,808 | NA | 10,558 | 10,802 | 10,561 | 10,074 |
| Total bituminous | 11,291 | 12,376 | NA | 11,848 | 12,170 | 11,925 | 11,398 |
| Bituminous coal stocks (end of specified periods) | | | | | | | |
| Metallurgical*** | 8,671 | 9,804 | NA | 15,084(R) | 14,776 | 13,982 | 13,088 |
| Other Bituminous | | | | | | | |
| Electric utility | 109,707 | 117,468 | NA | 146,171(R) | 141,691 | 136,993 | 131,308 |
| General industry | 8,504 | 8,900 | NA | 9,495 | 9,248 | 8,896 | 8,425 |
| Total other | 118,211 | 124,368 | NA | 155,666 | 150,939 | 145,889 | 139,713 |
| Total bituminous | 126,882 | 134,172 | NA | 170,750 | 165,715 | 159,871 | 152,801 |
| | Weekly average January 1976 | January 1977 | Jan. 7, 1978 | Jan. 14, 1978 | Week ending Jan. 21, 1978 | Jan. 28, 1978 | Feb. 4, 1978 |
| Total bituminous coal production** | 11,627 | 9,520 | 5,755 | 5,260(R) | 4,985 | | |
| Consumption | | | | | | | |
| Metallurgical*** | 1,505 | 1,428 | 1,291 | 1,192 | 1,221 | | |
| Other bituminous | | | | | | | |
| Electric utility | 9,009 | 9,730 | 9,359 | 9,652 | 9,763 | | |
| General industry | 1,211 | 1,442 | 1,220 | 1,298 | 1,199 | | |
| Total other | 10,220 | 11,172 | 10,579 | 10,950 | 10,962 | | |
| Total bituminous | 11,725 | 12,600 | 11,870 | 12,142 | 12,183 | | |
| Bituminous coal stocks (end of specified periods) | | | | | | | |

TABLE 7.—*Bituminous coal and coke of coal* production, consumption, and stocks (in thousand short tons)*—Continued

| | Weekly average | | | Week ending | | | |
|---|---|---|---|---|---|---|---|
| | December 1975 | December 1976 | November 1977 | Dec. 10, 1977 | Dec. 17, 1977 | Dec. 24, 1977 | Dec. 31, 1977 |
| Metallurgical*** | 8,115 | 8,107 | 11,992 | 10,900 | 9,771 | | |
| Other bituminous | | | | | | | |
| Electric utility | 104,456 | 103,883 | 126,266 | 119,399 | 112,535 | | |
| General industry | 6,425 | 5,960 | 8,046 | 7,579 | 7,246 | | |
| Total other | 110,881 | 109,843 | 134,314 | 126,978 | 119,781 | | |
| Total bituminous | 118,996 | 117,950 | 146,306 | 137,878 | 129,552 | | |

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data Source: Department of Energy.

TABLE 8.—*Representative domestic bituminous coal and coke of coal prices (Dollars per short tons FOB mine of coke plant)*

[For Week Ending Jan. 21, 1978]

| | | Metallurgical Coal | | | Other bituminous | Coke | |
|---|---|---|---|---|---|---|---|
| | | Low volume | Medium volume | High volume | | Furnace | Foundry |
| December 1975 | Spot | (46.38) | | 29.28 | 17.37 | NA | 110/117 |
| | Contract | NA | NA | NA | NA | NA | NA |
| December 1976 | Spot | 33/50 | 28/33 | 27/33 | 16.12 | 85/97 | 121/125 |
| | Contract | 45.75/49.50 | 40/46.50 | 34/40 | 17.37 | NA | NA |
| November 1977 | Spot | 42/51 | 31/37 | 29/36 | 18.75 | 85/90 | 129/132.50 |
| | Contract | 43/50 | 40/43 | 31/38 | 18.81 | NA | NA |
| Week ending Dec. 10, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Dec. 17, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 85/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Dec. 24, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Dec. 30, 1977 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Jan. 7, 1978 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Jan. 14, 1978 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |
| Week ending Jan. 21, 1978 | Spot | 44/51 | 31/37 | 29/36 | 18.87 | 80/90 | 129/134 |
| | Contract | 43/50 | 40/43 | 31/38 | 19.12 | NA | NA |

Source: McGraw-Hill's "Coal Week." Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.
NA: Not Available.

[FR Doc. 78-4791 Filed 2-17-78; 12:58 pm]

[3510-25]

**Industry and Trade Administration**

**JOINT MEETING—SIX TECHNICAL ADVISORY COMMITTEES**

**Notice of Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the six technical advisory committees listed below will be held on Thursday, March 16, 1978, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

1. Computer Systems Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

2. Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

3. Numerically Controlled Machine Tool Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

4. Semiconductor Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

5. Electronic Instrumentation Technical Advisory Committee. This Committee was initially established on October 23, 1973. On October 7, 1975, and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. section 2404(c)(1) and the Federal Advisory Committee Act.

6. Telecommunications Equipment Technical Advisory Committee. This Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

These committees, where they have expertise in such matters, advise the Office of Export Administration, U.S. Department of Commerce, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committees will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control, program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed by each of the aforementioned technical advisory committees in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the committees during the joint meeting have been properly classified under Executive Order 11652. All committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Following are the dates of approval of the Notices of Determination to close meetings or portions thereof of the series of meetings of the technical advisory committees involved in this joint meeting, and of any subcommittees thereof; the dates the full texts of the Notices of Determination were published in the FEDERAL REGISTER; and the FEDERAL REGISTER citations:

| | Date approved | Date published |
|---|---|---|
| Computer Systems Technical Advisory Committee. | Jan. 27, 1977.. | Feb. 2, 1977 (42 FR 6374). |
| Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee | do..... | Feb. 8, 1977 (42 FR 7973). |
| Numerically Controlled Machine Tool Technical Advisory Committee. | do..... | Feb. 1, 1977 (42FR 5991). |
| Semiconductor Technical Advisory Committee. | do..... | Mar. 2, 1977 (42 FR 12078). |
| Electronic Instrumentation Technical Advisory Committee. | Oct. 21, 1977.. | Oct. 28, 1977 (42 FR 56767). |
| Telecommunications Equipment Technical Advisory Committee. | Apr. 22, 1977... | May 25, 1977 (42 FR 26882). |

Dated: February 17, 1978.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.*

[FR Doc. 78-4899 Filed 2-23-78; 8:45 am]

[3510-22]

**National Oceanic and Atmospheric Administration**

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE**

**Public Meeting**

A meeting of the Scientific and Statistical Committe of the New England Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will be held on March 15, 1978, from 9:30 a.m. to approximately 4:30 p.m., at the JFK Building, Room 307, Government Center, Boston, Mass. The meeting may be extended or shortened depending on progress on the agent.

*Proposed Agenda:* (1) Herring Population Modeling; (2) Long-term Economic and Social Data Needs; and (3) Other Business.

The meeting is open to the public. For more information of seating, changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, Telephone 617-535-5450.

Dated: February 16, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4895 Filed 2-23-78; 8:45 am]

[3510-22]

**COMMONWEALTH OF VIRGINIA**

**Determination of Commercial Fishery Failure Due to Resource Disaster**

Whereas, many individuals and firms in Virginia are engaged in harvesting, processing, and marketing oysters to meet consumer demands; and

Whereas, the oyster resources in Virginia make an imortant contribution to the economy of this State with a combined production value of more than $10 million; and

Whereas, mortalities of oyster stocks due to ice scouring in the 1976-77 winter months, a natural cause, was about 95 percent on public oyster beds on the Eastern Shore; and

Whereas, it is known that the damaged oyster resources can be effectively and economically restored through planting of cultch material;

Now, therefore, as the authorized representative of the Secretary of Commerce, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster arising from natural causes within the meaning of subsection 4(b) of the Commercial Fisheries Research and Development Act as amended. I hereby authorize the use of Federal funds under this Act to restore and put back into production the damaged oyster resources in Virginia's Eastern Shores.

RICHARD A. FRANK,
*Administrator.*

[FR Doc. 78-4898 Filed 2-23-78; 8:45 am]

[3810-70]

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**DEFENSE SCIENCE BOARD TASK FORCE ON COMMAND AND CONTROL SYSTEMS MANAGEMENT**

**Advisory Committee Meeting**

The Defense Science Board Task Force on Command and Control Systems Management will meet in closed session on March 23-24, 1978, in the Pentagon, room 3E282.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is examining possible improvements in the process by which the Department of Defense plans for, develops and acquires Defense command and control systems.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: February 21, 1978.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.*

[FR Doc. 78-4945 Filed 2-23-78; 8:45 am]

[3128-01]

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[ERA Docket No. SEPA 78-1 and Supplement No. 1]

### LAUREL PROJECT, SOUTHEASTERN POWER ADMINISTRATION

### Intent To Act on Proposal for Short-Term Rates and Amendment to Notice of Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice.

SUMMARY: On February 6, 1977, the Acting Assistant Secretary for Resources Applications requested that the Administrator of the Economic Regulatory Administration (ERA) confirm and approve short-term rates and charges for the Laurel project, Southeastern Power Administration, for a period beginning on November 1, 1977, and ending on April 30, 1978. This request amends an earlier request from the Acting Assistant Secretary to confirm and approve rates and charges for a period ending on January 31, 1978. The purpose of this notice is to advise the public that the Administrator of ERA intends to exercise his confirmation and approval authority with respect to the Acting Assistant Secretary's requests in a consolidated proceeding, to invite interested parties to submit written comments, and to offer interested parties the opportunity to make an oral presentation at a public hearing. The public hearing on the earlier request previously scheduled for February 23, 1978, is rescheduled for March 8, 1978.

DATES: Written comments are due on or before March 27, 1978. A public hearing will be held on March 8, 1978. Written summaries of oral testimony, if furnished, should be filed by March 6, 1978.

ADDRESSES: Ten copies of written comments should be submitted to: Office of Regulations Management, Box QQ, Department of Energy, Room 2313, 2000 M Street NW., Washington, DC 20461. The public hearing will be held in: Room 2105, 2000 M Street NW., Washington, DC 20461.

FOR FURTHER INFORMATION CONTACT:

A. Grey Staples, Office of Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Room 538, Washington, DC 20461, 202-254-9782; or

Richard W. Manning, Office of the General Counsel, 12th and Pennsylvania Avenue NW, Room 6146, Washington, DC 20461, 202-566-9653.

SUPPLEMENTARY INFORMATION: Pursuant to section 301(b) of the Department of Energy Organization Act (Pub. L. 95-91), the function to confirm and approve rates for the Southeastern Power Administration was transferred to the Secretary of Energy. By delegation order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Energy Regulatory Administration (ERA).

The Southeastern Power Administration entered into a contract (contract No. 89-00-1501-564) for the sale of power from the Laurel project to East Kentucky Power Cooperative, Inc., for a period beginning on November 1, 1977, and ending on January 31, 1978. On November 28, 1977, the Acting Assistant Secretary for Resource Applications (RA) requested ERA to confirm and approve the short term rates as contained in the contract. Notice of ERA's intent to act on this proposal was published in the FEDERAL REGISTER on December 23, 1977 (42 FR 64406), which invited interested parties to submit written comments relevant to the proposed short term rates. A public hearing was scheduled for February 23, 1978, in Washington, DC, 43 FR 5861 (February 10, 1978).

On February 6, 1978, RA requested that ERA confirm and approve the short-term rates and charges for a period beginning on November 1, 1977, and ending on April 30, 1978, on the ground that the subject contract was extended for an additional 3-month period through April 30, 1978. ERA is consolidating this request with RA's request of November 28, 1977, to eliminate the need to hold two separate hearings. Accordingly, the hearing scheduled for February 23, 1978, is rescheduled for March 8, 1978.

The public is invited to sumit comments, as set forth in this notice, relative to RA's requests. At the conclusion of the comment procedure the Administrator of ERA will evaluate all comments received in response to this notice and the notice published on December 23, 1977, and will take final action on the request for short term rates and charges.

### COMMENT PROCEDURES

Interested persons are invited to submit comments with respect to the subject matter set forth in this notice to: Office of Regulations Management, Box QQ, Room 2313, Department of Energy, 2000 M Street NW., Washington, DC 20461.

Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t., March 27, 1978.

Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it, will be afforded an opportunity to make an oral presentation at a public hearing. DOE will establish the procedures governing the conduct of the hearing. The length of each presentation may be limited based on the number of persons requesting to be heard.

The hearing will be held in Room 2105, 2000 M Street NW., Washington, DC, on March 8, 1978, and will begin at 9:30 a.m.

Public comments and the hearing record will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC, between the hours of 8 a.m., and 4:30 p.m., Monday through Friday.

Issued in Washington, DC, February 21, 1978.

DOUGLAS C. BAUER,
*Assistant Administrator for Utility Systems, Economic Regulatory Administration.*

[FR Doc. 78-4896 Filed 2-23-78; 8:45 am]

[3128-01]

## Office of the Special Counsel for Compliance

[Case No. 660R00102]

### KERR-McGEE CORP.

### Notice of Proposed Consent Order

### I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Department of Energy (DOE) hereby gives Notice of a Consent Order which was executed between Kerr-McGee Corp. (Kerr-McGee) and the DOE on January 30, 1978. In accordance with that section, DOE will receive comments with respect to this Consent Order. Although DOE has signed and tentatively accepted this Consent Order, DOE may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.





### II. THE CONSENT ORDER

Kerr-McGee Corp., with its home office located in Oklahoma City, Okla. 73102, is a refiner engaged in the production of crude oil and refining and marketing of petroleum products subject to DOE Regulations. Triangle Refineries, Inc. (TRI), a subsidiary of Kerr-McGee, and Cotton Valley Solvents Co. (CVSC), a subsidiary of TRI, are both firms subject to DOE regulations.

On July 1, 1973, Kerr-McGee and the previously mentioned subsidiaries discontinued an early payment discount to certain customers on certain products. Kerr-McGee Refining Corp. discontinued an early payment discount on No. 1 and No. 2 distillates, gasoline, and bulk lube products. TRI discontinued the early payment discount on gasoline and distillate products. CVSC discontinued the early payment discount on naphtha. Kerr-McGee reinstated the discount on February 1, 1976, but CVSC did not reinstate the discount until March 1, 1976. DOE has preliminarily determined that Kerr-McGee's discontinuation of the early payment discount or its modification constitutes the imposition of more stringent credit terms than those in effect on May 15, 1973, for the class of purchasers, in violation of 10 CFR § 210.62.

In resolution of the issue raised, DOE and Kerr-McGee executed a Consent Order on January 30, 1978, the significant terms of which are as follows:

(1) Kerr-McGee, within 90 days of the effective date of the Consent Order, will refund to its overcharged customers $6,636,626 plus interest.

(2) Kerr-McGee will compute its recovery of increased product costs without regard to the amount discounted because of early payment, pursuant to Ruling 1975-13.

(3) The provisions of 10 CFR § 205.197, including the publication of this Notice, are applicable to the Consent Order.

### III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Gerald E. Koester, Branch Manager, Southwest District Refiner Audit, Tulsa Branch Office, P.O. Box 45875, Tulsa, Okla. 74145. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 918-581-7986.

Comments should be identified on the outside of the envelope and on documents submitted with the designation, "Comments on Kerr-McGee Consent Order." All comments received by 4:30 p.m. c.s.t., on or before April 7, 1978 will be considered by the DOE in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., on February 17, 1978.

PAUL L. BLOOM,
*Special Counsel for Compliance.*

[FR Doc. 78-4859 Filed 2-23-78; 8:45 am]

[6740-02]

## FEDERAL ENERGY REGULATORY COMMISSION

[Project No. 2146]

### ALABAMA POWER CO. (WALTER BOULDIN DAM)

### Meeting

FEBRUARY 17, 1978.

TIME: 1 p.m., March 2, 1978.

PLACE: Hearing Room G, South Building, 825 North Capitol Street, NE., Washington, D.C.

EXPECTED PARTICIPANTS:

FERC STAFF: Messrs. Lindsay, Stout, Corso, Wilson, Occhipinti, Thomas (Washington Office), and Fishburne, Miller, and Askew (ARO), and Mr. Hagenlock (or OGC representative).

Others: Messrs. Barton (Exec. V.P.), Clayton (Senior V.P.), Krotzer, Dougherty, Glass (Alabama Power Co.), Swiger and Conn (Consulting Board), and Legal Counsel (APCO).

PURPOSE: To discuss Alabama Power Co.'s licensee program for remedial work to Logan Martin Dam (FERC Project No. 2146) as directed by the Commission's letter dated October 27, 1977.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4920 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP75-80]

### ALABAMA-TENNESSEE NATURAL GAS CO.

### Proposed Tariff Filing

FEBRUARY 16, 1978.

Take notice that on February 10, 1978, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute First Revised Sheet No. 36-A and Substitute First Revised Sheet No. 36-B. These revised tariff sheets are proposed to become effective as of March 12, 1978. They are in substitution for and supersede the tariff sheets heretofore filed by Alabama-Tennessee on January 16, 1978.

According to Alabama-Tennessee, the purpose of these revised tariff sheets is to provide in section 22.2 of the General Terms and Conditions that, in the event that resale customers obtain supplemental volumes of natural gas from any source other than Alabama-Tennessee sufficient to provide volumes of natural gas in excess of their priorities 1 and 2 at a time when Alabama-Tennessee has in effect on its system curtailments to its resale customers in priorities 1 and 2, then, in that event, Alabama-Tennessee will curtail such customer or customers deliveries equivalent to such excess volumes of natural gas so that such volumes may be distributed equitably to the remaining resale, but not direct industrial, customers being curtailed into priorities 1 and 2. These tariff revisions do not provide for changes in rates.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said filing should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4914 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-337]

### ALGONQUIN GAS TRANSMISSION

### Petition To Amend

FEBRUARY 17,1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the

Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of ths proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 6, 1978, Algonquin Gas Transmission Company (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP77-337 a petition to amend the order of June 20, 1977 (57 FPC) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to permit Petitioner to continue its natural gas storage service under Rate Schedule S-T at rates which may be changed to reflect changes in rate made by Texas Eastern Transmission Corp. (Texas Eastern) in its ISS storage rate that one caused by changes in the GSS storage rate of Consolidated Supply Corp. (Consolidated Gas), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of June 20, 1977, Petitioner is rendering a limited-term storage service under its Rate Schedule S-T. It is further indicated that in order to render such service, Petitioner has purchased a limited-term storage service from Texas Eastern under the latter's Rate Schedule ISS, and Texas Eastern has been rendering such service pursuant to its certificate authorization issued in Docket No. CP77-313. Texas Eastern, in turn, has purchased a limited-term storage service from Consolidated Gas under the latter's Rate Schedule GSS, it is stated.

Petitioner indicates that it is filing this petition pursuant to the suggestion made by the Commission in its order of January 27, 1978, in Docket No. CP77-313, RP77-28, et al. It is indicated that pursuant to such order the Commission amended Texas Eastern authorization in Docket No. CP77-313 so as to permit Texas Eastern to reflect in its ISS rate any changes that occur in Consolidated Gas' storage service rate under the latter's Rate Schedule GSS.

Petitioner states that since it, in turn, receives storage service from Texas Eastern under Texas Eastern's Rate Schedule ISS, Petitioner had tendered with the Commission for filing a proposed change in its tariff which would have enabled Petitioner to tract such increased storage service costs from Texas Eastern through to Petitioner's storage service customers, i.e., customers receiving service under Petitioner's Rate Schedule S-T. It is indicated, however, that pursuant to the order of January 27, 1978, the Commission rejeced the proposed tariff changes as a rate filing, since the Commission's General Policy, as set forth in § 145.38(d)(3) of the Regulations under the Natural Gas Act (18 CFR 145.38(d)(3)), does not permit such tracking filings under the rate provisions of the Natural Gas Act. The Commission indicated that Petitioner's rejected tariff filing was more properly a certificate matter, and Petitioner should file a modification of its certificate(s) authorizing continuation of sales of natural gas at rates which would reflect changes in Texas Eastern's rates, it is asserted.

Accordingly, Petitioner requests that the Commission amend its order in the instant docket so as to provide for the continuation of its S-T service at rates which reflect changes in Texas Eastern's ISS rate that are caused by changes in the GSS storage service rate of Consolidated Gas. Petitioner indicates that pursuant to the Commission's order of January 27, 1978, in Docket No. CP77-313, et al., the Commission amended Texas Eastern's certificate to sell natural gas storage service under its Rate Schedule ISS at rates which may be changed to reflect changes in rates by Consolidated Gas for sales under Rate Schedule GSS of storage service to Texas Eastern. Petitioner states that it has been notified by Texas Eastern that there would be an increase in its ISS rate to Petitioner, effective April 2, 1978, due to a GSS rate increase by Consolidated Gas which becomes effective on that date.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4921 Filed 2-23-78; 8:45 am]

[6740-02]

## ARKANSAS POWER & LIGHT CO.

[Project No. 271]

### Application for an Amendment of License

FEBRUARY 17, 1978.

Public notice is hereby given that an application was filed on November 30, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r), by Arkansas Power & Light Co. (Applicant) (Correspondence to: Peyton G. Bowman, III, Reid & Priest, 1701 K Street NW., Washington, D.C. 20006) for an amendment of license for FERC Project No. 271, known as the Carpenter & Remmel Developments. Project No. 271 is located on the Ouachita River in the Counties of Garland and Hot Springs, Ark.

Applicant seeks Commission approval of an amendment to the license for Project No. 271 which would allow Arkansas Power & Light Co. to grant permission to property owners around the periphery of Lake Hamilton to erect certain bulkheads or retaining walls to prevent further erosion of lakeshore property. Lake Hamilton is located within the boundary of Project No. 271. Applicant also seeks authorization to grant permits for the construction or installation within the project boundary of piers, boat docks, and boat ramps.

Any person desiring to be heard or to make protest with reference to said application should, on or before April 3, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.





The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4922 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RI78-10]

## CARL E. SMITH

### Amended Petition for Special Relief

FEBRUARY 17, 1978.

Take notice that on January 30, 1978, Carl E. Smith, Inc. (CES), P.O. Box 4, Sandyville, W. Va. 25275, filed an amended petition for special relief in the captioned docket, pursuant to § 2.76 of the Commission's Rules of Practice and Procedure. In its amended petition, CES requests authorization to charge $1.74 per Mcf for gas sold to Consolidated Gas Supply Corp. (Consolidated) from three wells located on the Turner "A" Lease, Morris Creek, Kenawha County, W. Va.

In its original petition for special relief, filed on November 8, 1977 and noticed on December 8, 1977, CES requested authorization to charge $1.79 per Mcf for the sale of the same gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4923 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP73-65; (PGA78-2)]

## COLUMBIA GAS TRANSMISSION CORP.

### Proposed Changes in FERC Gas Tariff

FEBRUARY 17, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on January 27, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Fortieth Revised Sheet No. 16.
Twentieth Revised Sheet No. 64A.

These proposed changes to be effective March 1, 1978, reflect the following rate adjustments:

(1) A PGA rate adjustment, pursuant to section 20.4(d) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover increased cost of gas purchased of $95,477,505, annually.

(2) A Commodity Surcharge, pursuant to section 20.2 of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover $23,920,462 of deferred Purchased Gas cost over the six month period March 1, 1978 through August 31, 1978. Such surcharge includes the effect of: (1) supplier refunds received; (2) revenue received from Distributors for transportation of volumes under the Emergency Natural Gas Act; (3) the undercollection of the special surcharge as authorized by FPC Opinion No. 770 and 770A; and (4) current and prior period emergency arrangements.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4915 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-213]

## THE CONNECTICUT LIGHT AND POWER CO.

### Proposed Transmission Agreement

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, the Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated December 27, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Westfield Gas and Electric Department (Westfield).

CL&P states that the Transmission Agreement provides for a transmission service to Westfield during the period from January 1, 1978 to October 31, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which Westfield is entitled to receive.

CL&P requests an effective date of January 1, 1978 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn.; WMECO, West Springfield, Mass. and Westfield, Westfield, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4924 Filed 2-23-78; 8:45 am]

[6740-02]

## EL PASO NATURAL GAS CO., ET AL.

### Order Granting Motion for Phasing of Proceedings and Deferral of Procedures Concerning Remedy

FEBRUARY 13, 1978.

In the matter of El Paso Natural Gas Co. (Docket No. CP74-314); Northwest Pipeline Corp., (Docket No. CP76-327); and Sun Oil Co., et al. (Docket No. CI77-526).

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), (Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the

Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responisble for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

A motion requesting phasing of the jurisdictional and remedial issues in this proceeding (i.e., Commission consideration of the jurisdictional issue prior to examining the problem of a remedy), was filed by the Designated Respondents on December 12, 1977, and for the reasons stated therein we now find that sufficient cause exists to phase the proceedings at this time. Therefore, we will now order that proceedings be directed specifically to the jurisdictional issues. Should resolution of the jurisdictional issues result in a finding that the transactions in question here are the equivalent of a producer sale of gas for resale in interstate commerce and therefore subject to FERC jurisdiction, we will then consider procedures to resolve the issue of remedy.

The reasons given by the respondents are essentially that a decision on the jurisdictional issues could be reached in the relatively near future, while the collection of evidence and determination of a regulatory remedy would take much longer. Therefore, efficiency and the interest of all parties in a prompt decision on jurisdiction dictates that this issue be separated and decided first.

The motion of the Designated Respondents for Phasing of Proceedings was supported by William G. Webb, et al., producer applicants in consolidated proceedings, William G. Webb, et al., Docket Nos. G-6887, et al., (with the exceptions of Ralph E. Davis (Docket No. CI62-1175) and C. J. Brannan (Docket No. CI67-628).[2] The motion for phasing was also joined and adopted by respondent AMOCO Production Co.[3] The Commission Staff is agreeable to phasing of the jurisdictional and remedial issues.[4]

El Paso, supported by Pacific Gas and Electric Co., Northwest Pipeline Co. and William G. Webb, et al., contends that the Commission should defer any action on the motion until a decision could be rendered by the Fifth Circuit Court of Appeals in a case designated as *El Paso Natural Gas Company, et al., v. Sun Oil Company, et al.*, Docket No. 77-1762. In response to this contention we note that on January 9, 1978, the Fifth Circuit vacated its prior order granting referral of this case to the FERC for action and set the case for briefing on the merits of referral.[5] It remains our view, as stated in the order of July 29, 1977, that the Commission has an independent statutory mandate to determine the issues presented by this case and that we are neither required nor is it in the public interest to delay our proceedings pending the resolution of the questions pending before the court.

In taking the action we now adopt—to phase the jurisdictional and remedial issues of the case—we have not overlooked the arguments advanced by the People of the State of California and the Public Utilities Commission of the State of California in opposition to the Motions of the Designated Respondents for Phasing of Proceedings and Deferral of Procedural Dates.[6] California states that:

> • • • by deferring the remedy issue until such time as a determination on jurisdiction is conclusive would unduly delay relief for years. Such delay will effectively deny California ratepayers the possibility of receiving the benefit of any refunds that may flow from a decision as to remedy.

Moreover, the California ratepayer is now faced with the payment of hundreds of millions of dollars in rate increases as a result of the transactions at issue. See the testimony of staff witness Johnson on file in this proceeding. It should also be noted that California and El Paso Natural Gas Co. have submitted testimony with respect to remedy within the time prescribed by the Commission and the Administrative Law Judge. It is respectfully submitted that not only have Movants been dragging their feet in preparing for hearings with respect to remedy, they have not shown any specific reason that would have prevented them from moving expeditiously.[7]

Although we are sympathetic with the very real concerns of California gas consumers, we are nevertheless now convinced that phasing the jurisdictional and remedial issues will promote efficiency and a more expeditious proceeding than now appears possible by concurrent consideration of the two issues. As stated in the motion of the Designated Respondents at page 7:

> When it first considered the issue of phasing, the Commission opted for trial of the jurisdictional and remedy issues together, in the expressed belief that it would save time and promote efficiency. It is now clear that considering these two issues simultaneously is likely to delay, rather than foster, the timely and orderly consideration of this case. The evidence on jurisdiction, which will soon be complete, is likely to lie untouched for months while the parties develop evidence on remedy, an issue on which a hearing might never be necessary. This approach will result in needless waste of the time and resources of the parties and the Commission. The Commission apparently recognized this reality, as evidenced by Staff Counsel's statement to the Fifth Circuit that the Commission is willing to consider deferral of the remedy phase of these proceedings.

On December 27, 1977, the Presiding Administrative Law Judge suspended procedural dates on the issue of remedy in the case pending the decision of the Commission on the motion to phase.

On January 30, 1978, the Administrative Law Judge, in response to motions filed with him, extended dates for submission of evidence and ordered a hearing on the jurisdictional issue to commence on March 27, 1978.

Since issuance of the Court's order on January 9, 1978, another Motion of Respondents, who were defendants in *El Paso Natrual Gas Co.* v. *Sun Oil Co., supra*, joined by the Designated Respondents in this proceeding was filed on January 18, 1978, seeking a Stay of Proceeding pending final decision in the litigation now on appeal in the Fifth Circuit. The reasons advanced for a stay are, in summary, that the Court intends to consider the merits of the same issues now before the Commission; the Court's final determinations on referral to the Commission and on the merits of the District Court decision with respect to the overriding royalty payments may determine the future course of action by the Commission; failure to stay would result in duplication of effort in complying with procedural schedules of the Commission and the Court; and comity, judicial and administrative economy require issuance of a stay.

Responses in opposition to the Motion to Stay have been filed by El Paso, Northwest, Commission staff, the State of California, Pacific Gas and Electric Co. and Southern California. On the basis of their comments and upon our further consideration we will deny the motion.

As stated above, we find it is not in the public interest to delay these proceedings pending final court action. This Commission has an independent statutory mandate to determine the issue pending in these proceedings. In any event, the court has not yet ruled on the issues pending before it, and there is no certainty that a duplication of effort is required by now moving forward with this proceeding. Moreover, the time of final disposition of judicial action is uncertain. We therefore deny the Motion to Stay.

The Commission finds: (1) The phasing of the issues of jurisdiction and remedy will promote more efficient procedures for resolving all the issues than the concurrent consideration of both issues in this proceeding.

The Commission orders: (A) The Motion of the Designated Respondents for Phasing of Proceedings is granted.

(B) The Motion of Certain Respondents for Stay of Proceedings is denied.

(C) The Presiding Administrative Law Judge is directed to establish procedural dates for such further presentations by the parties directed solely to the issue of jurisdiction of the FERC as will permit a sound and expeditious resolution of this issue.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4918 Filed 2-23-78; 8:45 am]

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] Answer of William G. Webb, et al., filed December 15, 1977.

[3] Joinder of Amoco, filed December 15, 1977.

[4] Response of the Commission Staff to Motion of Certain Respondents for Deferral of Procedural Dates Concerning Remedy, filed December 21, 1977.

[5] Court order attached to Motion of Certain Respondents for Stay of Proceedings, filed January 18, 1978.

[6] Opposition of the People of the State of California and the Public Utilities Commission of the State of California to Motions of Designated Respondents, filed December 22, 1977.

[7] Opposition of California, *supra*, pp. 3, 4.





[6740-02]

[Docket No. CP78-180]

## TEXAS EASTERN TRANSMISSION CORP., AND SOUTHERN NATURAL GAS CO.

### Application

FEBRUARY 16, 1978.

Take notice that on February 2, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Southern Natural Gas Co. (Southern Natural), P.O. Box 2563, Birmingham, Ala. 35202, (Applicants) filed in Docket No. CP78-180 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional point of exchange, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants request authorization to establish an additional exchange point at the tailgate of Gulf Oil Co.'s Venice Processing Plant, Venice, La., where Applicants currently purchase gas and, where through mutually dispatching arrangements either company can make deliveries to the other by reducing its receipts under its gas purchase contract and permit the other to accept into its system the equivalent gas volumes.

Applicants indicate that there is a currently effective exchange agreement between them dated October 2, 1951 (Rate Schedule X-38 of Texas Eastern's FERC Gas Tariff, Original Volume 2 and Rate Schedule X-13 of Southern Natural's FERC Gas Tariff, Original Volume No. 2) which provides for the exchange of natural gas on an Mcf for Mcf basis at various points. It is indicated that exchanges under this and a preceding agreement were authorized by the Federal Power Commission's order of February 13, 1952, as amended in Docket Nos. G-1811 and in G-13223. Applicants indicate that pursuant to an agreement dated July 21, 1977, which agreement supersedes and cancels the existing exchange agreement between Applicants dated October 2, 1951, Applicants have provided for the additional exchange point for which authorization is requested herein.

Applicants assert that the Venice exchange point would be utilized to implement an arrangement between Applicants, whereby Texas Eastern would take into its system gas purchased and delivered by Southern Natural in Breton Sound Block 53 for redelivery to Texas Eastern

delivery to Southern Natural at the Venice plant, and that the additional point of exchange would also enhance the operating flexibility between the two companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4919 Filed 2-23-78; 8:45 am]

[6740-02]

**Federal Energy Regulatory Commission**

[Docket No. ER78-217]

**EDISON SAULT ELECTRIC CO.**

**Proposed Supplement to Electric Service Contract**

FEBRUARY 17, 1978.

Take notice that Edison Sault Electric Co. (Edison), on February 14, 1978, tendered for filing a Supplemental Agreement No. 1 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 10, 1977, which will supplement an existing Contract for Electric Service, dated February 1, 1977, between the same two parties. Edison indicates that the contract between the parties, dated February 1, 1977, has been designated Rate Schedule FERC No. 8 (Docket No. ER77-477). Edison states that the proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated February 1, 1977.

According to Edison, copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4925 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket Nos. AR70-1, CP69-23, and RP72-155]

**EL PASO NATURAL GAS CO.**

**Intended Disposition of Refunds**

FEBRUARY 17, 1978.

Take notice that on February 7, 1978, El Paso Natural Gas Co. ("El Paso") tendered for filing in the captioned proceedings an intended disposition of producer-supplier refunds received.

El Paso states that certain of El Paso's gas sales contracts, comprising a portion of the special FS rate schedules included as a part of Volume No. 2A of El Paso's FERC Gas Tariff,[1] provide for determination of sales rates collected thereunder based upon the weighted average cost of clean, high pressure gas ("CHPG") purchased by El Paso in the Permian Basin area. On October 4, 1977, pursuant to the Commission's Order Directing Disbursement and Flow-Through of Refunds issued April 12, 1977, at Docket No. AR70-1, West Lake Natural Gasoline Co. ("West Lake"), as plant operator of the West Lake Natural Gasoline Plant, made a producer-supplier refund to El Paso. Said refund represented the excess amount collected by West Lake under its FERC Gas Rate Schedule No. 1, for residue gas sold by West Lake to El Paso during the period June, 1960 through December, 1967.

In as much as the West Lake Plant is a source of CHPG, such refund to El Paso has the corresponding effect of reducing the CHPG weighted average purchased cost utilized by El Paso in determining the sales rates applicable under the subject FS rate schedules during the refund period involved. Accordingly, El Paso has recomputed the CHPG weighted average purchased cost applicable to such period and has determined that refund amounts aggregating $35,553.45 are now due those resale customers under the rate provisions of certain of El Paso's FS rate schedules. Such $35,553.45 includes principal amounts of $16,123.09, plus interest thereon of $19,430.36.

El Paso states that a total of twenty-two (22) customers were provided gas service during the refund period of June 23, 1960, through December 31, 1967, and were contractually entitled to receive refunds, if any, attributable to final rate determination of the CHPG producer-supplier rates as ordered by the Commission. However, as a result of termination of service to one (1) of such customers and the transfer of sixteen (16) customers to other services in accordance with the directives of the aforementioned Commission order issued August 21, 1969, at Docket No. CP69-23, only five (5) customers are presently being served under the currently effective special FS rate schedules which are subject to the effective Purchased Gas Cost Adjustment Provision—Clean High Pressure Gas ("PGAC-CHPG") contained in El Paso's FERC Tariff, Original Volume No. 2A. In order to equitably distribute the subject refund to all entitled special FS rate schedule customers, El Paso has determined the appropriate amount of refunds due each entitled special FS rate schedule customer receiving service during the refund period, and will dispose of such amounts as follows:

(i) make a direct cash flow-through of the aggregate refund amount of $29,679.55 to those seventeen (17) customers whose sales have been transferred or terminated; and

(ii) credit to Account 191, in accordance with the applicable provisions of the currently effective PGAC-CHPG, the aggregate amount of $5,873.90 of refunds due the remaining five (5) customers now being served under special FS rate schedules still in effect.

With respect to item (ii) above, and in accordance with the effective CHPG-PGAC provisions, the appropriate credit to Account 191, applicable to the said five (5) customers, has been recorded on El Paso's books.

El Paso has served a copy of the instant report upon each of its affected customers and interested State regulatory commissions as required by ordering paragraph (D) of the said order of April 12, 1977, issued at Docket No. AR70-1.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken; but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4926 Filed 2-23-78; 8:45 am]

[6740-02]

[Project No. 2825]

**INTERNATIONAL GENERATION AND TRANSMISSION CO.**

**Applicotion for Preliminary Permit**

FEBRUARY 17, 1978.

Public notice is hereby given that an application for a preliminary permit has been filed on November 9, 1977, under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by International Generation & Transmission Co. (IG&T) for proposed Project No. 2825, to be known as the Milan Pumped Storage Project. The proposed project would be located in Coos County, N.H., with a power plant in the town of Milan, and storage reservoirs extending into the city of Berlin, N.H. Correspondence regarding the application should be sent to: Mr. John M. Harris, Vice President and Project Director (IG&T) P.O. Box 600, Berlin, N.H. 03570; with copies to: Earl F. Gage, Esq., Attorney-at-Law, Coe Street, Berlin, N.H. 03570.

IG&T seeks approval for a 36-month preliminary permit for the purpose of studying the feasibility of constructing a potential pumped storage hydroelectric project. In conjunction with the proposed project, IG&T intends to construct nuclear electric generating facilities with an ultimate capacity of 2,400 MW. The nuclear facilities would not be licensed by the Federal Energy Regulatory Commission.

The Milan Pumped Storage Project would include: (1) the Kilkenny Dam and Reservoir on the Upper Ammonoosuc River, serving as the upper reservoir for the project with a total storage capacity of 168,400 acre-feet and a surface area of 2,300 acres; (2) the West Milan Dam and Reservoir on the North Branch of the Upper Ammonoosuc River, serving as the lower reservoir for the project and as a cooling pond for the nuclear facilities, with a total storage capacity of 26,670 acre-feet and a surface area of 800 acres; (3) the Head Pond Dams and Reservoir on the North Branch of the Upper Ammonoosuc River, serving as an emergency source of cooling water for the nuclear facilities and as a recreational area, with a surface area of 500 acres; and (4) the Mud Pond Pumped Storage Hydroelectric Station located at what is presently Mud Pond, on the North Branch of the Upper Ammonoosuc River, utilizing an average head of 220 feet.

The Mud Pond Station would contain four 100-MW reversible hydroelectric pumped storage units which would provide firm peaking power. In addition, two 1.2-MW conventional hydroelectric units would be installed at the station and would utilize the flows through two 42-inch cold water intakes. The cold water would be taken from the bottom of Kilkenny Reservoir for eventual release 2.5 miles downstream from the West Milan Dam.

IG&T states that project power would be wholesaled to utilities in the northeast or in Canada. IG&T states that it is not now, nor does it intend to become, a public utility.

A Preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priorty of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make protest with reference to said application should, on or before April 24, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules) (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4927 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-176]

**KANSAS-NEBRASKA NATURAL GAS CO., INC.**

**Amendment to Application**

FEBRUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Take notice that on February 13, 1978, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), P.O. Box 608, Hastings, Nebr. 68901, filed in Docket No. CP77-176 an amendment to its application filed in the instant docket pursuant to section 7 of the Natural Gas Act so as to authorize the construction of certain facilities and for permission and approval to abandon certain other facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant indicates that it presently has pending before the Commission in the instant docket an application seeking authorization to install approximately 22 miles of 12-inch gathering pipeline in Fremont County, Wyo., and to abandon by sale to Northern Gas Co. (Northern Gas) approximately 29.3 miles of 6-inch gathering pipeline and 2.3 miles of 4-inch gathering pipeline (Castle-Garden line) in Fremont County, Wyo. Applicant states that the installation of the new 12-inch gathering line was necessary because Applicant must substantially increase its gathering pipeline capacity from the Madden Deep Unit Area in

[1] By order issued August 21, 1969, at Docket No. CP69-23, the Commission issued a certificate to El Paso granting, inter alia, authorization to continue service to 13 direct and 27 resale customers, under separate agreements, previously initiated at numerous points in production areas of El Paso's interstate pipeline system. Such order also accepted for filing Original Volume No. 2A to El Paso's FERC Gas Tariff, effective as of the date of said order, which contained the service agreements between El Paso and the said customers as special FS Rate Schedules.

order to meet its existing and reasonably projected future gas purchase contract obligations and to remain in a competition position to contract for additional gas reserves as they become available. Applicant states that it also sought authorization in its initial filing to abandon by sale the Castle-Garden gathering pipeline because it would be inadequate to handle the anticipated volumes to be acquired from the area. In its original application Applicant proposed to enter into a field exchange agreement with Northern Gas whereby volumes of gas delivered to the Castle-Garden pipeline facilities dedicated to Applicant would be received by Applicant by adjustment of volumes purchased from wells where Applicant and Northern were joint purchasers and which wells were attached to Applicant's other gathering facilities.

It is indicated that pursuant to the Federal Power Commission's (FPC) order of July 20, 1977, in the instant docket, Applicant was granted a temporary certificate to construct and operate the new gathering pipeline but that Applicant declined to enter a final decision granting the requested certificate and abandonment authorization because of the FPC's uncertainty with respect to the jurisdictional nature of the proposed exchange agreement between Applicant and Northern Gas. Applicant states that due to the unsettled nature of the matter, it did not accept the temporary certificate granted by the FPC order of July 20, 1977.

Applicant proposes herein still to construct the new 12-inch gathering line and abandon by sale the Castle-Garden line, but instead of entering into an exchange agreement with Northern Gas, Applicant now proposes to take measures designated to eliminate the need for such an agreement.

The amendment states that there are only five gas-producing wells connected to the Castle-Garden line from which Applicant possesses the right to purchase gas, and that all other wells on this gathering pipeline from which Applicant has previously purchased gas are depleted and abandoned. The amendment further states that by the end of February 1978 Applicant would have disconnected three of the five wells, Madden Deep No. 9, Spratt No. 1 and Madden Deep No. 12, from the Castle-Garden line and reconnected them to a new 8-inch gathering line constructed by Applicant to connect other wells in the area under the authority of its budget-type authorization granted in Docket No. CP78-29. It is stated that the new gathering line interconnects to Applicant's existing 8-inch gathering line which, in turn, is interconnected with the interstate transmission line of Northern Utilities, Inc. (Northern), and that Northern would transport this gas to Applicant's Casper, Wyo., compressor station pursuant to an existing transportation agreement between Applicant and Northern dated September 14, 1965, as amended. The transportation of this gas by Northern would be performed pursuant to Northern's FERC Gas Tariff, First Revised Volume No. 1, it is stated. It is stated that no gas produced from these three wells would flow through the Castle-Garden gathering line.

Applicant proposes to enter into an assignment agreement with Northern Gas as to the two wells remaining connected to the Castle-Garden line, which agreement provides that Applicant would assign its interest in these two wells to Northern Gas in exchange for Northern Gas assigning its interest to Applicant in three wells connected to gaghering lines of Applicant other than the Castle-Garden line. Applicant states that the result of this exchange would be the reciprocal transfer of the right to equivalent volumes of net remaining reserves.

It is stated that the two wells which would remain connected to the Castle-Garden line and in which Applicant would assign its interest to Northern Gas are Brunnel Federal and Federal Travis. (The producers of these two wells are Odessa Natural Gas Corp. and Atlantic Richfield Co., respectively.) The Federal Travis and the Brunnel Federal wells are located in Fremont County, Wyo., it is said.

The amendment states that in exchange for Applicant's assignment of its gas purchase contract rights in these two wells, Northern Gas would assign its interest in the Alkali Butte No. 8, the Palmer Federal and the Brown Federal wells to Applicant. It is stated that Applicant presently has a contract right to purchase 25 percent of the gas from the Alkali Butte No. 8 and Palmer Federal and 9.375 percent of the gas from the Brown Federal. Applicant would gather its assigned share of the gas from the Alkali Butte No. 8 and Palmer Federal wells in its 6-inch and 4-inch gathering line located in Fremont County, Wyo., which line is interconnected with Northern's interstate transmission line in SW/4 of section 14, Township 33 North, Range 94 West of Fremont County. It is indicated that the assigned share of the gas from the Brown Federal well would be gathered in Applicant's gathering line in the NE/4 of Section 20, Township 37 North, Range 90 West of Fremont County, which also interconnects with Northern's interstate transmission line and would be redelivered by Northern to Applicant at Casper.

It is indicated that the new facilities and the abandonment of existing facilities proposed by Applicant are as follows:

(a) Install approximately 22 miles of 12-inch gathering pipeline beginning at a point in section 23, Township 37 North, Range 90 West of Fremont County, Wyo., and extending in a southerly direction to a point in section 36, Township 34 North, Range 90 West of Fremont County together with necessary pipeline appurtenances.

Abandon approximately 2.3 miles of 4-inch and 29.3 miles of 6-inch gathering pipeline beginning at a point in section 5, Township 38 North, Range 90 West of Fremont County and extending west and south to section 1, Township 33 North, Range 91 West of Fremont County, Wyo.

It is indicated that under the authority of its budget-type certificate, Docket No. CP78-29, Applicant proposes to take up and salvage approximately 9,100 feet of 6-inch gathering line at the northern end of the Castle-Garden line.

Any person desiring to be heard or to make any protest with reference to said Amendment should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4928 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RI77-134]

**LEACH BROTHERS, INC.**

**Amended Petition for Special Relief**

FEBRUARY 17, 1978.

Take notice that on January 30, 1978, Leach Brothers, Inc. (Petitioner), 13601 Preston Road, Suite 714-E, Dallas, Tex. 75240, filed in Docket No. RI77-134 an amended petition for special relief. Petitioner filed a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretation (18 C.F.R. § 2.76) on September 20, 1977, in which it sought permission to collect from United Gas Pipe Line Company a rate of $1.75 per Mcf for sales of gas from its T. N. Mauritz No. 1 Well and the T. N. Mauritz No. 2 Well, North Laward Field, Jackson County, Tex. By this amendment, Petitioner seeks to withdraw its request to collect $1.75 per Mcf for such sales, and to substitute therefor a request for authorization to collect a rate of $1.23 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4929 Filed 2-23-78; 8:45 am]





[6740-02]

[Docket No. RI77-127]

**MAURICE L. BROWN**

**Amended Petition for Special Relief**

FEBRUARY 17, 1978.

Take notice that on January 31, 1978, The Maurice L. Brown Co. (Petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed an amended petition for special relief in Docket No. RI77-127. On September 6, 1977, Petitioner filed a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretation (18 CFR § 2.76), in which Petitioner sought to collect a rate of $1.5986 per Mcf from United Gas Pipeline Co. for sales of gas from the Blocker-Fultz Gas Unit No. 1, Harrison County, Tex. By this amendment, Petitioner withdraws its request for authorization to collect $1.5986 per Mcf, and substitutes therefor a request for permission to charge United a rate of $1.2931 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4930 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-188]

**NORTHERN NATURAL GAS CO.**

**Application**

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Neb. 68102, filed in Docket No. CP78-188 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period beginning on the date of issuance of the requested authorization herein, and operation of field gas compression on and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construcion and abondonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abondonment would not exceed $3,000,000, and that the cost of any single project would not exceed $500,000. It is indicated that these costs would be financed by Applicant from cash on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abondonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4931 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP73-8; (PGA No. 78-3)]

**NORTH PENN GAS CO.**

**Proposed Changes in FERC Gas Tariff**

FEBRUARY 17, 1978.

Take notice that North Penn Gas Co. (North Penn) on February 2, 1978 tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause and Commission Order of January 16, 1978 in North Penn's Docket No. RP73-8 (PGA No. 78-3).

North Penn states that the PGA filing resulted from changes filed by Consolidated Gas Supply Corp. for effectiveness January 2, 1978 and Transcontinental Gas Pipe Line Corp. for effectiveness January 1, 1978. North Penn states that undercollections, if any, for January 1, 1978 will be recovered through Account 191, Unrecovered Purchased Gas Costs.

Substitute Fifty-First Revised Sheet No. PGA-1 is being filed in lieu of Fifty-First Revised Sheet No. PGA-1 to reflect the proper supplier rates to be effective January 2, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on January 2, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the





Federal Energy Regulatory Commis-

[6740-02]

Harry Royster Well No 1 to Petition-



[6740-02]

tion to intervene or a protest in accor-

Petitioners state that the gas owned

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4933 Filed 2-23-78; 8:45 am]

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[6740-02]

[Docket No. ER78-215]

**NORTHERN STATES POWER CO.**

**Proposed Transmission and Transformation Service Agreement**

FEBRUARY 17, 1978.

Take notice that Northern States Power Co. (NSPC) on February 13, 1978, tendered for filing the Transmission and Transformation Service Agreement, dated December 21, 1977, with the State Board of Higher Education for the University of North Dakota.

NSPC indicates that the Agreement provides for a transmission rate of $2.70 per KW per year and a transformation charge of .7 mill per KWH.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4932 Filed 2-23-78; 8:45 am]

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[6740-02]

[Docket No. CP76-491]

**NORTHWEST PIPELINE CORP.**

**Petition To Amend**

FEBRUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 9, 1978, Northwest Pipeline Corp. (Petitioner), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP76-491 a petition to amend the order of January 26, 1977 (56 FPC) issued by the Federal Power Commission (FPC) in the instant Docket pursuant to section 7(b) of the Natural Gas Act so as to permit Petitioner to excise the harry Royster Well No. 1 well-tie (Bar X Lateral A-1) to the Bar X Field Line, from the list of facilities which said order granted Petitioner permission and approval to abandon, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of January 26, 1977, Petitioner was granted permission and approval to abandon certain facilities, including approximately 2.223 miles of 4½ inch pipeline and appurtenant facilities located in Grand County, Utah, which had formerly connected the Harry Royster Well No 1 to Petitioner's Bar X Field Line. Petitioner states that at the time it proposed to abandon said facilities, the Royster well has been abandoned and Petitioner did not consider it likely that any future gas supplies would be made available in the immediate vicinity of the facilities proposed for abandonment. Petitioner indicates that it has not yet invoked the authority of the January 26, 1977, order as it pertains to the abandonment of the Bar X Lateral A-1, so the anticipated return to service of the Bar X Lateral A-1 can be readily effected.

It is indicated that Natural Gas Pipeline Co. of America (Natural) has acquired the production from the Bar Creek No. 1 Federal well located in the Bar X field, and, in order to make the volumes of gas produced therefrom available to its pipeline system, has entered into a gas purchase, gathering and transportation agreement, dated December 20, 1977, with Petitioner. Petitioner states that pursuant to said agreement, it would, *inter alia*, construct and operate the necessary gathering facilities to receive volumes of gas from the Bar Creek No. 1 Federal well and would redeliver equivalent volumes of gas, less the 25 percent which Petitioner has the option to purchase, at an existing point of interconnection with El Paso Natural Gas Co. in La Plata County, Colo. for Natural's account.

The Bar Creek No. 1 Federal well is located 1,585 feet from Petitioner's Bar X Lateral A-1, and the cost of connecting the well to the Bar X lateral is estimated to be $44,900, about $45,000 less than the alternative of connecting with the Bar X Trunk A line, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4934 Filed 2-23-78; 8:45 am]





[6740-02]

[Docket No. CP77-528]

**TEXAS GAS TRANSMISSION CORP.**

**Petition to Amend**

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP77-528 a petition to amend the Commission's order of December 29, 1977 (57 FPC ) issued pursuant to section 7(c) of the Natural Gas Act so as to provide for a reduction in the volume of natural gas that it is authorized to transport for South Jersey Gas Co. (South Jersey), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of December 29, 1977, Petitioner was authorized to transport up to 500 Mcf of natural gas per day for South Jersey. Petitioner states that it delivers such volumes, up to 500 Mcf per day at 14.73 psia, to Transcontinental Gas Pipe Line Corp. (Transco) at an existing exchange point with Transco located near Mamou, Evangeline Parish, La., or other mutually agreeable points of exchange between Petitioner and Transco.

The petition states that recently South Jersey informed Petitioner that production from wells in the North Jefferson Island Field, Iberia Parish, La., had not reached the level that South Jersey had originally anticipated, and South Jersey, therefore, was unable to cause delivery to Petitioner of volumes of natural gas at the point of receipt sufficient to allow Petitioner to deliver equivalent volumes to Transco for South Jersey's account of up to 500 Mcf per day. South Jersey presently estimates that the highest volumes it would cause to be delivered to Petitioner for transportation would be on the order of approximately 300 Mcf per day.

Consequently, Petitioner requests that the Commission reduce the volume of gas that Petitioner is authorized to deliver to Transco for South Jersey's account from 500 Mcf per day to 300 Mcf per day.

Petitioner states that it and South Jersey have entered into a transportation service agreement, dated February 1, 1978, which agreement supersedes the agreement between the parties, dated June 7, 1977, to reflect the requested reduction in transportation volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4935 Filed 2-23-78; 8:45 am]

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[6740-02]

[Docket No. CP78-176]

**TRANSCONTINENTAL GAS PIPELINE CORP., ET AL.**

**Joint Petition for Declaratory Order**

FEBRUARY 17, 1978.

Take notice that on January 30, 1978 Transcontinental Gas Pipe Line Corp. (Transco) and Transco Exploration Co. (TXC), P.O. Box 1396, Houston, Tex. 77001 and Lovera Pipeline Co. (Lovera), P.O. Box 1201, Wicheta, KS 67201 (collectively referred to as Petitioners) filed in Docket No. CP78-176 a joint petition for declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure.

Petitioners are seeking a declaratory order stating that proposed arrangement for the sale and delivery of gas owned by TXC and Participants from State Block 888-S, Mustang Island Area, Offshore Texas would not bring the facilities involved, the commingled gas, nor the gathering services rendered by Lovera prior to the point of delivery in interstate commerce at the outlet side of the existing Lovera primary liquid separation facility located in State Tract 434, Mustang Island Area, Nueces County, TX under the jurisdictional control of the Commission.

Specifically, Petitioners plan to construct a gathering line from the well to a proposed connection on the Lovera line in Block 881-S, Mustang Island Area. Lovera will provide the majority of gas gathering facilities for gas produced from said well to an onshore delivery point[1] where the gas would be delivered to Transco or to Transco's account, to Participants who would tender their gas to Transco for transportation to their principals and to Houston Pipe Line Co. (Houston Pipe), the existing intrastate gas purchaser of Energy Reserves Group (Energy).

Petitioners state that the gas owned by TXC and Participants and gathered by Lovera will be commingled with gas currently being produced by Energy from State Tract 747 and sold intrastate to Houston Pipe. Petitioners further state that the Energy-Houston Pipe contract prohibits the commingling of existing intrastate gas sales at any point with other gas which is or may be sold, consumed, transported or otherwise utilized in interstate commerce. Houston Pipe has orally indicated its willingness to consider a waiver of the contractual paragraph as it applies to TXC and Participants in view of TXC's representation that past Commission decisions clearly demonstrate jurisdiction of the Commission does not commence prior to the point at which gas is delivered by the producers to the interstate purchaser or transporter. However, Lovera is estopped from agreeing to the proposed gathering arrangement absent a Commission order expressly stating that the plan described herein will not result in Commission jurisdiction over the facilities involved or the commingled stream.

Participants indicate that transportation of TXC-Participants' gas through the Lovera facilities is the only economically feasible method to bring gas onshore. Participants caution the Commission that absent an affirmative determination from the Commission, TXC-Participants' gas will be lost to the interstate market because no interstate outlet for the gas is available.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4936 Filed 2-23-78; 8:45 am]

[1] Onshore delivery point is at the tailgate of the existing Lovera primary liquid separation facility in State Tract 434, Mustang Island Area, Nueces County, TX.





[6740-02]

desirable for them to have the flexibility to add additional delivery points as

Utah requests waiver of the Commis-



file with the Commission and are

the Environmental Protection Agency (EPA), except pursuant to certifica-

Request for Interim Certification, as

[6740-02]

[Docket Nos. CP77-525; CP77-529]

**UNITED GAS PIPE LINE CO., AND DELHI GAS PIPELINE CORP.**

**Petition To Amend**

FEBRUARY 17, 1978.

Take notice that on February 8, 1978,[1] United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and Delhi Gas Pipeline Corp. (Delhi), Fidelity Union Tower Building, Dallas, Tex., 75201 (Petitioners) filed in Docket Nos. CP77-525 and CP77-529 respectively, a petition to amend the Commission's order of December 15, 1977, and January 27, 1978 (57 FPC ——) issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to permit Delhi to add delivery points as required from time to time on United's system and under such conditions as the Commission deems necessary and appropriate to protect the public interest, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that on July 25, 1977, Delhi filed in these proceedings its petition for a declaratory order affirming its continued non-jurisdictional status in the event it commences a delayed exchange of gas with United, and that in its petition Delhi indicated that the exchange from Delhi to United would take place at United's facilities located at the outlet of Champlin Carthage Gasoline Plant in Panola County, Tex., and at other mutually agreeable points on United's pipeline system. It is further indicated that pursuant to the Commission's order of December 15, 1977, Dehli's petition was denied and Delhi was granted authorization to effect such exchange limited to the delivery point to the outlet of the Champlin plant in Panola County, Tex. unless otherwise expressly authorized by the Commission.

The petition states that at the time Delhi filed its petition it did not have exact knowledge of which well then being drilled would prove to be productive and otherwise desirable for connection to United's system to effect the proposed delayed exchange. The petition further states that Delhi does not now know the full extent of wells which may ultimately prove to be desirable for such purpose and the point or points on United's system to which such wells could be connected. Petitioners indicate that it would be most desirable for them to have the flexibility to add additional delivery points as the respective gas supplies in the exchange area develop. Delhi urges the Commission to consider that any facilities installed by Delhi would impose no cost or other burden on the interstate market since the exchange is on a gas for gas basis with no charge to be imposed upon United by Delhi, nor by United upon Delhi.

Consequently, Delhi urges the Commission to amend its orders of December 15, 1977, and January 27, 1978, so as to permit Delhi to add delivery points as required from time to time, or in the alternative, to amend its prior order to include the additional delivery points as follows:

1. M.P. (Mile Post) 20.08 on United's 20-inch pipeline in or near the D. R. Bradberry Survey, Abstract No. 100, Panola County, Tex.,
2. M.P. 19.04 on United's 20-inch pipeline in or near the Joseph McNeer Survey, Abstract No. 459, Panola County, Tex.;
3. A mutually agreeable point on United's 16-inch pipeline in or near the Elizabeth Carrol Survey, Abstract No. 135, Harrison County, Tex.;
4. A mutually agreeable point on United's 20-inch pipeline in or near the Alex S. Green Survey, Abstract No. 350, Rusk County, Tex.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4938 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-216]

**UTAH POWER & LIGHT CO.**

**Proposed Agreement**

FEBRUARY 17, 1978.

Take notice that Utah Power & Light Co. (Utah) on February 13, 1978, tendered for filing an agreement, dated October 24, 1973, for supply of capacity and energy between Utah (seller) and Idaho Power Co. (buyer), together with an amendment thereto dated January 25, 1978.

Utah requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4937 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-214]

**WISCONSIN POWER & LIGHT CO.**

**Filing of Proposed Wholesale Power Agreement**

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Wisconsin Power & Light Co. (WPL) tendered for filing a wholesale power contract dated December 15, 1977, between the Pioneer Power & Light Co. and WPL. WPL states that this contract will supersede an existing contract for wholesale electric service dated October 14, 1966 and designated WPL Rate Schedule FPC No. 60.

WPL requests a proposed effective date of August 31, 1977, and therefore requests waiver of the notice requirements of the Commission's Regulations. WPL states that a copy of the wholesale power contract and the filing have been provided to the Pioneer Power & Light Co. and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-4939 Filed 2-23-78; 8:45 am]

[1] The application was initially tendered for filing on February 8, 1978; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until February 9, 1978 thus, filing was not completed until the latter date.





[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 858-7]

**SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON TOXIC SUBSTANCES**

**Open Meeting**

Under Pub. L. 92-463, notice is hereby given that a one day meeting of the Subcommittee on Toxic Substances of the Science Advisory Board will be held on March 23, 1978 in the Administrator's Conference Room (Room 1103 West Tower), 401 M Street SW., Washington, DC. The meeting will start at 9:30 a.m.

The Subcommittee will be meeting for the second time, the purpose being to initiate an examination of tests which may become part of the testing protocols for toxic substances in the future.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, DC. 20460, by c.o.b. March 20, 1978. Please ask for Shirley Smith. The telephone number is 202-755-0263.

RICHARD M. DOWD,
*Staff Director,*
*Science Advisory Board.*

FEBRUARY 16, 1978.

[FR Doc. 78-4846 Filed 2-23-78; 8:45 am]

[6560-01]

[FRL 859-6; OPP-240020]

**STATE OF WYOMING**

**Approval of Request for Interim Certification To Register Pesticides to Meet "Special Local Needs"**

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.), were published in the FEDERAL REGISTER (40 FR 28241). These regulations become effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that the Agency is not soliciting public comment with respect to requests for Interim Certification at this time. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of Wyoming. After reviewing the Request, the Agency found that it satisfies the requirements set forth in the FEDERAL REGISTER document of September 3, 1975. Accordingly, notice is given that the EPA has approved the Wyoming Request for Interim Certification, as described below.

WYOMING

This Request sought authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as defined in § 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Wyoming Department of Agriculture. This agency was notified on January 31, 1978, that its Request had been approved.

A copy of the Request for Interim Certification, along with a letter reflecting the Agency's decision to approve the Request, is available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln Street, Suite 900, Denver, Colo. 80295.

Dated: February 10, 1978.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc. 78-4952 Filed 2-23-78; 8:45 am]

[6560-01]

[FRL 860-8]

**RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS**

**Availability**

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official receipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from February 13, 1978 through February 17, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date for submission of comments is April

10, 1978. The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: February 22, 1978.

JOSEPH M. MCCABE,
*Acting Director,*
*Office of Federal Activities.*

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

*Draft*

Mendocino National Forest, Timber Management Plan, several counties in California, February 13: The proposed action involves revising the existing timber management plan which establishes a timber harvesting level and schedule for the Mendocino National Forest for the next decade beginning FY-78. The objective of the plan is to provide a 10 year schedule of harvest and regeneration which provides for sustained yield under a legal requirement for non-declining yields into the future. The proposed action is consistent with the multiple use objectives of approved land management plans for the area. USDA-FS-R5-DES(ADM)-78-4. (ELR Order No. 80142.)

Hot Point Land Management Plan, Nezperce National Forest, Idaho County, Idaho, February 13: The proposed action involves the implemention of a land management plan for the Hot Point Planning Unit, Selway Ranger District, Nezperce National Forest, Idaho County, Idaho. This proposal is both a land management plan and an environmental statement. The Forest Service presents resource information, resource allocation decisions, management guidelines, and documents public involvement. The 15,429 acre planning unit is divided into nine management units for the purpose of resource allocation and direction. USDA-FS-R1(17)DES(ADM)78-7. (ELR Order No. 80141.)

Cooperative Western Spruce Budworm, 1978, Whatcom, Kittitas, and Okanogan Counties, Wash., February 13: Proposed is the management of western spruce budworm on 1.2 million acres of forest in north-central Washington. The EIS covers all affected lands, regardless of ownership or land management objectives, including lands administered by the USDA Forest Service, USDI National Park Service, and State and private lands in Whatcom, Okanogan, and Kittitas Counties, Wash. USDA-FS-R6-DES(ADM)-78-6. (ELR Order No. 80140.)

*Final*

Beaverhead and Deerlodge National Forest Land Use Plan, several counties in Montana, February 17: The proposed action is the implementation of a land management plan for Beaverhead National Forest and portions of Deerlodge National Forest, located in Beaverhead, Madison, Gallatin, Silver Bow and Deerlodge Counties, Mont. The plan covers 7 planning units containing 52 management units on 2,156,971 acres. Moderate to high emphasis is placed on wildlife and recreation opportunities and moderate emphasis on wood fiber, livestock forage and wilderness. Comments made by: EPA, HEW, FPC, ERDA, FEA, DOI, DOT, State and local agencies, groups and individuals. (ELR Order No. 80163.)

RURAL ELECTRIFICATION ADMINISTRATION

*Final*

Beluga Station 7, 8, and 9—Bernice Lake Unit 3, Alaska, February 13: Proposed is the granting of financial assistance to Chugach Electric Association for the construction of additional generating capacity at the Beluga Station and the Bernice Lake powerplant in Alaska. Also included in the application are additions to the 230 kV transmission system. Plans include expansion of units 7, 8, and 9 at the Beluga Station, located 40 air miles west and across Cook Inlet from Anchorage, and expansion of unit 3 at the Bernice Lake power plant, located at Nikiski, within the Kenai Penninsula borough. USDA-REA-ES(ADM)-78-14-F. Comments made by: EPA, DOD, DOT, DOC, DOI, USDA, State and local agencies. (ELR Order No. 80147.)

Boardman Coal Plant, Morrow County, Oreg., February 13: Proposed is the use of REA financing by Pacific Northwest Generating Co. for a 10 percent share of the Boardman Coal Plant and associated transmission and support facilities. The project includes a 1,400-acre cooling reservoir, a 500-acre ash disposal area, a 500 kV transmission line (approximately 17 miles), and a 230 kV transmission line (approximately 17.5 miles), operation of the unit will result in the emission of nitrogen and sulfur oxides. Transmission right-of-way will require approximately 1,650 acres of land for the 39 miles of lines. Air and noise pollution levels will be increased. Comments made by: EPA, DOI, USDA, ERDA, State and local agencies. (ELR Order No. 80148.)

SOIL CONSERVATION SERVICE

*Draft*

Walnut Roundway Watershed, Madison and East Carroll Parishes, La., February 13: The proposed project is for watershed protection, flood prevention, and agricultural water management in the Walnut-Roundway watershed in Madison and East Carroll Parishes, La. Planned structural measures to be installed consist of about 248 miles of channel work for flood prevention drainage together with appurtenant measures for channel protection and maintenance access. In addition 15 structures including five weirs, six dams in existing channels or streams, two grade stabilization and two water control structures to minimize damages to fish and wildlife will be installed. USDA-SCS-EIS-WS-(ADM)-2-78-(D)-LA. (ELR Order No. 80146.)

CIVIL AERONAUTICS BOARD

Contact: Mr. Ivars V. Mellups, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5205.

*Draft*

Chicago-Midway low Fare Route Proceeding, February 15: This draft environmental impact statement has been prepared in conjunction with the Chicago Midway Low-fare proceeding, docket 30277. At issue in this proceeding is whether the Civil Aeronautics Board should authorize new service between Chicago's Midway Airport and the cities of Detroit, St. Louis, Cleveland, Kansas City, Pittsburgh, and Minneapolis/St. Paul. There are five active applicants for new authority. The proponents of this action cite two primary benefits. First, the traveling public would experience lower fares and secondly, Midway Airport would be revitalized. (ELR Order No. 80154.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-8795.

*Draft*

Wildcat and San Pablo Creeks, Contra Costa County, Calif., February 13: Proposed is the water resources project for channel improvement on Wildcat and San Pablo Creeks located in Contra Costa County, Calif. The proposal includes minimal construction in salt marshes, earthen floodways, concrete culverts, an open trapezoidal concrete channel, and selected channel clearing to the end of the project. Mitigation of adverse impacts on cultural resources will be included (ELR Order No. 80152.)

Flood Control Project, Central and Southern Florida, Hendry County, Fla., February 17: Proposed is the Hendry County segment of the central and southern Florida flood control Project. This section of the proposal consists of a canal and control structure designed to remove flood waters more efficiently and prevent overdrainage of a 261 square mile area in eastern Hendry County, with an integrated pumping station and canal system. The project will also provide for the conveyance of agricultural water supply from Lake Okeechobee during periods of drought for distribution to part of the project area and to big Cypress Seminole Indian Reservation which is located about 5 miles south of the project area. (ELR Order No. 80162.)

*Supplement*

Channel and Levee Improvement, East Fork Trinity River, Kaufman County, Tex., February 17: This supplemental statement updates information on the environmental statement relative to the increment I portion of the East Fork Channel and levee improvement of the authorized project, Lavon Reservoir enlargement and East Fork Channel and levee improvement. The final EIS for Lavon Dam and Reservoir modification and East Fork Channel improvement was filed with CEQ on March 29, 1971 and is considered inadequate by current standards. An updated EIS on the Lavon Dam and Reservoir was filed with CEQ on July 23, 1976. This proposal will improve channel and utilized excavated material to raise and strengthen associated levees to protect agricultural lands from flooding. (ELR Order No. 80164.)

DEPARTMENT OF ENERGY

Contact: Mr. W. Herbert Pennington, Office of NEPA Coordination, Department of Energy, Washington, D.C. 20545, 301-353-4241.





*Draft*

Proton-proton storage accelerator facility, Suffolk County, N.Y., February 14: Proposed is the construction and operation of a proton-proton storage accelerator facility (Isabelle), Brookhaven National Laboratory in Upton, Suffolk County, N.Y. The Isabelle accelerator will be used for advanced research in the high energy physics program by the Department of Energy and will provide higher levels of interaction than are presently available. DOE/EIS-0003-D. (ELR Order No. 80149.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

*Draft*

Proposed expansion of existing WWT facilities, Scotts Bluff County, Nebr., February 14: The proposed project is the granting of financial assistance for the improvements of publicly owned sewage treatment plants in Scotts Bluff County, Nebr. The municipalities which own and operate these facilities are Gering, Scottsbluff, and Terrytown, Nebr. Together these municipalities constitute the major trade and manufacturing center in the Nebraska Panhandle. This EIS was prepared to evaluate the potential effects of these proposed actions upon the North Platte River, Scotts Bluff County, and the surrounding area. EPA-907/9-77-008. (ELR Order No. 80151.)

Metropolitan area WWT facilities, Columbus, Franklin County, Ohio, February 17: The subject action is the approval of the facilities plans for the city of Columbus and the Board of Franklin County Commissioners for the preparation of plans to expand and upgrade wastewater collection, treatment, and disposal facilities within the Columbus metropolitan area. The proposed project includes selection of additional liquid treatment facilities for sewage processing; design and construction of pilot plants; construction of three sludge incinerators; construction of separate sanitary sewer interceptors; and the selection of a cost-effective and environmentally acceptable system to minimize combined sewer overflows. EPA-5-OH-Franklin-Columbus-WWTP&INT-77. (ELR Order No. 80165.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6308.

*Draft*

Yerba Buena Center, urban renewal plan, San Francisco County, Calif., February 16: The Yerba Buena Center redevelopment area encompasses 87.3 acres of land situated to the southeast of San Francisco's financial and downtown retail districts in the area known locally as the "South of Market." The redevelopment was intended to eliminate substandard buildings and blighted surroundings and to provide land for re-use for activities appropriate to the downtown location, the project is now well into execution; most of the land scheduled for clearance has been cleared and some of the proposed re-uses have already been built, HUD-R09-EIS-78-2D. (ELR Order No. 80158.)

Hillshire Subdivision, Shelby County, Tenn., February 15: The project site of approximately 280 acres lies in northeast Shelby County, Tenn., along Fletcher Creek just east and north of the Memphis City limits. The project proposes to develop this site in single-family, multi-family, commercial and office land uses, in accordance with existing zoning regulations and Memphis and Shelby County land use planning. The Hillshire project would be compatible with anticipated growth and development, natural environment in and around the site, and would involve no endangered species habitat; noise levels, air quality and water quality would remain within acceptable limits. HUD-R04-EIS-77-26-D. (ELR Order No. 80153.)

Park Meadows Subdivision, Deer Park, Harris County, Tex., February 16: The proposed action is for the Department of Housing and Urban Development to accept for HUD-FHA home mortgage insurance purposes under section 203(b) of Title II of the National Housing Act of 1934, some 267 acres of land located in the city of Deer Park, Harris County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single-family dwellings (approximately 1,000 units). HUD-R06-EIS-78-10D. (ELR Order No. 80157.)

SECTION 104 (h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. Copies are not available from HUD.

*Draft*

Noise exposure, Stapleton and Buckley Airports, Adams and Arapahoe Counties, Colo., February 13: The city of Aurora, Colo., proposes to approve the conduct of various federally funded housing programs in the "normally unacceptable" and "clearly unacceptable noise exposure areas around Stapleton and Buckley Airports. The types of programs include rehabilitation of existing, homes, rent subsidies, purchase of houses by the Aurora Housing Authority for occupancy by qualifying persons to conduct of other similar programs except that no new housing construction is considered in the noise areas. The location is in Adams and Arapahoe Counties within Aurora's city limits. (ELR Order No. 80143.)

DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

*Final*

Proposed Foothills project, several counties in Colorado, February 16: Proposed are the construction, operation, and maintenance of water diversion facilities on federally managed lands on the South Platte River 25 miles southwest of Denver, Colo., as a part of the proposed Foothills project. The project would also include a water treatment plant with an ultimate capacity of 500 million gallons per day and a conduit distribution system extending into the Denver metropolitan area. Sources of water would include both the South Platte River and the Blue River via Dillon Reservoir and the Harold D. Roberts tunnel. Adverse effects include the loss of 1.7 miles of free-flowing river. Comments made by: USDA, COE, EPA, FPC, HEW, DOI, State and local agencies, organizations and individuals. (ELR Order No. 80156.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

*Draft*

Baer Field, Fort Wayne Municipal Airport, Allen County, Ind., February 17: Proposed is the expansion of the airport facilities at Fort Wayne Municipal Airport, Baer Field, Fort Wayne, Allen County, Ind: This proposal will involve the acquisition of approximately 1,930 acres, extending runway 13-31 and parallel taxiway from 6,200 feet to 7,200 feet, relocating instrument landing system and approach light system, strengthening the entire 900-foot length of runway 4-22, general improvements to aircraft terminal area, construction of a new FAA air traffic control tower and 100 space vehicle parking lot. (ELR Order No. 80166.)

Cedar Rapids Municipal Airport runway construction, Linn County, Iowa, February 15: This project involves the acquisition of 1,077 acres of land, construction of a 950-foot extension to the northwest end of runway 13-31, construction of two new 4,000-foot general aviation runways (8R-26L and 13R-31L), including taxiways and lighting, addition to air carrier terminal and related improvements to the Cedar Rapids Municipal Airport located in Linn County, Iowa. The principal impacts include the removal of approximately 295 acres of prime farmland from production and relocation of eight families. (ELR Order No. 80155.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

Mar Vista Street, Whittier Boulevard to College Avenue, Los Angeles County, Calif., February 13: The proposed Mar Vista Street (FAU 7892) is located in Los Angeles County, Calif. The proposed project is 1.04 miles in length and is along the Whittier select street system alinement and the existing alinement between Whittier Boulevard and College Avenue. The project will include widening the street to 80-110 feet, existing traffic signals will be upgraded, sidewalks and necessary wheelchair ramps will be constructed, and runoff will be diverted to a new storm drain system scheduled for concurrent construction. FHWA-CA-EIS-76-01-D. (ELR Order No. 80144.)

Hospital Loop Road, Lake City, Columbia County, Fla., February 17: The proposed action is located east of the center of Lake City, columbia County, Fla. The project consists of providing a connecting street between North First Street in the vicinity of Franklin Street to East Duval Street in the vicinity of DeSoto Drive or the old Jacksonville Highway. The proposed Hospital Loop Road would be a municipal-type section approximately ½ to 1 mile in length, depending upon the alternative selected, with two travel lanes, refuge lanes, curbs, gutters, grass strip, sidewalks, and street lights. The proposed facility would follow an alinement that combines several narrow existing streets. (FHWA-FLA-EIS-77-8-D). (ELR Order No. 80161.)

State Route 1201 at Salter Path, Carteret County, N.C., February 14: The proposed





action is the improvement of an approxi-

statement. When EPA is notified by

APPLICATIONS ACCEPTED FOR FILING



tion No. 2: 498 West Euclid Avenue, El Centro, Calif.

20573-CD-P-78 Coastal Bends Communica-tions (new). Ambassador Row and Colum-

Lat. 42°19'10" N., Long 88°28'09" W. C.P. to change frequency 10975V to 11055V MHz

action is the improvement of an approximate 1-mile section of SR 1201 in the area of the community of Salter Path and the town of Indian Beach, Carteret County, N.C. SR 1201, east and west of Salter Path, has received approval for the construction of a two-lane road with shoulders. This action will serve as the connecting link between the improved sections of SR 1201. The new curbs and gutter roadway will be contained within a 80-foot-wide right-of-way. The remainder of the project length will be a segment of two-lane roadway (24 feet of pavement) with shoulders along the existing road which will tie into the two-lane road west of Salter Path. (ELR Order No. 80150.)

3rd Street, Southeast Mandan, improvement, Morton County, N. Dak., February 13: The proposed project is located in Southeast Mandan, Morton County, N. Dak. The purpose of the proposed improvement is to construct a street from ND Highway 1806 easterly to Memorial Highway. The length of the project varies from 6,000 to 6,600 feet depending upon which alternative is selected. The project consists of the purchase of right-of-way and the construction of a street between the two aforementioned highways. FHWA-ND-EIS-78-01D. (ELR Order No. 80139.)

*Final*

U.S. 54 inprovement, Wichita, Sedgwick County, Kans., February 13: Proposed is the improvement of 0.7 mile of U.S. 54 Highway to six-lane freeway standards, from Topeka Avenue east to Lulu Avenue, all in the city of Wichita, Kans. The improvement will consist of right-of-way acquisition with full control of access, grading, surfacing, bridges, fencing, lighting, signalization, and all other work necessary to complete the facility. Adverse effects include the displacement of 34 homes, 5 apartment houses, and 15 businesses. (Region 7.) Comments made by: USDA, EDA, HUD, FEA, HEW, EPA, DOI, DOT, OEO, COE, State and local agencies, groups and individuals. (ELR Order No. 80145.)

I-215 southeast belt route, Salt Lake City, Salt Lake County, Utah, February 16: The statement proposes the construction of 6.5 miles of controlled access, six-lane freeway to complete I-215, the beltway around Salt Lake City. Adverse impacts would be the displacement of 12 to 36 residences and 0 to 20 businesses, substantial noise impact to some adjacent locations, long-term visual impact, removal of existing vegetation within the project corridor and resulting decreased water quality due to added roadway runoff, and temporary construction disruption. FHWA-UT-EIS-75-03-F. Comments made by: DOI, USDA, EPA, HUD, LAB, groups and individuals. (ELR Order No. 80159.)

OFFICIAL NOTICE OF RETRACTION

The supplemental EIS prepared by the Corps of Engineers, for the Missouri River levee system, Nebraska (ELR No. 80049), was received by EPA on January 18, 1978, and notice of availability was published in the January 27, 1978 FEDERAL REGISTER. Since that time, it has come to EPA's attention that the statement is not available for public distribution at this time. Therefore, EPA officially rescinds the availability date of this statement. When EPA is notified by the Corps of Engineers that the statement is ready for distribution, EPA will at that time republish its availability in the FEDERAL REGISTER.

[FR Doc. 78-5062 Filed 2-23-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 898]

### COMMON CARRIER SERVICES INFORMATION

**Re: Applications Accepted for Filing**

FEBRUARY 21, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than March 28, 1978, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications March 27, 1978 and March 16, 1978 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by which date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION
WILLIAM J. TRICARICO,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20618-CD-P-78 Northern Illinois Radiophone and Paging Systems, Inc. (KTS200). C.P. for additional facilities to operate on 158.70 MHz at a new site described as location No. 5: 401 East 32d Street, Chicago, Ill.

20695-CD-P-78 Professional Communications, Inc. (new). C.P. for a new station to operate on 454.200 MHz to be located at R.D. No. 4, Carter Hill Road, Wayne Township, Corry, Pa.

20703-CD-P-(2)-78 Illinois Bell Telephone Co. (KSD677). C.P. to change antenna system and relocate facilities operating on 152.54 MHz; and to consolidate facilities operating on 152.60 MHz from KSJ813 under KSD677 to be located 3.5 miles NW of Lorenzo, Lorenzo, Ill.

20750-CD-P-78 South Shore Radio-Telephone, Inc. (KTS201). C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as location No. 5: 2425 Main Street, Evanston, Ill.

20735-CD-P-(2)-78 Professional Communications, Inc. (new). C.P. for a new station to operate on 454.150 and 454.300 MHz to be located 1.5 miles SW of Meadville, Pa.

20814-CD-P-78 New York Telephone Co. (KED356). C.P. to change antenna location operating on 152.57, 152.63 MHz: Jackson Hill, Miller Road, 3.3 miles ESE of Newark, New York, N.Y.

20741-CD-P-78 Otis L. Hale d.b.a. Mobilfone Communications (KLB500). C.P. to change antenna system and relocate facilities operating on 454.025, 454.300 MHz from location No. 4 to location No. 2: Shinall Mountain, 9 miles WNW of Little Rock, Ark.

20815-CD-P-78 The Ohio Bell Telephone Co. (KQK594). C.P. to change antenna system and relocate facilities operating on 152.84 MHz at location No. 3 to be located at 188 East Charles Street, Massillon, Ohio.

20820-CD-P-78 Fred A. Roscoe, Jr. d.b.a. Mobile Phone Answering Co. (KSV899). C.P. for additional facilities to operate on 454.250 MHz to be located near U.S. Highway No. 287 and city limits, Dumas, Tex.

20821-CD-P-78 Marc Weber Tobias and Michael Charles Tobias, d.b.a. MY Systems, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located on Old Highway No. 77, approximately 2.5 miles north of Brookings, S. Dak.

20822-CD-P-78 Marc Weber Tobias and Michael Charles Tobias, d.b.a. MY Systems, Inc. (new). C.P. for a new 2-way station to operate on 152.09 MHz: Old Highway No. 77, approximately 2.5 miles north of Brookings, S. Dak.

20823-CD-AL-78 Inman Telephone Co., consent to assignment of license from Inman Telephone Co., Assignor to South Carolina Telephone Corp., Assignee. Station: KIY781, Inman, S.C.

20824-CD-P-(2)-78 North Mississippi Mobilphone, Inc. (new). C.P. for a new 2-way station to operate on 152.06, 152.12 MHz: Within city limits, Ashland, Miss.

20828-CD-P-78 Hendrix Electronics, Inc. d.b.a. Cal-Com Radio Telephone Service. (KLF520). C.P. for additional facilities to operate on 2128.0 MHz (repeater) at location No. 1: Black Mountain, 14 miles East of Glamis; 2178.0 MHz (control) at location No. 2: 496 West Euclid Avenue, El Centro, Calif.

20829-CD-AL-78 Radio Telephone Service, Inc., consent to assignment of license from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KWU405, East River Mountain, Va.

20835-CD-P-78 Radio Telephone Communications, Inc. (KUO563). C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located 0.4 mile north of I-10, 0.6 mile west of Old Bainbridge Road, Tallahassee, Fla.

20836-CD-MP-(4)-78 Burlington, Brighton & Wheatland Telephone Co. (KUO636). Modification permit for additional facilities to operate on 72.06 MHz (control) 75.92 MHz repeater at location No. 3: 2.2 miles northeast of Footville; 75.50 MHz repeater at location No. 5: Near County Trunk M. 2.25 miles NW of Delavan; 72.72 MHz at location No. 8 (control): 2.8 miles SE of Verona, Wis.

20828-CD-P-78 Radiophone of Sedalia, Inc. (KRS633). C.P. for additional facilities to operate on 152.18 MHz to be located at 1819 West Main Street, Sedalia, Mo.

20825-CD-TC-(3)-78 All City Answering Service, Inc., consent to transfer of control from Harold S. Leich, deceased, Transferor to M & I Marshall & Ilsley Bank, personal representative of the estate of Harold Leich; and subsequent transfer to George A. Carlin as trustee of the voting trust created by will of the deceased, transferee. Stations: KSC373, KRS716 and KSA266, Milwaukee, Wis.

Renewal of license expiring 4-1-78, Term April 1, 1978 to April 1, 1979, Vegas Instant Page, Nevada, KFL943.

CORRECTION

20786-CD-P-78 Comex, Inc., correct file number to read 20882-CD-P-78, all other particulars remains as reported on PN No. 897, dated February 3, 1978.

MAJOR AMENDMENT

21847-CD-P-(2)-77 Empire Mobilcomm Systems, Inc. (new). Amend to show location of control station at 202 Oak Street, Hood Oreg. Other particulars remain as reported on PN No. 865 dated July 5, 1977.

21648-CD-P-(3)-77 Empire Mobilcomm Systems, Inc. (new). Amend to show location of control station at 202 Oak Street, Hood Oreg. Other particulars remain as reported on PN No. 865 dated July 5, 1977.

20345-CD-P-77 Radio Broadcasting Co. (KGB874). Amend to change the directivity of the proposed antenna.

INFORMATIVE

It appears that the following applications may be mutally exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

*Frequency 152.24 MHz*

20032-CD-P-(3)-78 Charles L. Slocum (new). Near Corry, Pa.

21979-CD-P-77 M M Answering Service, Inc. (new). Near Bradford, Pa.

The following application is a major action as defined by section 1.1305 of the Commission's rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to petitions to deny on environmental grounds pursuant to section 1.1311 of the Commission's rules:

20573-CD-P-78 Coastal Bends Communications (new). Ambassador Row and Columbia Street, Corpus Christi, Tex.

RURAL RADIO

60089-CR-P-78 The Mountain States Telephone & Telegraph Co. (new). C.P. for a new rural subscriber station to operate on 157.98 MHz: Meadowlark Lemon, 13 miles south of Tombstone, Ariz.

60096-CR-P-78 The Pacific Telephone & Telegraph Co. (new). C.P. for a new rural subscriber station to operate on 459.500 MHz: Grapevine Range Station, 46 miles NW of Furnace Creek, Calif.

60105-CR-P-78 Cameron Telephone Co. (KLO86). C.P. for additional facilities to operate on 158.07 MHz to be located approximately 17 miles SE of Grand Chenier Post Office, Grand Chenier, La.

60106-CR-P-78 AAA Anserphone, Inc.-Jackson (new). C.P. for a new rural subscriber station to operate on 158.49 MHz, at any temporary-fixed location within the territory of the grantee.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

50008-CG-P/L-78 The Offshore Telephone Co. (WBY633). C.P. for additional facilities to operate on 491.425, 491.450, 491.475, 491.500 MHz to be located within the territory of the grantee.

POINT TO POINT MICROWAVE RADIO SERVICE

AK—1312-CF-P-78 RCA Alaska Communications, Inc. (WAS444) Kimball PSS 44 miles SSE. of Glennallen, Alaska, Lat. 61°30'51" N., Long. 145°01'38" W. C.P. to increase structure height and change name of transmit site, change polarization from V to H on 6404.8 MHz on azimuth 228.1° toward PS 12 PV, Alaska. (Name change from Pump Station 12 RP), correct receive station distance and ground elevation.

AK—1313-CF-P-78 Same (WAS57) Pump Stn. 12 48 miles south of Glennallen, Alaska. Lat. 61°28'33" N., Long. 145°08'37" W. C.P. to increase structure height and change name of transmit site, change polarization from V to H on frequency 5945.2 MHz on azimuth 59.1° toward PS 12 PV, Alaska. (Name change from PSTN 12 RP), correct receive station distance and ground elevation.

AL—1335-CF-P-78 South Central Bell Telephone Co. (KIO41) 4.5 miles north Fort Mitchell, (Russell) Ala. Lat. 32°24'40" N., Long. 085°01'23" W. C.P. to add frequency 3950V MHz toward Columbus, Ala.

WI—1150-CF-P-78 General Telephone Co. of Wisconsin. (WSL72) Columbia GE, 4 miles south of Portage, (Columbia) Wis. Lat. 43°29'04" N., Long. 89°25'11" W. C.P. to increase height of receive diversity antenna for frequency 2172H MHz transmitting from Poynette, Wis. (WSL73).

IL—1344-CF-P-78 Illinois Bell Telephone Co. (KSN55) 211 North Church St. Rockford, (Winnebago) Ill. Lat. 42°16'23" N., Long. 89°05'39" W. C.P. to change emission on frequencies 10935V and 11095V MHz toward Caledonia, Ill.

IL—1345-CF-P-78 Same (WBO85) 2.4 miles south of Caledonia, (Boone) Ill. Lat. 42°19'52" N., Long. 88°53'33" W. C.P. to change frequency 11385V to 11265V MHz toward Woodstock, Ill. and replace transmitters, change emission on frequencies 11505V and 11665V MHz toward Rockford, Ill.

IL—1346-CF-P-78 Same (WAN61) 1.1 miles WNW of Woodstock (McHenry) Ill. Lat. 42°19'10" N., Long 88°28'09" W. C.P. to change frequency 10975V to 11055V MHz toward Caledonia, Ill. and replace transmitters.

FL—1349-CF-P-78 General Telephone Co. of Florida (WPF85). Old SR 70 and Lebanon St. Myakka, (Manatee) Fla. Lat. 27°21'01" N., Long. 82°09'44" W. C.P. to replace transmitters on frequency 6375.2V MHz toward Verna, Fla.

FL—1350-CF-P-78 Same (KIO65) Pine Place and Bamboo Lane Sarasota, (Sarasota) Fla. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to replace transmitters on frequency 6256.5V MHz toward Verna, Fla.

NY—1293-CF-P-78 Eastern Microwave, Inc. (WCF977) East Meadow-Hempstead Turnpike and Carmen Avenue, East Meadow, N.Y. (Lat. 40°43'33" N., Long. 73°33'15" W.). C.P. to add a transmitter on frequency 6049 0V MHz toward New York City-Gulf & Western Bldg. (KFN21) on an azimuth of 277.7°. (Note: Carrier requests a waiver of section 21.701(l).)

KY—1301-CF-R-78 General Telephone Co. of Kentucky (WAU303). Temporary-fixed. Renewal of developmental license expiring April 4, 1978. Term: 4-4-78 to 4-4-79.

NH—276-CF-P-78 Yankee Microwave, a division of Karlen Communications, Inc. (KYZ85) Mt. Washington, Sargents Purchase, N.H. (Lat. 44°16'13" N., Long. 71°18'13" W.) C.P. to add frequency 12862.5 MHz toward Conway, N.H. on azimuth 144.17°.

NH, ME—1145-CF-P-78 Same as above (KYZ65). Same C.P. add frequency 6019.3V MHz toward Mt. Hope, Maine via power split on azimuth 156.7°. (Note: Carrier requests a waiver of section 21.701(l).)

ME, NH—1146-CF-P-78 Same (new) Mt. Hope, Sanford, Maine (Lat. 43°25'08" N., Long. 70°48'02" W.) C.P. for a new station to operate on 5989.7V and 6049.0V MHz toward Hays Hill, N.H. on azimuth 231.51°. (Note: Carrier requests a waiver of section 21.701(l).)

KS—1354-CF-P-78 Mid-Kansas, Inc. (KAK36) 1 mile north of Clay Center, Kans. (Lat. 39°23'20" N., Long. 97°06'45" W.) C.P. add frequency 6375.2V MHz toward new point of communication Washington, Kans. via power split on azimuth 4.97°. (Note: Carrier requests a waiver of section 21.701(l).)

KS, NE—1355-CF-P-78 Same as above (new) 1.5 miles north of Washington, Kans. (Lat. 39°50'31" N., Long. 97°03'41" W.) C.P. for a new station to operate on 6256.5V MHz toward Beatrice, Nebr. and Marysville, Kans. on azimuths 32.85° and 84.63°, respectively. (Note: Carrier requests a waiver of section 21.701(l).)

WI—1384-CF-P-78 Midwestern Relay Co. (WLJ46). 3 miles east of Lake Geneva, Wis. (Lat. 42°35'49" N., Long. 81°21'30" W.). C.P. to replace transmitter and increase output power from 1.5 watts to 5 watts for frequency 11625H MHz toward Lake Geneva No. 3, Wis.

WI—1385-CF-P-78 Same as above (WCG205) Lake Geneva No. 3, 1 mile north of Lake Geneva, Wis. (Lat. 42°37'05" N., Long. 88°26'21" W.). Same as above, except frequency 11175.0H MHz toward Lake Geneva No. 1 (WLJ46).

WI—1367-CF-P-78 Midwestern Relay Co. (WAU220). Lake Geneva No. 2, 1 mile N. of Lake Geneva, Wis. (Lat. 42°37'19" N., Long. 88°25'56" W.). C.P. to add frequency 11135H MHz toward Elkhorn, Wis. (hot standby) on azimuth 317.4°.









WI—1368-CF-P-78 Same as above (new). 2 miles NE of Elkhorn, Wis. (Lat. 42°41'28" N., Long. 88°31'39" W.). C.P. to add frequency 11135H MHz toward Lake Geneva No. 3, Wis. on azimuth 137.4°.

WI, MN—1380-CF-P-78 (WIV45) 1296 W County Road F, Arden Hills, Wis. (Lat. 45°04'57" N., Long. 93°09'17" W.). C.P. to add frequency 6256.5V MHz toward Beatrice, Nebr. and Marysville, Kans. on azimuths 32.85° and 84.63°, respectively. (Note: Carrier requests a waiver of section 21.701(l).)

[6712-01]

[BC Docket Nos. 78-33 and 78-34; File Nos. BP-18,000 and BP-18,001]

## ANNOUNCEMENT OF HEARING

In the matter of applications for construction permits for new AM broadcast stations: Ocean Springs, Miss. and Mobile, Ala.

1. The Commission has before it the above-captioned applications of Ocean Springs Broadcasting Co. (Ocean Springs, Miss.) and Mobile Broadcasting Co. (Mobile, Ala.) for construction permits for new AM broadcast stations.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the proposals would best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether either of the applications should be granted.

4. Pursuant to section 309(e) of the Communications Act of 1934, as amended, if it is concluded that both applications should be granted, the Commission will determine which of the proposals would best serve the public interest.

5. Accordingly, it is ordered, That the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order.

6. It is further ordered, That the applicants shall file with the Commission, pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, within 20 days of the release of this order, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

7. It is further ordered, That the applicants shall give notice of the hearing within the time and in the manner prescribed in § 1.594 of the Commission's rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Commission's rules.

8. It is further ordered, That the applicants shall file with the Commission, pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 1.65 of the Commission's rules, a written statement, within 30 days of the release of this order, stating whether they desire to retain their applications in hearing status.

9. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

10. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

11. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

12. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

13. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

14. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

15. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

16. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

17. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

18. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

19. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

20. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

21. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

22. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

23. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

24. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c) of the Commission's rules, file with the Commission, within 45 days of the release of this order, a written statement indicating how they will proceed with their applications.

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85. It is further ordered, That if the applicants elect to retain their applications in hearing status, they shall, pursuant to § 1.221(c)

WI—1368-CF-P-78 Same as above (new). 2 miles NE of Elkhorn, Wis. (Lat. 42°41'28" N., Long. 88°31'07" W.). C.P. for a new station to operate on 11345H MHz toward Lake Geneva N. 2 (WAU220) and 6345.5V MHz toward Jefferson, Wis. (WLJ68) on azimuths 137.3° and 317.5°, respectively.

WI—1369-CF-P-78 Same (WLJ68). 5 miles NW of Fort Atkinson, Wis. (Lat. 42°59'38" N., Long. 88°53'49" W.). C.P. add new point of communication to operate on 5945.2H MHz toward Elkhorn and add 6152.8H MHz toward Madison (WLJ69) on azimuths 137.3° and 278.0°, respectively.

WI—1370-CF-P-78 Same (WLJ69). 5727 Tokay Boulevard, Madison, Wis. (Lat. 43°03'09" N., Long. 89°28'42" W.). C.P. to add 6345.5H MHz toward Baraboo and 6234.5H MHz toward Jefferson on azimuths 349.0° and 97.6°, respectively.

WI—1371-CF-P-78 Same (WKR90). 7.4 miles SE of Baraboo, Wis. (Lat. 43°27'14 N., Long. 89°35'07" W.). C.P. to add 6034.2H MHz toward Davis Corner and Madison on azimuths 347.8° and 168.9°, respectively.

WI—1372-CF-P-78 Same (WKR92). 5.8 miles W of Oxford, Davis Corner, Wis. (Lat. 43°46'25" N., Long. 89°40'52" W.). C.P. add 6345.5V MHz toward Baraboo and 6375.2H MHz toward Kendall on azimuths 167.7° and 270.7°, respectively.

WI—1373-CF-P-78 Same (WKR93). 3.7 miles WSW of Kendall, Wis. (Lat. 43°46'41" N., Long. 90°26'33" W.). C.P. add 6004.5V MHz toward Davis Corner and 6093.5H MHz toward Sparta on azimuths 90.2° and 302.9°, respectively.

WI—1374-CF-P-78 Same (WKR94). 3.5 miles NW of Sparta, Wis. (Lat. 43°58'29" N., Long. 90°51'53" W.). C.P. add 6375.2V MHz toward Curran and 6375.2V MHz toward Kendall on azimuths 338.2° and 122.6°, respectively.

WI—1375-CF-P-78 Same (WKR95). 3.2 miles SSW of Northfield, Curran, Wis. (Lat. 44°24'50" N., Long. 91°05'38" W.). C.P. add 6152.8V MHz toward Montana Ridge and 5945.2H MHz toward Sparta on azimuths 253.7° and 158.0°, respectively.

WI, MN—1376-CF-P-78 Same (WKR96). 6 miles NW of Arcadia, Montana Ridge, Wis. (Lat. 44°18'35" N., Long. 91°36'10" W.). C.P. add 6375.2H MHz toward Wabasha, Minn. on azimuth 277.8 degrees and change frequencies 6286.2V 6345.5V MHz to 6315.0H 6375.2H MHz; add 6404.8V MHz toward Curran, Wis. on azimuth 73.4°.

MN, WI—1377-CF-P-78 Midwestern Relay Co. (WKR97) 3.2 miles SW. of Wabasha, Minn (Lat. 44°21'25" N., Long. 92°05'29" W.). Construction permit to add 5945.2V MHz toward Montana Ridge, Wis. and add 6123.1H MHz toward Oak Ridge, Minn. on azimuths 97.5° and 315.5°, respectively.

WI, MN—1378-CF-P-78 Same as above (WKR98) 2.2 miles east of Bay City, Oak Ridge, Wis. (Lat. 44°35'05" N., Long. 92°24'18" W.). C.P. add 6197.2H MHz toward River Falls, Wis. and 6404.8V MHz toward Wabasha, Minn. on azimuths 327.5° and 135.3°, respectively.

WI, MN—1379-CF-P-78 Same (WKR99) 4.2 miles NW. of River Falls, Wis. (Lat. 44°54'10" N., Long. 92°41'27" W.). C.P. delete frequencies 6123.1H 6152.8V MHz and add 5945.2H 6034.2V 6063.8H MHz toward Arden Hills, Minn. and add 5945.2V MHz toward Oak Ridge, Wis. on azimuths 296.1° and 147.3°, respectively.

WI, MN—1380-CF-P-78 (WIV45) 1296 W County Road F, Arden Hills, Wis. (Lat. 45°03'47" N., Long. 93°09'18" W.). C.P. add 10735V MHz toward Minneapolis No. 2, Minn. and add 6375.2V MHz toward River Falls, Wis. on Azimuths 223.1° and 115.8°, respectively.

WI, MN—1381-CF-P-78 Same (new) 317 Second Avenue South, Minneapolis No. 2, Minn. (Lat. 44°58'44" N., Long. 93°15'58" W.). C.P. for a new station to operate on 11425V MHz directed toward Arden Hills, Minn. (WIV45) on azimuth 43.1°.

FL—1351-CF-P-78 General Telephone Co. of Florida (WIU85) 10.9 miles SE of Parish Verna, (Manatee) Fla. (Lat. 27°27'59" N., Long. 82°18'02" W.). C.P. to replace transmitters on frequencies 6123.1V MHz toward Myakka, Fla. and 6004.5V MHz toward Sarasota, Fla.

AR—1342-CF-P-78 Union Telephone Co., Inc. (new). Arkansas Highway 15 Dodge City, (Union) Ark. (Lat. 33°01'13" N., Long. 92°58'07" W.). C.P. for a new station on frequency 2116H MHz on azimuth 91.4° toward Junction City, Ark.

AR—1343-CF-P-78 Same (new) 124 2nd St. Junction City, (Union) Ark. (Lat. 33°00'54" N., Long. 92°43'29" W.). C.P. for a new station on frequencies 2166H MHz on azimuth 271.5° toward Dodge City, Ark., 2171V MHz on azimuth 14.1° toward El Dorado, Ark.

NY—1330-CF-P-78 The Western Union Telegraph Co (KEL61) 2.8 miles south of Warwich, N.Y. (Lat. 41°12'30" N., Long. 74°21'23" W.). Construction Permit to add 11305H MHz towards Vernon, N.J.

NJ—1331-CF-P-78 Same (WQQ40) 1.7 miles SW of Vernon, N.J. (Lat. 41°10'38" N., Long. 74°29'51" W.). Construction permit to add 11015V MHz towards Warwich, N.J. and 11095H MHz towards Glenwood, N.J.

NJ—1332-CF-P-78 Same (WQQ41) 1.1 mile NW of Vernon, Glenwood, N.J. (Lat. 41°12'44" N., Long. 74°29'38" W.). Construction permit to add 11385V MHz towards Vernon, N.J.

CORRECTIONS

TN700-CF-P-78 South Central Bell Telephone Co. (WKR83) Nashville West 605 33rd Avenue North Nashville, (Davidson) Tenn. Correct polarization to read H to V on frequency 4170. All other particulars remain the same as reported on Public Notice, December 27, 1977, report No. 890.

TN—702 CF-P-78 Same (WJG57) 3 miles NW of Dickson, (Dickson) Tenn. Correct call sign to read (KJG57), correct city of receive space diversity antenna to read Lobelville. All other particulars remain the same as reported on Public Notice dated January 23, 1978, report No. 894.

LA—948-CF-P/L-78 Same (KLW24) Natchitoches, Touline and Fourth Sts. Natchitoches, La. Correct file number to read 948-CF-P-78. All other particulars remain the same as reported on Public Notice dated January 16, 1978, report No. 893.

[FR Doc. 78-4963 Filed 2-23-78; 8:45 am]

[6712-01]

[BC Docket Nos. 78-33 and 78-34; File Nos. BPH-10,093 and BPH-10,346]

## THOMASON BROADCASTING, INC. AND BRADLEY ENTERPRISES INC.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

ADOPTED: February 10, 1978.

RELEASED: February 21, 1978.

In re applications of Thomason Broadcasting, Inc., Cleveland, Tenn., Req: 98.3 MHz, Channel No. 252A; 3 kW (H&V); 300 feet (H&V), BC Docket No. 78-33, File No. BPH-10,093; and Bradley Enterprises, Inc., Cleveland, Tenn., Req: 98.3 MHz, Channel No. 252A; 3 kW (H&V); 295 feet (H&V), BC Docket No. 78-34, File No. BPH-10,346 for construction permits.

1. The Commission by the Chief, Broadcast Bureau, has before it for consideration the above-captioned mutually exclusive applications of Thomason Broadcasting, Inc. ("Thomason") and Bradley Enterprises, Inc. ("Bradley") for a construction permit for a new FM broadcast station at Cleveland, Tenn.[1]

2. Because Bradley proposes independent programming while Thomason proposes to duplicate 50 percent of the programming of its commonly owned AM station, WBAC, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360 (1967).

3. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

[1] Presently, pending before the Commission is a petition for rulemaking (File No. RM-2715) to, among other things, change Channel 252 to Channel 237 in the table of assignments for Cleveland, Tenn. If the rulemaking is finalized and the table of assignments is amended prior to a grant in this proceeding, both Thomason and Bradley will be required to amend their applications to specify Channel 237. On the other hand, if this proceeding is completed before a final determination in the rulemaking, the resulting grant will be contingent upon the outcome of the rulemaking proceeding.





2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person, or by attorney, shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc. 78-4964 Filed 2-23-78; 8:45 am]

[6712-01]

[Docket No. 20639; FCC 78-113]

## FLOW THROUGH OF POSSIBLE COMSAT RATE REDUCTIONS

### Waiver of Ex Parte Rules for Negotiations

FEBRUARY 7122, 1978.

It appears that settlement of Docket No. 20639 concerning flow through to the ultimate consumer of possible Comsat rate reductions might be facilitated by waiver of the Commission's Ex Parte Rules to permit individual negotiations. Any organization or individual wishing to file comments concerning this matter shall do so by March 6, 1978. For further information please contact David A. Irwin at 632-6363.

Action by the Commission February 22, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-5070 Filed 2-23-78; 8:45 am]

[6714-01]

## FEDERAL DEPOSIT INSURANCE CORPORATION

[Reg. Q; Docket No. R-0027]

### REQUEST FOR COMMENTS ON FEDERAL RESERVE PROPOSAL AUTHORIZING AUTOMATIC TRANSFERS OF SAVINGS DEPOSITS

On February 7, 1978, the Board of Governors of the Federal Reserve System (Federal Reserve) published a proposed rule in the FEDERAL REGISTER. That proposal would amend Federal Reserve Regulation Q (12 CFR § 217.5) to allow automatic preauthorized transfers from savings accounts to checking accounts to cover overdrafts. Such transfers are now specifically prohibited by both FDIC and Federal Reserve regulations (12 CFR § 329.5 and 12 CFR § 217.5).

The Federal Reserve proposal is a modification of previous proposals published in early 1976 by both the FDIC and the Federal Reserve.

The current Federal Reserve proposal would restrict preauthorized transfers to individuals, thus excluding business organizations and governmental units.

Unlike the earlier proposals, which would have required transfers of at least $100.00, the new proposal requires no specific minimum amount.

The earlier proposals required forfeiture of an amount equal to not less than 30 days' interest on the funds transferred. This would have resulted in a transfer penalty even if no interest had been earned during the 30 days preceding transfer. The new Federal Reserve proposal provides for forfeiture of not less than the amount of interest actually earned during the 30 days prior to transfer. If funds had been on deposit for less than 30 days, only interest earned during the time the funds were on deposit would be forfeited.

The Federal Reserve proposal would require banks to continue to reserve the right to require 30 days' notice prior to withdrawal of a savings deposit as is now required by Regulation Q and Part 329 of FDIC's regulations.

FDIC's Board of Directors (the Board) is considering a similar amendment to its regulations, and would be interested in receiving public comment on the Federal Reserve proposal. The Board is particularly interested in the following issues:

(1) Is the automatic transfer of funds from a savings account to a checking acount for the purpose of covering overdrafts legal? Does the fact that banks offering the service would be required to retain the option of insisting on 30-days' notice prior to withdrawal (transfer) make any difference with respect to the issue of whether the proposed amendment constitutes the payment of interest on demand deposits? Similarly would the imposition of a transfer "penalty" make any difference? Addressing the same issue, does it matter what sort of penalty is prescribed, and does it matter that the law limiting NOW accounts to banks in certain States in the Northeastern United States bars other banks from making automatic transfers to cover overdrafts?

(2) The Board is interested in comments on the interest forfeiture provision in the Federal Reserve proposal. In this connection, the Board would like specific comments on the following alternatives:

(A) A lower interest rate ceiling on savings accounts subject to automatic transfer than on regular savings accounts.

(B) A fixed fee imposed on each transfer regardless of amount (perhaps one geared to the bank's actual cost of making the transfer).

(C) No fee or forfeiture of any kind so long as funds are transferred to a checking account (and thus cease to earn interest) at the time an overdraft item is paid by the bank, subject to the optional 30-days' notice provision incorporated in present regulations. Other suggested alternatives are, of course, welcome.

(3) The Board would like comments on whether FDIC should authorize mutual savings banks (those having checking account or similar powers) to pay interest on their automatic transfer accounts at rates above those afforded commercial banks.

Comments should be submitted to the Executive Secretary, Federal Deposit Insurance Corp., 550 17th Street, NW., Washington, D.C. 20429, Room 6108, no later than March 20, 1978.

By order of the Board of Directors this 16th day of February, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
*Executive Secretary.*

[FR Doc. 78-4840 Filed 2-23-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE SYSTEM

### CONSUMER ADVISORY COUNCIL

#### Meeting

Notice is hereby given that the Consumer Advisory Council will meet on Wednesday, March 8, and Thursday, March 9, 1978. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building beginning at 1 p.m. and concluding at 5 p.m. on March 8 and beginning at 8:30 a.m. and concluding at 3:30 p.m. on March 9, The Martin Building is located on C Street NW., between 20th and 21st Streets in Washington, D.C.





The Council's function is to advise the Board on the exercise of the

serve directors should be guided by the following principles.

by the Board of Governors pursuant to 18 U.S.C. § 208 and appears in the Rules and



2. Review all current and future poli-

11. Maintain a continuous review of

additional written material that a

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that the March 8 and 9 meeting of the Council will include consideration of the following topics:

1. *Privacy.* Recommendations of the Privacy Commission on consumer credit—implementation and policies, rights of consumers, and impact on business judgment and business privacy.

2. *Federal Trade Commission Trade Regulation Rules.* Rules concerning unfair credit practices, including creditor remedies and holder in due course.

3. *Uniform Enforcement Guidelines.* For Truth in Lending enforcement as proposed by the Board and the other finiancial institution regulatory agencies.

There will be a preliminary review of the consumer aspects of electronic fund transfer systems. Brief reports will be made on the status of matters previously discussed by the Council.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors, February 22, 1978.

THEODORE E. ALISON,
*Secretary of the Board.*

[FR Doc. 78-5098 Filed 2-23-78; 8:45 am]

[6210-01]

## DIRECTORS OF FEDERAL RESERVE BANKS AND BRANCHES OF FEDERAL RESERVE BANKS

### Guide to Conduct

Directors of Federal Reserve Banks have a special obligation to maintain the integrity and reputation of the Federal Reserve System. In their capacity as directors, these individuals are changed by law with the responsibility of supervising and controlling the operations of the Reserve Banks, under the general supervision of the Board of Governors, and for assuring that the affairs of the Banks are administered fairly and impartially. Chosen, as they are, from diverse segments of the community at large, directors are expected to bring to their deliberations the benefit of experienced judgment and advice on specific matters within their respective districts and on other general issues confronting the System as a whole. To assure the proper performance of System business and the maintenance of public confidence in the System, it is essential that directors, through adherence to high ethical standards of conduct, avoid actions that might impair the effectiveness of System operations or in any way tend to discredit the System. Therefore, Federal Reserve directors should be guided by the following principles.

(1) Directors of Federal Reserve Banks, in carrying out their System responsibilities, should avoid any action which might result in or create the appearance of:

(a) Using their position as director for private gain,

(b) Giving unwarranted preferential treatment to any organization or person,

(c) Impeding System efficiency or economy,

(d) Losing complete independence or impartiality of action,

(e) Making a decision as a director outside of official System channels, or

(f) Affecting adversely the confidence of the public in the integrity of the Federal Reserve System.

(2) Directors should strictly preserve the confidentiality of System information that, if revealed, could inure to the private benefit of any person or organization or could impair or compromise the effectiveness of System operations and policies. In public speeches and communications, directors should avoid statements that suggest the nature of any monetary policy action that has not been officially disclosed.

(3) Class C directors are prohibited by the Federal Reserve Act (12 U.S.C. 303) from owning stock of any bank. In furtherance of the intended purpose of this prohibition, as a matter of System policy, class C directors appointed or reappointed following adoption by the Board of Governors of this Guide should also refrain from ownership of stock of a bank holding company. Directors should consider the stock ownerships of a spouse or minor child living at home to be their ownerships. Interests held or acquired by a class C director in a bank holding company, and interests held or acquired by the director's spouse or minor child in a bank or bank holding company should be promptly disposed of unless, after full disclosure to the Board of Governors or its designee, it is determined that retention of such stock would not, in the circumstances presented, significantly conflict with the underlying philosophy of the Act. Nothing set forth in this paragraph should be viewed as precluding a class C director from investing or participating in a diversified mutual fund, investment company, or other form of investment plan whose management may from time to time direct the purchase of stock, ownership of which is otherwise precluded by this paragraph, provided that the class C director's role is that of a passive investor and the director does not contribute in any manner to the investment decisions.

NOTE.—A regulation relating to directors of Federal Reserve Banks has been adopted by the Board of Governors pursuant to 18 U.S.C. § 208 and appears in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

Board of Governors of the Federal Reserve System, February 17, 1978.

THEODORE E. ALLISON,
*Secretary.*

[FR Doc. 78-5000 Filed 2-23-78; 8:45 am]

[4110-89]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

### Meeting

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

DATES: March 15, 1978, 9 a.m. to 5 p.m., local time; March 16, 1978, 9 a.m. to 5 p.m.; and March 17, 1978, 9 a.m. to 3 p.m. Requests for oral presentations before the Committee must be received on or before March 3, 1978. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va. 22204.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-9873.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, United States Code). The Committee is directed to:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;





2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissiner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation, and listing of State agencies in accordance with statutory provisions, Executive orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, is order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request;

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions;

15. Not later than March 31 of each year, make an annual report of its activities, findings, and recommendations.

The meeting on March 15, 16, and 17, 1978, will be open to the public. This meeting will be held at the Sheraton National Motor Hotel, Arlington, Va. The Committee will review petitions and reports by nationally recognized accrediting agencies and associations relative to continued recognition by the U.S. Commissioner of Education. The Committee also will hear presentations by representatives of the petitioning agencies and interested third parties, and will review policy items pertaining to accreditation and institutional eligibility. Agencies having petitions and reports pending before the Committee are:

American Assembly of Collegiate Schools of Business, Accreditation Council
American Optometric Association, Council on Optometric Education
American Veterinary Medical Association, Committee on Animal Technician Activities and Training
Middle States Association of Colleges and Schools, Commission on Higher Education
National Accreditation Council for Agencies Serving the Blind and Visually Handicapped
National Council for Accreditation of Teacher Education
Southern Association of Colleges and Schools, Commission on Occupational Education Institutions

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Mayland Avenue SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before March 3, 1978. Time constraints may limit oral presentations. However, all additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C., on February 16, 1978.

JOHN R. PROFFITT,
*Director, Division of Eligibility and Agency Evaluation, Office of Education.*

[FR Doc. 78-4860 Filed 2-23-78; 8:45 am]

[4110-02]

### Office of Education

### COMMUNITY EDUCATION ADVISORY COUNCIL

### Meeting

AGENCY: Office of Education, HEW, Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634. This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings: March 13, 1978.

ADDRESS: The Ball Room, North Star Inn, 618 2d Avenue, South, Minneapolis, Minn. 55402.

FOR FURTHER INFORMATION CONTACT:

Martha S. Methee, Office of Education, Department of Health, Education, and Welfare, Room 5622-ROB 3, 7th and D Streets SW., Washington, D.C. 20202, telephone 202-245-0691.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interests of community schools.

All sessions of this meeting will be open to the public.

The meeting will begin at 8:30 a.m. and end at 4:30 p.m.

During the Council's last meeting held in Washington, D.C. on January 17 and 18, it was decided that there was a need in the field of community education for a model(s) designed to identify strategies for enhancing cooperative efforts between the community schools and other agencies (both public and private) within the community. Also to be included in this model(s) would be the identification of

certain problem areas for which community education programs may offer a solution. Ultimately, the model(s) would demonstrate the ability of community schools to work cooperatively with identified agencies in the delivery of services to the community.

The purpose of this planning committee meeting will be to: (1) Identify possible target groups who have been working cooperatively with community schools; (2) identify programs which have worked successfully with these groups; (3) identify agencies who have not been involved with community schools, but who have the potential of making valuable use of schools to aid in the delivery of services; and, (4) identify problem areas for which community education programs may offer a solution. The results of this meeting will be compiled and presented to the Council during the next full Council meeting. The Council will then review the materials, make recommendations and solidify the targeted groups and successful programs to be used as the basis of the model(s) to be developed.

The proposed agenda includes: (1) Discussion with selected Community Education leaders.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 21, 1978.

RON CASTALDI,
*Acting Director,*
*Community Education Program.*

[FR Doc. 78-4901 Filed 2-23-78; 8:45 am]

[4110-02]

## NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

### Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Committee on Program Effectiveness and Evaluation of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: March 18, 1978, 9:30 a.m. to 3:30 p.m.

ADDRESS: Stapleton Plaza Motor Hotel, 3333 Quebec Street, Denver, Colo. 80207.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St. NW., Washington, D.C. 20004, 212-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public.

The proposed agenda includes:

Continued review and development of the Committee's report on program and administrative effectiveness.

Discussion of legislative recommendations.

Development of the Committee's annual report recommendations.

Development of a five-year Committee plan.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Building, 425 13th Street, NW., Washington, D.C., 20004.

Signed at Washington, D.C. on February 17, 1978.

GARY A. EYRE,
*Executive Director, National Advisory Council on Adult Education*

[FR Doc. 78-4906 Filed 2-23-78; 8:45 am]

[4110-85]

## Office of the Assistant Secretary for Health

## HEALTH MAINTENANCE ORGANIZATIONS

### New Applications

The Department publishes Notices from time to time announcing the availability of Federal financial assistance for feasibility surveys, planning, and for initial development of Health Maintenance Organizations pursuant to Title XIII of the Public Health Service Act (42 U.S.C. 300e et seq.) and sets deadlines for submission of new applications. The last Notice was published in the FEDERAL REGISTER (42 FR 41925-41926) on August 19, 1977.

This Notice establishes the date that eligible organizations may submit new applications and it outlines a requirement imposed by the Office of Management and Budget on such applications.

### NEW APPLICATIONS

New applications may be submitted to the appropriate Department of Health, Education, and Welfare (DHEW) Regional Office by organizations meeting the applicable requirements of sections 1303 and 1304 of the Act and 42 CFR Part 110.

*Deadline for Submission of New Applications*

Grants for Feasibility, Planning, and for Initial Development Costs (public or private nonprofit entities) and Loan Guarantees for Planning and Initial Development Costs (nonprofit private or private entities (other than nonprofit private entities))—June 30, 1978.

*Anticipated Date of Award*

September 29, 1978.

Applications submitted after June 30, 1978, will be reviewed, evaluated, and considered, based upon availability of funds, for funding in fiscal year 1979 beginning October 1, 1978.

It is anticipated that a 90-day review period will be required between receipt of such applications and final action on their disposition.

### EXPANSION APPLICATIONS FROM QUALIFIED HMO'S

Organizations qualified under Title XIII of the Public Health Service Act may submit applications as soon as possible for funding for significant expansion of their operation. Applications may be made irrespective of whether the health maintenance organization previously received financial support under Title XIII. Individual application requests will be accepted for grant or loan guarantee support. It is estimated that a 90-day period will be required between the receipt of such applications and final action on their disposition. Expansion grants will be considered for feasibility and planning and initial development while loan guarantees are available for planning and initial development costs of nonprofit private health maintenance organizations, and of private (other than nonprofit private) qualified health maintenance organizations which intend to serve medically underserved populations.

### OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 REQUIREMENT

It should be noted that applicants requesting Federal financial assistance under Title XIII of the Public Health Service Act are subject to the Office of Management and Budget Circular No. A-95 requirements in addition to the applicable requirements of Title XIII and 42 CFR Part 110. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantive modification thereto under a Federal program covered by the OMB Circular A-95 will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction where the project is to be located, of its intent to apply for assistance at such time as it determines it will develop an application. Clearinghouses may take a total of 60 days to consider the applicant's notification of intent or completed application or both. All health maintenance organization applications must contain clearinghouse comments before a competitive review is made by DHEW of the application. Applicants are advised to submit such notifications and completed applications at the earliest possible date in order to be able to meet the schedule for grant review.

Dated: February 17, 1978.

JULIUS B. RICHMOND,
*Assistant Secretary for Health.*

[FR Doc. 78-4892 Filed 2-23-78; 8:45 am]





[4110-08]

## Office of the Assistant Secretary for Health

## PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH NATIONAL COMMISSION

### Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on March 10 and 11, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including the performance of Institutional Review Boards, the basic ethical principles that should underlie the conduct of research on human subjects, delivery of health services under programs conducted or supported by the Department of Health, Education, and Welfare, and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016.

Dated: February 14, 1978.

MICHAEL S. YESLEY,
*Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.*

[FR Doc. 78-4893 Filed 2-23-78; 8:45 am]

[4110-02]

## Office of the Secretary

## OFFICE OF EDUCATION

### Statement of Organization, Functions, and Delegations of Authority

Part EE, Office of Education, section EE-10 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to reflect the addition of a Division of State Vocational Program Operations in the Bureau of Occupational and Adult Education which will administer all State plan programs authorized by the Vocational Education Act, as amended. Therefore the statement published in the FEDERAL REGISTER of April 26, 1974, at 39 FR 14738 is amended by the addition of a Division of State Vocational Program Operations immediately following the statement under the heading Division of Vocational and Technical Education to read as follows:

*Division of State Vocational Program Operations (EEWX).* Administers OE State plan operations under the Vocational Education Act, as amended. Reviews and recommends the approval or disapproval and necessary action on vocational education State plans and requested reports. Provides technical assistance through: (a) The interpretation of regulations, guidelines, and manuals to State and local education agencies, institutions of higher education, other agencies and organizations, and individuals interested in federally supported vocational and occupational programs; (b) the maintenance of close contact with OE contractors, grantees, and award recipients in the States in an effort to maximize the utilization and benefit of OE sponsored programs and makes recommendations for the improved management of such programs as warranted; (c) the conduct of liaison between the interested groups, coordinating various elements and aspects of the vocational education area; and (d) the communication of pertinent information to a wide variety of recipients.

Dated: February 8, 1978.

CHARLES MILLER,
*Acting Assistant Secretary for Management and Budget.*

[FR Doc. 78-4894 Filed 2-23-78; 8:45 am]

[4110-03]

## Food and Drug Administration

[Docket No. 78P-0001]

## DEPUY

### Request for Date and Information on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice invites interested persons to submit information, data, and views on a petition filed under section 513(f) (21 U.S.C. 360c(f)) of the Federal Food, Drug, and Cosmetic Act by DePuy, Warsaw, Ind., for a metal stem, ceramic self-locking ball, total hip prosthesis. Material submitted will be forwarded to members of the Orthopedic Device Classification Panel, which will make a recommendation on the petition to the Food and Drug Administration (FDA).

DATA: Information, data, and views should be submitted by March 27, 1978.

ADDRESS: Copies of the petition are available at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Information, data, and views should be submitted (five copies) to James G. Dillon, executive secretary, Orthopedic Device Classification Panel (address given below).

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: DePuy submitted, under section 510(k) of the act (21 U.S.C. 360(k)), a premarket notification of its intent to market a metal stem, ceramic self-locking ball, total hip prosthesis to be used in conjunction with a polyethylene acetabular cup. The product uses an aluminum oxide ceramic ball held in position by a locking cone configuration on a metallic stem composed of multiphasic alloy having the trade name Protosal 10™. This device was determined by the agency to be not substantially equivalent to any device that was in commercial distribution before May 28, 1976, and is therefore classified in class III (premarket approval) under section 513(f) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2), before a device that is in class III because of section 513(f)(1) of the act can be marketed, it is required to have an approval of an application for premarket approval,





unless there is in effect for the device



ACTION: Notice.

SUPPLEMENTARY INFORMATION: On August 24, 1976, Hoffmann-La

unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g))) or unless the device is reclassified. On December 2, 1977, DePuy submitted a petition for reclassification under section 513(f)(2) of the act. The agency reviewed the petition and determined that there were no deficiencies in the data supplied.

Section 513(f) of the act requires the Commissioner of Food and Drugs to submit the petition to a panel for a recommendation. The panel must make its recommendation to the Commissioner within 90 days after the petition is referred to the panel. Ordinarily, the petition would be discussed at an open panel meeting before the panel makes its recommendation. However, the next Orthopedic Device Classification Panel meeting is tentatively scheduled for late March 1978. This would be beyond the 90-day period in which the panel must make its recommendation. In addition, during a previous Orthopedic Device Classification Panel meeting, on November 14 and 15, 1976, before submission of the petition, the panel, after listening to extensive testimony concerning the safety and efficacy of the device in question, reached a unanimous conclusion that the device should be recommended for classification in class II. Therefore, this petition has been mailed to the voting members of the panel for their review and recommendations, and the panel will make its recommendation to FDA by mail.

Section 513(f) of the act also requires the Commissioner to provide an opportunity for interested persons to provide information, data, and views to the panel before it makes its recommendation. Information, data, and views will be mailed to the panel members for their consideration before they make their recommendations. Then each voting member will send the executive secretary of the panel a completed supplemental data sheet and a completed classification questionnaire applicable to the device for which a recommendation is sought. The panel recommendation will be published in the FEDERAL REGISTER. A period for public comment will follow, and then the Commissioner will issue a final order approving or denying the petition no more than 210 days after the submission of an adequate petition.

Dated: February 14, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4598 Filed 2-23-78; 8:45 am]

[4110-03]

## ONCOLOGIC DRUGS ADVISORY COMMITTEE

### Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| Oncologic Drugs Advisory Committee. | Mar. 30, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Robert S. Young, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* Discussion of additional clinical studies—Tamoxifen; clinical guidelines; Estramustine—(NDA 18-145); Cis-Platinum—(NDA 18-057); and discussion of active investigational new drugs and pending new drug applications.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: February 14, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4599 Filed 2-23-78; 8:45 am]

[4110-03]

### Food and Drug Administration

## CONTRACEPTIVE AND OTHER VAGINAL DRUG PRODUCTS PANEL

### Meeting Change

AGENCY: Food and Drug Administration.





ACTION: Notice.

SUMMARY: The Contraceptive and Other Vaginal Drug Products Panel meeting scheduled for March 28, 1978, in Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md., has been rescheduled to meet on March 13 and 14, 1978 in Conference Room F.

FOR FURTHER INFORMATION CONTACT:

Armond M. Welch, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7029), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Contraceptive and Other Vaginal Drug Products Panel scheduled for March 28, 1978, has been rescheduled for March 13 and 14, 1978, Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. The open public hearing will begin at 9 a.m. on March 13.

Dated: February 15, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4864 Filed 2-23-78; 8:45 am]

[4110-03]

## GENERAL AND PLASTIC SURGERY DEVICE CLASSIFICATION PANEL

### Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The General and Plastic Surgery Device Classification Panel meeting scheduled for March 31, 1978, in Room 1137, HEW-North, 330 Independence Avenue SW., Washington, D.C., has been rescheduled to meet on March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark F. Parrish, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7036), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the General and Plastic Surgery Device Classification Panel scheduled for March 31, 1978, has been rescheduled for March 24, 1978, Rm. 1137, HEW-North, 330 Independence Avenue SW., Washington, D.C. The open committee discussion will begin at 8 a.m.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4865 Filed 2-23-78; 8:45 am]

[4110-03]

[Docket No. 77P-0052]

## HOFFMANN-LA ROCHE, INC.

### Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the ABUSCREEN™, Radioimmunoassay for Methaqualone be reclassified from Class III (Premarket Approval) to Class II (Performance Standards). This recommendation was made after review of the reclassification petition filed by Hoffmann-La Roche, Inc., Nutley, NJ, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments March 27, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On August 24, 1976 Hoffmann-La Roche, Inc., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intends to market a device the manufacturer calls ABUSCREEN™, Methaqualone. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in Class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in Class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 24, 1976, Hoffman-La Roche, Inc., submitted a reclassification petition for the device under section 513(f)(2) of the act. On March 29, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified in class II, after the manfacturer provided additional information. The additional information was provided on January 5, 1978.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Radioimmunoassay, methaqualone," and described the device as a kit for enzyme immunoassay for methaqualone. The device is used for the detection and quantitation of methaqualone in human urine. Methaqualone is a drug that is used as a hypnotic; it is also a drug that can be abused. The device is used to determine whether the patient is a drug abuser or whether the patient has been given an excessive dosage of methaqualone. A mild overdose of methaqualone could cause excessive central nervous system depression; a severe overdose may result in delirium and convulsions. Fatalities may occur in persons who use methaqualone as a drug of abuse and who have also ingested alcohol. The panel recommended that all devices meeting this description, and those substantially equivalent to this device, be classified in class II.





SUMMARY OF THE REASONS FOR THE RECOMMENDATION

RISKS TO HEALTH

FOR FURTHER INFORMATION CONTACT:



unexpected toxicities resulting from immature physiologic and metabolic mechanisms and the need for a flexible ap-

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.

2. The device is not potentially hazardous to life or good health when properly used.

3. The device is used to detect the levels of methaqualone in human urine. The device is an in vitro diagnostic product.

4. The device has performance characteristics that should be maintained. A step-by-step protocol for use by the analyst has also been included with the kit. Performance data on accuracy, precision, specificity, quantitative determinations, and interfering substnaces have been included.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, an independent laboratory tested 115 samples of human urine with a high positive rate by the currently accepted methodology for the assay, i.e., gas liquid chromatography. These same samples were also tested by ABUSCREEN™ Radioimmunoassay, Methaqualone. The data showed that there was a 98 percent agreement between these two methods. There were no false positives. One hundred normal urine samples from a random populaton were tested to determine the levels of methaqualone; equivalents found in this population were only 5 nanograms per milliliter with 92 percent of the specimens at 2 nanograms per milliliter or less.

RISKS TO HEALTH

The panel noted that inaccurate analysis from use of the device may lead to misdiagnosis or improper treatment or production of toxicities. The panel recommended that the device be classified in class II, that a standard directed toward the specificity and sensitivity of the device be developed, and that the development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, Food and Drug Administration address noted above.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4867 Filed 2-23-78; 8:45 am]

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[4110-03]

[Docket No. 77D-0416]

## INVESTIGATION OF DRUGS USED IN HUMANS

### Availability of Clinical Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of the availability of 15 clinical guidelines. These guidelines represent acceptable current procedures and standards for investigation of various classes of drugs in humans and are intended to inform interested persons of what the agency views as acceptable procedures and standards for conducting clinical investigations of drugs to determine their safety and effectiveness.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John S. Purvis, Bureau of Drugs (HFD-102), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is making available a series of guidelines on the investigation of drugs in humans. The guidelines have been prepared with assistance from FDA scientific advisory committees and other consultants to the agency.

Two of the guidelines are of a general nature. One gives an overview of designing and conducting clinical investigations, including the requirements for protecting human subjects, while the other applies the general considerations to investigations that involve infants and children. The other 13 guidelines deal with specific classes of drugs.

This notice of availability of these guidelines is issued under § 10.90(b) (21 CFR 10.90(b)). That section provides for use of guidelines to outline procedures or standards of general applicability that are not legal requirements but are acceptable to FDA for a subject matter that falls within the laws administered by the Commissioner of Food and Drugs. Although a person may be assured that in following an agency guideline the procedures and standards will be acceptable to FDA, the investigator may also choose to use alternative procedures or standards for which there is scientific rationale, even though they are not provided for in the guideline. If a person chooses to differ from a guideline, that person may discuss the matter further with the agency to prevent expenditure of money and effort on work that later may be determined to be unacceptable by FDA. The guidelines subject to this notice are as follows:

GENERAL GUIDELINES

| HEW (FDA) No. | Guideline title | GPO Stock No. | Responsible individual for maintaining guideline | Cost |
|---|---|---|---|---|
| 77-3040 | General Considerations for the Clinical Evaluation of Drugs. | [017-012-00245-5] | Associate Director for New Drug Evaluation (HFD-100). | $0.90 |

This guideline reviews the statutory requirements for the protection of human subjects, emphasizes the scientific principles to be observed in designing well-controlled studies on the basis of which valid conclusions can be drawn regarding the safety and efficacy of drugs, discusses the role of special studies such as drug dynamics, drug interactions, and enzyme induction, and provides definition and guidance regarding specific considerations for Phases I, II, and III of the investigation.

| HEW (FDA) No. | Guideline title | GPO Stock No. | Responsible individual for maintaining guideline | Cost |
|---|---|---|---|---|
| 77-3041 | General Considerations for the Clinical Evaluation of Drugs in Infants and Children. | [017-012-00248-3] | Martha M. Freeman, M.D., Assistant to the Associate Director for New Drug Evaluation (HFD-102). | $1.10 |

This guideline provides a comprehensive approach to testing drugs in infants and children, includes factors affecting both safety and efficacy of investigational drugs in immature subjects in general, and emphasizes the need to elucidate





unexpected toxicities resulting from immature physiologic and metabolic mechanisms and the need for a flexible approach to permit modification according to the nature of the drug, its intended use, and the age of the patient.

SPECIFIC GUIDELINES

The following guidelines pertain to specific classes of drugs and present acceptable current approaches to the study of investigational drugs in man. They represent generally accepted principles for arriving at valid conclusions concerning safety and effectiveness of new drugs, as well as the views of experts concerning appropriate methods of study of specific classes of drugs:

| HEW (FDA) No. | Guideline title | GPO Stock No. | Responsible individual for maintaining guideline | Cost |
|---|---|---|---|---|
| 77-3042 | Guidelines for the Clinical Evaluation of Antidepressant Drugs. | [017-012-00247-1] | Group Leader for Psychopharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120). | $1.00 |
| 77-3043 | Guidelines for the Clinical Evaluation of Antianxiety Drugs. | [017-012-00248-0] | Group Leader for Psychopharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120). | 1.00 |
| 77-3044 | Guidelines for the Clinical Evaluation of Radiopharmaceuticals. | [017-012-00249-8] | Group Leader for Radiopharmaceutical Drugs, Division of Oncology and Radiopharmaceutical Drug Products (HFD-150). | .90 |
| 77-3045 | Guidelines for the Clinical Evaluation of Anticonvulsant Drugs (Adults and Children). | [017-012-00251-0] | Group Leader for Neuropharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120). | .90 |
| 77-3046 | Guidelines for the Clinical Evaluation of Anti-Infective Drugs (Systemic) (Adults and Children). | [017-012-00250-1] | Group Leader for Anti-Infective Drugs, Drugs, Division of Anti-Infective Drug Products (HFD-140). | .90 |
| 78-3047 | Guidelines for the Clinical Evaluation of Antianginal Drugs. | [017-012-00259-5] | Director, Division of Cardio-Renal Drug Products (HFD-110). | .70 |
| 78-3048 | Guidelines for the Clinical Evaluation of Antiarrhythmic Drugs. | [017-012-00256-1] | Director, Division of Cardio-Renal Drug Products (HFD-110). | .80 |
| 78-3049 | Guidelines for the Clinical Evaluation of Antidiarrheal Drugs. | [017-012-00257-9] | Director, Division of Cardio-Renal Drug Products (HFD-110). | 1.00 |
| 78-3050 | Guidelines for the Clinical Evaluation of Gastric Secretory Depressant (GSD) Drugs. | [017-012-00252-8] | Director, Division of Cardio-Renal Drugs Products (HFD-110). | .90 |
| 78-3051 | Guidelines for the Clinical Evaluation of Hypnotic Drugs. | [017-012-00253-6] | Group Leader for Neuropharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120). | 1.00 |
| 78-3052 | Guidelines for the Clinical Evaluation of General Anesthetics. | [017-012-00254-4] | Director, Division of Surgical Dental Drug Products (HFD-160). | .90 |
| 78-3053 | Guidelines for the Clinical Evaluation of Local Anesthetics. | [017-012-00255-2] | Director, Division of Surgical-Dental Drug Products (HFD-160). | .80 |
| 78-3054 | Guidelines for the Clinical Evaluation of Anti-Inflammatory Drugs (Adults and Children). | [017-012-00258-7] | Group Leader for Anti-Inflammatory Drugs, Division of Oncology and Radiopharmaceutical Drug Products (HFD-150). | 1.50 |

The guidelines have been placed in the public file of guidelines and are available for public inspection at the office of the FDA Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday. Copies of the guidelines are available from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402 at the cost listed for each document. Orders for copies should include the GPO stock number.

Interested persons may submit comments on the guidelines (preferably four copies and identified with the docket number found in brackets in the heading of this document) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857. Any comment received shall be considered in determining the need for amending these guidelines.

Dated: February 16, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4866 Filed 2-23-78; 8:45 am]

[4110-03]

## HEALTH CARE SERVICES

### Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming regional ad hoc professional meeting to be chaired by the Commissioner for the Food and Drug Administration.

DATE: The meeting will be at 1 p.m., Friday, March 31, 1978.





ADDRESS: The meeting will be held at the Sheraton-Dallas Hotel, 2117

of the Department's regulations concerning Limitation on Payments or

price reductions, the proposed MAC's for tetracycline should be set at a



quality deficiencies, such as excessive

by FDA of propoxyphene quality

[4110-83]

ADDRESS: The meeting will be held at the Sheraton-Dallas Hotel, 2117 Live Oak, Dallas, Tex. 75201.

FOR FURTHER INFORMATION CONTACT:

Alan S. Kaplan, Office of Professional Programs (HFG-15), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information, among health professionals and the Regional and District Staff Offices, relative to FDA's established procedures for eliciting health professional input into the agency's decisionmaking process; to identify common problems within the sphere of FDA's responsibility which have an effect on the practitioner and/or the delivery of health services; to seek solutions to those problems; and to conduct other activities of mutual interest and benefit.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc. 78-4888 Filed 2-23-78; 8:45 am]

[4110-35]

**Health Care Financing Administration**

**TETRACYCLINE HC1, PROPOXYPHENE HC1, PROPOXYPHENE HC1 WITH APC, AND CHLORDIAZEPOXIDE HC1**

**Final Maximum Allowable Cost Determinations**

Notice is hereby given, under the authority of 45 CFR Part 19, that the Pharmaceutical Reimbursement Board of the Department of Health, Education, and Welfare has determined Maximum Allowable Costs (MAC's) for the drugs and dosage forms indicated below. MAC's are established, in accordance with the regulations, at the lowest unit price at which a drug is widely and consistently available from any formulator or labeler for multiple source drugs for which significant amounts of Federal funds are or may be expended under HEW programs and for which there are or may be significantly different prices.

Maximum Allowable Costs (MAC's) have been determined for tetracycline HC1 in strengths of 250 mg and 500 mg. MAC's have also been determined for propoxyphene HC1 65 mg capsules and for propoxyphene HC1 with APC 65 mg capsules. In addition, MAC's have been determined for chlordiazepoxide HC1 capsules in strengths of 5 mg, 10 mg, and 25 mg. The MAC limits and the Board's reasons for its determinations are described in this notice.

In establishing these MAC limits, the Board followed the requirements of the Department's regulations concerning Limitation on Payments or Reimbursement for Drugs (45 CFR Part 19). The Pharmaceutical Reimbursement Board sought the advice of the Pharmaceutical Reimbursement Advisory Committee on August 9, 1977 which met to consider the proposed MAC's on September 28-30, 1977. The Board published a notice in the FEDERAL REGISTER on November 4, 1977 (42 FR 57750-1) which contained the advice of the Pharmaceutical Reimbursement Advisory Committee with regard to the proposed MAC's and the Board's response to it. This notice also invited submission of public comments on the proposed MAC's within 30 days. The proposed MAC's as announced in the FEDERAL REGISTER of November 4, 1977 were as follows:

1. Tetracycline HC1 capsules, 250 mg, $0.0250 per capsule.
2. Tetracycline HC1 capsules, 500 mg, $0.0465 per capsule.
3. Propoxyphene HC1 capsules, 65 mg, $0.0317 per capsule.
4. Propoxyphene HC1 with APC capsules, 65 mg, $0.0330 per capsule.
5. Chlordiazepoxide HC1 capsules, 5 mg, $0.0270 per capsule.
6. Chlordiazepoxide HC1 capsules, 10 mg, $0.0378 per capsule.
7. Chlordiazepoxide HC1 capsules, 25 mg, $0.0640 per capsule.

The FEDERAL REGISTER notice of November 4, 1977 also announced that a public hearing would be held before the Board with regard to the proposed MAC's. The hearing was held on December 9, 1977, at 10 a.m. in Room 1331 of the Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Representatives of three pharmaceutical manufacturers gave testimony at this hearing.

In arriving at the final Maximum Allowable Cost determinations set out below, the Board considered the entire record which includes the economic and quality data developed with regard to the proposed MAC's, the advice of the Advisory Committee, the public comments received with regard to the proposed MAC's and the testimony presented at the December 9 hearing. The comments received and testimony presented concerning the proposed MAC's are summarized below. The Board's response to the public comments and hearing testimony follows the summaries.

SUMMARY OF COMMENTS

A total of five comments were received concerning the proposed MAC's on tetracycline HC1, propoxyphene HC1, propoxyphene HC1 with APC and chlordiazepoxide HC1.

Tetracycline comment: A manufacturer submitted data revealing that several drug manufacturers had reduced their advertised prices and suggested that, in view of these recent price reductions, the proposed MAC's for tetracycline should be set at a lower level. The Board reviewed the data and decided that although these price reductions had occurred, the Board would not alter its originally proposed price levels in order to assure availability of tetracycline HC1 products at its proposed price levels.

Propoxyphene comment: A hospital pharmacist commented that propoxyphene HC1 in unit packaging with reverse numbering would not be available at a price below the proposed MAC and suggested establishment of separate MAC's for this specific unit dose packaging. The Board agreed with this comment and decided that the proposed MAC limits would not apply to propoxyphene HC1 unit dose reverse number strip packaging for institutional use.

Chlordiazepoxide comments: A professional association of physicians questioned the existence of sufficient manufacturing capacity of chlordiazepoxide to insure its continued availability. The Board disagreed with the association of physicians on the basis of its own independent investigation and the material supplied by Roche on the availability of chlordiazepoxide HC1 products. Also a State commented that under its substitution statute because of alleged bioequivalence problems with chlordiazepoxide HC1 no other brand than Librium could be dispensed by pharmacists in the State thus creating a situation, if chlordiazepoxide had the proposed MAC limit established, that medicaid beneficiaries could not receive the drug. The Board disagreed with the alleged bioequivalency problem based on the extensive submission of the FDA regarding the quality and bioequivalency matters relative to chlordiazepoxide.

General comment: A State Department of Health indicated that the drugs on which MAC's have been proposed are available from a variety of sources in that state at prices below the proposed MAC's. The Board acknowledged this supportive data.

SUMMARY OF PUBLIC HEARING

At the public hearing held on December 9, 1977, concerning the appropriateness of the proposed MAC's, testimony was presented by three pharmaceutical manufacturers. Representatives of Hoffmann-LaRoche testified that in terms of manufacturer capacity, manufacturer inventory, warehouse inventories of wholesalers and chain drug stores, and retail pharmacy shelf stock chlordiazepoxide HC1 is not widely and consistently available at or below the proposed MAC limits as the Maximum Allowable Cost regulations require. Therefore, no MAC's should be established for chlordiazepoxide HC1. Representatives of Eli Lilly testified that studies showed quality deficiencies, such as excessive impurities and pellet misfills in competitor's products as well as inconsistent labeling and lack of expiration dating for marketers of propoxyphene HC1 and propoxyphene HC1 with APC. Lilly, therefore asked that MAC's not be established for these products until corrective action is taken to eliminate existing quality problems. Finally, a representative of the Upjohn Co. testified that potential bioavailability problems with regard to tetracycline HC1 mitigate against the establishment of MAC limits for tetracycline HC1 until the bioavailability problem is resolved.

THE BOARD'S RESPONSE

The Pharmaceutical Reimbursement Board met on December 9, December 21, 1977, and February 6, 1978 to review the evidence presented to it with regard to the proposed MAC's, and to make a final determination concerning establishing them. The Board's reasons for its final MAC determination decisions are listed below:

Chlordiazepoxide HC1: The Board reviewed the studies presented to it by Roche, had the MAC staff conduct its own analysis of available data and checked with several manufacturers of chlordiazepoxide concerning its availability in the marketplace. Based on these efforts, the Board concluded that chlordiazepoxide HC1 is available from over 40 manufacturers and that according to the studies submitted by Roche, over 90 percent of the wholesalers surveyed by Roche do stock other brands of chlordiazepoxide than Roche. Believing that considerations of availability involve more than a determination of what is sold at a given moment by retail pharmacies, the Board concluded that chlordiazepoxide is widely and consistently available and that sufficient manufacturing capacity exists to enable producers to supply providers sufficient to meet demands generated by HEW programs. The Board further concluded that the evidence presented by Roche concerning the availability of chlordiazepoxide made it unnecessary to allow the proposed extra 30 day implementation period for MAC limits on chlordiazepoxide HC1.

Tetracycline HC1: The Board concluded that no new evidence had been presented to it at the hearing which had not been presented to the Pharmaceutical Reimbursement Advisory Committee. In view of the advice of the PRAC, the Board saw no reason for not establishing a MAC for tetracycline based either on quality or on manufacturing considerations.

Propoxphene HC1: In making its final determination with regard to this drug, the Board relied upon the advice of the Pharmaceutical Reimbursement Advisory Committee and on a review by FDA of propoxyphene quality issues raised by Eli Lilly and Company in its presentations to the Committee, at the December 9, 1977 hearing before the Board and in a citizens petition submitted to FDA dated November 30, 1977. FDA did not treat the Lilly submission as a citizens petition because it required no FDA action under the statutes enforced by that agency. FDA took the position that the petition should have been directed to the Pharmaceutical Reimbursement Board, and then responded to it as if it had been. This response is contained in a memorandum dated January 20, 1978 from the Director, Bureau of Drugs, FDA to the Chairman, Pharmaceutical Reimbursement Board, HCFA. This memo takes the position that there is no reason for FDA to alter its position of June 10, 1977 that there is no reason to recommend against establishing MAC limits for propoxyphene HC1. The Board agreed with the conclusion of the FDA.

The FDA memorandum of January 20, 1978 which responds to the substantive quality issues concerning propoxyphene is available for examination in the Office of the Pharmaceutical Reimbursement Board which is located in Room 3076, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201.

ORDER

After consideration of all the evidence put before it, the Pharmaceutical Reimbursement Board has determined that the proposed MAC's on tetracycline HC1, propoxyphene HC1, propoxyphene HC1 with APC, and chlordiazepoxide HC1 are appropriate. The Board, therefore, established the following MAC's.

1. Tetracycline HC1 capsules, 250 mg, $0.0250 per capsule.
2. Tetracycline HC1 capsules, 500 mg, $0.0465 per capsule.
3. Propoxyphene HC1 capsules, 65 mg, $0.0317 per capsule.
4. Propoxyphene HC1 with APC capsules, 65 mg, $0.0330 per capsule.
5. Chlordiazepoxide HC1 capsules, 5 mg, $0.0270 per capsule.
6. Chlordiazepoxide HC1 capsules, 10 mg, $0.0378 per capsule.
7. Chlordiazepoxide HC1 capsules, 25 mg, $0.0640 per capsule.

The MAC's for propoxyphene HC1 and propoxyphene HC1 with APC will not apply to unit dose reverse number strip packaging for institutional use.

The effective date of these MAC's is April 10, 1978.

Dated: February 21, 1978.

VINCENT R. GARDNER,
*Chairman, Pharmaceutical Reimbursement Board.*

[FR Doc. 78-4942 Filed 2-23-78; 8:45 am]





[4110-83]

**Health Resources Administration**

**ADVISORY COMMITTEE**

**Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1978:

Name: National Council on Health Planning and Development.

Date and time: March 10, 1978, 8:30 a.m. to 5 p.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery, and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: To review the progress of the health planning program and to advise on the development of the National Guidelines for Health Planning.

Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-44, Center Building, 3700 East-West Highway, Hyattsville, Md 20782, telephone 301-436-8990.

Agenda items are subject to change as priorities dictate.

Dated: February 16, 1978.

JAMES A. WALSH,
*Associate Administrator for Operations and Management.*

[FR Doc. 78-5135 Filed 2-23-78; 11:04 am]





[4110-08]

tee, Division of Research Resources, p.m. Notice of the meeting room will



[4110-08]

[4110-08]

gency for the State of Connecticut

[4110-08]

National Institutes of Health

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of a change in the meeting date of the Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, which was published in the FEDERAL REGISTER on February 7, 1978, 43 FR 5073.

The Committee was to have met for one day on March 28, 1978, and will now meet for one and a half days. The meeting will now be from 1 p.m. to 6 p.m. on Tuesday, March 28, 1978, and 8:30 a.m. to 6 p.m. on Wednesday, March 29, 1978. The entire meeting will be open to the public on a space available basis in Conference Room 7, Building 31, National Institutes of Health, Bethesda, Md.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4610 Filed 2-23-78; 8:45 am]

[4110-08]

BIOANALYTICAL AND METALLOBIOCHEMISTRY STUDY SECTION

Amended Meeting

Notice is hereby given of a change in the meeting place of the Bioanalytical and Metallobiochemistry Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Bioanalytical and Metallobiochemistry Study Section was to have met at the Radisson Denver Hotel, Denver, Colo., but will meet at the Regency Hotel, Denver, Colo., March 2-4, 1978, at 8 a.m., the same dates and time for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4607 Filed 2-23-78; 8:45 am]

[4110-08]

BIOTECHNOLOGY RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is given of the meeting of the Biotechnology Resources Advisory Committee, Division of Research Resources, May 22, 1978, Rodeway Inn Hotel, O'Hare Airport, Chicago, Ill.

This meeting will be open to the public on May 22 from 8:30 a.m. until adjournment for discussion of the functions of the full Committee and the two Subcommittees, a review of the current status of the Biotechnology Resources Program, and a discussion of the status and review of guidelines for Prophet user sites.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B-19, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of Committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Advisory Committee, Division of Research Resources, Building 31, Room 5B-41, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301-496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health.)

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4613 Filed 2-23-78; 8:45 am]

[4110-08]

MICROBIOLOGY AND INFECTIOUS DISEASES ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of changes in the times of the "closed" and "open" portions of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5895).

This meeting will be open to the public from 9 a.m. to 10:30 a.m., and from 3 p.m. until adjournment on March 6, 1978, and will be closed to the public from 10:30 a.m. to 3 p.m. on March 6, 1978.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4608 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL ARTHRITIS ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis Advisory Board at the Key Bridge Marriott Hotel, Rosslyn, Va., on April 13, 1978, from 9 a.m. to 5 p.m. Notice of the meeting room will be posted in the hotel lobby.

The entire meeting, which will be open to the public, is being held to discuss the Board's activities, and to continue its evaluation of the implementation of the long-range plan to combat arthritis, formulated by the National Commission on Arthritis and Related Musculoskeletal Diseases. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, 301-496-3583, will provide summaries of the meeting. (Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health.)

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4612 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Amended Meeting

Notice is hereby given of a change in the business meeting of the National Commission on Digestive Diseases, on March 3, 1978, Room 529A, Hubert Humphrey Building, HEW, Washington, D.C. from 9 a.m. to 5 p.m., which was published in the FEDERAL REGISTER on January 27, 1978, 43 FR 3770.

The Commission business meeting location is changed to the 14th Floor Assembly Hall, Building 10, National Institutes of Health, Bethesda, Md. 20014. The Public Hearings to be held by the Commission remain the same—March 2, 10 a.m. to 6 p.m., Hubert Humphrey Building Auditorium, HEW, 2nd and C Streets SW., Washington, D.C.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, telephone 301-496-3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4606 Filed 2-23-78; 8:45 am]





[4110-08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Public Hearing

Pursuant to Pub. L. 92-463, notice is hereby given that the National Commission on Digestive Diseases will hold a public hearing on April 3, 1978, 10 a.m. to 6 p.m., in Denver, Colo. 80262, at the Denison Auditorium, University of Colorado Medical Center, 4200 East 9th Avenue, which will be open to the public. Attendance by the public will be limited to space available.

Any member of the public who wishes to appear before the Commission on April 3, shall file a written statement or detailed summary of his remarks with the Commission before March 21, 1978. Statements or summaries may be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014, telephone 301-496-1347. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Dated: February 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4611 Filed 2-32-78; 8:45 am]

[4110-08]

NEUROLOGICAL SCIENCES STUDY SECTION

Amended Meeting

Notice is hereby given of a change in the meeting date of the Neurological Sciences Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Neurological Sciences Study Section was to have met March 9-12, 1978, but will meet March 10-12, 1978 at 8:30 a.m. at the Holiday Inn, Bethesda, Md., the same time and location for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4609 Filed 2-23-78; 8:45 am]

[4110-08]

National Institutes of Health

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, March 2 and 3, 1978, at the Holiday Inn, Bethesda, Md., which was published in the FEDERAL REGISTER on February 14, 1978, (43 FR 6324).

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: February 16, 1978.

SUZANNE L. FREMEAU,
*Committee Management Officer,*
*National Institutes of Health.*

[FR Doc. 78-4981 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Amended Notice of Meeting

Notice is hereby given of a time change in the National Commission on Digestive Diseases Public Hearing scheduled for March 2, 1978, which was published in the FEDERAL REGISTER on January 27, 1978, 43 FR 3770.

The Public Hearing was to have commenced at 10 a.m. to 5 p.m., but has been changed to commence at 9 a.m. to 5 p.m. The location remains the same—Hubert Humphrey Building Auditorium, HEW, 2d and C Streets SW., Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc. 78-4981 Filed 2-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-597; FDAA-3060-EM]

CONNECTICUT

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Connecticut (FDAA-3060-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Connecticut is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 92-288. I therefore declare that such an emergency exists in the State of Connecticut.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegaton of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs. For the purpose of defining those areas within the State of Connecticut eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on February 7, 1978, I do hereby determine that all counties within the State of Connecticut have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4876 Filed 2-23-78; 8:45 am]





[4210-01]

Urban Development by the President under Executive Order 11795 of July

NOTICE: Pursuant to the authority vested in the Secretary of Housing and



DATED: February 3, 1978.

FOR FURTHER INFORMATION

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

[4210-01]

[Docket No. NFD-600; FDAA-3056-EM]

### INDIANA

#### Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the notice of Emergency Declaration for the State of Indiana (FDAA-3056-EM), dated January 27, 1978.

DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Indiana dated January 27, 1978, is hereby amended for the purpose of defining those areas within the State of Indiana eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an Emergency on January 27, 1978. I do hereby determine that all counties within the State of Indiana have been adversely affected by this declared Emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS R. CASEY,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4873 Filed 2-23-78; 8:45 am]

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[4210-01]

[Docket No. NFD-603; FDAA-546-DR]

### MASSACHUSETTS

#### Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Massachusetts (FDAA-546-DR), dated February 10, 1978, and related determinations.

DATED: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 10, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Massachusetts resulting from coastal flooding beginning about February 6, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Massachusetts.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas to have been adversely affected by this declared major disaster.

The Counties of: Barnstable, Bristol, Dukes, Essex, Nantucket, Norfolk, Plymouth, and Suffolk.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4870 Filed 2-23-78; 8:45 am]

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[4210-01]

[Docket No. NFD-599; FDAA-3059-EM]

### MASSACHUSETTS

#### Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Massachusetts (FDAA-3059-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Massachusetts is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Massachusetts.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs. For the purpose of defining those areas within the State of Massachusetts eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on February 7, 1978, I do hereby determine that all counties within the State of Massachusetts have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4874 Filed 2-23-78; 8:45 am]

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[4210-01]

[Docket No. NFD-602; FDAA-3056-EM]

### MICHIGAN

#### Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of Emergency Declaration for the State of Michigan (FDAA-3057-EM), dated January 27, 1978.





DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, chief, program support staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Michigan dated January 27, 1978, is hereby amended for the purpose of defining those areas within the State of Michigan eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an Emergency on January 27, 1978. I do hereby determine that all counties within the State of Michigan have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS R. CASEY,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4871 Filed 2-23-78; 8:45 am]

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[4210-01]

[Docket No. NFD-601; FDAA-3055-EM]

### OHIO

#### Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of Emergency Declaration for the State of Ohio (FDAA-3055-EM), dated January 26, 1978.

DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, chief, program support staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Ohio dated January 26, 1978, is hereby amended for the purpose of defining those areas within the State of Ohio eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on January 26, 1978, I do hereby determine that all counties within the State of Ohio have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS R. CASEY,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4872 Filed 2-23-78; 8:45 am]

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[4210-01]

[Docket No. NFD-598; FDAA-3058-EM]

### RHODE ISLAND

#### Notice of Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Rhode Island (FDAA-3058-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Rhode Island is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Rhode Island.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285. I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine that all counties within the State of Rhode Island have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc. 78-4875 Filed 2-23-78; 8:45 am]

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[4210-01]

#### Office of the Secretary

[Docket No. D-78-499]

### FEDERAL INSURANCE ADMINISTRATION

#### Delegations of Authority

SECTION A. *Authority delegated with respect to the National Insurance Development Programs.* The Federal Insurance Administrator is authorized hereby to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Insurance Development Program under Title XII of the National Housing Act (12 U.S.C. 1749bbb) except the authority to:

1. Establish and administer the National Insurance Development Fund under section 1243 (12 U.S.C. 1749bbb-13).

2. Audit the records of insurers or others under section 1234(d) (12 U.S.C. 1749bbb-14).

3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).

4. Sue and be sued under section 402(c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).

5. Borrow from the Treasury funds for losses under Title XII, under section 1243 of the National Housing Act (12 U.S.C. 1749bbb-13).

SECTION B. *Authority delegated with respect to the National Flood Insurance Program.* The Federal Insurance Administrator is further authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Flood Insurance Program (NFIP) under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 4001-4128) except the authority to:

1. Borrow funds from the Treasury under the Federal Flood Insurance Act of 1956, as amended by section 1303 of the National Flood Insurance Act, and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(e) and 4016).

2. Establish and administer the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act (42 U.S.C. 4017).

3. Report on program operations, in the annual report to the President,





under section 1320 of the National

[4310-84]

be proceeding with consideration of whether the application should be ap-



production period of January 1, 1977, through June 30, 1977. In order to

February 22, 1978, the following changes should be made:

reasonable progress towards meeting the national goal, and (b) require that

under section 1320 of the National Flood Insurance Act (42 U.S.C. 4027).

4. Make the determination concerning Federal operation of the program and the report to Congress under section 1340 of the National Flood Insurance Act (42 U.S.C. 4071).

5. Be sued under section 1341 of the National Flood Insurance Act (42 U.S.C. 4072).

6. Audit and examine the records of flood insurance pools and insurance companies or other private organizations under section 1348(b) (42 U.S.C. 4084(b)).

SECTION C. *Authority delegated with respect to the Southeast Hurricane Disaster Relief Act.* The Federal Insurance Administrator is authorized to exercise the authority of the Secretary of Housing and Urban Development with respect to the study of alternative programs to provide financial assistance to those suffering property losses in natural disasters, under section 5 of the Southeast Hurricane Disaster Relief Act of 1965 (79 Stat. 1301).

SECTION D. *Authority to redelegate.* The Federal Insurance Administrator is authorized to redelegate to subordinate employees any of the power and authority delegated under sections A, B, and C, except the authority to issue rules and regulations.

SECTION E. *Authority to designate Acting Federal Insurance Administrator and acting subordinate officials.* The Federal Insurance Administrator is further authorized to:

1. Designate one or more subordinate employees to serve as Acting Federal Insurance Administrator during the absence of the Administrator.

2. Designate one or more subordinate employees to serve as acting head of an organizational unit under the Administrator during the absence of the head of a unit or during a vacancy in the position.

SECTION F. *Delegations revoked.* This delegation supersedes the entire delegations of authority published at 34 FR 2680-81, February 27, 1969, and at 39 FR 2787, January 24, 1974, and any other delegation of authority issued prior to the effective date hereof pertaining to the subject matter hereof.

(Sec. 7(d), Department of HUD Act of 1965. 42 U.S.C. 3535(d).)

*Effective date.* This document shall be effective as of February 24, 1978.

PATRICIA ROBERTS HARRIS,
*Secretary, Housing and Urban Development.*

[FR Doc. 78-4877 Filed 2-23-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM 32760, 32761, 32762 and 32892]

### NEW MEXICO

### Applications

FEBRUARY 16, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 10 W.,
Sec. 31, SE¼NE¼.
T. 31 N., R. 10 W.,
Sec. 26, lot 3;
Sec. 27, lot 10.

These pipelines will convey natural gas across 0.298 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4907 Filed 2-23-78; 8:45 am]

[4310-84]

[NM 32690]

### NEW MEXICO

### Application

FEBRUARY 14, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 25, E½SW¼ and N½SE¼;
Sec. 26, NE¼SE¼.

This pipeline will convey natural gas across 1.27 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4908 Filed 2-23-78; 8:45 am]

[4310-84]

[NM 32669]

### NEW MEXICO

### Notice of Application

FEBRUARY 14, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 29, NE¼NW¼

This pipeline will convey natural gas across 0.054 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4909 Filed 2-23-78; 8:45 am]

[4310-84]

### QUALIFIED JOINT BIDDERS

### Extension of Time To File Statements of Production

Under the regulations (43 CFR 3302.3-2(a)), any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1343) during the six months bidding period which began on November 1, 1977, must have filed no later than 45 days before that date a sworn statement of production covering the prior





production period of January 1, 1977, through June 30, 1977. In order to qualify as an unrestricted joint bidder, the filer must have been able to swear to average daily worldwide production during that production period of no more than 1.6 million barrels of crude oil, natural gas, and liquified petroleum products. A FEDERAL REGISTER notice was published on December 6, 1977 (43 FR 61640), listing all the names of qualified joint bidders whose statements of production had been received by the Director by that time.

Since that time, a number of companies who had not timely filed their statements of production have inquired as to whether an extension of time might be granted. On January 10, 1977, a notice was published in the FEDERAL REGISTER (43 FR 1548) to the effect that statements of production to qualify bidders to bid jointly during the present bidding period would be received by the Director, Bureau of Land Management, through January 20, 1978.

It has now been determined that acceptance of such statements of production through the close of business on April 14, 1978, would be in the national interest and not incompatible with the purpose of the regulations. Therefore, any sworn statements of production which attest to a daily average worldwide production of less than 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the period January 1, 1977, through June 30, 1977, will be accepted in the Office of the Director, Bureau of Land Management, Washington, D.C. 20240 until the close of business on April 14, 1978, in order to qualify the filer to bid jointly at OCS lease sales held through April 30, 1978.

The list of such qualified persons and companies will be available for examination at the field offices in New York, New Orleans, Louisiana, Los Angeles, California, and Anchorage, Alaska.

Dated: February 17, 1978.

HEATHER L. ROSS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc. 78-4869 Filed 2-23-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### OUTER CONTINENTAL SHELF OFF THE SOUTH ATLANTIC COAST

### Proposed Oil and Gas Lease Sale No. 43, March 28, 1978

*Correction*

In FR Doc. 78-4482, appearing at page 7373 in the issue of Wednesday, February 22, 1978, the following changes should be made:

1. On page 7378, the second complete paragraph in the first column should be designated as "(b)".

2. On page 7378, third column, the percentage sign which appears in the middle of the second line of the bidding form, should appear at the end of that line.

[4310-70]

### National Park Service

### FINAL IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

### Response to Public Comment

INTRODUCTION

Section 128 of the Clean Air Act Amendments of 1977, Pub. L. 95-95, enacted August 7, 1977, declares as a national goal the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas. As an initial step to attain this goal, Section 169A of the Clean Air Act as amended, required the Secretary of the Interior, in consultation with other Federal land managers, to identify, by February 7, 1978, those mandatory Class I Federal areas where visibility is an important value.

The purposes of this notice are to (1) inform the public of which mandatory Class I Federal areas were identified to possess visibility as an important value, (2) describe the process used by the Secretary in this identification process, and (3) provide responses to public comments on the preliminary findings of the task force (see 42 FR 55280).

The Secretary of the Interior has identified those mandatory Class I Federal areas where visibility is an important value, and has forwarded a list of the areas, with supporting analysis, to the Administrator of the Environmental Protection Agency.

Section 169A requires the Administrator to take further steps to achieve the national goal, including:

(1) The promulgation, by August 7, 1978, of a list of mandatory Class I Federal areas in which the Administrator determines visibility is an important value, after consultation with the Secretary of the Interior;

(2) A study and report to Congress, by February 7, 1979, of the available methods for implementing the national goal; including methods for preventing and remedying manmade air pollution and the resulting visibility impairment; and

(3) The promulgation, by August 7, 1979, of regulations which (a) assure reasonable progress towards meeting the national goal, and (b) require that each major stationary pollution source in operation for not more than 15 years on August 7, 1977, use the best available retrofit technology to control air pollutant emissions which may reasonably cause or contribute to impairment of visibility.

Inquiries relating to public participation in these steps of the visibility protection process should be addressed to the Administrator. The role of the Secretary of the Interior in these steps of the visibility protection process is limited to that of consultation with the Administrator concerning the importance of visibility in the mandatory Class I Federal areas.

Section 127 of the Clean Air Act Amendments of 1977, at Section 164(d) of the Clean Air Act as amended, requires the Federal land manager to review, by August 7, 1978, all national monuments, primitive areas, and national preserves, and to recommend any appropriate areas for redesignation as Class I where air quality related values are important attributes of the area. Presently, the Department of the Interior and the Department of Agriculture are reviewing such lands under their jurisdictions. This review is not related to the visibility protection steps to be undertaken by the Administrator, and in the near future both agencies expect to request public comment on their respective reviews.

FINAL IDENTIFICATION

The Secretary of the Interior has made the identification of mandatory Class I Federal areas where visibility is an important value and has forwarded the findings to the Administrator of EPA. Out of the 158 mandatory Class I Federal areas, 156 are identified in the final analysis as possessing visibility as an important value. The two negative identifications are two national wilderness areas—Bradwell Bay, Florida; and Rainbow Lake, Wisconsin. See Appendix 1 for the listing of mandatory Class I Federal areas.

SUMMARY OF THE ANALYSIS PROCEDURE

The Secretary of the Interior assigned responsibility for the visibility study to the Assistant Secretary for Fish and Wildlife and Parks, with the National Park Service leading a task force including representatives from the USDA Forest Service and the U.S. Fish and Wildlife Service. The Bureau of Land Management provided assistance to the task force. The task force developed criteria which were applied to make a preliminary identification that 153 of the 158 mandatory Class I Federal areas possessed visibility as an important value. Notice of the preliminary findings of the task force, an announcement about related public meetings, and an invitation for public





comment appeared in the FEDERAL

from State and 8 from Federal offi-

parks and wilderness areas under con-



principal purpose of the visibility pro-

middleground or more sweeping view;

comment appeared in the FEDERAL REGISTER on October 14, 1977 (42 FR 55280).

After review and analysis of public comment and the preliminary findings, a change was made in the criteria used to identify whether visibility is an important value. The Character of the Scenic Values (Step 3) was changed such that only those areas which possess no sweeping view of background features, panoramas, or views of middleground or background features would fail to be identified to possess visibility as an important value in this step. Under the preliminary criteria an area was identified as not possessing visibility as an important value if views were primarily, or mostly, of foreground features less than 1-mile distance, although one or more background or middleground views or panoramas were present. The application of the revised criteria has identified three areas which possess visibility as an important value in addition to the 153 areas so identified in the preliminary findings. These three additional areas are: Mammoth Cave National Park, Kentucky; Moosehorn Wilderness, Maine; and Medicine Lake Wilderness, Montana.

The final analysis report which sets forth the revised criteria is attached as Appendix 2. Workbooks for each of the 158 mandatory Class I Federal areas, consisting of the final analysis report and backup information, are available for inspection at the office of the National Park Service, Room 1210, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

### CRITERIA

In the final identification, the following revised criteria were applied to each mandatory Class I Federal area to identify whether visibility is an important value:

1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?

2. Are any sweeping views of background features, panoramas, or views of middleground or background features present, as opposed to only views of foreground features less than 1-mile distance, e.g. streamside, trailsides?

3. Do natural sources of visibility seriously affect the ability of the public to appreciate visibility as an important value?

4. For those areas in which natural sources of visibility impairment seriously affect public appreciation of scenic values, is the magnitude of the scenic value sufficient to warrant protection from man-caused sources?

### PUBLIC COMMENT

The formal agency record consists of 157 written statements, including 10 from State and 8 from Federal officials, 17 from businesses, 69 from individuals, and 53 from representatives of more than 30 organizations.

### ANALYSIS AND RESPONSE TO PUBLIC COMMENT

Public comment was requested on:

(1) The importance of visibility in Class I areas;

(2) The preliminary criteria; and

(3) The application of the preliminary criteria to identify the mandatory Class I Federal areas where visibility is an important value.

Following are the basic areas of concern set forth in the comments which are relevant to the final analysis:

#### 1. THE IMPORTANCE OF VISIBILITY IN CLASS I AREAS

By and large, the comments noted the importance of visibility and the need for visibility protection in either specific mandatory Class I Federal areas or generally in all such areas. The importance of visibility was characterized in many terms, including the visitor and user experience (hikers, campers, bird and animal watchers); the esthetic qualities of breathtaking views, spiritual well-being, and a sense of awe; and economic values such as tourism and a willingness to pay surcharges to prevent visibility impairment.

#### 2. THE PRELIMINARY CRITERIA

Some environmental organizations have expressed the view that there should be a strong presumption that visibility is an important value for each mandatory Class I Federal area, which can be rebutted only when there is overwhelming evidence to the contrary, such as a legislative statement that visibility or scenic values were not an important consideration in establishing the area. The support presented for this view is that legislation establishing these areas and providing for their public use and enjoyment, as well as actual public use and enjoyment of them, indicate the inherent importance of visibility. Cited are the National Park Service Act of 1916, which created the National Park Service and directed it to "conserve the scenery and the natural * * * objects * * * and provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired * * *," and the Wilderness Act of 1964, which sets aside areas for wilderness preservation and defines wilderness as "an area * * * untrammelled by man, * * * retaining its primeval character and influence which is protected and managed so as to preserve its natural conditions * * *." The language of these Acts is viewed as mandating the finding that visibility is an important value for all national parks and wilderness areas under consideration in this study. Moreover, it is asserted that actual public use and enjoyment of all the national park and wilderness areas under study mandate this finding. According to this view, the inclusion of the study to identify the Class I areas in which visibility is an important value was intended only to involve the Federal land manager in an early stage of the visibility protection process, and not to compromise the House of Representatives position of affording visibility protection to all mandatory Class I Federal areas.

A number of other respondents suggest that the Secretary should adopt this presumptive approach as a means of exercising the "affirmative responsibility" to protect the air quality related values, including visibility, of Class I lands under his management set forth at Section 165(d)(2)(B) of the Clean Air Act as amended.

In response to these comments, it is noted that if Congress had been satisfied that it was appropriate to apply special visibility protection to every mandatory Class I Federal area, the Conference Committee need not have substituted the Federal land manager review provision for the House provision. The Conferees adopted the Federal land manager study provision to ensure that special visibility protection would only be given to those mandatory Class I Federal areas where visibility is an important value.

On the other hand, a few comments suggest development of more restrictive criteria. One comment views visibility as an important value only if the legislation provides that scenic values are important in the establishment of the area. While enabling legislation for an area is an important source for determining whether Congress recognized the value of visibility in this area as a matter of law, visibility can also be important as a matter of fact. Both legislation and actual conditions are properly used to determine if visibility is an important value and these were used without prejudgment or bias.

Another respondent notes that the Class I prevention of significant deterioration (PSD) increments are already very stringent, far more so than necessary to protect public health and welfare, and consequently believes that an additional set of requirements, relative to visibility, should be imposed only where the visibility considerations are unique or otherwise especially important to scenic, recreation, or other human needs. This same respondent, noting that the legislative history of the visibility protection provision indicates that Congress was primarily concerned with preservation of "grand vistas" and "breathtaking panoramas," suggests that only where such wide-range views exist is visibility an important value. It is noted that a





principal purpose of the visibility protection requirements is to restore visibility impairment caused by existing sources whereas the PSD requirements regulate new sources. Thus the visibility provision was designed to be supplemental to the PSD requirements. Further, the Clean Air Act Amendments require the Secretary to identify the mandatory Class I Federal areas where visibility is an important value, not areas where visibility is especially important or unique. Also, although it is true that a principal benefit of this visibility protection provision is to protect grand vistas and panoramas, the middleground and background views of national parks and wilderness areas, when they are present, are important values. The emphasis by some members of Congress on protecting "grand vistas" and "breathtaking panoramas" should not be restrictively interpreted to run counter to the national goal of the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas as expressed in section 169A. The members were expressing their recognition of a need for visibility protection rather than an intent to limit it.

A few respondents have suggested the proper test for determining whether visibility is an important value is to consider whether the area can continue to function for the purpose for which it was established if visibility is impaired. A determination by the Secretary of the degree of functional impairment to visibility is not necessary because Congress simply directed the Secretary of the Interior to identify the mandatory Class I Federal areas where visibility is an important value.

A number of comments suggested revision of the Character of Scenic Values (Step 3) criteria to include views of nighttime sky and short foreground scenery such as streamsides, trailsides, and birds and animal watching. Although these views are generally important, the legislative history indicated that the ability to see clearly a middleground or more sweeping view of background features, or a panorama, are what make visibility an important value of a national park or wilderness area for the purposes of this provision of the Clean Air Act. As already noted, the preliminary criteria have been revised to recognize that visibility is an important value whenever one or more background or middleground views or panoramas were present. We revised this feature in accordance with Congressional intent to aggressively protect visibility values whenever they are present in the mandatory Class I Federal areas, as noted by Congressman Waxman (See Congressional Record, August 4, 1977, H8669), and with the national goals of the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas of section 169A.

We appreciate that the viewer may enjoy views of the nighttime sky and short foreground scenery. However, nighttime sky views are not generally considered among the unique natural and cultural resources of national parks and wilderness areas. Adding views of the nighttime sky as a factor in our consideration is not helpful because it does nothing to distinguish one area from another.

The same is true for short foreground views. One need not be in a national park or wilderness area to birdwatch or meander by the side of a river. In this sense, such views, although present, are not unique to national parks and wilderness areas. However, a view of the natural and cultural resources of a park or wilderness area in the foreground, with a middleground or sweeping background view, vista, or panorama, is indeed a unique feature of such lands, indicating that visibility is an important value. Furthermore, short foreground views in mandatory Class I areas are not likely to be significantly impaired by man-made air pollution whereas views of distant objects may diminish both qualitatively and quantitatively by this pollution.





Some respondents have questioned our use of the Natural Sources of Visi- of middleground or background features—as in Mammoth Cave National



APPENDIX 1.—*Federal class I areas designated under provision of Clean Air Act Section 162 (a)*

Some respondents have questioned our use of the Natural Sources of Visibility Impairment (Steps 4 and 5) criteria. Comments ranged from "don't need it now but may be useful later" to "vague and nonmeaningful." The criteria, whether natural sources seriously effect visibility during use season, and if so, whether the magnitude of scenic values is such that protection from man-caused visibility impairment is warranted, were included to enable the determination of whether natural source visibility impairment is so severe such that visibility is not important value. These steps are retained in the final analysis to show that they were a part of our consideration, even though no area was disqualified for reason of impairment from natural sources of air pollution.

A number of comments questioned whether the special visibility protection provision applies to more than views of scenes within the Class I area seen from within the area. Some have asserted, and others have disagreed, that views of scenery outside of the Class I area also are protected. In the 156 mandatory Class I Federal areas identified as possessing visibility as an important value, qualifying views of scenes within the Class I area seen from within the area are present. In the identification of the two areas not possessing visibility as an important value, the existence of views with background scenes outside of the Class I area necessary to fully appreciate the scenes within the area was a factor to be considered. As no such views were identified in these two areas, the areas were not identified as possessing visibility as an important value. It was therefore, not necessary to determine whether the special visibility provision applies to protect views of scenery outside of the Class I area.

3. *Application of the Criteria.* Many comments supported the application of the preliminary criteria in identifying 153 of the 158 mandatory Class I Federal areas where visibility is an important value. Some comments asserted that one or all of the five negative determinations should be revised. Where the comments identified views of middleground or background features—as in Mammoth Cave National Park, Moosehorn Wilderness and Medicine Lake Wilderness—we applied the final criteria and determined that visibility is an important value. The comments relating to the other two preliminary negative identifications noted only foreground features and views and application of the final criteria resulted in the same negative determination.

Two respondents questioned why the criteria had not been applied to the Beaver Creek Wilderness in Kentucky. This wilderness includes 4,576 acres of National Forest System lands within its boundaries. Federal wildernesses must exceed 5,000 acres to be designated mandatory Class I under Section 162 of the Clean Air Act as amended. The confusion appears to stem from the Administration recommendation for wilderness designation of 5,500 acres. After the area was designated as a wilderness area by Congress, the actual acreage was determined. This resulted in an acreage revision.

4. *Others.* Many comments expressed concerns about impacts that may occur as a result of identification of areas which possess visibility as an important value. One respondent suggested that the identification process be delayed until after the Administrator of EPA has promulgated the visibility protection regulations, as this should enable a more precise determination on the importance of visibility. Congress, by requiring the identification process prior to the promulgation of visibility protection regulations, foreclosed the suggested alternative. Concerns about resulting impacts, such as that expressed by many respondents, particularly from the Northwest and Southeast, concerning prescribed burning utilized by forest land managers for several important purposes, should be addressed to the Administrator of EPA in anticipation of promulgation of the visibility protection regulations.

Dated: February 8, 1978.

CECIL D. ANDRUS,
*Secretary of the Interior.*





APPENDIX 1.—*Federal class I areas designated under provision of Clean Air Act Section 162 (a)*

(A star (*) preceding the area name indicates the final determination that the area is not one where visibility is an important value.)

| Area name[1] | State | Acreage | Establishing public law | Federal land manager |
|---|---|---|---|---|
| Sipsey Wild | Alabama | 12,646 | 93-622 | USDA-FS |
| Bering Sea Wild | Alaska | 41,113 | 91-622 | USDI-FWS |
| Mount McKinley NP | do | 1,939,493 | 64-353 | USDI-NPS |
| Simeonof Wild | do | 25,141 | 94-557 | USDA-FWS |
| Tuxedni Wild | do | 6,402 | 91-504 | USDI-FWS |
| Chiricahua National Monument Wild | Arizona | 9,440 | 94-567 | USDI-NPS |
| Chiricahua Wild | do | 18,000 | 88-577 | USDA-FS |
| Galluro Wild | do | 52,717 | 88-577 | USDA-FS |
| Grand Canyon NP | do | 1,176,913 | 65-277 | USDI-NPS |
| Mazatzal Wild | do | 205,137 | 88-577 | USDA-FS |
| Mount Baldy Wild | do | 6,975 | 91-504 | USDA-FS |
| Petrified Forest NP | do | 93,493 | 85-358 | USDI-NPS |
| Pine Mountain Wild | do | 20,061 | 92-230 | USDA-FS |
| Saguaro Wild | do | 71,400 | 94-567 | USDI-NPS |
| Sierra Ancha Wild | do | 20,850 | 88-577 | USDA-FS |
| Superstition Wild | do | 124,117 | 88-577 | USDA-FS |
| Sycamore Canyon Wild | do | 47,757 | 92-241 | USDA-FS |
| Caney Creek Wild | Arkansas | 14,344 | 93-622 | USDA-FS |
| Upper Buffalo Wild | do | 9,912 | 93-622 | USDA-FS |
| Agua Tibia Wild | California | 15,934 | 93-632 | USDA-FS |
| Caribou Wild | do | 19,080 | 88-577 | USDA-FS |
| Cucamonga Wild | do | 9,022 | 88-577 | USDA-FS |
| Desolation Wild | do | 63,469 | 91-82 | USDA-FS |
| Dome Land Wild | do | 62,206 | 88-577 | USDA-FS |
| Emigrant Wild | do | 104,311 | 93-632 | USDA-FS |
| Hoover Wild | do | 47,916 | 88-577 | USDA-FS |
| John Muir Wild | do | 484,673 | 88-577 | USDA-FS |
| Joshua Tree Wild | do | 429,690 | 94-567 | USDI-NPS |
| Kaiser Wild | do | 22,500 | 94-577 | USDA-FS |
| Kings Canyon NP | do | 459,994 | 76-424 | USDI-NPS |
| Lassen Volcanic NP | do | 105,800 | 64-184 | USDI-NPS |
| Lava Beds Wild | do | 28,640 | 92-493 | USDI-NPS |
| Marble Mountain Wild | do | 213,743 | 88-577 | USDA-FS |
| Minarets Wild | do | 109,484 | 88-577 | USDA-FS |
| Mokelumne Wild | do | 50,400 | 88-577 | USDA-FS |
| Pinnacles Wild | do | 12,952 | 94-567 | USDI-NPS |
| Point Reyes Wild | do | 25,370 | 94-544, 94-567 | USDI-NPS |
| Redwood NP | do | 27,792 | 90-545 | USDI-NPS |
| San Gabriel Wild | do | 36,137 | 90-318 | USDA-FS |
| San Gorgonio Wild | do | 34,644 | 88-577 | USDA-FS |
| San Jacinto Wild | do | 20,564 | 88-577 | USDA-FS |
| San Rafael Wild | do | 142,722 | 90-271 | USDA-FS |
| Sequoia NP | do | 386,642 | 26 Stat. 478, (51st Cong.) | USDI-NPS |
| South Warner Wild | do | 68,507 | 88-577 | USDA-FS |
| Thousand Lakes Wild | do | 15,695 | 88-577 | USDA-FS |
| Ventana Wild | do | 95,152 | 91-58 | USDA-FS |
| Yolla-Bolly-Middle-Eel Wild | do | 109,091 | 88-577 | USDA-FS |
| Yosemite NP | do | 759,172 | 58-49 | USDI-NPS |
| Black Canyon of The Gunnison Wild | Colorado | 11,180 | 94-567 | USDI-NPS |
| Eagles Nest Wild | do | 133,910 | 94-352 | USDA-FS |
| Flat Tops Wild | do | 235,230 | 94-146 | USDA-FS |
| Great Sand Dunes Wild | do | 33,450 | 94-567 | USDI-NPS |
| La Garita Wild | do | 48,486 | 88-577 | USDA-FS |
| Maroon Bells-Snowmass Wild | do | 71,060 | 88-577 | USDA-FS |
| Mesa Verde NP | do | 51,488 | 59-353 | USDI-NPS |
| Mount Zirkel Wild | do | 72,472 | 88-577 | USDA-FS |
| Rawah Wild | do | 26,674 | 88-577 | USDA-FS |
| Rocky Mountain NP | do | 263,138 | 63-238 | USDI-NPS |
| Weminuche Wild | do | 400,907 | 93-632 | USDA-FS |
| West Elk Wild | do | 61,412 | 88-577 | USDA-FS |
| *Bradwell Bay Wild | Florida | 23,432 | 93-622 | USDA-FS |
| Chassahowitzka Wild | do | 23,360 | 94-557 | USDI-FWS |
| Everglades NP | do | 1,397,429 | 73-267 | USDI-NPS |
| St. Marks Wild | do | 17,745 | 93-632 | USDI-FWS |
| Cohotta Wild | Georgia | 33,776 | 93-622 | USDA-FS |
| Okefenokee Wild | do | 343,850 | 93-429 | USDI-FWS |
| Wolf Island Wild | do | 5,126 | 93-632 | USDI-FWS |
| Haleakala NP | Hawaii | 27,208 | 86-744 | USDI-NPS |
| Hawaii Volcanoes | do | 217,029 | 64-171 | USDI-NPS |
| Craters of the Moon Wild | Idaho | 43,243 | 91-504 | USDI-NPS |
| Hells Canyon Wild[2] | do | 83,800 | 94-199 | USDA-FS |
| Sawtooth Wild | do | 216,383 | 92-400 | USDA-FS |
| Selway-Bitterroot Wild[2] | do | 988,770 | 88-577 | USDA-FS |
| Yellowstone NP[2] | do | 31,488 | 17 Stat. 32 (42d Cong.) | USDI-NPS |
| Mammoth Cave NP | Kentucky | 51,303 | 69-283 | USDI-NPS |
| Breton Wild | Louisiana | 5,000+ | 93-632 | USDI-FWS |
| Acadia NP | Maine | 37,503 | 65-278 | USDI-NPS |
| Moosehorn Wild | do | 7,501 | | USDI-FWS |
| (Edmunds Unit) | | (2,782) | 91-504 | |
| (Baring Unit) | | (4,719) | 93-632 | |
| Isle Royale NP | Michigan | 542,428 | 71-635 | USDI-NPS |
| Seney Wild | do | 25,150 | 91-504 | USDI-FWS |
| Boundary Waters Canoe Area Wild | Minnesota | 747,840 | 88-577 | USDA-FS |
| Voyageurs NP | do | 114,964 | 99-261 | USDI-NPS |
| Hercules-Glades Wild | Missouri | 12,315 | 94-557 | USDA-FS |
| Mingo Wild | do | 8,000 | 94-557 | USDI-FWS |
| Anaconda-Pintlar Wild | Montana | 157,803 | 88-577 | USDA-FS |
| Bob Marshall Wild | do | 950,000 | 88-577 | USDA-FS |
| Cabinet Mountains Wild | do | 94,272 | 88-577 | USDA-FS |
| Gates of the Mountain Wild | do | 28,562 | 88-577 | USDA-FS |
| Glacier NP | do | 1,012,599 | 61-171 | USDI-NPS |

APPENDIX 1.—*Federal class I areas designated under provision of Clean Air Act Section 162 (a)*—Continued

(A star (*) preceding the area name indicates the final determination that the area is not one where visibility is an important value.)

| Area name[1] | State | Acreage | Establishing public law | Federal land manager |
|---|---|---|---|---|
| Medicine Lake Wild | ....do | 11,366 | 94-557 | USDI-FWS |
| Mission Mountain Wild | ....do | 73,877 | 93-632 | USDA-FS |
| Red Rock Lakes Wild | ....do | 32,350 | 94-557 | USDI-FWS |
| Scapegoat Wild | ....do | 239,295 | 92-395 | USDA-FS |
| Selway-Bitterroot Wild[2] | ....do | 251,930 | 88-577 | USDA-FS |
| U.L. Bend Wild | ....do | 20,890 | 94-557 | USDI-FWS |
| Yellowstone NP[3] | ....do | 167,824 | 17 Stat. 32 (42d Cong.) | USDI-NPS |
| Jarbidge Wild | Nevada | 64,667 | 88-577 | USDA-FS |
| Great Gulf Wild | New Hampshire | 5,552 | 88-577 | USDA-FS |
| Presidential Range-Dry River Wild | ....do | 20,000 | 93-622 | USDA-FS |
| Brigantine Wild | New Jersey | 6,603 | 93-632 | USDI-FWS |
| Bandelier Wild | New Mexico | 23,267 | 94-567 | USDI-NPS |
| Bosque del Apache Wild | ....do | 30,850 | 93-632 | USDI-FWS |
| Carlsbad Caverns NP | ....do | 46,435 | 71-216 | USDI-NPS |
| Gila Wild | ....do | 433,690 | 88-577 | USDA-FS |
| Pecos Wild | ....do | 167,416 | 88-577 | USDA-FS |
| Salt Creek Wild | ....do | 8,500 | 91-504 | USDI-FWS |
| San Pedro Parks Wild | ....do | 41,132 | 88-577 | USDA-FS |
| Wheeler Peak Wild | ....do | 6,027 | 88-577 | USDA-FS |
| White Mountain Wild | ....do | 31,171 | 88-577 | USDA-FS |
| Great Smoky Mountains NP[3] | North Carolina | 273,551 | 69-268 | USDI-NPS |
| Joyce Kilmer-Slickrock Wild[4] | ....do | 10,201 | 93-622 | USDA-FS |
| Linville Gorge Wild | ....do | 7,575 | 88-577 | USDA-FS |
| Shining Rock Wild | ....do | 13,350 | 88-577 | USDA-FS |
| Swanguarter Wild | ....do | 9,000 | 94-557 | USDI-FWS |
| Lostwood Wild | North Dakota | 5,557 | 93-632 | USDI-FWS |
| Theodore Roosevelt NMP | ....do | 69,675 | 80-38 | USDI-NPS |
| Wichita Mountains Wild | Oklahoma | 8,900 | 91-504 | USDI-FWS |
| Crater Lake NP | Oregon | 160,290 | 57-121 | USDI-NPS |
| Diamond Peak Wild | ....do | 36,637 | 88-577 | USDA-FS |
| Eagle Cap Wild | ....do | 293,478 | 88-577 | USDA-FS |
| Gearhart Mountain Wild | ....do | 18,709 | 88-577 | USDA-FS |
| Hells Canyon Wild[5] | ....do | 108,900 | 94-199 | USDA-FS |
| Kalmiopsis Wild | ....do | 76,900 | 88-577 | USDA-FS |
| Mountain Lakes Wild | ....do | 23,071 | 88-577 | USDA-FS |
| Mount Hood Wild | ....do | 14,160 | 88-577 | USDA-FS |
| Mount Jefferson Wild | ....do | 100,208 | 90-548 | USDA-FS |
| Mount Washington Wild | ....do | 46,118 | 88-577 | USDA-FS |
| Strawberry Mountain Wild | ....do | 33,003 | 88-577 | USDA-FS |
| Three Sisters Wild | ....do | 199,902 | 88-577 | USDA-FS |
| Cape Romain Wild | South Carolina | 28,000 | 93-632 | USDI-FWS |
| Badlands Wild | South Dakota | 64,250 | 94-567 | USDI-NPS |
| Wind Cave NP | ....do | 28,060 | 57-16 | USDI-NPS |
| Great Smoky Mountains NP[3] | Tennessee | 241,207 | 69-268 | USDI-NPS |
| Joyce Kilmer-Slickrock Wild[4] | ....do | 3,832 | 93-622 | USDA-FS |
| Big Bend NP | Texas | 708,118 | 74-157 | USDI-NPS |
| Guadalupe Mountains NP | ....do | 76,292 | 89-667 | USDI-NPS |
| Arches NP | Utah | 65,098 | 92-155 | USDI-NPS |
| Bryce Canyon NP | ....do | 35,832 | 88-277 | USDI-NPS |
| Canyonlands NP | ....do | 337,570 | 88-590 | USDI-NPS |
| Capitol Reef NP | ....do | 221,896 | 92-507 | USDI-NPS |
| Zion NP | ....do | 142,462 | 68-83 | USDI-NPS |
| Lye Brook Wild | Vermont | 12,430 | 93-622 | USDA-FS |
| Virgin Islands NP | Virgin Islands | 12,295 | 84-925 | USDI-NPS |
| James River Face Wild | Virginia | 8,703 | 93-622 | USDA-FS |
| Shenandoah NP | ....do | 190,535 | 89-268 | USDI-NPS |
| Alpine Lakes Wild | Washington | 303,508 | 94-357 | USDA-FS |
| Glacier Peak Wild | ....do | 464,258 | 88-577 | USDA-FS |
| Goat Rocks Wild | ....do | 82,680 | 88-577 | USDA-FS |
| Mount Adams Wild | ....do | 32,356 | 88-577 | USDA-FS |
| Mount Rainier NP | ....do | 235,239 | 30 Stat. 993 (55th Cong.) | USDI-NPS |
| North Cascades NP | ....do | 503,277 | 90-554 | USDI-NPS |
| Olympic NP | ....do | 892,578 | 75-778 | USDI-NPS |
| Passayten Wild | ....do | 505,524 | 90-544 | USDA-FS |
| Dolly Sods Wild | West Virginia | 10,215 | 93-622 | USDA-FS |
| Otter Creek Wild | ....do | 20,000 | 93-622 | USDA-FS |
| *Rainbow Lake Wild | Wisconsin | 6,388 | 93-622 | USDA-FS |
| Bridger Wild | Wyoming | 392,160 | 88-577 | USDA-FS |
| Fitzpatrick Wild | ....do | 191,103 | 94-567 | USDA-FS |
| Grand Teton NP | ....do | 305,504 | 81-787 | USDI-NPS |
| North Absaroka Wild | ....do | 351,104 | 88-577 | USDA-FS |
| Teton Wild | ....do | 557,311 | 88-577 | USDA-FS |
| Washakie Wild | ....do | 686,584 | 92-478 | USDA-FS |
| Yellowstone NP[4] | ....do | 2,020,625 | 17 Stat. 32 (42d Cong.) | USDI-NPS |

| Area name | Province | Acreage | Applicable U.S. public law |
|---|---|---|---|
| Roosevelt Campobello International Park[7]. | New Brunswick, Canada | 2,721 | 88-363 |

[1] Wilderness is abreviated as Wild., National Park as NP, and National Memorial Park as NMP.
[2] Hells Canyon Wilderness, 193,840 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.
[3] Selway-Bitterroot Wilderness, 1,240,618 acres overall, of which 988,770 acres are in Idaho and 25,930 acres are in Montana.
[4] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.
[5] Great Smoky Mountains National Park, 514,577 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.
[6] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.
[7] Section 162(a) designates all international parks as mandatory Class I areas. This designation indicates Congressional intent to prevent visibility impairment from U.S. air polution sources.





APPENDIX 2

Final Analysis for Identification of Mandatory Class I Federal Areas In Which Visibility Is Important

PL- 95- 95

Name of Area _____ Type of Area _____ Agency _____ Date _____

Logic Network

| Step 1 Legislation | Step 2 Review of Scenic Values & Their Importance | Step 3 Character of Scenic Values | Step 4 Natural Sources of Visibility Impairment | Step 5 Further Review of Narratives in Steps 1-3 | Step 6 Importance of Visibility |
|---|---|---|---|---|---|
| ☐ a. Strong Emphasis of Scenic Values Proceed to Step 3 (a, b, & c) | ☐ a. Scenic Values are important to public enjoyment Proceed to Step 3 (a, b & c) | ☐ a. Sweeping views of background features, panoramas Proceed to Step 4 (a & b) | ☐ a. Do not seriously affect visibility during use areas. Proceed to Step 6 a | ☐ a. Magnitude of Scenic Values is such that protection from man-caused visibility impairment is warranted. Proceed to Step 6 a | ☐ a. Visibility is an important value. |
| ☐ b. Refers to Scenic Values but not emphasized Proceed to Step 2 (a & b) | ☐ b. Scenic Values are not important to public enjoyment Proceed to Step 6 b | ☐ b. Views of middleground or background features. No panoramas. Proceed to Step 4 (a & b) | ☐ b. Seriously affect visibility during use areas. Proceed to Step 5 (a & b) | ☐ b. Magnitude of Scenic Values is not sufficient to warrant protecting them from man-caused visibility impairment. Proceed to Step 6 b | ☐ b. Visibility is not an important value. |
| ☐ c. Does not refer to Scenic Values Proceed to Step 2 (c & d) | ☐ c. Scenic Values are present and important to public enjoyment Proceed to Step 3 (a, b & c) | ☐ c. No middleground or background vistas. Views consist of foreground features less than 1 mile distance, e.g., stream/side, trailside. Proceed to Step 6 b. | | | |
| | ☐ d. Scenic Values are not present or are not important to public enjoyment Proceed to Step 6 b | | | | |

Begin Here

[FR Doc. 78-4787 Filed 2-23-78; 8:45 am]

[4310-70]

Office of the Secretary

## CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

### Reestablishment

This notice is issued in accordance with the provisions of Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). The Secretary of the Interior is reestablishing a Cape Cod National Seashore Advisory Commission to render advice to the Secretary of the Interior and officers and employees of the National Park Service in regard to matters pertaining to development and operations of the Cape Cod National Seashore, established pursuant to Pub. L. 87-126 (75 Stat. 284). The commission will render such advice with particular regard to the development of zoning standards and the acquisition of lands within the seashore. The Cape Cod National Seashore Advisory Commission is being reestablished after consultation with the General Services Administration. The certification of establishment is published below. Further information regarding the Cape Cod National Seashore Advisory Commission may be obtained from Robert M. Landau, Assistant for Advisory Boards and Commission, National Park Service, Department of the Interior, Washington, D.C. 202-343-8953.

CERTIFICATION

The act authorizing the establishment of the Cape Cod National Seashore places responsibility for development and management of that area in the Secretary of the Interior. In view of those responsibilities and the need to obtain advice and recommendations to meet those responsibilities, I hereby certify that establishment of the Cape Cod National Seashore Advisory Commission is in the public interest.

Dated: February 17, 1978.

CECIL D. ANDRUS,
*Secretary of the Interior.*

[FR Doc. 78-4902 Filed 2-23-78; 8:45 am]

[4510-30]

## DEPARTMENT OF LABOR

### Employment and Training Administration

## EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

### Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 21st day of February 1978.

ERNEST G. GREEN,
*Assistant Secretary for Employment and Training.*

APPLICATIONS RECEIVED DURING THE WEEK ENDING FEBRUARY 17, 1978

| Name of applicant and location of enterprise | Principal product or activity |
|---|---|
| Maxium Industries, Inc., Middleborough, Mass. | Manufacture of fire-fighting apparatus. |
| Air North, Inc., Burlington, Vt. | Air passenger and freight transportation services. |
| WEAM, Inc., Morgantown, W. Va. | Rental for retail space. |
| Willchris, Inc., Rainelle, W. Va. | Fast food restaurant. |
| Elza Logging Co., Hendricks, W. Va. | Contract logger. |
| Blue Ridge Motel Associates, Breezewood, Pa. | Motor hotel and restaurant. |
| James R. Rose, Franklin, Tenn. | Powdered sintered metal products. |
| Great American Bituminous, Inc., Berea, Manchester, Middlesboro, Ky. | Producing bituminous coal. |
| Gulf Paving Inc., Gulfport, Miss. | Asphalt manufacturing, road building and utility installation. |
| Feed Ingredient Sales & Service, Inc., Whigham, Ga. | Farm supply. |
| Ryan & Co., Canton, Miss | Manufacture of bar stools, sewing chairs and sewing hassocks, and other hassocks. |
| Satralloy, Inc., Jefferson County, Ohio. | Manufacture of ferrochrome alloys. |
| GF Business Equipment, Inc. (tenant of city of Athens), Athens, Ala. | Manufacture of furniture. |
| McElveen Pontiac-Buick, Summerville, S.C. | New and used car sales. |
| Maxwell Arthur Campbell, Oslo, Minn. | Purchase, clean, and market pinto beans. |
| Porter County Implement Corp., Valparaiso, Ind. | Sale of machinery and equipment. |
| Metals Forming Corp., Indiana, Pa. | Manufacture of special fasteners and cold formed products. |
| Endries Fastener & Supply, Inc., Brillion, Wis. | Purchasing and distributing fasteners to automotive and industrial markets. |
| The Ultima Corp., Pinal County, Ariz. | Supplier of water delivery system. |
| Pineland Corp., Porter, Tex. | Aircraft sales, rental and service. |
| Vitronic Division of Penn Corp., (tenant of city of Doniphan), Doniphan, Mo. | Manufacture of vinyl plastic products. |
| Kalispell Feed & Grain Supply, Inc., Kalispell, Mont. | Agribusiness. |
| Mohall Super Markets, Inc., Mohall, N. Dak. | Retail grocery store. |
| Kjell and Charlotte Haaland, Cooperstown, N. Dak. | Motel, steak house and lounge. |
| Mischel Brother's Inc., Cortez, Colo. | Motel. |
| Western Camps, Inc., Sanger, Calif. | Senior citizens, groups and youth camps. |
| Katmai Motel, Inc., Kenai, Alaska. | Motel accommodations, restaurant, and lounge. |
| Jones-Normel Foods, Inc., Weston, Oreg. | Frozen food processor. |
| Reed's Enterprises, Inc., Hadlock, Wash. | Drug and food store. |
| Aladdin Manufacturing Co., Canton, Miss. | Manufacture of aluminum boats. |





APPLICATIONS RECEIVED DURING THE WEEK ENDING FEBRUARY 17, 1978—Continued

| Name of applicant and location of enterprise | Principal product or activity |
|---|---|
| W. L. Sweet and Dr. C. P. Taylor, Fairlea, W. Va. | Renting of mobile home space. |
| Dever & Dever Excavating, Inc., Hodgeville, W. Va. | Coal stripping. |
| Western Dairies, Inc., Dickinson, N. Dak. | Purchase, processing and sales of dairy products. |

[FR Doc. 78-4903 Filed 2-23-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2599]

## A. F. SAAR, INC., ROSEBURG, OREG.

### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-2599: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 14, 1977 in response to a worker petition received on November 1, 1977, which was filed on behalf of workers and former workers producing wood slats for pencils at A. F. Saar, Inc., Roseburg, Oreg.

The notice of investigation was published in the Federal Register on December 6, 1977 (42 FR 63484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principaly from officials of A. F. Saar, Inc., Wallace Pencil Co., its customers, the Writing Instrument Manufacturers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Department's investigation revealed that A. F. Saar, a producer of wood slats for pencils, is a wholly owned subsidiary of Wallace Pencil Co. A. F. Saar's property in Roseburg, Oreg. was sold to Douglas County in July 1977. By the end of 1976, Wallace Pencil, the parent company, had some unwritten indication that the eminent domain option may be exercised by Douglas County.

On May 5, 1977 A. F. Saar was notified that they must sell their land to Douglas County or the county could acquire the land through a court action of eminent domain. Saar closed its plant in June, sold its land and vacated the premises.

During the period in which Saar operated, it sold all of its slat production to Wallace and Wallace purchased slats only from Saar. Once Saar closed, Wallace had to go elsewhere to purchase the wood slats. No other subsidiary of Wallace produces wood slats. Wallace now purchases the slats from other domestic producers. Customers of Wallace who were surveyed did not purchase imported pencils.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of writing instruments or wooden slats did not contribute importantly to the total or partial separations of workers and to the decrease in sales or production at A. F. Saar, Incorporated, Roseburg, Oregon as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4721 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2171]

## AMERICAN BRIDGE DIVISION, U.S. STEEL CORP., COMMERCE, CALIF.

### Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2171: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 23, 1977 in response to a worker petition received on June 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel, pipe and galvanized carbon plate at the Commerce, Calif. plant of the American Bridge Division of U.S. Steel. The investigation revealed that fabricated steel products are produced at the plant.

The notice of investigation was published in the FEDERAL REGISTER on July 12, 1977 (42 FR 35903). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must met.

Without regard to whether any of the other criteria have been met, the following criteria has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

A survey of customers of the Commerce plant revealed that customers have not switched to imports. The plant procures all of its business through competitive bids. An examination of bids made by the Commerce plant revealed that the influence of foreign competition on the business of the Commerce plant was insignificant

Most of the customers surveyed were construction companies. The decline in sales of the Commerce plant parallels the decline in nonresidential construction expenditures which declined from approximately $51 billion in 1973 to $42 billion in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with those produced at the Commerce, Calif. plant of the Amercian Bridge Division of the U.S. Steeel Corp. have not contributed importantly to the total or partial separation of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4722 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2279]

## AMERICAN COLOR AND CHEMICAL CORP.; PATERSON, N.J.

### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2279: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.





The investigation was initiated on August 25, 1977 in response to a



are 63 cents per pound. The weighted

pographical Union on behalf of work-

CONCLUSION

The investigation was initiated on August 25, 1977 in response to a worker petition received on August 18, 1977 which was filed by three workers on behalf of workers and former workers producing disperse dyes at the Paterson, N.J. plant of American Color and Chemical Corp.

The notice of investigation was published in the FEDERAL REGISTER on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Color and Chemical Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Paterson, N.J. plant of the American Color and Chemical Corp. was established in 1946 and had equipment that produced only disperse dyes for apparel, upholstery, and rugs. In an effort to consolidate operations, the American Color and Chemical Corp. shut down production at the Paterson plant on April 30, 1977 and transferred all of the equipment to the Lock Haven, Pa. plant (the only other plant to produce disperse dyes). This transferred equipment at the Lock Haven plant was placed into full operation during August of 1977.

The Corporation's decision to shift production from the Paterson, N.J. plant to the Lock haven, Pa. plant included the following factors: The Paterson plant's age, the proximity of support facilities to the Lock Haven plant, and the superior pollution control capabilities of the Lock Haven plant.

Plant sales of disperse dyes from the Paterson plant increased 98.9 percent in 1976 compared to 1975 and increased 11.4 percent in the January-August period of 1977 compared to the same period of 1976.

Company production of disperse dyes (from the Paterson and Lock Haven plants prior to April 30, 1977 and from only the Lock Haven plant after this date) increased 36.4 percent in 1976 compared to 1975 and increased 1.2 percent during the January-August period of 1977 compared to the same period of 1976. During August of 1977 when the transferred equipment at the Lock Haven plant was placed fully into operation, company production of disperse dyes increased 24.9 percent compared to August of 1976. Company estimates indicate continuing increases in production for the remainder of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with disperse dies produced at the Paterson, N.J. plant of the American Color and Chemical Corporation did not contribute importantly to the total or partial separation of workers and to the decrease in sales or production at that plant.Signed at Washington, D.C. this 8thtdayLofk ebruarypl1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4723 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2409]

**ANAMAX MINING CO.; SAHUARITA, ARIZ.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2409: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 4, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate and refined copper at the Anamax Mining Co., Sahuarita, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Anamax Mining Co., the Anaconda Company, AMAX, Inc., their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1975 to 21.0 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates, and mattes increased from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Anamax and other domestic producers of copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metal Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provided no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of refined copper they choose to sell.

Anamax's decision to lay off workers and reduce its operations beginning in June 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from major domestic producers including the Anaconda Co. and AMAX, Inc., respective parents of Anamax, substantiate the fact that increased imports have contributed to record inventory levels whch have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper concentrate and refined copper produced by the Anamax Mining Co., Sahuarita, Ariz., contributed importantly to the decline in production and to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All employees at the Anamax Mining Co., Sahuarita, Ariz., who became totally or partially separated from employment on or after June 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4724 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2150]

**BALTIMORE TYPE & COMPOSITION CORP.; BALTIMORE, MD.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2150: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 20, 1977 in response to a worker petition received on June 17, 1977 which was filed by the Baltimore Typographical Union on behalf of workers and former workers producing cast type and composition at Baltimore Type & Composition Corp., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Baltimore Type & Composition Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Baltimore Type & Composition Corp., founded in 1925, was a hot metal typesetter of type and composition for the printing industry. On July 22, 1977, Baltimore Type & Composition ceased all production operations.

Historically the composition and type industry has been characterized by hot metal typesetting firms. The recent introduction of computerized photographic typesetting systems has enabled the domestic industry to offer their services at lower cost and increased efficiency. Baltimore Type & Composition operated at a competitive disadvantage as it did not offer computerized photographic typesetting systems.

A survey of customers confirmed a switch to new technology is replacing hot metal typesetting. Most of the customers surveyed either were installing their own computerized composition systems or were using only domestic firms for typesetting services. Customers indicated that only special technical projects were foreign sourced.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with cast type and composition produced by Baltimore Type & Composition Corp., Baltimore, Md. did not contribute importantly to sales declines and to the total or partial separations of the workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4725 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2556]

**BETHLEHEM STEEL CORP.; JOHNSTOWN, PA.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2556: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977 in response to a worker petition received on October 28, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel and steel products at the Johnstown, Pa. plant of Bethlehem Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1978 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Carbon and alloy bars, rods, wire, plates, wheels, axles, and circular forgings, accounted for almost all of the finished product sales at the Johnstown plant in 1976 and in the first 10 months of 1977.

INCREASED IMPORTS

BARS

The bars produced at the Johnstown plant are hot rolled carbon steel and alloy steel.

Imports of hot rolled carbon steel bar decreased in 1976 to 369.1 thousand tons from 418.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 528.8 thousand tons from 223.9 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments decreased in 1976 to 6.7 percent from 8.1 percent in 1975, then increased in the first 9 months of 1977 to 11.6 percent from 5.2 percent in the first 9 months of 1976.

Imports of hot rolled alloy steel bars increased to 69.5 thousand tons in 1976 from 63.4 thousand tons in 1975. Imports increased to 85.5 thousand tons in the first 9 months of 1977 from 48.0 thousand tons in the first 9 months of 1976. The ratio of imports of alloy steel bars to domestic shipments increased in 1976 to 3.1 percent from 2.9 percent in 1975. For the first 9 months of 1977 the ratio increased to 5.0 percent from 2.7 percent in the first 9 months of 1976.

RODS

Imports of wire rods increased in 1976 to 1032.9 thousand tons from 1027.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 899.8 thousand tons from 722.1 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments of rods decreased from 52.5 percent in 1975 to 35.7 percent in 1976. The ratio of imports to domestic shipments increased in the first 9 months of 1977 to 43.4 percent from 30.7 percent for the first 9 months of 1976.

CARBON STEEL WIRE

Imports of carbon steel wire increased from 349.6 thousand tons in 1975 to 371.8 thousand tons in 1976. Imports increased from 263.5 thousand tons in the first nine months of 1976 to 359.1 thousand tons in the first nine months of 1977. The ratio of imports to domestic shipments of wire decreased from 22.0 percent in 1975 to 19.9 percent in 1976. The ratio of imports to domestic shipments increased from 18.1 percent in the first nine months of 1976 to 25.5 percent in the first nine months of 1977.

PLATES

Imports of carbon steel plate increased from 1555.4 thousand tons in 1976 from 1353.0 thousand tons in 1975. In the first 9 months of 1977 imports increased to 1355.9 thousand tons from 1083.2 thousand tons in the first 9 months of 1977. The ratio of imports to U.S. shipments increased to 27.7 percent in 1976 from 19.4 percent in 1975. In the first 9 months of 1977 the ratio increased to 30.6 percent from 24.8 percent in the first 9 months of 1976.

WHEELS, AXLES, AND CIRCULAR FORGINGS

More than 90 percent of the circular forgings produced at the Johnstown plant are wheels and axles. Imports of steel wheels and axles for railway applications increased in the last quarter of 1976 to 9,090 tons from 8,308 tons in the last quarter of 1975. Imports increased in the first 9 months of 1977 to 44,195 tons from 23,107 tons in the first 9 months of 1976. The ratio of imports to production increased to 16.7 percent in the last quarter of 1976 from 10.2 percent in 1975. In the first 9 months of 1977 imports increased to 17.6 percent from 10.3 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

BARS

The Department conducted a survey of some of the bar customers of the Johnstown plant. Several of those responding had decreased purchases from the Johnstown plant and increased purchases of imports during 1976 or 1977. These customers indicated that the lower price of foreign bars was affecting the marketing of that product.

RODS

The Department conducted a survey of some rod customers of the Johnstown plant. Most of these had purchased imports in 1976 or 1977. Several had decreased purchases from the Johnstown plant in 1977 and increased purchases of imports. Many of those surveyed indicated that the price of imported rods was affecting the market.

WIRE

A survey of some of the customers that purchase wire from the Johnstown plant was conducted. In 1977 some customers reduced purchases of wire from the Bethlehem plant compared to 1976 and increased purchases of imports in the same time period. In 1976, these same customers also purchased imported wire. Customers stated that the lower price of foreign made wire influenced their decision to purchase imports.

PLATES

The Department conducted a survey of some plate customers of the Johnstown plant. Most of these purchase imports. Several customers reduced purchases from the Bethlehem plant during 1976 or 1977 and increased purchases of imports during that same time period.

In addition, the U.S. Treasury Department made a finding on October 3, 1977 that certain Japanese firms had been dumping carbon steel plate in the U.S. market.

WHEELS, AXLES, AND CIRCULAR FORGINGS

The Department conducted separate surveys of some wheels, axles, and circular forgings customers of the Johnstown plant. One customer which had not purchased any imported forgings in 1976 began purchasing imports in 1977. Its purchases from the Johnstown plant dropped significantly during the first 9 months of 1977. Several wheel and axle customers had decreased purchases from the Johnstown plant in 1976 or 1977 and either increased purchases absolutely or increased the proportion of imports among their total wheel and axle purchases. The price of the imports was cited as one factor influencing the marketing of wheels and axles.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the steel products produced by the Johnstown, Pa. plant of Bethlehem Steel Corp. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Johnstown, Pa. plant of Bethlehem Steel Corp. who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4726 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2028]

**BRADLEY SCOTT CLOTHES, INC., FALL RIVER, MASS.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2028: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 26, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's vests, sportcoats, dress coats and women's outer coats at Bradley Scott Clothes, Inc., Fall River, Mass.

The Notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bradley Scott Clothes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department's investigation revealed that Bradley Scott Clothes, Inc., Fall River, Mass. is a contractor which produces the men's vests, sportcoats, dress coats and women's outer coats for clothing manufacturers. A survey of clothing manufacturers that contracted with the company indicated that these clothing manufacturers did not import men's vests, sportcoats, dress coats and women's outer coats and did not provide contract work for foreign firms. Sales of men's and women's clothing by these clothing manufacturers increased from the first half of 1976 to the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's vests, sportcoats, dress coats and women's outer coats produced at Bradley Scott Clothes, Inc., Fall River, Mass. did not contribute importantly to shipment declines and to the total or partial separations of workers at that firm, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4727 Filed 2-23-78; 8:45 am]

[4510-28]

**Office of the Secretary**

[TA-W-2281]

**BROWN SHOE CO.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2281: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 19, 1977, which was filed on behalf of workers and former workers producing women's leather duty shoes at the Cabool, Mo., plant of the Brown Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers at Cabool increased 16 percent from 1975 to 1976, and remained unchanged in the first 7 months of 1977 compared to the same period of 1976.

The earliest possible impact week at Cabool is in the third quarter of 1976, when employment had increased compared to the same quarter of 1975.

Employment increased from the third quarter of 1976 to the fourth quarter of 1976, from the fourth quarter of 1976 to the first quarter of 1977, and from the first to the second quarter of 1977.

The average number of hours worked at Cabool increased 10 percent from 1975 to 1976, and then declined 6 percent in the first 7 months of 1977 compared to the same period in 1976. Therefore, the workers at Cabool did not sustain partial separations, as defined in the Act; that is, a reduction in average weekly hours of 20 percent of more.

Finally, there is no indication that current workers are threatened with separations.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that significant total or partial separations of workers have not occurred at the Cabool, Mo., plant of the Brown Shoe Co. as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4728 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2282]

**BROWN SHOE CO.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2282: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 18, 1977, which was filed by the Boot & Shoe Workers' Union on behalf of workers and former workers producing children's nonrubber footwear with leather uppers at the Humboldt, Tenn., plant of the Brown Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of





eligibility to apply for adjustment as-



cause their customers (retail outlets) eligibility to apply for adjustment as-

imports of refined copper increased 9.9

eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at the Humboldt plant declined 24 percent from 1974 to 1975, increased 2 percent from 1975 to 1976, and declined 2 percent in the first 7 months of 1977 compared to the same period of 1976. All employment was terminated in August 1977 when the plant was permanently shutdown.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of children's shoes from the Humboldt plant declined 9 percent in quantity from 1974 to 1975, declined 9 percent from 1975 to 1976, and declined 8 percent in the first 7 months of 1977 compared to the same period of 1976. Shipments represent intracompany transfers of shoes from the plant to the central warehouse. All shipments ceased in August 1977 when the plant was permanently closed.

Production at Humboldt declined 11 percent in quantity from 1974 to 1975, declined 7 percent from 1975 to 1976, and declined 10 percent in the first 7 months of 1977 compared to the same period of 1976. All production ceased in August 1977 when the plant was closed.

INCREASED IMPORTS

Imports of children's nonrubber footwear, except athletic, decreased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and decreased from 1974 to 1975. Imports increased 42 percent from 1975 to 1976 and declined 9 percent in the first 9 months of 1977 compared to the same period of 1976. The ratios of imports to domestic production and consumption increased from 60 percent and 37.5 percent, respectively, in 1975 to 75.2 percent and 42.9 percent, respectively, in 1976. The same ratios increased 74.4 percent and 42.7 percent, respectively in the first 9 months of 1976 to 94.2 percent and 48.5 percent, respectively, in the first 9 months of 1977.

CONTRIBUTED IMPORTANTLY

Brown Shoe increased its imports of children's shoes, which were competitive with those produced at Humboldt, by 91 percent from fiscal year 1974 to fiscal year 1975, and by 159 percent from fiscal year 1975 to fiscal year 1976. (Brown's fiscal year extends from November through October). A large proportion of the retail customers of Brown Shoe responding to a Department survey had increased their purchases of children's shoes from foreign sources from 1976 to 1977, in the first 9 months.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's nonrubber footwear with leather uppers produced at the Humboldt, Tenn., plant of the Brown Shoe Co. contributed importantly to the decline in production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Humboldt, Tenn., plant of the Brown Shoe Co. who became totally or partially separated from employment on or after August 15, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4729 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2242]

**CAR-DEL-MAR COAT CO., INC., BROOKLYN, N.Y.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2242: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on Auguest 8, 1977, in response to a worker petition received on August 4, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's coats, rainwear and sportswear at Car-Del-Mar Coat Co., Brooklyn, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Car-Del-Mar, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of women's misses', and children's coats and jackets increased steadily from 1,478,000 dozen units in 1974 to 2,252,000 dozen units in 1976, an increase of 52 percent. Imports then increased from 961,000 dozen units in the first half of 1976 to 1,231,000 dozen units in the first half of 1977, an increase of 28 percent. The ratio of imports to domestic production and consumption increased from 30.9 percent and 23.6 percent, respectively, in 1974 to 57.5 percent and 36.5 percent, respectively, in 1976.

Imports of women's, misses', and children's raincoats increased from 186,000 dozen units in 1974 to 261,000 dozen units in 1976, an increase of 40 percent. Imports then decreased from 133,000 dozen units in the first half of 1976 to 116,000 dozen units in the first half of 1977, a decrease of 13 percent. The ratios of imports to domestic production and consumption increased from 31.7 percent and 24.1 percent, respectively, in 1974 to 50.4 percent and 33.5 percent, respectively, in 1976.

Imports of women's, misses' and children's suits increased from 1972 to 1975, then decreased from 412,000 dozen units in 1975 to 408,000 dozen units in 1976. Imports then decreased 178,000 dozen units in the first half of 1976 to 168,000 units in the first half of 1977.

CONTRIBUTED IMPORTANTLY

Car-Del-Mar was originally solely a contractor for women's coat manufacturing companies. In 1975, Car-Del-Mar began producing ladies' sportwear and in 1976 expanded its coat line to include all weather coats adaptable as rainwear.

Customers of Car-Del-mar (clothing manufacturers) surveyed indicated they reduced contracts for women's coats with Car-Del-Mar in 1977 because their customers (retail outlets) reduced purchases of coats from the manufacturers because of increasing purchases of imported women's coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with women's coats and sportswear produced at Car-Del-Mar Coat Co., Inc., Brooklyn, N.Y., contributed importantly to the decline in production and to the separation of the workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Car-Del-Mar Coat Co., Inc., Brooklyn, N.Y., who became totally or partially separated from employment on or after July 26, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4730 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2412]

**CHRISTMAS DIVISION OF INSPIRATION CONSOLIDATED COPPER CO.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2412: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 4, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate at the Christmas Division of Inspiration Consolidated Copper Co., Miami, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Inspiration Consolidated Copper Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, "The American Metals Market," "Metal Bulletin ," "Metals Week," industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 to 384 thousand short tons in 1976. U.S imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1975 to 21 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Inspiration and other domestic producers of refined copper/copper rod lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metal Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper/copper rod. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of refined copper they choose to sell.

Inspiration's decision to lay off workers and terminate production at its Christmas Division at the end of August 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Inspiration substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with copper produced at the Christmas Division, Miami, Ariz., facility of Inspiration Consolidated Copper Co. contributed importantly to the decline in production and to the total or partial separation of workers at that facility.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Christmas Division, Miami, Ariz., facility of Inspiration Consolidated Copper Co. who became totally or partially separated from employment on or after August 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4731 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2272]

**CRESCO MEN'S OUTERWEAR**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-2272: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 17, 1977 in response to a worker petition received on August 15, 1977 which was filed on behalf of workers and former workers producing men's outer coats and jackets at Cresco Men's Outerwear, Ashland, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally form officials of Cresco Men's Outerwear, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boy's outer coats and jackets increased from 20,034 thousand units in 1975 to 22,060 thousand units in 1976 and further increased from 16,055 thousand units in the first 3 quarters of 1976 to 20,344 thousand units in the first 3 quarters of 1977. The ratio of imports to domestic production increased from 28.1 percent in 1975 to 31.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

Cresco increased purchases of imported men's outer coats and jackets from 1975 to 1976. These coats were sold under the Cresco label and displaced sales of coats and jackets made in the Ashland plant. The company ceased importing coats and jackets in December 1976 and now produces all of its coats and jackets at the Ashland plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's outer coats and jackets produced by Cresco Men's Outerwear, Ashland, Ohio contributed importantly to the decline in sales or production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Cresco Men's Outerwear, Ashland, Ohio who became totally or partially separated from employment on or after August 12, 1976 and before January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after January 1, 1977 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4732 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1877]

**FAIRVIEW SPORTSWEAR, INC.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1877: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing dresses at Fairview Sportswear, Inc., Mountaintop, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fairview Sportswear, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Fairview Sportswear produces women's clothing under contract to apparel manufacturers. Production in 1976 and the first six months of 1977 was evenly divided between ladies' robes and ladies' slacks. The manufacturer for whom Fairview produced robes increased orders with the subject firm in 1976 and the first six months of 1977 compared to the same period in the previous year.

The manufacturer for whom Fairview produced ladies slacks experienced increasing sales of women's sportswear in fiscal years (FY-May 1 through April 30) 1976 and 1977 when compared to the previous year, in spite of a decline in the manufacturer's total sales in FY 1977, attributable to a decline in sales of menswear. This manufacturer imports only a small amount of women's sportswear.

Nearly 50 percent of this manufacturer's sportswear making operations are contracted out to independent firms, such as Fairview Sportswear. The manufacturer is a large, diversified clothing firm which produces four to five seasonal lines, with from 60 to 150 different styles. Because of the wide range in styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of styles required by the manufacturer at that time. The decline in production at Fairview in 1976 resulted from a shift in styles offered by the manufacturer to its retail customers. This led to a reduction in the contract work awarded to Fairview.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's robes and slacks produced by Fairview Sportswear, Inc., Mountaintop, Pa., did not contribute importantly to the decline in sales or production and to the total or partial separations of workers at that firm as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4734 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1936]

**FISHER DRESS CO.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1936: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.





The investigation was initiated on March 31, 1977, in response to a worker petition received on March 29, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and misses' dresses at Fisher Dress Co., Los Angeles, Calif.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fisher Dress Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to worker separations, or threat thereof, and to the decrease in sales or production.

INCREASED IMPORTS

Imported women's and misses' dresses amounted to only 4.5 percent of domestic production in 1975 as well as in 1976. Aggregate imports of women's and misses' dresses increased from 1975 to 1976 but declined by 13 percent in the first three quarters of 1977 compared to the same period in 1976.

CONTRIBUTED IMPORTANTLY

Fisher Dress Company is a captive supplier, producing high-priced dresses exclusively for a clothing manufacturer in Los Angeles. This clothing manufacturer has been increasingly using other domestic firms since 1975 for the higher-priced dresses. Although the manufacturer began importing lower-priced dresses in July 1976, the rate of importation in the first quarter of 1977 was lower than the rate of importation in the last half of 1976. The manufacturer's sales of domestically-produced dresses in the first quarter of 1977 were less than one percent below first quarter 1976 sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and misses' dresses produced by Fisher Dress Co., Los Angeles, Calif., did not contribute importantly to declines in sales and to the total or partial separations of workers at that firm as required in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4735 Filed 2-23-78; 8:45 am]

[4516-28]

[TA-W-2385]

**KNOPF SPORTSWEAR, INC.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2385: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 27, 1977 in response to a worker petition received on Aug. 17, 1977 which was filed on behalf of workers and former workers producing men's and boy's leather coats and jackets at Mutual Manufacturing Co., Lawrence, Mass., a subsidiary of Mighty Mac, Inc. The petition was expanded to include the workers employed by Knopf Sportswear, Inc., of Lawrence, Mass., also a subsidiary of Mighty Mac, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested.

The information upon which the determination was made was obtained principally from officials of Mighty Mac, Inc., the U.S. Department of Commerce, the U.S. Agriculture Department, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

INCREASED IMPORTS

The value of imports of leather coats and jackets increased in each year from $91.7 million in 1972 to $154.3 million in 1975 and continued to increase 53.3 percent to $236.6 million in 1976. The ratio of imports to domestic production increased each year from 52.7 percent in 1972 to 67.1 percent in 1975 and continued to increase to 81.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of some of the customers of Knopf Sportswear, Inc. It was determined that some of these customers reduced their purchases from Knopf and increased purchases of imported leather coats and jackets in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and boy's leather coats and jackets produced at Knopf Sportswear, Inc., have contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Lawrence, Mass. plant of Knopf Sportswear, Inc., a subsidiary of Mighty Mac, Inc., who became totally or partially separated from employment on or after August 15, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4736 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1884]

**GRAND FINALE**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1884: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 23, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's sportswear at the Wilkes-Barre and Fern Glen, Pa. plants of Grand Finale.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Grand Finale and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.





In order to make an affirmative determination and issue a certification of

Signed at Washington, D.C. this 8th day of February 1978.



Massachusetts, who became totally or partially separated on or after May 19, 1976 are

half of 1977 to 20.6 percent from 13.3 percent in 1976.

principally from officials of Leslie Fay,

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation revealed that Grand Finale has been producing women's sportswear under contract only since the fourth quarter of 1975 having converted to sportswear production from the production of women's dresses. This sportswear produced consists of women's blouses, jackets, slacks and skirts. The manufacturers with whom Grand Finale contracts sportswear production reported either increased sales of women's sportswear, increased contracts placed with domestic sources, or both, in 1976 compared with 1975 and in the first half of 1977 compared with the first half of 1976. Those manufacturers who reported decreased purchases from the subject firm reported increased contracts placed with other domestic sources. None of the manufacturers imported any women's sportswear nor did any of the manufacturers contract for production of women's sportswear with foreign sources.

CONCLUSION

After careful review of the facts obtained in this investigation, it is concluded that increases of imports of articles like or directly competitive with the women's sportswear produced under contract by Grand Finale in Wilkes-Barre, and Fern Glen, Pa. did not contribute importantly to the decline in sales and production or to the total or partial separations of workers of that firm as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4733 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2100]

**K & G MANUFACTURING COMPANY, INC.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2100: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 25, 1977 in response to a worker petition received on May 24, 1977 which was filed by three workers on behalf of workers and former workers producing dresses, slacks and some sportswear at the K & G Manufacturing Co., Inc., Fall River, Mass. The investigation revealed that women's jackets, dresses and pant suits were the primary articles produced at K & G in the 1974-1976 period.

The notice of investigation was published in the FEDERAL REGISTER on June 10, 1977 (42 FR 30013). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the K & G Manufacturing Co., Inc., its manufacturers, its manufacturers' customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, the National Cotton Council of America and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased from 1,769 thousand dozen in 1972 to 1,807 thousand dozen in 1973 and then declined to 1,478 thousand dozen in 1974. Imports totalled 2,252 thousand dozen in 1976, a 48.5 percent increase over the 1,517 thousand dozen imported in 1975. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28.0 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976. Imports totalled 2,081 thousand dozen in the first three quarters of 1977, an increase of 23.9 percent over the 1,680 thousand dozen imported in the first three quarters of 1976.

Imports of women's and misses' dresses declined from 963 thousand dozen in 1972 to 596 thousand dozen in 1973 and then increased to 613 thousand dozen in 1974. Imports increased to 645 thousand dozen in 1975 and increased 2.2 percent to 659 thousand dozen in 1976. The ratios of imports to domestic production and consumption remained constant at 4.5 percent and 4.3 percent, respectively, in 1975 and 1976.

Imports of women's, misses' and children's suits (including pant suits and jumpsuits) increased from 206 thousand dozen in 1972 to 245 thousand dozen in 1973 and then increased again to 387 thousand dozen in 1973 and then increased again to 387 thousand dozen in 1974. Imports increased to 412 thousand dozen in 1975 and then decreased 1.0 percent to 408 thousand dozen in 1976. The ratios of imports to domestic production and consumption declined from 12.2 percent and 10.9 percent, respectively, in 1975 to 11.6 percent and 10.4 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the Department's investigation revealed that the manufacturer which provided more than fifty percent of K & G's work in 1975 and 1976 discontinued contracting work to K & G due to declines in its own sales of women's jackets in 1976 and 1977 compared to previous years. A Departmental survey of this manufacturers' customers revealed that increases of imports of women's coats and jackets was an important factor in the manufacturer's sales declines and therefore an important factor in the resulting decline in the amount of work contracted to K & G. These findings are consistent with industry trends. Imports of women's, misses' and children's coats and jackets have increased 52.4 percent during the 1974-1976 period while domestic production has declined 18.2 percent. Consequently, imports relative to domestic production increased from 30.9 percent in 1974 to 57.5 percent in 1976.

CONCLUSION

After a careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with women's jackets, dresses, and pant suits produced at the K & G Manufacturing Co., Inc., Fall River, Mass., contributed importantly to the decline in production and to the total or partial separations of workers of the firm. In accordance with the provisions of the Act, I make the following certification:

All employees of the K & G Manufacturing Company, Incorporated, Fall River, Massachusetts, who became totally or partially separated on or after May 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4737 Filed 2-23-78; 8:45 am]





[4510-28]

[TA-W-2407]

**METHUEN INTERNATIONAL MILLS**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2407: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1977, in response to a worker petition recieved on September 26, 1977, which was filed by the president of Methuen International Mills on behalf of workers and former workers producing woven worsted and worsted blend menswear fabric at the Methuen, Mass., plant of Methuen International Mills.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Methuen International Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

INCREASED IMPORTS

Imports of gray and finished woven woolen fabric increased from 15.8 million SYD in 1972 to 18.4 million SYD in 1973. In 1974 imports declined to 11.6 million SYD but then increased in 1975 to 12.1 million SYD and to 17.2 million SYD in 1976. Comparison of the first 6 months of 1977 to the same period in 1976 shows imports increased to 14.1 million SYD from 8.9 million SYD. As a percentage of domestic production, imports increased in the first half of 1977 to 20.6 percent from 13.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of some of the customers of Methuen International Mills. Among those customers responding to the survey, some increased purchases of imports of worsted or worsted blend fabric in 1977 compared to 1976 and decreased their purchases from Methuen.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the worsted and worsted blend menswear fabric produced at Methuen International Mills, Methuen, Mass., contributed importantly to the decline in sales or production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Methuen International Mills, Methuen, Mass., who became totally or partially separated from employment on or after June 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4738 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1861]

**PARSONS FASHIONS, INC.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1861: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on March 22, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Parsons Fashions, Inc., Parsons, Pa.. a subsidiary of Leslie Fay, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Parsons Fashions is a subsidiary of Leslie Fay, Inc., New York, N.Y. Leslie Fay and its subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets, and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the subsidiaries. The apparel produced by the subsidiaries is sold by Leslie Fay to retail stores.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal year 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dresses is consistent with industrywide data for women's and misses's dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976 while the imports/production (IP) ratio remained constant. In each year from 1972 to 1976 imports of women's and misses' dresses where less than 5 percent of domestic production. In the January–June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as Parsons Fashions, Inc. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the

specific mix of fashions required by Leslie Fay at the time. The declines in production at Parsons Fashions in 1976 and the first six months of 1977 resulted from a shift in styles offered by Leslie Fay to its retail customers. This resulted in a reduction in work allocated to Parsons Fashions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dresses, suits, skirts, blouses, pants, and jackets produced at the Parsons. Pa., plant of Parsons Fashions, a subsidiary of Leslie Fay, Inc., did not contribute importantly to the decline in production or to the total or partial separation of workers at that plant, as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4739 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2213]

**PAUL MODES, INC.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2213: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 18, 1977, in response to a worker petition received on July 12, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's pants, dresses, and sportswear at Paul Modes, Inc., New Bedford, Mass. In the course of the investigation it was revealed that pants, dresses, and suits are manufactured.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39156). No pubic hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paul Modes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

The Department's investigation revealed that workers at Paul Modes, Inc., produced women's dresses and suits. A small quantity of pants were produced from excess piece goods until May 1977, when pants production was transferred to another domestic facility. The domestic transfer was based on a corporate decision precipitated by the change in consumer preference from pants to dresses.

U.S. imports of women's and misses' dresses, which includes gowns, increased in 1975 to 645,000 dozen, increased in 1976 to 659,000 dozen, and decreased to 471,000 dozen in the first 9 months of 1977 compared to 540,000 dozen in the same period in 1976.

The impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first 9 months of 1977 compared to the same period of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2 percent in absolute terms. Imports fell by 12.8 percent in the first 9 months of 1977 compared to the same period of 1976.

U.S. imports of women's, misses', and children's suits, which includes pantsuits and jumpsuits, increased in 1975 to 412,000 dozen, decreased to 408,000 dozen in 1976, and decreased from 240,000 dozen in the first 9 months of 1976 to 201,000 dozen in the same period in 1977.

The ratio of imports to domestic production of suits declined from 12.2 percent in 1974 to 11.6 percent in 1976. Imports decreased 16.3 percent in the first 9 months of 1977 compared to the same period of 1976.

A survey of Paul Modes customers revealed that customers increased purchases from other domestic sources supplying domestically manufactured dresses, pants, and suits, and did not purchase imports.

CONCLUSION

After careful review of the facts obtained in the investigation, conclude that increases of imports of articles produced by workers at Paul Modes, Inc., New Beford, Mass., have not contributed importantly to total or partial separations, or the threat thereof, nor to the decline in sales or production of the firm as required in section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C., this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4740 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1862]

**PENN STATE BELT AND BUCKLE CO.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1862: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing belts for ladies' dresses at Penn State Belt and Buckle Company, Wilkes-Barre, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Penn State Belt and Buckle Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increased imports of articles like or directly competitive with those produced by the firm or appropriate subdivision have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production.

Penn State manufactures belts to match ladies' dresses produced by clothing manufacturers. Penn State does not sell belts to retail stores. The belts produced ty Penn State are non-leather.

Customers of Penn State consist of clothing manufacturers and contractors. Customers of Penn State who were surveyed indicated that they do not purchase belts from foreign manufacturers or contractors.





Industry experts indicated that imports of non-leather belts are insignificant. It is vital for belt manufacturers to maintain close contact and offer short delivery time to clothing manufacturers. For this reason, foreign belt manufacturers and contractors are at a great disadvantage in attempting to compete with domestic belt manufacturers in this specific market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with belts for ladies' dresses produced at Penn State Belt and Buckle Co., Wilkes-Barre, Pa. did not contribute importantly to the decline in sales or production and to the total or partial separations of workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4741 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1833]

**STANLEY MANUFACTURING CO., WILKES-BARRE, PA.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1833: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1977, in response to a worker petition recieved on March 18, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Stanley Manufacturing Co., Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stanley Manufacturing Co., its customers, customers of the manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed in the Department's investigation revealed that Stanley Manufacturing performed sewing operations on women's dresses and sportswear for clothing manufacturers. In 1975 and 1976, 100 percent and 95 percent, respectively, of Stanley's contract work was for one manufacturer. This manufacturer is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. The maunfacturer's sales of women's dresses and sportswear increased in fiscal years (FY-May 1-April 30) 1976 and 1977 when compared to the previous fiscal year, despite a decrease in the manufacturer's total sales in FY 1977 attributable to a decline in sales of menswear. This increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976, while the imports/production ratio remained constant. In each year from 1972 through 1976, imports of women's and misses' dresses were less than five percent of domestic production. In January-June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

This manufacturer contracts out nearly 50 percent of its dress and sportswear making operations to other independent domestic firms such as Stanley Manufacturing. The manufacturer imports only a small amount of women's dresses and sportswear. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of fashions required by the manufacturer at that time. The decline in production at Stanley in 1976 resulted from a shift in styles offered by the manufacturer to its retail customers. This resulted in a reduction in contracts awarded to Stanley.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's dresses, slacks, blouses, and skirts produced at Stanley Manufacturing Co., Wilkes-Barre, Pa. did not contribute importantly to the decline in production and to the total or partial separations of the workers of the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4742 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2265]

**TRIMFOOT CO.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2265: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 16, 1977 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing infants' and babies' footwear at the Farmington, Mo. plant of Trimfoot Co.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Trimfoot Co., its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

United States imports of infants' and babies' nonrubber footwear increased to 6.9 million pairs in 1975, increased to 10.7 million pairs in 1976, and increased to 6.1 million pairs in the first half of 1977 compared to 5.7 million pairs in the first half of 1976.

The ratio of imports to domestic production increased from 28.5 percent in 1975 to 43.0 percent in 1976, and increased from 41.9 percent in the first half of 1976 to 58.1 percent in the first half of 1977.

CONTRIBUTED IMPORTANTLY

The increase in sales for the Farmington, Mo. plant of Trimfoot in the first half of 1977 can be reconciled





with concurrent declines in plant pro-



The notice of investigation was pub-

creased their purchases of welded

gations is to determine whether abso-

with concurrent declines in plant production and employment by the fact that inventory was being reduced from unacceptably high levels. Also, a portion of Trimfoot's sales (approximately equal to 15 percent of plant production in 1976) were infants' gift shoes imported by Trimfoot.

The decline in Trimfoot's production of infants' and babies' shoes, produced at the Farmington plant, can be linked to increased imports in the domestic market in accordance with the recent findings of the U.S. international Trade Commission. After considering the various factors affecting the domestic footwear industry, the Commission concluded that certain footwear articles, including infants' and babies' footwear, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles.

In the case of infants' and babies' footwear the import penetration rate increased from 1975 to 1976, and continued to increase in the first half of 1977, when the ratio of imports to domestic production was 58.1 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with infants' and babies' shoes produced at the Farmington, Mo. plant of the Trimfoot Co. contributed importantly to the total or partial separation of the workers and to the decline in production at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Farmington, Mo. plant of the Trimfoot Co. who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4743 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2479]

**UNITED PIECE DYE WORKS**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2479: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 17, 1977 in response to a worker petition received on October 4, 1977 which was filed on behalf of workers and former workers engaged in the dyeing, printing, and finishing of fabric at the North Charleston, S.C. plant of United Piece Dye Works.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of United Piece Dye Works, fabric converters who are customers of United Piece Dye Works, customers of the fabric converters, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion four (4) was not met.

The North Charleston plant of United Piece Dye Works dyed, printed, and finished fabric on a commission basis. Fabric converters sent unfinished fabric to the plant. The fabric was then dyed or printed and the finished fabric was returned to the converters.

A survey of converters who commissioned the North Charleston plant for the dyeing and printing of fabric revealed that none of the converters reduced purchases from the North Charleston plant and increased purchases of imported finished fabric.

In addition, apparel manufacturers, who are converters' customers, were also surveyed concerning purchases of finished fabric. The survey revealed that the manufacturers did not switch purchases of finished fabric from domestic sources to imports.

Inasmuch as all types of finished fabric, flocked, dyed and printed, are generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric dyed and printed at the North Charleston plant of United Piece Dye Works.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each of the last three quarters of 1976 when compared to the previous quarter. Imports declined 38 percent in the first six months of 1977 compared to the like period of 1976.

The ratios of imports to domestic production and consumption reached a peak in the most recent five year period at 2.2 percent in 1972. Since 1973 the ratios have been 2 percent or less.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric dyed, printed, and finished at the North Charleston, S.C. plant of United Piece Dye Works did not contribute importantly to the decline in sales or production or to the total or partial separations of workers at that firm as required for certification in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

Signed at Washington, D.C., this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4744 filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2522]

**WELDED TUBE COMPANY OF AMERICA**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2522: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 27, 1977, in response to a worker petition recieved on October 25, 1977, which was filed by Local 168 of the United Electrical, Radio and Machine Workers of America on behalf of workers and former workers producing welded carbon steel tubing at the Philadelphia, Pa. plant of the Welded Tube Co. of America.





The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59132). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Welded Tube Co. of America, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

United States imports of welded carbon steel pipe and tubing in 1974 totaled 1,583,600 tons. In 1975 the level of imports declined to 1,267,300 tons and in 1976 it increased to 1,499,500 tons. In the first nine months of 1976 imports were recorded at 1,060,800 tons and increased to 1,353,400 tons in the like period of 1977.

The ratio of imports of welded carbon steel pipe and tubing to the level of domestic U.S. shipments of the same products was recorded at 30.5 percent in 1974. The ratio increased to 33.6 percent in 1975 and increased in 1976 to 50.7 percent. The ratio of imports to domestic shipments was recorded at 46.8 percent in the January–September period of 1976 and increased to 52.1 percent in the like period of 1977.

CONTRIBUTED IMPORTANTLY

The Department surveyed some of the customers of the Philadelphia, Pa. plant of the Welded Tube Co. of America. Some of the respondents to the survey indicated that they had decreased their purchases of welded carbon steel tubing from the Welded Tube Co. of America and increased their purchases of imported welded carbon steel tubing during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with welded carbon steel tubing produced at the Philadelphia, Pa. plant of the Welded Tube Co. of America contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pa. plant of the Welded Tube Co. of America who became totally or partially separated from employment on or after October 17, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-4745 Filed 2-23-78; 8:45 am]

[4510-28]

**INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Allen Shoe Co., Inc. (workers). | Haverhill, Mass | Jan. 30, 1978 | Jan 25, 1978 | TA-W-3,092 | Women's shoes. |
| Bethlehem Steel Corp., Elizabeth Reinforcing Bar Fabricating Shop (USWA). | Elizabeth, N.J. | Jan. 25, 1978 | Jan. 23, 1978 | TA-W-3,093 | Fabricate reinforcing bars. |
| Bethlehem Steel Corp., Buffalo Tank Division (USWA). | Buffalo, N.Y. | Jan. 26, 1978 | Jan. 25. 1978 | TA-W-3,094 | Welded steel plate and pressure vessels. |
| Cleveland-Cliffs Iron Co. (USWA) Canisteo Mine. | Coleraine, Minn | ....do | Jan. 27, 1978 | TA-W-3,095 | Mining, screening, and washing iron ore. |
| Cross Country Clothes (ACTWU). | Painesville, Ohio | Jan. 27, 1978 | Jan. 4, 1978 | TA-W-3,096 | Men's tailored clothing. |
| Cyprus Mines Corp. (workers). | Los Angeles, Calif | Feb. 8, 1978 | Feb 1, 1978 | TA-W-3,097 | Mineral exploration. |
| Davenshire, Inc. (ACTWU) | Davenport, Iowa | Jan. 27, 1978 | Jan. 11, 1978 | TA-W-3,098 | Women's sportswear. |
| E. H. Edwards Co. (USWA) | South San Francisco, Calif | ....do | Jan. 24, 1978 | TA-W-3,099 | Wire rope products, weld fabrics, stucco fabrics and bailing wire. |
| General Electric Co. (International Brotherhood of Electrical Workers). | Gainesville, Fl | Jan. 28, 1978 | Jan. 23, 1978 | TA-W-3,100 | Nickel cadmium and rechargeable batteries. |





APPENDIX —Continued



APPENDIX —Continued

APPENDIX—Continued

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Harbison/Walker Refractories, Inc. (USWA). | Cape May, N.J | do | Jan. 24 1978 | TA-W-3,101 | Synthetic dead-burned magnesite. |
| Hart, Schaffner & Marx Clothes (ACTWU). | Chicago, Ill | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,102 | Men's coats |
| Do | Rochester, Ind | do | do | TA-W-3,103 | Men's pants and vests. |
| Industrial Clean Air (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers). | Berkeley, Calif | Jan. 19, 1978 | Jan. 18, 1978 | TA-W-3,104 | Fabricated metal products. |
| National Steel Corp., Midwest Steel Division (USWA). | Portage, Ind | Jan. 10, 1978 | Jan 5, 1978 | TA-W-3,105 | Flat rolled sheet steel. |
| Park City Ventures (workers). | Park City Utah | Jan 31, 1978 | Jan. 25, 1978 | TA-W-3,106 | Zinc, lead, and silver. |
| Pat Jo Blouse Co. (ILGWU) | Franklinville, N.J | Jan. 30, 1978 | Jan. 19, 1978 | TA-W-3,107 | Women's sportswear. |
| Phelps Dodge Corp. Western Engineering Department (workers). | Douglas, Ariz | Jan. 23, 1978 | Jan. 18, 1978 | TA-W-3,108 | Provided engineering and support services to the Western operations. |
| Phelps Dodge Corp., Western Exploration Department (workers). | do | do | do | TA-W-3,109 | Exploration for new ore bodies and support services for Douglas Reduction Works. |
| Pittsburg & Lake Erie RR Gateway Yard (United Transportation Union). | Struthers, Ohio | Jan. 17, 1978 | Jan 9, 1978 | TA-W-3,110 | Transports goods for local industries. |
| Robert Lewis, Inc. (ACTWU) | West Long Branch, N.J | Jan. 27, 1978 | Jan. 11, 1978 | TA-W-3,111 | Men's outerwear. |
| Seaford Clothes (ACTWU) | Rock Island, Ill | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,112 | Men's coats. |
| Sovereign Textiles Division of Manes Organization, Inc. (workers). | New York, N.Y | Jan. 27, 1978 | Jan. 24, 1978 | TA-W-3,113 | Men's shirting fabrics. |

[FR Doc. 78-4746 Filed 2-23-78; 8:45 am]

[4510-28]

## INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Apex Glove Co. (ACTWU) | Milwaukee, Wis | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,068 | Industrial work gloves. |
| Arthur Winer, Inc. (ACTWU). | Gary, Ind | do | do | TA-W-3,069 | Men's trousers. |
| Bennet Manufacturing Co. (ACTWU). | New Haven, Ind | do | do | TA-W-3,070 | Men's and women's sportswear. |
| Burnham-Edina Manufacturing Co. (ACTWU). | Edina, Mo | do | do | TA-W-3,071 | Leather work gloves. |
| Cyclops Corp. Empire-Detroit Steel Division (USWA). | Dover, Ohio | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-3,072 | Flat-rolled steel, ingots, coke products. |
| Fairfield Glove Co. (ACTWU). | Bonaparte, Iowa | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,073 | Jersey and terrycloth gloves and gloves with leather palms. |
| Do | Fairfield, Iowa | do | do | TA-W-3,074 | Cotton work gloves and leather work gloves. |
| Florsheim Shoe Co. (United Shoe Workers of America). | Mexico, Mo | Jan. 25, 1978 | Jan. 20, 1978 | TA-W-3,075 | Women's shoes. |
| Frederick H. Burnham Co. (ACTWU). | Michigan City, Ind | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,076 | Work gloves and mittens. |
| Hercules Trouser Co. (ACTWU). | Columbus, Ohio | do | do | TA-W-3,077 | Warehousing and distribution facility. |
| Do | Wellston, Ohio | do | do | TA-W-3,078 | Men's trousers. |
| Do | Manchester, Ohio | do | do | TA-W-3,079 | Men's slacks. |
| Do | Hillsboro, Ohio | do | do | TA-W-3,080 | Men's trousers. |





APPENDIX—Continued

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Hercules Trouser Co., Fordyce Apparel Co. (ACTWU). | Fordyce, Ark | do | do | TA-W-3,081 | Do. |
| Houston Electronics Corp. (International Union of Electrical, Radio and Machine Workers). | Kane, Pa | Jan. 26, 1978 | Jan. 17, 1978 | TA-W-3,082 | Electronic crystal bases. |
| The Jay Garment Co. (ACTWU). | Clarkesville, Tenn | Jan. 31, 1978 | Jan. 10, 1978 | TA-W-3,083 | Men's work shirts, overalls and one-piece coveralls. |
| Do | Portland, Ind | do | do | TA-W-3,084 | Men's work pants and jeans. |
| Jaymar-Ruby Co., Albert Givens Division (ACTWU). | East Chicago, Ind | do | do | TA-W-3,085 | Men's trousers. |
| Jones & Laughlin Steel Corp., Minnesota Ore Division (USWA). | McKinley, Minn | Jan. 26, 1978 | Dec. 27, 1978 | TA-W-3,086 | Iron ore. |
| Jones & Laughlin Steel Corp., Hill Annex Mine and Plant (USWA). | Calumet, Minn | do | do | TA-W-3,087 | Do. |
| L. J. O'Neill Shoe Co. (workers). | St. Louis, Mo | do | Jan. 23, 1978 | TA-W-3,088 | Warehousing facility for women's shoes manufactured by Florsheim Shoes. |
| Superior Tube Co. (USWA) | Wapokoneta, Ohio | Jan. 10, 1978 | Jan. 5, 1978 | TA-W-3,089 | Precision metal tubing. |
| U.S. Steel, Minnesota Ore Operations, Canisteo District. | Coleraine, Minn | Jan. 27, 1978 | Jan. 25, 1978 | TA-W-3,090 | Iron ore. |
| U.S. Steel Corp., Minnesota Ore Operations, Hibbing-Chisholm District. | Hibbing, Minn | Jan. 26, 1978 | Dec. 27 1978 | TA-W-3,091 | Do. |

[FR Doc. 78-4747 Filed 2-23-78; 8:45 am]

[4510-23]

### Office of the Secretary

[TA-W-2467]

## BETHLEHEM STEEL CORP. LEETSDALE WORKS LEETSDALE, PA.

### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2467: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 17, 1977 in response to a worker petition received on October 7, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated structural steel including transmission towers at the Leetsdale Works of the Bethlehem Steel Corp. in Leetsdale Pa.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel, Incorporated, its' customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

#### INCREASED IMPORTS

The Leetsdale Works produces fabricated structural steel which is used exclusively in the construction of transmission towers. There are no separate import categories for transmission towers. Imports of transmission towers are included in, and are a major component of the import category for fabricated structural steel.

Imports of fabricated structural steel declined from 99,300 tons in 1975 to 94,400 tons in 1976 and increased 52.1 percent from 77,500 tons in the first three quarters of 1976 to 117,900 tons in the first three quarters of 1977. The ratio of imports to domestic shipments increased from 2.3 percent in 1975 to 2.5 percent in 1976 and continued to increase from 2.7 percent in the first three quarters of 1976 to 4.5 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

The Leetsdale Works typically obtains its contracts for transmission towers through a competitive bidding process. Bid offers or inquiries are circulated among potential producers who in turn estimate job requirements and costs for contracts they desire to obtain and then submit bid offers. The contract is normally awarded to the lowest bidder that meets production requirements.

The Department reviewed the bid offers that the Leetsdale plant made in 1976 and the first 10 months of 1977. Several of the contracts that the Leetsdale Works bid upon and did not receive were finally awarded to foreign producers.

In the period from October 1, 1976,—which was more than 1 year prior to the date of the petition—until April 1977, the workforce at Leetsdale primarily repaired towers and produced sections of towers for the repair of previously-produced towers. Work on new tower orders began in April 1977. The plant is scheduled to close, however, by March 31, 1978.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the transmission towers produced at the Leetsdale Works of the Bethlehem Steel Corporation have contributed importantly to the sales or production declines and to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Leetsdale Works of the Bethlehem Steel Corp. in Leetsdale, Pa. who became totally or partially separated from employment on or after April 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974"

Signed at Washington, D.C. this 13th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-4743 Filed 2-23-78; 8:45 am]

[4510-24]

### Wage and Hour Division

[Administrative Order No. 654]

## INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO AND THE VIRGIN ISLANDS

### Notice of Cancellation of Industry Committee Hearings

For those industries in Puerto Rico and the Virgin Islands where the mini-





mum wage rates are below the main-



[6820-35]

[7590-01]

* *Maine Yankee*, March 18, 1978, Washing-

mum wage rates are below the mainland minimum, the 1977 amendments to the Fair Labor Standards Act provide, in section 6(c), for a schedule of annual automatic increases effective January 1, 1978 and each successive January 1 thereafter until the mainland minimum is reached. The amendments provide for annual automatic increases ranging from $0.20 to $0.30 an hour depending on the level of the minimum wage rates in Puerto Rico and the Virgin Islands as of December 31, 1977.

The 1977 amendments to the Fair Labor Standards Act further provide that additional increases may be recommended by special industry committees if economic and competitive conditions warrant. Because the automatic increases prescribed by the 1977 amendments are substantial, and exceed those which industry committees have traditionally recommended in previous years, I have concluded that no purpose would be served by convening any further special industry committees for the purpose of considering appropriate minimum wage rates in Puerto Rico and the Virgin Islands.

Accordingly, no further industry committees will be convened. This order is subject to reconsideration on petition by any interested person.

Signed at Washington, DC, on this 17th day of February 1978.

RAY MARSHALL,
*Secretary of Labor.*

[FR Doc. 78-4839 Filed 2-23-78; 8:45 am]

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[4510-29; 4830-01]

## DEPARTMENT OF LABOR

### Pension and Welfare Benefit Programs

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Prohibited Transaction Exemption 78-2]

### EMPLOYEE BENEFIT PLANS

### Exemption From the Prohibitions Respecting Transactions Involving the Bethel Clinic Employees' Profit Sharing Plan and Trust

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Bethel Clinic Employees' Profit Sharing Plan and Trust (the Trust) to lease personal and real property to Bethel Clinic (Bethel), the employer of employees covered by the Trust.

FOR FURTHER INFORMATION CONTACT:

C. E. Beaver, Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, 202-523-8881. David Areson, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, 202-566-6762. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On November 18, 1977, notice was published in the FEDERAL REGISTER (42 FR 59571) of the pendency before the Department of labor and the Internal Revenue Service (the Agencies) of an exemption from the provisions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Fourth National Bank & Trust Co. of Wichita, Kans., the trustee for the Trust. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for complete statement of the facts and representations. The application has been available for public inspection at the agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No request for a hearing was received by the Department. One public comment was received in support of the exemption as requested.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) This exemption is supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code the procedures set forth in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Agencies make the following determinations:

(i) The exemption is administratively feasible;

(ii) It is in the interests of the Plan and of the participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26.

Effective February 24, 1978, the restrictions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975 (c)(1) (A) through (E) of the Code shall not apply to a transaction involving the leasing of personal and real property by Bethel from the Trust, subject to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 21st day of February 1978.

IAN D. LANOFF,
*Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.*

FRED J. OCHS,
*Director, Employee Plans Division, Internal Revenue Service.*

[FR Doc. 78-4991 Filed 2-23-78; 8:45 am]





[6820-35]

## LEGAL SERVICES CORPORATION

### BOARD OF DIRECTORS COMMITTEE ON APPROPRIATIONS AND AUDIT

### Meeting

A meeting of the Board of Directors Committee on Appropriations and Audit will be held on Wednesday evening, March 1, 1978, in the Maryland Suite of the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

The meeting will begin at 9 p.m. The agenda will include consideration of selection of the Corporaton's auditor, review of the fiscal year 1978 budget, and the status of the 1979 appropriations request.

The entire meeting is open to the public. For more information, contact Francis A. Hennigan at the Legal Services Corporation, 733 15th Street NW., Washington, D.C., phone 202-376-5110.

THOMAS EHRLICH,
*President.*

[FR Doc. 78-4857 Filed 2-23-78; 8:45 am]

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[7532-01]

## NATIONAL COMMISSION ON NEIGHBORHOODS

### MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: Friday, March 10, 1978, Saturday, March 11, 1978, and Sunday, March 12, 1978. Time of meeting to be announced as soon as known.

PLACE: Conference Room, Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C.

AGENDA: To be published as soon as known.

STATUS: Open to the public.

CONTACT PERSON:

Ms. Frances Phipps, Deputy Director, telephone 202-632-5200.

JONATHAN STEIN,
*Administrative Officer.*

[FR Doc. 78-5130 Filed 2-23-78; 9:30 am]

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[7590-01]

## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

### Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published in the FEDERAL REGISTER on January 18, 1977. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether changes have been made in the agenda for the March 9-11, 1978 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202-634-1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., e.s.t.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

* *Indian Point Nuclear Generating Station, Unit No. 3,* February 27, 1978, Washington, D.C. Rescheduled for March 28, 1978, Wasington, D.C.
* *Regulatory Activities,* March 8, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published in the FEDERAL REGISTER on February 21, 1978.
* *Procedures,* March 8, 1978, Washington, D.C. The Subcommittee will dislcuss proposed ACRS recommendations regarding the establishment of a statutorily independent, quasi-judicial board for evaluation of accidents which may occur in nuclear reactors; NRC Staff procedures related to nuclear power plant operations at "stretch" power; proposed reorganization of ACRS Subcommittee and Working Group assignments; and qualifications of candidates proposed for ACRS membership. Notice of this meeting was published in the FEDERAL REGISTER on February 21, 1978.
* *Davis Besse Nuclear Power Station, Units 2 and 3,* March 17, 1978, Washington, D.C. Postponed indefinitely.
* *Maine Yankee,* March 18, 1978, Washington, D.C. (Rescheduled from February 4, 1978.) The Subcommittee will review the request of the Maine Yankee Atomic Power Corp. for a power level increase for this plant.
* *Electrical Systems, Control and Instrumentation/Arkansas Nuclear One, Unit No. 2,* March 20, 1978, Washington, D.C. The Subcommittees will continue their reviews of: (1) the Combustion Engineering Core Protection Calculator System to be used on the Arkansas Nuclear One, Unit No. 2, and other Combustion Engineering-type nuclear power plants, and (2) the application of the Arkansas Power & Light Co. for a license to operate Arkansas Nuclear One, Unit No. 2.
* *Arkansas Nuclear One, Unit No. 2,* March 21, 1978, Washington, D.C. Rescheduled for March 20, 1978 (combined Subcommittee meeting listed above).
* *Safety of Operating Reactors,* March 22, 1978, Washington, D.C. The Working Group will meet with the NRC Staff to discuss the review of requests for operating reactors to operate at "stretch" power.
* *Floating Nuclear Plant,* March 22, 1978, Washington, D.C. The Subcommittee will continue its review of the generic liquid pathway study for the Floating Nuclear Plant.
* *Indian Point Nuclear Generating Station, Unit No. 3,* March 28, 1978, Washington, D.C. The Subcommittee will review the request of the Consolidated Edison Co. for a power level increase for Unit No. 3.
* *McGuire Nuclear Plant,* March 29-30, 1978, Charlotte, N.C. The Subcommittee will review the application of the Duke Power Co. for a license to operate this plant.
* *Anticipated Transients Without Scram,* March 31, 1978, Washington, D.C. (Rescheduled from February 17, 1978.) The Working Group will discuss various issues pertaining to anticipated transients during reactor operations that might take place without the occurrence of reactor scram. Notices of this meeting were published in the FEDERAL REGISTER on December 2 and 19, 1977 and on February 15, 1978.
* *Regulatory Activities,* April 5, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

ACRS FULL COMMITTEE MEETINGS

MARCH 9-11, 1978

A. * Westinghouse Electric Corp.—Heat Transfer Correlation (WCAP-8726) and Improved Thermal Design Procedure (WCAP-8567).
B. * NRC Safety Research Program for Improved Safety System Concepts.

APRIL 6-8, 1978

Agenda to be announced.

ACRS full Committee meetings begin at 8:30 a.m. each day. The exact time when each of the above matters will be discussed during the meeting will be contained in the detailed FEDERAL REGISTER notice which will be published in the FEDERAL REGISTER approximately 15 days prior to each meeting.





Dated: February 21, 1978.

should be sent to the Executive Legal

For the Nuclear Regulatory Com-



[7555-02]

hearsal, single time, individuals in the

Tuesday, March 21, 8 a.m., U.S. Civil Service

Dated: February 21, 1978.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc. 78-4833 Filed 2-23-78; 8:45 am]

[7590-01]

[Docket No. 50-315]

## INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

### Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-58 issued to the Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees) for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), a pressurized water reactor, located in Berrien County, Mich., and currently authorized for operation at power levels up to 3,250 MWt.

The amendment would incorporate Technical Specification changes associated with extending reactor core power distribution limits to fuel exposure greater than that currently defined in the Technical Specifications. The changes are based on Exxon Nuclear Co. emergency core cooling system model changes associated with fuel pin internal pressure for Exxon supplied fuel.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 27, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatroy Commission, Washington, D.C. 20555, attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatroy Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., of Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Contentions shall be limited to the matters within the scope of the amendment under consideration. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designed by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Commission or designated licensing board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)-(4), shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event that no request for a hearing or petition to intervene is filed by the above date, the Commission may issue the amendment to the operating license upon satisfactory completion of all evaluations and without further prior notice.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the licensee's application for amendment dated February 3, 1978, which is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085.

Dated at Bethesda, Md., this 22d day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5123 Filed 2-23-78; 9:27 am]

[3110-01]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 17, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number (s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

#### NEW FORMS

##### U.S. INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire for Inv. No. 303-TA-2 (Leather Wearing Apparel from Uruguay), single time, importers of leather wearing apparel, C. Louis Kincannon, 395-3211.

Producers' Questionnaire—Uncoated Free Sheet Offset Paper, single time, offset paper producers, C. Louis Kincannon, 395-3211.

##### VETERANS ADMINISTRATION

Audit of VA Pension program, single time, VA pensioners, Caywood, D. P., 395-3443.

##### UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' Questionnaire for Inv. No. 303-TA-2 (Leather Wearing Apparel From Uruguay), single time, producers of leather wearing apparel, C. Louis Kincannon, 395-3211.

##### DEPARTMENT OF COMMERCE

Bureau of Census, Transcription of Change of Address order 1980 Census, Dress Rehearsal, single time, individuals in the dress rehearsal area that have moved, Reese B. F., Office of Federal Statistical Policy and Standard, 395-3211.

##### DEPARTMENT OF LABOR

Bureau of Labor Statistics, Coal Strike Economic Impact Survey, BLS-3100, single time, firms in manufacturing and retail trade, C. Louis Kincannon, 395-3211.

#### REVISIONS

##### VETERANS ADMINISTRATION

Request for Confidential Verification of Birth (Public Birth Records—Vital Statistics), 21-4504, on occasion, Registrar of Vital Statistics, 26,000 responses, 4,333 hours, Caywood, D. P., 395-3443.

Application for Guaranty of Loan to Purchase Mobile Home, 26-8641, on occasion, veteran, 2,000 responses, 666 hours, Caywood, D. P., 395-3443.

Request for Change of Program or Place of Training (Chapter 34, Title 38, U.S.C.), 22-1995, on occasion, veteran—students, 360,000 responses, 60,000 hours, Caywood, D. P., 395-3443.

##### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Food Preference Report, FNS-35, annually, State distribution agencies and school districts, 16,431 responses, 4,259 hours, Ellett, C. A., 395-6132.

##### DEPARTMENT OF LABOR

Employment and Training Administration, Hire Program Proposal and Progress Report/Inventory, ETA-167-168, 169-23, other (see SF-83), large business firms, 3,360 responses, 4,800 hours, Strasser, A., 395-6132.

#### EXTENSIONS

##### DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics, Multiple-Frame White Corn Survey, annually, white corn growers, 7,060 responses, 440 hours, Ellett, C. A., 395-6132.

Rural Electrification Administration, Request for Release of Lien and/or Approval of Sale, REA-793, on occasion, REA telephone borrowers, 75 responses, 150 hours, Ellett, C. A., 395-6132.

Farmers Home Administration, Application for Settlement of Indebtedness, FHA 456-1, on occasion, farms, 3,000 responses, 1,500 hours, Ellett, C. A., 395-6132.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management Modernization Program Reporting Requirements, HUD 52995, HUD 52994, single time, public housing agencies, 600 responses, 1,800 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
*Budget and Management Officer.*

[FR Doc. 78-5035 Filed 2-23-78; 8:45 am]





[7555-02]

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

#### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel; Transportation, Commerce, and Community Development Task Force.
Date: March 17, 1978; 9:30 a.m.-3:30 p.m.
Place: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.
Type of meeting: Open.
Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by March 15, 1978.

Purpose of panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional, and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

#### TENTATIVE AGENDA

1. Presentation of Department of Commerce Science and Technology program of concern to State and local governments.
2. Discussion of opportunities for ISETAP to work with the Department of Commerce.
3. Formulation of future Task Force activities.

WILLIAM J. MONTGOMERY,
*Executive Officer, Office of Science and Technology Policy.*

FEBRUARY 21, 1978.

[FR Doc. 78-4900 Filed 2-23-78; 8:45 am]

[6325-01]

## PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellowships will be held in each of eleven U.S. cities beginning March 14, 1978. The date and place of each meeting is as follows:

Tuesday, March 28, 1978, 8 a.m., U.S. Civil Service Commission, William J. Green, Jr., Federal Building, Room 3400, 600 Arch Street, Philadelphia, Pa.
Tuesday, March 21, 8 a.m., U.S. Civil Service Commission, John W. McCormack Post Office and Courthouse Building, Room 1038, Boston, Mass.
Wednesday, March 29, 8:30 a.m., Allied Chemical Corp., 1221 Avenue of the Americas, New York, N.Y.
Wednesday, March 15, 8 a.m., John C. Kluzinski Building, 230 South Dearborn, Chicago, Ill.
Friday, March 17, 8 a.m., Clayton Inn, 7742 Carondelet Street, St. Louis, Mo.
Monday, March 20, 8:30 a.m., U.S. Civil Service Commission, Denver Federal Center, Building 20, Denver, Colo. 80225.
Friday, March 31, 8 a.m., U.S. Civil Service Commission, Federal Office Building, Seattle, Wash.
Tuesday, March 28, 8 a.m., St. Francis Hotel, San Francisco, Calif.
Wednesday, March 22, 8:30 a.m., Continental Oil Co., Conoco Towers, 5 Greenway Plaza East, Houston, Tex.
Saturday, March 18, 8:30 a.m., Rich's Executive Offices, 45 Broad Street, 5th Floor, Atlanta, Ga.
Tuesday, March 14, 9 a.m., U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.

These selection meetings are part of the screening process of the White House Fellowship program. In these meetings, selected applicants to the program are interviewed by a panel of eight to ten outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of Title 5 of the United States Code, section 552b(c)(6), and that these meetings will be closed to the public.

Additional information concerning these meetings may be obtained by contacting Gerry Newman, Administrative Officer, The President's Commission on White House Fellowships, 1900 E Street NW., Room 1308, Washington, D.C. 20415, 202-653, 6263.

W. LANDIS JONES,
*Director.*

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

THE WHITE HOUSE

#### DETERMINATION TO CLOSE MEETINGS OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

The regional selection meetings of the President's Commission on White House Fellowships are part of the screening process leading to the selection of individuals for White House Fellowships. In these meetings, selected applicants to the program are interviewed by a panel of eight to ten outstanding community leaders in each region. The panel also reviews confidental files and character references which we believe are exempt from disclosure under the





provisions of the Freedom of Information

[8010-01]

granting the application may be issued



that term is defined in section 3(a)(3) of the Act other than the purchase of

The plan provides that all of the applicant's assets after payment or provi-

Notice if further given that any interested person may, not later than

provisions of the Freedom of Information and Privacy Acts. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

These meetings are covered by the provisions of the Federal Advisory Committee Act: Pub. L. 92-463. That act provides that meetings may be closed to the public only as provided for by subsection (c) of section 552b of title 5, United States Code. That section contains the ten exemptions to the open meeting requirements of the "Government in the Sunshine Act." Exemption (6) permits closing of meetings where they would "disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy."

It is hereby determined that the regional selection meetings of the President's Commission on White House Fellowships are concerned with personal information as described in exemption (6) above. Accordingly, the regional panel meetings of the Commission to be held between March 14 and March 31, 1978, shall be closed to the public.

ALAN K. CAMPBELL,
*Chairman, U.S. Civil Service Commission.*

[FR Doc. 78-4848 Filed 2-23-78; 8:45 am]

[7905-01]

## RAILROAD RETIREMENT BOARD

### DETERMINATION OF QUARTERLY RATE OF EXCISE TAX FOR RAILROAD RETIREMENT SUPPLEMENT ANNUITY PROGRAM

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1978, shall be at the rate of twelve cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1978, 15.7 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 84.3 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 16, 1978.

By authority of the Board.

R. F. BUTLER,
*Secretary of the Board.*

[FR Doc. 78-4863 Filed 2-23-78; 8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5370]

### FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF CHICAGO

**Notice of Application Pursuant to Section 12(h) of the Securities Exchange Act of 1934 and Opportunity for Hearing**

FEBRUARY 14, 1978.

First Federal Savings & Loan Association of Chicago, as originator and servicer, Bank of America Center, 555 California Street, San Francisco, Calif. 94104. Securities Exchange Act of 1934, section 12(h).

Notice is hereby given that First Federal Savings & Loan Association of Chicago (applicant) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("1934 Act") for exemption of filing certain reporting requirements under section 13 and the operation of section 16 of the 1934 Act.

The applicant states in part:

In the absence of an exemption, the applicant would be required to file reports adhering to all the item requirements of the forms 10-K, 10-Q, 8-K as well as reports pursuant to section 16 of the 1934 Act.

Accordingly, applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the forms 10-K and 8-K, as well as reports required pursuant to section 16 of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than March 13 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4849 Filed 2-23-78; 8:45 am]

[8010-01]

[Release No. 10122]

### MUTUAL TRUST (FORMERLY MUTUAL SECURITIES FUND OF BOSTON)

**Notice of Filing of an Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That the Applicant Has Ceased To Be an Investment Company**

FEBRUARY 16, 1978.

In the matter of Mutual Trust (formerly Mutual Securities Fund of Boston), 111 Devonshire Street, Boston, Mass. 02109. (811-815.)

Notice is hereby given that Mutual Trust (applicant), a Massachusetts trust, registered as a closed-end, management investment company under the Investment Company Act of 1940 (Act), filed an application on July 11, 1977, and an amendment thereto on January 9, 1978, pursuant to section 8(f) of the Act, for an order of the Commission declaring that the applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The applicant registered under the Act on May 27, 1958, as an open-end, diversified management investment company under the name "Mutual Securities Fund of Boston." On that date it also filed a registration statement on form S-5 (file No. 2-14142) under the Securites Act of 1933 for the public offer and sale of shares of its common stock. This registration statement was declared effective by the Commission of July 7, 1958. On December 22, 1976, the applicant's shareholders duly approved a change in the nature of the applicant's business so that it would cease to be an investment company and an amendment to its declaration of trust so as to: (i) Change its name to "Mutual Trust," and (ii) eliminate provisions which made its outstanding shares redeemable. The declaration of trust was so amended on January 3, 1977. Accordingly, in addition to undergoing a change of name, the applicant became a closed-end, management investment company on January 3, 1977. Since May 10, 1977, the applicant has not purchased any investment securities as





that term is defined in section 3(a)(3) of the Act other than the purchase of a mortgage note secured by a mortgage on real property, described below.

In April 1977, the applicant loaned $25,000 to an unaffiliated corporation in exchange for a mortgage note maturing on June 30, 1978. The purchase of this note, which is secured by a mortgage on real property, was consistent with the applicant's intent to invest in interests in real estate, including mortgages. Other than the mortgage note, which includes certain contractual rights incident thereto, the applicant's tangible assets consist solely of cash. The applicant's tangible assets currently total approximately $68,900.

On June 29, 1977, the applicant's board of trustees adopted a plan of complete liquidation and termination (the "plan") which will become effective upon issuance by the Commission of an order pursuant to section 8(f) of the Act declaring that the applicant has ceased to be an investment company. Pursuant to the plan, the applicant will attempt to sell the above mortgage note and related contractual rights for cash, upon such terms and conditions as may be determined by the board of trustees to be in the best interests of the applicant and its shareholders. In the event that such sale cannot be made prior to consummation of the plan, the plan provides for the transfer of the mortgage note to a qualified person for the benefit of the applicant's shareholders until such time as the note can be sold or otherwise liquidated. The applicant has represented that all requirements of Massachussetts State law for implementation of the plan have been complied with.

Subsequent to the adoption of the plan, the applicant decided that if the above mortgage note is not sold or liquidated prior to issuance of the requested order of the Commission pursuant to section 8(f) of the Act, then the applicant will deliver the mortgage note to Jonathan B. Reisman, counsel to the applicant, to be held in escrow. The escrow arrangements will provide, inter alia, that the escrow agent will hold the mortgage note until such time as it can be sold or otherwise liquidated for fair value, and that the proceeds of the mortgage note and the contractual rights incident thereto will be distributed pro rata to the applicant's shareholders. The escrow arrangements will further provide that the mortgage note will not be sold to any affiliated person of the applicant, as that term is defined in section 2(a)(3) of the Act, or to any affiliated person of such person unless an application is filed pursuant to section 17(b) of the Act and an order of the Commission is issued which shall exempt such sale from the provisions of section 17(a) of the Act.

The plan provides that all of the applicant's assets after payment or provision for payment of the applicant's liabilities, shall be distributed pro rata to the applicant's shareholders. The applicant has represented that it has satisfied all of its known and ascertained liabilities; and that it is not a party to any outstanding pending litigation. If a shareholder of the applicant does not surrender certificates representing his shareholdings, his pro rata share of the liquidation distribution may be deposited with any bank or trust company having an office in Boston, Mass., with authority to such depository to make delivery thereof to such shareholder or beneficiary upon surrender to the depository for the account of the trustee of such certificate or certificates, and such deposit shall be deemed to be full payment of such pro rata share.

Immediately upon the issuance of the requested order by the Commission pursuant to section 8(f) of the Act, the applicant intends to distribute all of its assets pro rata to its shareholders other than the above mortgage note and an amount of approximately $12,000, which will be held as a reserve for the payment of any unascertained, future or contingent liabilities. The applicant has represented that it intends to distribute any funds remaining in such reserve after all of the applicant's liabilities have been satisfied pro rata to its shareholders within 1 year of consummation of the plan. The applicant has represented that management has no reason to believe that such reserve will not be sufficient to cover any unascertained, future of contingent liabilities which may be incurred by the applicant, and that it is uncertain whether there will be any unexpended funds in the reserve available for a final distribution to shareholders. In the event no such final distribution is made, all shareholders of record on the date of the initial distribution will be so notified by the applicant.

The applicant has consented that entry of the order of the Commission which it has requested pursuant to section 8(f) of the Act may be subject to the following conditions: (a) The plan shall become effective pursuant to its terms, (b) the above escrow arrangements are implemented, and (c) the provisions of the plan, including the specified distributions of the applicant's assets are fulfilled.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice if further given that any interested person may, not later than March 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's on motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) an any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4850 Filed 2-23-78; 8:45 am]

[8010-01]

[Rel. No. 20415]

**Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding by Subsidiary and of Common Stock by Subsidiary to Holding Company**

FEBRUARY 16, 1978.

In the matter of Ohio Edison Co., 76 South Main Street, Akron, Ohio 44308. Pennsylvania Power Co., 1 East Washington Street, New Castle, PA 16103

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), a registered holding company, and its electric utility subsidiary company Pennsylvania Power Co. ("Penn Power") have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.





Penn Power proposes to issue and



subsection. New paragraph 13(b)(2)

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legislative history of the Act also con-

Penn Power proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, up to $25,000,000 principal amount of its first mortgage bonds ("bonds"), in one or more series, each series to mature in not less than 5 and not more than 30 years. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent, unless Penn Power shall authorize a lower percentage not less than 99 percent, and shall not exceed 102.75 percent of the principal amount of the bonds plus accrued interest) will be determined by competitive bidding. The bonds will be issued under the indenture, dated as of November 1, 1945, between Penn Power and Citibank, N.A., trustee, as heretofore amended and supplemented, and as to be further amended and supplemented by a supplemental indenture to be dated within 16 days prior to the issuance of the bonds. Penn Power proposes to notify prospective bidders not less than 72 hours prior to the time designated for the submission of bids of: (1) The number of series of bonds to be created, and (2) the maturity date of the bonds.

Penn Power also proposes to issue and sell to Ohio Edison, and Ohio Edison proposes to purchase from Penn Power, up to 600,000 shares of its authorized but unissued common stock ("common stock"), par value $30 per share, for its aggregate par value of $18,000,000. It is proposed that 300,000 shares be issued and sold in April 1978, 200,00 shares be issued and sold in June 1978, and 100,000 shares be issued and sold in December 1978.

It is stated that Penn Power intends to apply the proceeds from the sales of the bonds and common stock to repay a part of short-term loans and to meet requirements of its 1978 construction program. An estimate of Penn Power's 1978 construction expenditures will be filed by amendment.

The fees and expenses to be incurred in connection with the proposed issuance and sale of common stock are estimated at $2,000. The fees and expenses to be incurred in connection with the proposed issuance and sale of the bonds will be filed by amendment. It is stated that the Pennsylvania Public Utilities Commission has jurisdiction over the proposed transactions. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaraton, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4851 Filed 2-23-78; 8:45 am]

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[8010-01]

[Release No. 34-14478; AS-242]

**NOTIFICATION OF ENACTMENT OF FOREIGN CORRUPT PRACTICES ACT OF 1977**

AGENCY: Securities and Exchange Commission.

ACTION: Notification of enactment of Foreign Corrupt Practices Act of 1977.

SUMMARY: The Commission wishes to call to the attention of issuers, accountants, attorneys and other interested persons the enactment of the Foreign Corrupt Practices Act of 1977. The Act requires issuers subject to the registration and reporting provisions of the Securities Exchange Act of 1934, as amended, among other things to comply with certain accounting standards. It also makes unlawful the use of any means or instrumentality of interstate commerce by any such issuer, or by any domestic concern not subject to the Securities Exchange Act, in furtherance of any offer, payment, promise to pay or authorization of the payment of any money, or offer, gift, promise to give or authorization of the giving of anything of value, to foreign officials and certain other persons for certain corrupt purposes.

FOR FURTHER INFORMATION CONTACT:

Frederick B. Wade, Office of the General Counsel, 202-755-1229, Barbara L. Leventhal, Division of Corporation Finance, 202-755-1750, or Edward R. Cheramy, Office of Chief Accountant, 202-376-8020, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission wishes to call to the attention of issuers, attorneys, accountants and other interested persons, the recent enactment of the Foreign Corrupt Practices Act of 1977 [the "Act"].[1] The Act, which was signed by the President on December 19, 1977, and became effective on that date, amends section 13(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(b)] to require every issuer which has a class of securities registered pursuant to section 12 of the Securities Exchange Act, and every issuer which is required to file reports pursuant to section 15(d) of the Securities Exchange Act, to comply with certain accounting standards. The Act also makes it unlawful for such issuers, or any domestic concern not subject to the Securities Exchange Act, to engage in certain corrupt practices with respect to foreign officials. Because the Act became effective upon signing, it is important that issuers subject to the new requirements review their accounting procedures, systems of internal accounting controls and business practices in order that they may take any actions necessary to comply with the requirements contained in the Act.

The text of the Act is set forth in its entirety as an appendix to this release in the SEC Docket.[2]

### A. Accounting Standards

Section 13(b) of the Securities Exchange Act is amended by renumbering existing subsection (b) as paragraph (b)(1) of section 13, and by adding two new paragraphs to that

[1] The Act is contained in Title I of Pub. L. No. 95-213 (Dec. 19, 1977). Title II of the legislation, the Domestic and Foreign Investment Improved Disclosure Act of 1977, amends section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) to require expanded disclosure by persons who acquire or possess beneficial ownership of more than 5 percent of a class of securities which is registered pursuant to section 12 of the Exchange Act, or any equity security of an insurance company, which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) or any equity security issued by a closed end investment company registered under the Investment Company Act of 1940. Rulemaking to implement section 13(g) as part of a uniform integrated approach to disclosure under sections 13 (d), (f) and (g) is under consideration and will be the subject of a separate release.

[2] Not published in FEDERAL REGISTER.





subsection. New paragraph 13(b)(2) applies to issuers which have a class of securities registered pursuant to section 12 of the Securities Exchange Act, and issuers required to file reports pursuant to section 15(d) of the Securities Exchange Act (hereinafter referred to collectively as "reporting companies"). It requires reporting companies to make and keep books, records and accounts which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer. The maintenance of accurate books and records by publicly-held companies is a necessary concomitant of the existing requirement for full, fair and accurate periodic reports. Inaccurate books, off-the-book accounts, and related practices are proscribed by the Act.

Reporting companies are also required to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that:

(i) Transactions are executed in accordance with management's specific authorization;

(ii) Transactions are recorded as necessary: (a) to permit preparation of financial statements in conformity with generally accepted accounting principles or other applicable criteria; and (b) to maintain accountability for its assets;

(iii) Access to assets is permitted only in accordance with management authorization; and

(iv) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

New paragraph 13(b)(3) of the Securities Exchange Act provides that, with respect to "matters concerning the national security of the United States, no duty or liability under paragraph (2) * * * shall be imposed upon any person acting in cooperation with the head of any Federal department or agency responsible for such matters if such act in cooperation with such head of a department or agency was done upon the specific, written directive of the head of such department or agency pursuant to Presidential authority to issue such directives." Each such directive shall expire 1 year after it is issued unless it is renewed in writing.

### B. Foreign Corrupt Practices by Issuers

Pursuant to the Act, a new section 30A has been added to the Securities Exchange Act, which makes it unlawful for any reporting company, or any officer, director, employee, or agent of the company, or any shareholder acting on behalf of such a company, to make use of the mails or any means or instrumentalities of interstate commerce, corruptly, in furtheranced of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give or authorization of the giving of anything of value, to three classes of persons:

(1) An official of a foreign government or instrumentality of a foreign government;

(2) A foreign political party or official thereof, or any candidate for a foreign political office; or

(3) Any other person where the reporting company knows, or has reason to know, that all or a portion of such money or thing of value will be offered, given or promised, directly or indirectly to any foreign official, foreign political party or official thereof, or any candidate for a foreign political office.

New section 30A applies to payments made for the purpose of influencing an act or decision of a foreign official, foreign political party or candidate for foreign political office (including a decision not to act), or inducing such a person or party to use his or its influence to affect any government act or decision, in order to assist an issuer in obtaining, retaining or directing business to any person. A "foreign official" is defined to mean any officer or employee of a foreign government or any department, agency or instrumentality thereof, or any person acting in an official capacity for or on behalf of such government. The term does not include employees whose duties are essentially ministerial or clerical.

### C. The Commission's Enforcement Responsibilities

The legislative history of the Act reflects that the Commission's enforcement responsibilities extend to conducting investigations, bringing civil injunctive actions, commencing administrative proceedings if appropriate, including public or private disciplinary proceedings pursuant to Rule 2(e) of the Commission's Rules of Practice,[3] and referring cases to the Justice Department for criminal prosecution where warranted, just as the Commission currently does with respect to its existing responsibilities under the federal securities laws.[4] In addition, as is true with respect to violations of other provisions of the Securities Exchange Act, controlling persons of an issuer may be liable for violations of the new requirements,[5] and a negligence standard will govern civil injunctive actions brought to enforce the Act.[6] The legislative history of the Act also contemplates that private rights of action properly could be implied under the Act on behalf of persons who suffer injury as a result of prohibited corporate bribery.[7]

In the case of an individual, the penalties for each criminal violation of the corrupt practices provisions of new section 30A are a fine of up to $10,000 or imprisonment for up to 5 years, or both; in the case of a corporation, the penalties for violation of the section include a fine of up to $1,000,000. In this regard, the Act provides that any fines imposed upon individuals may not be paid directly or indirectly by an issuer.

### D. Foreign Corrupt Practices by Domestic Concerns

The Act also subjects any domestic business concern, other than one subject to the reporting requirements of the Securities Exchange Act, and any officer, director or agent of such a domestic business concern or any natural person in control of such a domestic concern to the same prohibitions and penalties that are applicable to reporting companies. The provisions applicable to domestic concerns will be administered and enforced by the Justice Department rather than the Commission.

### E. Impact on Disclosure Policies

While the Act imposes new requirements on reporting companies with respect to the maintenance of internal accounting controls, and outlaws certain foreign corrupt practices, it does not alter the existing obligation of such companies adequately to disclose material questionable and illegal corporate payments and practices. In addition to providing all information called for by the specific disclosure requirements of the various registration and reporting forms promulgated pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934, registrants have a continuing obligation to disclose all material information and all information necessary to prevent other disclosures made from being misleading with respect to such transactions.[8] Although the legality or illegality of a particular transaction is one of the factors that must be assessed in determining its materiality, other factors must also be considered. A transaction which is not unlawful under the Act may still be material to investors and therefore required to be disclosed under the Federal securities laws. For guidance in determining whether or not a specific fact is material, attention is directed to the discus-

[3] 17 CFR 201.2(e).

[4] S. Rep. No. 95-114, 95th Cong., 1st Sess. (1977) at 12; H.R. Rep. No. 95-640, 95th Cong., 1st Sess. (1977) at 10.

[5] *See* Section 20 of the Securities Exchange Act, 15 U.S.C. 78t.

[6] H.R. Rep. No. 95-640, 95th Cong., 1st Sess. (1977) at 10.

[7] *Id.*

[8] See e.g., 17 CFR 230.405(1); 17 CFR 230.408; 17 CFR 240.12b-20; 17 CFR 240.10b-2; 17 CFR 240.14a-9.





sion of materiality contained in Secur-

sion's determination with respect to



[7035-01]

following publication in the FEDERAL REGISTER of a notice that the proceed-

BEST FREIGHT SYSTEM, INC., 301 South 11th Street, East Saint Louis, IL

ing Harrisburg as a point of joinder

sion of materiality contained in Securites and Exchange Commission, Report on Questionable and Illegal Corporate Payments and Practices, which was submitted to the Senate Committee on Banking, Housing and Urban Development on May 12, 1976, at 16-32 ("Report").

F. EFFECT ON OUTSTANDING RULE PROPOSALS

On January 19, 1977 the Commission published for comment a series of rulemaking proposals designed to promote the reliability and completeness of financial information, prevent concealment of questionable or illegal corporate payments and practices, and provide information to investors concerning management involvement in such transactions.[9] The proposals were substantially similar to a legislative proposal submitted by the Commission to the Senate Committee on Banking, Housing and Urban Affairs on May 12, 1976, parts of which were ultimately incorporated in the Act.[10] The Commission is considering the numerous comments it has received on these proposals and will determine whether to adopt, modify or withdraw those rulemaking proposals.[11] In view of the extensive comments which already have been received no further comments on these proposals are being solicited. An appropriate announcement respecting the Commission's determination with respect to these rule proposals will be published in the near future.

G. INQUIRIES TO THE STAFF

A number of inquiries have been received by the staff which relate to the scope of the Act and the applicability of its criminal provisions to specific factual situations. The staff has declined to address these issues on an ad hoc basis. As a matter of policy and in light of the legislative and administrative history of the Act, the Commission does not intend to render interpretive advice on the applicability of the Act's proscriptions to particular factual situations.

Dated: February 16, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc. 78-4940 Filed 2-23-78; 8:45 am]

[9]Securities Exchange Act Release No. 13185 (Jan. 19, 1977), 11 SEC Docket 1514 (1977). (42 FR 4854), Jan. 26, 1977.

[10]The proposals were contained in the Commission's Report, supra, at 63, which is, accordingly, a part of the legislative history of the Act. The Commission's proposals were originally introduced by Senator Proxmire, Chairman of the Senate Committee on Banking, Housing and Urban Affairs, as S. 3418. Following hearings, the committee referred a bill to the Senate floor—S. 3664, which embodied the Commission's recommendations as well as certain other proposals. S. 3664 was passed by the Senate unanimously on September 15, 1976. The House of Representatives, however, was unable to complete work on the legislation before adjournment *sine die* on October 2, 1976.

The substance of the Commission's proposals was again included in S. 305, which was passed by the Senate on May 2, 1977, but two of the proposals were deleted in the joint conference committee appointed to reconcile the differences in the Senate and House versions of the bill, prior to final enactment of the legislation.

[11]The accounting provisions in the new law, which are described above, are similar to proposed Rules 13b-1 and 13b-2. The rulemaking proposals not incorporated in the legislation include proposed Rule 13b-3, which would prohibit the falsification of corporate books or records; proposed Rule 13b-4, which would prohibit the making of false or misleading statements to an accountant; and proposed Item 6(d) of Schedule 14A relating to disclosure of management involvement in questionable or illegal payments or practices.

[4710-01]

## DEPARTMENT OF STATE

[Public Notice CM-8/17]

### STUDY GROUP 2 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

**Notice of Meeting**

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 22, 1978 at 9:30 a.m. in room 521J, NASA Building, 600 Independence Avenue, SW., Washington, DC.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be to discuss preparations for the special preparatory meeting which will be held in Geneva starting in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairmen.

Dated: February 17, 1978.

GORDON L. HUFFCUTT,
*Chairman,*
*U.S. CCIR National Committee.*

[FR Doc. 78-4862 Filed 2-23-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Volume No. 63]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

FEBRUARY 15, 1978.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained





following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2392 (Sub-No. 109), filed December 13, 1977. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, 7722 F Street, Omaha, NE 68124. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *resin and resin-water soluble,* in bulk, in tank vehicles, from Detroit, MI to Denver, CO, Chicago, Decatur, Mapleton, Moline, Peoria and Rockford, ILL, Elkhart, Gary, Hammond, Indianapolis, Kendallville, Mishawaka, South Bend, and Warsaw, IN, Bettendorf, Cedar Rapids, Davenport, Dubuque and Waterloo, IA, Kansas City and Wichita, KS, Beatrice, Lincoln and Omaha, NE, Defiance, Lima and Toledo, OH, Beloit, Kenosha, Madison, Milwaukee and Racine, WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Omaha, NE or Washington, DC.

No. MC 11207 (Sub-No. 410), filed December 13, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Sheet steel containers,* and *plastic containers,* from Picayune, MS to points in AL, FL, and GA; (2) *materials,* and *supplies* used in the manufacture of sheet steel containers, and plastic containers, from points in AL, FL, and GA to Picayune, MS.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL or Atlanta, GA.

No. MC 11207 (Sub-No. 411), filed December 13, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Plastic containers,* from Longwood, FL to points in AL, GA, LA, MS, NC, SC, and TX; (2) *materials,* and *supplies* used in the manufacture of plastic containers, from points in AL, GA, LA, MS, NC, SC, and TX to Longwood, FL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL or Atlanta, GA.

No. MC 29910 (Sub-No. 182), December 15, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier,* over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Harrisburg, PA, and Memphis, TN: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (2) Between Harrisburg, PA, and Dayton, OH: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Dayton, OH, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (2) Between Harrisburg, PA, and Albany, NY: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 87, then over Interstate Hwy 87 to Albany, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (4) Between Harrisburg, PA, and Syracuse, NY: From Harrisburg, over Interstate Hwy 81 to Syracuse, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (5) Between Harrisburg, PA, and Springfield, MA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Springfield, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (6) Between Harrisburg, PA, and Newark, NJ: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Newark, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (7) Between Harrisburg, PA, and Jackson, MS: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Jackson, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (8) Between Harrisburg, PA, and Shreveport, LA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Shreveport, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (9) Between Harrisburg, PA, and Dallas, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Dallas, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (10) Between Harrisburg, PA, and New Orleans, LA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to New Orleans, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (11) Between Harrisburg, PA, and Houston, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 12, then over Interstate Hwy 12 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Houston, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (12) Between Harrisburg, PA, and San Antonio, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 12, then over Interstate Hwy 12 to junction Interstate Hwy 10, then over Interstate Hwy 10 to San Antonio, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 41404, (Sub-No. 137), filed December 29, 1977. Applicant: ARGO-





COLLIER TRUCK LINES CORP.,

NOTE.—If a hearing is deemed necessary,

17324. Applicant's representative:



the Commission, commodities in bulk,

TRUCKING CO., INC., P.O. Box 1119

MCC 766 *Descriptions in Motor Carri-*

COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from the plantsite or facilities of Rich Products Corp. at or near Murfreesboro, TN to points in AL, FL, GA, IL, IN, KY, LA, MN, MS, MO, NC, OH, and SC.

NOTE.—If a hearing is deemed necessary applicant requests that it be held in Nashville, TN or Washington, DC.

No. MC 47171 (Sub-No. 102), filed December 29, 1977. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies and equipment, paper products; including file folders, paper; index cards; index guides; labels, steel filing cabinets; plastic articles; strip steel; letter, invoice or document files; binders, loose leaf, pulpboard and plastic*, from Garden City, NY and Parsippany, NJ to Augusta, GA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or Columbia, SC.

No. MC 47583 (Sub-No. 60), filed December 29, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or preserved*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA, to all points in the states of CO, KS, MO, and NE, restricted to traffic originating at the named facilities and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Pittsburgh, PA. Common control may be involved.

No. MC 48441 (Sub-No. 16), filed December 22, 1977. Applicant: P. L. & M. EXPRESS, INC., P.O. Box 418 Streator, IL 61364. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facilities of Mobil Chemical Co., Plastics Division, at Frankfort, IL, to points in ND, SD, NE, KS, OK, AR, MO, MN, IA, WI, TN, KY, IN, OH, MI, CO, TX, GA, NY, CA, SC, WV, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 562), filed January 9, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper related products*, from Memphis, TN, to points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 52704 (Sub-No. 161), filed January 9, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, in trailers, between the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL, and Reserve, LA; and from such plantsites and facilities of Sewell Plastics, Inc., to points in AL, AK, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, and DC. (2) *Plastic preforms or plastic base cups* for plastic containers from the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, the plantsite and facilities of Coats and Clark, Inc., at or near Seneca, SC, and the plantsite and facilities of Southeastern Kusan, Inc., at or near Greenville, SC, to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA. (3) *Materials, equipment and supplies* used in the manufacture and distribution of plastic containers or parts therefor (except commodities in bulk), from points in the destination states named in (1) above to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 56244 (Sub-No. 55), filed January 3, 1978. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods), from the facilities utilized by Duffy-Mott Co., Inc., in Adams, Cumberland, Dauphin, Franklin and York Counties, PA, to points in IL, IN, IA, KY, MI, MO, OH, PA, and those points in WV on and north of U.S. Hwy 50, restricted to the transportation of shipments originating at the above-named origins and destined to points in the above-named destination states (except PA).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, PA, or Washington, DC.

No. MC 59150 (Sub-No. 115), filed December 29, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood* and *composition board*, from the facilities of Champion International Corp., at or near Charleston and Orangeburg, SC, to points in VA, AK, LA, MS, TN, AL, GA, FL, NC, KY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL.

No. MC 61403 (Sub-No. 251), filed January 10, 1978. Applicant: THE MASON AND DIXON TANK LINES, INC., Hwy 11-W, P.O. Box 969, Kingsport, TN 37662. Name of representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides, in bulk, in tank vehicles*, from the plantsite and storage facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, IL, or Houston, TX.

No. MC-75320 (Sub-No. 190), filed December 27, 1977. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Applicant's representative: Phineas Stevens, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by





the Commission, commodities in bulk, and those requiring special equipment), serving the junction of U.S. Hwy 69 and 266 and the junction of U.S. Hwy 69 and Interstate Hwy 40 both at or near Checotah, OK, for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Springfield, MO.

No. MC-78228 (Sub-No. 72), filed December 15, 1977. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15230. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs and slabs*, in dump vehicles, from Massena, NY, to Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Pittsburgh, PA.

No. MC-82492, (Sub-No. 175), filed December 27, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cedar Rapids, IA, to points in Pennsylvania on and west of U.S. Highway 219 and points in that part of NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, NY. Restriction: Restricted to traffic destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 83217 (Sub-No. 74), filed December 27, 1977. Applicant: DAKOTA EXPRESS, INC., 550 E. 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: Frozen potatoes and potato products (except in bulk), from Clark, SD to points in CT, ME, MA, NH, NC, RI, SC, TN and VT. Restricted to shipments originating at Clark, SD and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, MN.

No. MC 93980 (Sub-No. 75), filed January 6, 1978. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *lumber and composition board*, from Palmer, MA., to points in the U.S. in and east of OH, IN, KY, TN, and MS.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 99388 (Sub-No. 13), filed January 9, 1978. Applicant: ALL-TRANS EXPRESS U.S.A., INC., 99 West Essex Street, Maywood, NJ 07607. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, frozen foods and commodities in bulk) moving on bills of lading of Freight Forwarders, between (A) Albany, NY; Baltimore, MD; Boston, MA; Harrisburg, PA; New Haven, CT; New York, NY; Providence, RI; Philadelphia and Pittsburgh, PA; Springfield, MA; Syracuse, NY; and Worcester, MA, on the one hand, and, on the other, Chicago, IL; Milwaukee, WI; St. Louis, MO; and (B) Albany, NY; Baltimore, MD; Boston, MA; Chicago, IL; Cincinnati, Cleveland, and Columbus, OH; Detroit, MI; Harrisburg, PA; Milwaukee, WI; New Haven, CT; New York, NY; Philadelphia and Pittsburgh, PA; Providence, RI; St. Louis, MO; Springfield, MA; Syracuse, NY; and Worcester, MA, on the one hand, and, on the other, Billings, MT; Boise, ID; Cheyenne, WY; Denver, CO; Las Vegas, NV; Los Angeles and Oakland, CA; Phoenix and Tucson, AZ; Pocatello, ID; Portland, OR; Reno, NV; Sacramento, San Diego, and San Francisco, CA; Salt Lake City, UT; Seattle and Spokane, WA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY or Washington, DC. Common control may also be involved.

No. MC 100449 (Sub-No. 86), filed December 28, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, IA 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses* as provided in 61 M.C.C. 209, App. I Sec. A and C and 61 MCC 766 *Descriptions in Motor Carrier Certificates* (except hides and commodities in bulk), (1) from the plantsites and storage facilities of Spencer Foods, Inc., located at Schuyler, and Fremont, NE, and Spencer, Hartley, and Fort Dodge, IA, to points in MN, ND, and IL; and (2) from the facilities utilized by Sioux Preme Packing Co. located at or near Sioux Center and Sioux City, IA, to points in NE, MO, KS, OK, and TN.

NOTE.—If a hearing is deemed necessary, the applicant requests that the hearing be held at Minneapolis, MN, Omaha, NE, or Chicago, IL.

No. MC 106074 (Sub-No. 57), filed January 9, 1978. Applicant: B AND P MOTOR LINES, INC., Shiloh Road, P.O. Box 727, Forest City, NC 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron, Hidalgo and Webb Counties, TX, to points in AR, and LA, and points in the United States in and east of IL, KY, MS, TN, and WI.

NOTE.—Applicant holds contract carrier authority in MC 140842 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Brownsville, TX or Washington, DC.

No. MC 106398 (Sub-No. 793), filed January 9, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* from AZ, CO and NM; to: NE, IA, MN, WI, MI, IL, IN, OH, PA, WV, TN, and KY.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, CO. Common control may be involved.

No. MC 106603 (Sub-No. 166), filed December 22, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* (except in bulk) used in the manufacture, packaging, marketing, or distribution of salt and salt products from points in IL, IN, OH, and St. Louis, MO to the facilities of Hardy Salt Co. at Manistee, MI. (2) *Materials, equipment, and supplies* (except in bulk) used in the manufacture, packaging, marketing, or distribution of salt and salt products





from IL, IN, IA, MI, MO, and OH to

FRIGERATED TRANSPORT CO., INC., Post Office Box 309, Forest

ing: "(1) *Plastic containers*, in trailers, between the plantsites and facilities of



NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phila-

operate as a *common carrier*, by motor

er, by motor vehicle, over irregular

from IL, IN, IA, MI, MO, and OH to the facilities of Diamond Crystal Salt Co. at Akron and Cincinnati, OH; Chicago, IL; and St. Clair, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC. Common control may be involved. Applicant holds motor contract carrier authority in MC 46240 (sub 6) and other subs, therefore dual operations may be involved.

No. MC 107403 (Sub-No. 1051), filed December. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Litharge, Dry*, in bulk, in tank vehicles, from Brooklyn, NY to NJ, PA, DE, VA, OH, MD, WV, ME, NH, VT, CT, MA, and RI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, DC.

No. MC 107403 (Sub-No. 1054), filed January 9, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY to points in IL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above named plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 107445 (Sub-No. 14), filed December 16, 1977. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, iron* and *steel articles, prefabricated metal articles, nuclear fuel storage racks* and *reactor handling equipment* (except commodities in bulk); and (2) *Materials, equipment, parts* and *supplies* used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Speedway Machine and Tool Co., Inc., at Indianapolis, IN, on the one hand, and, on the other, points in the United States, including AK, but excluding HI.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at either Indianapolis, IN or Chicago, IL.

No. MC 107515 (Sub-No. 1119), filed December 19, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of foodstuffs (except frozen foods, meats and meat products, and dairy products), from, plantsites and storage facilities of J. M. Smucker's Co. located at or near Medina and Orrville, OH, to, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, and TX. Restricted to traffic originating at named plantsites and destined to the named destination states.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cleveland, OH or Columbus, OH.

No. MC 107515 (Sub-No. 1120), filed December 21, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Canned foodstuffs and canned pet foods*, from Gulfport, MS, to points in AL, FL, GA, KY, NC, SC and TN.

NOTE.—Applicant holds contract carrier authority in MC 126436 Sub 2 and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, CA.

No. MC 107544 (Sub-No. 143), filed December 27, 1977. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Wilmington, NC to points in WV and Covington, VA.

NOTE.—Applicant holds contract carrier authority in No. MC 113959 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Roanoke, VA.

No. MC 111201 (Sub-No. 27), filed January 9, 1978. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: "(1) *Plastic containers*, in trailers, between the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA; and from such plantsites and facilities of Sewell Plastics, Inc., to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV and DC. (2) *Plastic preforms* or *plastic base cups for plastic containers* from the plantsites and facilities of Sewell Plastics, Inc. located at or near Atlanta, GA, the plantsite and facilities of Coats and Clark, Inc., at or near Seneca, SC, and the plantsite and facilities of Southeastern Kusan, Inc., at or near Greenville, SC, to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA. (3) Materials, equipment and supplies used in the manufacture and distribution of plastic containers or parts therefor (except commodities in bulk), from points in the destination states named in (1) above to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 111231 (Sub-No. 227), filed January 9, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, Post Office Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Cross County, AR and those points in Craighead and Poinsett Counties, AR located west of U.S. Hwy 63, as off-route points in connection with carrier's existing authority.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN.

No. MC 114045 (Sub-No. 490), filed January 3, 1978. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Applicant's representative: J. B. Stuart, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals* and *plastic material* from Metuchen, NJ and Marcus Hook, PA to CA.





NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA. Common control may be involved.

No. MC 114273 (Sub-No. 323), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ecorse, MI to East Moline, IL. Restricted to traffic originating at and destined to the named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL, or Washington, DC.

No. MC 114632 (Sub-No. 130), filed January 2, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 from the plantsite and warehouse facilities of Wilson Foods Corp. at Albert Lea, MN, to points in CT, DE, DC, ME, MD, MA, NH, NY, PA, RI, VT, and VA. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either Dallas, TX, or Kansas City, MO.

No. MC 114965 (Sub-No. 61), filed January 9, 1978. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, KS 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Trenton, MO, to points in KS, NE, IA, and IL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO, or Topeka, KS.

No. MC 115496 (Sub-No. 76), filed December 13, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Plastic pipe, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from Geneva County, AL, to points in the United States (except AK and HI); and, (2) *plastic pipe, conduit, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from points in the United States (except AK and HI) to points in Geneva County, AL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA, or Montgomery, AL.

No. MC 115654 (Sub-No. 72), filed January 3, 1978. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania and 13th Street NW., Washington DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of *foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Rich Products Corp. at or near Murfreesboro, TN, to points in AL, GA, IL, IN, KY, LA, MS, MO, and OH.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, TN or Washington, DC. Common control may be involved.

No. MC 115841 (Sub-No. 588), filed December 16, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet food*, from the plantsite and storage facilities utilized by Kal-Kan Foods, Inc., at Columbus, OH, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WI, WY, and DC.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Columbus, OH, or Washington, DC.

No. MC 115841 (Sub-No. 591), filed December 15, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* and *confectionery products*, from the plantsite and storage facilities of M & M/Mars, Division of Mars, Inc., in Chicago, IL, to points in NC, SC, GA, and FL, restricted to the transportation of traffic originating at and destined to the named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at New York, NY, or Washington, DC.

No. MC 115865 (Sub-No. 1), filed December 20, 1977. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, OR 97838. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities in cargo containers;* and (2) *empty cargo containers*, between points in Umatilla, Morrow, and Union Counties, OR; and points in Walla Walla, Adams, Franklin, and Benton Counties, WA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Pendleton, OR.

No. MC 115931 (Sub-No. 45), filed December 16, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials* used in the manufacture and installation thereof (except in bulk in tank vehicles), between Grinnell, IA and points in the United States in and west of MN, WI, IL, NO, OK and TX (except AL and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 116519 (Sub-No. 48 F), filed February 2, 1978. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment and lawn and leisure products manufacturers and dealers (except commodities in bulk), between Canton, East Moline, Moline, and Rock Island, IL, Memphis, TN, and Louisville, KY, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in MI, NY, VT, NH, and ME. Restriction: The transportation autho-





rized is restricted to traffic originating

C of Appendix I to the report in De-

between the plantsite and facilities of



Act, when transported in mixed loads

Box 98, Leeds Station, Sioux City, IA

poration, 3240 South 61st Street

rized is restricted to traffic originating at or destined to the dealers of or the facilities utilized by International Harvestor Co. and is further restricted to traffic moving in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL. A hearing is scheduled for issues similar to those involved in this application on February 28, 1978, at 9:30 a.m., local time, in the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 117465 (Sub-No. 21), filed December 29, 1977. Applicant: BEAVER EXPRESS SERVICE, INC., P.O. Box 151, Woodward, OK 73801. Applicant's representative: Max G. Morgan. 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except classes A and B explosives) moving in Express Service: (1) Between Boise City, OK and Clayton, NM. From Boise City over U.S. Hwy 56 and 64, serving all intermediate points. (2) To serve as off route points in connection with carrier's present interstate authority under Docket No. MC 117465, the communities of: Four Corners, Eva, Yarborough School, Hough, Baker, and Adams in Texas County; Boyd, Balko, and Gray in Beaver County; and Goodwin and Catesby in Ellis County, OK.

NOTE.—Applicant's Sub-17 authorizes closed door operation between Boise City and Clayton. This request would permit service to the intermediate point of Felt. If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, OK or Amarillo, TX.

No. MC 119641 (Sub-No. 143), filed December 30, 1977. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and plywood wall paneling*, From Norfolk, VA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WV and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 119789 (Sub-No. 411), filed December 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from Omaha, NE, to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, NE.

No. MC 120618 (Sub-No. 6), filed January 5, 1978. Applicant: SCHALLER TRUCKING CORP., A Corporation, 5700 West Minnesota Street, Indianapolis, IN 46241. Applicant's representative: John R. Bagileo, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain drug department, and grocery and food business houses*, from the plantsite and storage facilities of Colgate-Palmolive Co. located at or near Jeffersonville, IN, to points located in IL; and (2) *damaged, refused or rejected shipments on return.*

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis or Terre Haute, IN.

No. MC 121060 (Sub-No. 53), filed January 6, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, (except in bulk), from the facilities of The Celotex Corp. located at or near Texarkana, AR, to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, and TX. (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above, to the facilities of The Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, FL.

No. MC 123048 (Sub-No. 382), filed December 27, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles* and *such commodities* as are dealt in or used by manufacturers of iron and steel and iron and steel articles, betwen the plantsite and facilities of Sheffield Southern Steel Products, Inc. located at or near Lenoir City, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, IL, IN, MI, MS, NC, OH, SC, TN, VA and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Nashville or Memphis, TN.

No. MC 123407 (Sub-No. 430), filed December 21, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN. 46383. Applicant's representative: H.E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Stroud, OK, to points in SD and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Denver, CO, or Chicago, IL.

No. MC 123651 (Sub-No. 4), filed December 20, 1977. Applicant: LA-BARGE TRUCKING CO. INC., Box 357, LaBarge, WY 83123. Applicant's representative: Guy C. Decker III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Evanston, NY, to points in Summit, Davis, Utah, Salt Lake and Weber counties in UT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Casper, WY, or Salt Lake City, UT.

No. MC 124078 (Sub-No. 772), filed January 6, 1978. Applicant: SCHWERMAN TRUCKING CO. (a corporation), 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY to points in IL, IN, KY, OH, VA, and WV. Restricted to the transportation of traffic originating at the above mentioned plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, OK. Common control may be involved.

No. MC 124170 (Sub-No. 76), filed January 3, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and Agricultural Commodities* (except from economic regulation under section 203(b)(6) of the Interstate Commerce





Act, when transported in mixed loads with bananas, from points in NY and NJ, within the Commercial Zone of New York, NY; and Philadelphia, PA, to points in CT, DE, IL, IN, KY, MA, MI, MD, NH, NY, OH, PA, RI, VA, WV, and DC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York City, NY or Washington, DC.

No. MC 124896 (Sub-No. 42), filed December 15, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 71 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson Foods Corp., located at Albert Lea, MN, and Cedar Rapids, IA, to points in AL, FL and GA. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX, or Kansas City, MO.

No. MC 126276 (Sub-No. 187), filed December 23, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and container ends, accessories, materials and supplies used in connection with the manufacture and distribution of containers* (except commodities in bulk and those which because of size or weight, require the use of special equipment), between Lakeville, MN, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, OK and TX, under continuing contract or contracts with Crown Cork & Seal Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL. Applicant holds motor common carrier authority in MC 134612 sub 2, therefore dual operations may be involved.

No. MC 127042 (Sub-No. 193) (correction), filed November 15, 1977, published in the FEDERAL REGISTER issue of December 29, 1977, republished as corrected this issue. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coatings, adhesives, tape, sound deadeners, caulking and sealing compounds, glue and paint*, (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Riverside, CA, to Wichita, KS, and Mansfield, TX; and (2) from Kankakee, IL, to Mansfield, TX.

NOTE.—The purpose of this correction is to indicate the correct number as 127042 (Sub-No. 193) in lieu of MC 127042 (Sub-No. 194). If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 128555 (Sub-No. 23), filed January 5, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th St., East Palmetto, FL 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *unfrozen foodstuffs* (except in bulk), from Merced and No. Hollywood (LA) CA, to points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NY, OK, OR, TN, TX, UT, WA, WI and WY; (2) *materials, supplies, and equipment* used in the manufacture of unfrozen foodstuffs, and unfrozen foodstuffs, from (a) the destination states listed in (1) above to Merced and No. Hollywood (LA) CA and (b) from points in CT, IL, IN, MD, NJ, OH, PA and WV to Rochester, NY, restricted in (1) and (2) above to traffic originating at or destined to the plantsites or warehouse facilities of Ragu Foods, Inc., and under a continuing contract or contracts in (1) and (2) above with Ragu Foods, Inc.

NOTE.—Applicant holds common carrier authority in Certificate No. MC 136123, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or New York, NY.

No. MC 128734 (Sub-No. 4), filed January 2, 1978. Applicant: W.B. PRODUCE HAULERS, INC., 542 Grandville SW. Grand Rapids, MI 49502. Applicant's representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, novelties, sherbert, and non-dairy desserts*, in refrigerated trailers, between Bowling Green, OH, on the one hand, and, on the other, IL, IN, KY, MI, PA, WV and WI.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at either Columbus, OH or Grand Rapids, MI.

No. MC 128746 (Sub-No. 34), filed January 5, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *malt beverages and materials and supplies*, used in the production and sale of malt beverages (except commodities in bulk) (1) between the plantsite of C. Schmidt & Sons, Inc. at or near Philadelphia, PA, and the plantsite of C. Schmidt & Sons, Inc. located at or near Cleveland, OH and (2) from the plantsite of C. Schmidt & Sons, Inc. at or near Cleveland, OH to points in NW, NJ, PA, MD and DC.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Philadelphia, PA, or Washington, DC.

No. MC 129401 (Sub-No. 8), filed December 20, 1977. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber automotive accessories*, from the plantsite and shipping facilities of Rubbermaid Specialty Products, Inc., located at or near LaGrange, GA, to points in AZ, CA, IL, IN, MI, OH, OR, TX and WA, under a continuing contract or contracts with Rubbermaid Specialty Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA.

No. MC 129701 (Sub-No. 3), filed December 12, 1977. Applicant: JASPER FURNITURE FORWARDING, INC., P.O. Box 146, Huntingburg, IN 47542. Applicant's representative: Orville G. Lynch, Jasper Furniture Forwarding, Inc., P.O. Box 364, Westfield, IN 46074. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *new furniture, crated, and parts, supplies, and materials used in the manufacture of new furniture*, between Fordsville, KY and points in AL, AK, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, IN or Louisville, KY. Applicant intends to tack the above authority with MC 129701 sub 1, at Fordsville, KY, for a through service to NC, SC, GA, FL, AL, LA, MS, and AR.

No. MC 129759 (Sub-No. 21), filed December 14 1977. Applicant: TRIANGLE TRUCKING CO., a corporation, Post Office Box 490, McKees Rocks, PA 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street,





Columbus, OH 43215. Authority



73107. Applicant's representative: Jack

Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck*, from Heidelberg, PA to points in the United States (except AK, HI, IN, IL, KY, MD, MI, NJ, NY, OH, TN, and WI), and (2) *materials* used in the manufacture of roof deck from points in the United States (except AL, HI, KY, MI, NJ, NY, and OH) to Heidelberg, PA; restricted to service performed under continuing contract or contracts with Elwin G. Smith Division, Cyclops Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, PA.

No. MC 133655 (Sub-No. 104), filed December 15, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Applicant's representative: James Steffel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metal articles* and *nonferrous scrap metals* between Hazelwood, MO and points in CO, UT, those points on and south of U.S. Hwy 24 in IL, and those points on and south of U.S. Highway 40 in IN, in nonradial movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or St. Louis, MO.

No. MC 134477 (Sub-No. 210), filed January 9, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products* and *meat by-products* and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Huron, SD to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Restricted to the transportation of shipments originating at the facilities of Huron Dressed Beef, Inc., located at or near Huron, SD and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134979 (Sub-No. 12), filed December 21, 1977. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Factory built fireplaces, factory built chimneys*; (2) *Materials, parts and supplies* used in the manufacture of the commodities named in part (1) above (except commodities in bulk, in tank vehicles); and (3) *Parts and accessories* for the commodities named in part (1) above, between the facilities of Hugert Manufacturing Co., located at or near Medina, OH, and Dura-Vent Corp., located at or near Redwood City, CA, on the one hand, and, on the other, points in the United States (except AK and HI); (B) *Pipe, duct, fittings and accessories* for air distribution systems and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk, in tank vehicles), between the facilities of Hugert Manufacturing Co., located at or near Medina, OH, on the one hand, and, on the other, points in the United States (except AK and HI). *Restriction:* Restricted to transportation of shipments to be performed under a continuing contract or contracts with Manufacturers Systems, Inc., at Detroit Lakes, MN.

NOTE.—Applicant holds common carrier authority in No. MC 124159, and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, ND; or MN or St. Paul, MN.

No. MC 135018 (Sub-No. 9), filed December 22, 1977. Applicant: SEAHORSE TRANSPORT, INC., 11 Southside Road, Brownsville, TX 78521. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *parts, materials and supplies used in the manufacture of over-the-road motor buses*, from points in OH, NY, PA, IL, IN, MI, KS, WI, MN, and KY, to the plantsite and warehouse facilities of Eagle International, Inc. at or near Brownsville, TX under continuing contract or contracts with Eagle International Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Brownsville, Dallas or Houston, TX.

No. MC 135684 (Sub-No. 64), filed January 11, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and closures therefor*, from Newnan, GA; Rockford, IL; Chicago, IL to the facilities of Merck and Co., at or near Rahway, NJ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Newark, NJ.

No. MC 135861 (Sub-No. 25), filed January 2, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: BILLY R. REID, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A and C of Appendix I to the Report in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Brownwood, TX to points in OH, under continuing contract, or contracts, with Swift Fresh Meats Co.

NOTE.—If hearing is deemed necessary it is requested that such hearing be held at Dallas, TX or Chicago, IL.

No. MC 135965 (Sub-No. 6), filed January 3, 1978. Applicant: J. P. WIEST d.b.a. WIEST TRUCK LINE, 1305 6th Avenue SW., Jamestown, ND 58401. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plow sweeps, plow shovels and plow chisels*, from Collierville, TN to Minot, ND, under continuing contract or contracts with Piper Industries, Inc., Farm Products Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 136807 (Sub-No. 4), filed January 3, 1978. Applicant: INTERNATIONAL CARRIERS, INC., 7701 W. Jefferson, Detroit, MI 48209. Applicant's representative: Joseph P. Allen, P.O. Box 09259, Detroit, MI 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, live stock and automobiles), between Flint, MI and the International Boundary Line between the United States and Canada at Port Huron, MI, as an alternate route, for operating convenience only, serving no intermediate or off route points not already authorized to be served, over MI Hwy 21, and Interstate Hwy No. 69 when it is completed, restricted to foreign commerce.

NOTE.—Common control may in involved. If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, MI or Washington, DC.

No. MC 138469 (Sub-No. 54) filed December 16, 1977. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, OK





73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Cedar Rapids, IA, to points in AL, GA, FL, NC, SC and VA. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC-136375 Sub 2 and other subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX, or Kansas City, MO.

No. MC 138635 (Sub-No. 47), filed December 14, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber; glass fiber rovings, yarn and strand; glass fiber mats and matting; glass fiber fabric; and glass fiber waste* from South Lexington and West Shelby, NC, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

NOTE.—Applicant holds contract carrier authority in No. MC 136464 and Sub-numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 138882 (Sub-No. 35), filed January 10, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL. 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rotary cut lumber (veneer)*, from the plant and warehouse facilities of Capital Veneer Works, Inc., located at Montgomery, AL, to points in NY, VT, MD, VA, NC, SC, GA, FL, TN, KY, OH, MS, AZ, UT, CO, CA, AR, IN, IL, MO and IA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham or Montgomery, AL.

No. MC 139312 (Sub-No. 9), filed January 11, 1978. Applicant: JOE H. TIDWELL, doing business as, Northeast Truck Brokers, P.O. Box 826, Pharr, TX 78577. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe fittings* (except commodities the transportation of which requires the use of special equipment): From Blossburg, PA to points in AL, AR, KY, MS, NC, OK, SC, and VA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC.

No. MC 139495 (Sub-No. 298), filed December 14, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal care products, sun glasses, chewing gum, diagnostic products, and dental supplies and materials*, in vehicles equipped with mechanical refrigeration, from the facilities of Warner-Lambert Co. located at or near Anaheim, CA to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 303), filed January 11, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in MO to points in CT, DE, KS, ME, MD, MA, NH, NJ, NY, OK, PA, RI, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139923 (Sub-No. 39), filed December 14, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74679. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, inedible corn* and *soybean products* and *animal and poultry drug supplements* (except commodities in bulk) from Decatur, IL, to points in AZ, CA, CO, ID, KS, MT, NV, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, IL or St. Louis, MO.

No. MC 140612 (Sub-No. 42), filed January 5, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Applicant's representative: J. L. Kazimour, P.O. Box 2207, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by retail stores, (except foodstuffs and commodities in bulk)*. Between the distribution facilities utilized by Ardan Wholesale, Inc., located at or near Des Moines, IA, on the one hand and on the other, points in IA, MO, AR, KS, LA, TX, OK, and NE.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, NE or Des Moines, IA.

No. MC 140829 (Sub-No. 69), filed December 15, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A of Appendix I to the report in Descriptions in Motor Carrier Cases, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of Wilson Foods Corp. at Cedar Rapids and Des Moines, IA, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination States.

NOTE.—Applicant holds contract carrier authority in MC 136408 sub 7 and other subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Dallas, TX; or Kansas City, MO.

No. MC 141097 (Sub-No. 15), filed January 4, 1978. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Applicant's representative: Greg P. Steffire, Suite 1724, Broadway Plaza Building, 700 South Flower Street, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarns, synthetic fiber* and the materials and supplies used in the manufacture and sale thereof, between the facilities of Dow Badische Co., located at or near Augusta, Chatsworth, Dalton, Fitzgerald, Rossville, and Sylvania, GA; Boon-





eville, Charlotte, Gastonia, and Mebane, NC; Allendale, Anderson, apolis, St. Paul, Austin, Albert Lea, and Worthington, MN; Sioux Falls, authority is restricted to service or services under a continuing contract or



PORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive,

No. MC 143223 (Sub-No. 1), filed January 3, 1978. Applicant: CARL

No. MC 143654 (Sub-No. 2), filed December 16, 1977. Applicant: DOYLE

eville, Charlotte, Gastonia, and Mebane, NC; Allendale, Anderson, Greenville, and Trenton, SC, on the one hand, and, on the other, points in OK, TX, CA, and the U.S./Canada International Boundary-Ports of Entry, located in ID, MT, and WA, under a continuing contract or contracts with Dow Badische Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, DC or Los Angeles, CA.

No. MC 141160 (Sub-No. 1), filed December 6, 1977. Applicant: NEWTON TRANSPORTATION, INC., R.D. No. 1, Orwigsburg, PA 17961. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a T3contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Wire* and *cable,* from Bossier City, LA, to points in the United States (except AK and HI); (2) *Plastic pellets,* from Frackville, PA to Bossier City, LA, under a continuing contract or contracts with Cadillac Cable Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 141804 (Sub-No. 89), filed December 12, 1977. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Televisions, parts and accessories,* from the facilities of Sanyo Manufacturing Corp., located at or near Forest City, AR, to Compton, CA, and Moonachie, NJ.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, TN, or Los Angeles, CA. Common control may be involved.

No. MC 142360 (Sub-No. 4), filed December 5, 1977. Applicant: SPECIALIZED SERVICES, INC., 1617 Terminal Avenue, San Jose, CA 95112. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as defined in section A of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209, when moving in mechanically refrigerated equipment, from Davenport, Dubuque, Cedar Rapids, Ottumwa, Marshalltown, Iowa Falls, Waterloo, Esterville, Des Moines, Fort Dodge, Sioux City, Cherokee, Denison, Glenwood, Perry, Hartley, and Storm Lake, IA; Omaha, Fremont, Crete, Madison, Dakota City, Schuyler, and Lyons, NE; Minneapolis, St. Paul, Austin, Albert Lea, and Worthington, MN; Sioux Falls, SD; Kansas City, Arkansas City, and Great Bend, KS; and St. Louis and Marshall, MO; to, points in Merced, Stanislaus, San Joaquin, Alameda, Santa Clara, San Francisco, Yolo, Los Angeles, San Mateo, Sacramento, Fresno, Kern, and Yuba Counties, CA, under a continuing contract or contracts with Pacific Provisions, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, CA.

No MC 142447 (Sub-No. 5), filed January 9, 1978. Applicant: LOUISIANA-PACIFIC TRUCKING CO. (an Oregon corporation), P.O. Drawer AB, New Waverly, TX 77358. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from DeFuniak Springs and West Bay, FL to all points in AL, GA, LA, MS, NC, SC, and TN under a contract with H. C. Hodges Lumber Co. of West Bay, Inc., a wholly owned subsidiary of Louisiana-Pacific Corp.; *chips, sawdust, shavings and bark,* from DeFuniak Springs and West Bay, FL to all points in AL under a contract with H. C. Hodges Lumber Co. of West Bay, Inc., a wholly owned subsidiary of Louisiana-Pacific Corp.; *lumber,* from Crestview, FL to all points in AL, GA, LA, MS, NC, SC, and TN under a contract with Louisiana-Pacific Corp.; *chips, sawdust, shavings and bark,* from Crestview, FL to all points in AL under a contract with Louisiana-Pacific Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, TX.

No. MC 142619 (Sub-No. 1), filed January 5, 1978. Applicant: DASH TRANSPORTATION, INC., a corporation, P.O. Box 221, Bloomingdale, IL 60108. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: (1) *steel tubing* and *aluminum tubing,* and *materials, supplies and equipment* used in the manufacture, sale, or distribution of steel tubing and aluminum tubing, between the plantsites and warehouse facilities of Tubesales, a corporation, located at or near Carol Stream, IL, Cranbury, NJ, Los Angeles, CA and Atlanta, GA, and (2) materials, supplies, and equipment used in the manufacture, sale or distribution of steel tubing and aluminum tubing; from all points in CO, IL, IN, IA, KS, MI, ND, MN, MO, MT, NE, OH, SD, WI and WY, to the plantsite and warehouse facilities of Tubesales, a corporation at or near Carol Stream, IL. The above authority is restricted to service or services under a continuing contract or contracts with Tubesales, a corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC.

No. MC 142848 (Sub-No. 5), filed December 15, 1977. Applicant: JAMES R. POSHARD & SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer,* in bulk, in dump vehicles, (1) from the Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, IN, to points in IL, IN and KY, restricted to traffic which has either (a) an immediate prior movement by water or rail, or (b) which originates at and is destined to the above points, and (2) From Vincennes, IN, to points in IL and KY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, IN or Chicago, IL.

No. MC 142891 (Sub-No. 3), filed December 23, 1977. Applicant: A & H, INC., P.O. Box 346, Footville, WI, 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY, 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese,* in vehicles equipped with mechanical refrigeration from the plantsite and storage facilities of Sargento Cheese Co., Inc. at or near Plymouth, WI to points in the States of VA, MD, PA, DC, DE, NJ, NY, MA, CT, RI, NH, VT, and ME, restricted to traffic originating at the above named origin and destined to points in the named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, WI, or New York, NY. Applicant holds motor contract carrier authority in No. MC 129809 (Sub-No. 4) and subs thereunder, therefore, dual operations may be involved.

No. MC 142909 (Sub-No. 1), filed December 21, 1977. Applicant: TIMBER TRUCKING, INC., 4235 South Third West, Salt Lake City, UT 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products, including mineral mixtures,* from points in UT, to points in OR, WA, ID and MT.

NOTE.—Applicant holds contract carrier authority in MC 134729 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, UT, or Washington, DC.

No. MC 142999 (Sub-No. 2), filed December 6, 1977. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: (1) *Chemicals, drugs or medicines, toilet preps, medical and dental supplies and equipment, wash cloths, cleaning compounds, paper, dye stuffs, oils, plastic or rubber articles, bathroom or lavatory fixtures, dough or bread enriching compounds, and foodstuffs* (A) from Gulfport, MS to East Brunswick and Secaucus, NJ; (B) from Trenton, NJ to Atlanta, GA; (C) from Rensselaer, NY to Vernon and Menlo Park, CA and Atlanta, GA and (D) from Myerstown, PA to Vernon and Menlo Park, CA, Atlanta, GA, and Seattle, WA; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities set forth in paragraph (1) above from points in California to the facilities of Sterling Drug, Inc. at or near Trenton, NJ, Rensselaer, NY and Myerstown, PA.

The authority (1) is to be restricted against the transportation of commodities in bulk, (2) is to be limited to a service between the plantsites and warehouse and distribution facilities used by Sterling Drug, Inc. as to part one of the application, and (3) is to be limited to a transportation service to be performed under a continuing contract or contracts with Sterling Drug, Inc. of New York, NY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 143059 (Sub-No. 7), filed December 16, 1977. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th & Main Streets, P.O. Box 11129, Louisville, KY, 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings and connections; pipe hangers; indicator posts; hydrants; pipe; bars and rods; valves;* and *castings;* and (2) *materials and supplies,* used in the manufacture of those commodities described in (1) above, (except commodities in bulk, in tank vehicles), between the plantsites and facilities of ITT Grinnell Corp. (or its subsidiary ITT Grinnell Valve Co., Inc.), located at or near Elmira, NY; Columbia, PA; Warren, OH; Indianapolis, IN; Princeton, KY; Henderson, TN; Statesboro (Clito), GA; and Temple, TX on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.





No. MC 143223 (Sub-No. 1), filed January 3, 1978. Applicant: CARL CRAWFORD, doing business as Crawford Mobile Homes, North Road, Houlton, ME 04730. Applicant's representative: Howard H. Dana, Jr., Two Canal Plaza, Portland, ME 04112. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Mobile and modular homes,* (1) from Pine Grove, PA, to points in ME, under a continuing contract or contracts with Newport Homes; and (2) from Suncook, NH, to points in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset and Washington Counties, ME, under a continuing contract or contracts with Key-Lock Modular Homes.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Portland, ME or Boston, MA.

No. MC 143311 (Sub-No. 3), filed January 9, 1978. Applicant: FAMCO TRANSPORT, INC., P.O. Box 80007, Seattle, WA 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Materials, supplies,* and *equipment* used by medical laboratories and hospitals from points in CA to Redmond, WA and to Portland, OR, under a continuing contract, or contracts with American Hospital Supply Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA.

Docket No. MC 143445 (Sub-No. 2), filed January 5, 1978. Applicant: MMAR TRANSPORTATION, INC., 36 Weldon Road, Mattawan, NJ 07747. Applicant's representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaitherburg, MD 20760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value and commodities requiring the use of special equipment), restricted to traffic moving on bills of lading of freight forwarders as defined in section 402(a)(5), between New York, NY; Baltimore, MD; Newark, NJ; Philadelphia and Pittsburgh, PA; New Haven, CT; Holyoke and Boston, MA; Cincinatti, Cleveland, Dayton, and Columbus, OH; St. Louis, MO; Chicago, Rockford and Peoria, IL; Milwaukee, WI; Los Angeles, San Franciso, San Diego, Fresno, Emeryville, Oakland, San Jose, Stockton, and Sacramento, CA; Phoenix and Tucson, AZ; Las Vegas and Reno, NV; Seattle and Spokane, WA; Portland, OR; and Salt Lake City, UT;

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC or Chicago, IL.

No. MC 143654 (Sub-No. 2), filed December 16, 1977. Applicant: DOYLE BRANT, 4701 Valley Lane, St. Joseph, MO 64503. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Feed, animal or poultry,* in bag, in bulk or in bag/bulk combined; and (2) *animal health aids and sanitation products; also animal or poultry feed ingredients,* between Elwood, KS, Commercial Zone, and points in MO, IA and NE, in a nonradial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, MO.

No. MC 143792 (Sub-No. 2), filed December 6, 1977. Applicant: KEN WATFORD, 2200 Locust St. NE., St. Petersburg, FL 33704. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority requested to engage in operation in interstate commerce as a *contract carrier,* by motor vehicle over irregular routes in the transportation of *empty plastic bottles,* from St. Petersburg, FL, to Waycross and Albany, GA, under a continuing contract or contracts with Pet Incorporated Dairy Group.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Petersburg, Tampa, Clearwater, or Bradenton, FL.

No. MC 143995 (Sub-No. 1), filed January 13, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the facilities of Anheuser-Busch, Inc. at St. Louis, MO to Rock Island, IL and Davenport, IA, under continuing contract or contracts with A. D. Huesing Corp. of Rock Island, IL and Jack's Distributing Co. of Davenport, IA.

NOTE.—If a hearing is deemed necessary, applicant request that the hearing be held in Des Moines, IA or Chicago, IL.

No. MC 144004, filed November 1, 1977. Applicant: JOHN TREFF, JR., doing business as TREFF TRUCKING, 2625 N. 139th Street, Basehor, KS 66007. Applicant's representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Inland Storage Distribution Center, located at or near





Kansas City, KS, to points in OK and

ARD KEATING, JR., d.b.a. KEAT-



tank vehicles), from the facilities of Kraft Foods, division of Kraftoo, at or

one hand, and, on the other, points in AL, AR, DE, FL, GA, IN, KY, LA, MD

quirements of section 247(d)(4) of the

Kansas City, KS, to points in OK and TX, restricted to traffic originating at the plantsite and warehouse facilities of Inland Storage Distribution Center and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated basis with similar applications at either Kansas City, KS, or Kansas City, MO.

No. MC 144037 (Sub-No. 1), filed January 5, 1978. Applicant: TRIANGLE TRUCKING CO., INC., P.O. Box 9555, Baltimore, MD 21237. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within the Baltimore Commercial Zone. Restriction: Service authorized herein is restricted to the transportation of shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Baltimore, MD, or Washington, DC.

No. MC 144058 (Sub-No. 1), filed December 5, 1977. Applicant: JAMES C. MURPHY, d.b.a. MURPHY'S TRUCKING, 155 Landsdown Road, Grand Junction, CO 81501. Applicant's representative: John J. Conway, 1100 Republic Building, 1612 Tremont Place, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, in bulk, in dump trucks*, between points in Delta County, CO, and that portion of Gunnison County, CO, lying west of State Hwy. No. 133. Restricted to shipments having a subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver or Grand Junction, CO.

No. MC 144074, filed December 7, 1977. Applicant: GEORGE E. CARROLL, d.b.a. NATIONAL MAIL DELIVERY SERVICE, 427½ East Main Street, Waterbury, CT 06720. Applicant's representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, in packages weighing less than 40 pounds*, from one consignor to one consignee in a single day, between points in CT on the one hand, and, on the other New York, NY and Long Island, NY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Hartford, CT or New York, NY.

No. MC 144111 (Sub-No. 1), filed December 29, 1977. Applicant: LEONARD KEATING, JR., d.b.a. KEATING TRUCK LINE, Charter Oak, IA 51439. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, animal and poultry health products, and animal and poultry feeding equipment*, from Fremont, NE, to points in IA south of U.S. Hwy 20, west of U.S. Hwy 71, and north of U.S. Hwy 6.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, NE.

No. MC 144189, filed January 3, 1978. Applicant: CORPORATE TRANSPORT, INC., 107 7th North Street, Liverpool, NY 13088. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, pulp and paper making machinery, and paper winding cores*, between Deferiet, NY, on the one hand, and, on the other, Akron, Canton, Cleveland, Independence, Sandusky, Wadsworth, and Willard, OH; Kokomo and Warsaw, IN; Adrian, Detroit, Grand Rapids, Lansing and Warren, MI; and Broadview, Brookfield, Chicago, and Elk Grove Village, IL, under a continuing contract or contracts with St. Regis Paper Co. of New York, NY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY.

No. MC 128306 (Sub-No. 3), filed January 4, 1978. Applicant: T.R.Y., INC., d.b.a. YOUNG'S TRANSPORTATION, 943 Riverside Road, Asheville, NC 22804. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *passengers and their baggage*, in special operations, beginning and ending at points in Buncombe, Henderson and Transylvania Counties, NC, and extending to all points in the United States (excluding AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Asheville, NC.

No. MC 130287 (Sub-No. 2), filed January 12, 1978. Applicant: JA-MAR TOURS, INC., 118 Lyon Street NW., Grand Rapids, MI 49503. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *broker* at Grand Rapids, MI, to sell or offer to sell the transportation of passengers and their baggage between points in MI, OH, IN and IL, on the one hand, and, on the other, points in the United States, including AK and HI.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lancing or Detroit, MI.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4822 Filed 2-23-78; 8:45 am]

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**[7035-01]**

[Volume No. 64]

**PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS**

FEBRUARY 17, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practices (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 117119 (Sub-No. 490) (M1) (Notice of Filing of Petition To Broaden Commodity Description), filed December 27, 1977. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Petitioner's representative: L. M. McLean (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 117119 (Sub-No. 490), issued July 10, 1974, authorizing transportation, over irregular routes, of: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of Kraft Foods, division of Kraftoo, at or near Springfield, MO, to points in AZ, CA, CO, ID, NV, OR, UT, WA, and NM, restricted to the transportation of traffic originating at the named facilities and destined to points in the named states. By the instant petition, petitioner seeks to change the commodity description to read: Such Merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses.

[1] Copies of the Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.





REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 124839 (Sub-No. 28), (republication), filed July 21, 1976, published in the FEDERAL REGISTER issue of August 26, 1976, and republished this issue. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H Street N.W., Washington, DC 20006. A Report of the Commission, Review Board Number 2, decided August 11, 1977, and served September 9, 1977, finds that operations by applicant in interstate commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1)(A) *Glass fibre rovings, yarn, strand, and glass fibre mats*, and (B) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1)(A) above, between the facilities of Certain-Teed Products Corp., located in Clarke and De Kalb Counties, GA, on the one hand, and on the other, points in AL, AR, DE, FL, GA, IN, KY, LA, MD, MS, NJ, NC, OH, PA, SC, TN, VA, WV, and the DC; and (2)(A) *Insulating materials* and (B) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of insulating materials, between the facilities of Certain-Teed Products Corp., located in Clarke and De Kalb Counties, GA, on the one hand, and, on the other, points in DE, IL, IN, MO, NJ, OH and PA, under a continuing contract or contracts with Certain-Teed Products Corp. of Valley Forge, PA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect service to points in IN in (2) above.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applican't representative, or applicant if not representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1222 (Sub-No. 45), filed January 9, 1978. Applicant: THE REINHARDT TRANSFER COMPANY—a Corporation, 1410 Tenth Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, except in bulk, from Channahon, IL to points in Indiana.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Columbus, OH or Cincinnati, OH.

No. MC 2202 (Sub-No. 550), filed January 12, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ace Electric Co. located at or near Columbus, KS, as an off-route point in connection with applicant's present regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, KS/MO or Washington, DC.

No. MC 4405 (Sub-No. 573), filed January 12, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, in interstate or foreign commerce, transporting: *Conveyors* and *parts* and *vibratory processing equipment* and *parts*, between points in McHenry County, IL, on the one hand, and, on the other, points in the United States (except AL and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 5470 (Sub-No. 135), filed December 15, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon scrap*, in dump vehicles, from Columbia, TN, to Niagara Falls, NY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC or New York, NY.

No. MC 5470 (Sub-No. 139), filed January 3, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores and metals*, in dump vehicles, from Erie, PA, to points in IL and IN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or New York, NY.

No. MC 5888 (Sub-No. 42), filed January 13, 1978. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Between Chicago, IL., and St. Louis, MO: From Chicago over Interstate Hwy 55 (also U.S. Hwy 66) to St. Louis, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 11207 (Sub-No. 413), filed January 17, 1978. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of K Mart Corporation's Distribution Center in Coweta County, GA as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA or Birmingham, AL.

No. MC 15735 (Sub-No. 29), filed January 16, 1978. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Applicant's representative: Terry G. Fewell (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) organs, organ benches, and accessories, from Bedford Park, Chicago, Romeoville, IL to points in the United States (except AK and HI) and, (2) Materials, equipment and supplies used or useful in the production, manufacture and distribution of the commodities named in (1) above, from points in the United States (except AK and HI to Bedford Park, Chicago, and Romeoville, IL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Washington, DC.

No. MC 16346 (Sub-No. 9), filed January 9, 1978. Applicant: STORY'S EXPRESS COMPANY, INC., P.O. Box 386, Delair, NJ 08110. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (a) *Cellulose wadding and insulating materials*, from Delanco, NJ, to points in PA, OH, NY, VA and NC; and (b) *materials, equipment, and supplies used in the manufacture and sale of cellulose wadding and insulating materials (except commodities in bulk and those which, because of size or weight, require the use of special equipment* from points in PA, OH, NY, VA and NC, to Delanco, NJ.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 16903 (Sub-No. 54), filed January 3, 1978. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in AL, MO and GA; and (2) *materials and supplies used in the manufacture and the distribution of commodities named in (1) above (except commodities in bulk) from the destination states named in (1) above, to the facilities of the Celotex Corp., located at or near Texarkana, AR.*

NOTE.—If a hearing is deemed necessary, applicant requests consolidated hearing with the applications which are being supported by the same supporting shipper.

No. MC 19458 (Sub-No. 4), filed January 17, 1978. Applicant: B & B TRUCKING, INC., 83 Egleston Road, Westfield, MA. Applicant's representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Mechanics hand tools*, from the plantsite of the Moore Co. in East Windsor, CT to Westfield and West Springfield, MA, and Boston, MA Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Hartford, CT or Boston, MA.

No. MC 21866 (Sub-No. 94), filed January 9, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron boilers, castings, boiler parts, soil pipe and soil pipe parts* and *fittings*, from the facilities of Peerless Industries, Inc. at Reading and Boyertown, PA to points in the United States (except PA, AK and HI); and (2) *soil pipe* and *soil pipe parts and fittings*, and *materials used in the manufacture or distribution of cast iron boilers and castings* (except commodities in bulk) from points in the above described destination territory to the above described origin points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or Philadelphia, PA.

No. MC 26120 (Sub-No. 7), filed January 16, 1978. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, OH 44683. Applicant's representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of pipe, cable, conduits, strip steel, and attachments therefor, and materials, equipment and supplies used in the conduct of such business (except commodities in bulk, in tank vehicles), between the





plantsites and shipping facilities of Triangle PWC, Inc. at Glendale, Marshall County, WV, on the one hand, and on the other, points in IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, VA, WI, and DC, under a continuing contract or contracts with Triangle PWC, Inc. of Glendale, WV.

NOTE.—Applicant states that if a hearing is required, Columbus, OH is its preferred place of hearing.

No. MC 29910 (Sub-No. 179) (correction), filed November 23, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, and republished as corrected this issue. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and lift truck attachments, parts and accessories* (except commodities which because of size or weight require the use of special equipment); between the facilities of Nissan Industrial Equipment Co. at or near Memphis, TN, on the one hand, and, on the other, points in that part of the United States in and east of CO, MT, NM, and WY, restricted to the transportation of shipments originating at or destined to the facilities of Nissan Industrial Equipment Co. or its distributors or suppliers.

NOTE.—The purpose of this republication is to correct the wording of the restriction as published in the FEDERAL REGISTER issue of January 19, 1978, by the deletion of the word "shippers" and the substitution of the word "suppliers" in lien thereof.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, TN, or Little Rock, AR.

No. MC 29910 (Sub-No. 183), filed December 21, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, Post Office Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials*, (1) from the plantsite of Carolina Log Buildings, Inc., located in Yadkin County, NC, to points in that part of the United States in and east of MT, WY, CO, and NM; and (2) from the plantsite of Carolina Log Buildings, Inc., located at Fletcher, NC, to points in FL, AL, GA, SC, NC, VA, WV, MD, DE, DC, NJ, PA, NY, CT, MA, RI, VT, NH, and ME.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC, or Atlanta, GA.

No. MC 32166 (Sub-No. 10), filed December 20, 1977. Applicant: BRONAUGH MOTOR EXPRESS, INC., 1025 Nandino Boulevard, Lexington, KY 40511. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, OH and Knoxville, TN, serving all intermediate points south of the Grant-Scott, Kentucky County line: From Cincinnati, OH over Interstate Hwy 75, to Knoxville, TN and return over the same route, (2) between Louisville, KY and Knoxville, TN, serving those intermediate points east and south of the Franklin-Shelby, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with Interstate Hwy 75, north of Lexington, KY; then over Interstate Hwys 75 and 64, to access roads north of Lexington, KY; then over the various access roads north of Lexington, KY to Lexington, KY; then from Lexington, KY over various access roads to Interstate Hwy 75, then over Interstate Hwy 75, to Knoxville, TN and return over the same route, (3) between Corbin, KY and Lexington, KY serving all intermediate points: From Corbin, KY over U.S. Hwy 25 to Lexington, KY and return over the same route, (4) between Louisville, KY and the junction of U.S. Hwy 150 with U.S. Hwy 25, near Mt. Vernon, KY, serving all intermediate points south of the Anderson-Mercer, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with KY Hwy 151 near Graefenburg, KY; then over KY Hwy 151 to its junction with U.S. Hwy 127 at Alton, KY; then over U.S. Hwy 127 to its junction with U.S. Hwy 150 near Danville, KY; then over U.S. Hwy 150 to its junction with U.S. Hwy 25 and return over the same route, (5) between Lexington, KY and Harrodsburg, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 68 to Harrodsburg, KY and return over the same route, (6) between Lexington, KY and Danville, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 27 to its junction with KY Hwy 34; then over KY Hwy 34 to Danville, KY and return over the same route, (7) between the junction of U.S. Hwy 27 with KY Hwy 34 and the junction of U.S. Hwy 27 with U.S. Hwy 150, serving all intermediate points: From the junction of U.S. Hwy 27 with KY Hwy 34 over U.S. Hwy 27 to its junction with U.S. Hwy 150, near Stanford, KY and return over the same route and, (8) between Knoxville, TN and Corbin, KY, serving all intermediate points in KY: From Knoxville over TN Hwy 33 to its junction with U.S. Hwy 25E at Tazewell, TN; then over U.S. Hwy 25E to Corbin, KY and return over the same route, serving points in Anderson, Bell, Bath, Bourbon, Boyle, Clark, Clay, Fayette, Franklin, Garrard, Harrison, Jackson, Jessamine, Knox, Laurel, Madison, Nicholas, Mercer, Montgomery, Rockcastle, Scott, Whitley, and Woodford Counties, KY, as off-route points in connection with the above regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lexington, KY.

No. MC 38898 (Sub-No. 2), filed January 12, 1978. Applicant: JAMES M. NAYE, INC., Delaware Avenue and Tasker Street, Philadelphia, PA 19148. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in pressurized bins loaded in specially adapted van trailers (excluding transportation in tank vehicles), from Philadelphia, PA, to Sparrows Point, MD; and Ashland, KY, and returned shipments, under a continuing contract or contracts with Keystone Lubricating Department, Chemical Specialties Division of Pennwalt Corp., located at Philadelphia, PA.

NOTE.—Applicant holds common carrier authority in No. MC 10412 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA.

No. MC 41136 (Sub-No. 26), filed December 19, 1977. Applicant: FLEET CARRIER CORP., 586 South Boulevard East, Pontiac, MI 48053. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in driveaway and truckaway service, from Indianapolis, IN, to points in the United States (including AK, but excluding HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, OR; Seattle, WA; or San Francisco, CA.

No. MC 41849 (Sub-No. 38), filed January 9, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transpor-





tation of *bulk salt* in dump vehicles,



*carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and*

MOTOR LINES, INC., P.O. Box 671, Orange, VA 22960. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, OH and Knoxville, TN, serving all intermediate points south of the Grant-Scott, Kentucky County line: From Cincinnati, OH over Interstate Hwy 75, to Knoxville, TN and return over the same route, (2) between Louisville, KY and Knoxville, TN, serving those intermediate points east and south of the Franklin-Shelby, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with Interstate Hwy 75, north of Lexington, KY; then over Interstate Hwys 75 and 64, to access roads north of Lexington, KY; then over the various access roads north of Lexington, KY to Lexington, KY; then from Lexington, KY over various access roads to Interstate Hwy 75, then over Interstate Hwy 75, to Knoxville, TN and return over the same route, (3) between Corbin, KY and Lexington, KY serving all intermediate points: From Corbin, KY over U.S. Hwy 25 to Lexington, KY and return over the same route, (4) between Louisville, KY and the junction of U.S. Hwy 150 with U.S. Hwy 25, near Mt. Vernon, KY, serving all intermediate points south of the Anderson-Mercer, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with KY Hwy 151 near Graefenburg, KY; then over KY Hwy 151 to its junction with U.S. Hwy 127 at Alton, KY; then over U.S. Hwy 127 to its junction with U.S. Hwy 150 near Danville, KY; then over U.S. Hwy 150 to its junction with U.S. Hwy 25 and return over the same route, (5) between Lexington, KY and Harrodsburg, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 68 to Harrodsburg, KY and return over the same route, (6) between Lexington, KY and Danville, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 27 to its junction with KY Hwy 34; then over KY Hwy 34 to Danville, KY and return over the same route, (7) between the junction of U.S. Hwy 27 with KY Hwy 34 and the junction of U.S. Hwy 27 with U.S. Hwy 150, serving all intermediate points: From the junction of U.S. Hwy 27 with KY Hwy 34 over U.S. Hwy 27 to its junction with U.S. Hwy 150, near Stanford, KY and return over the same route and, (8) between Knoxville, TN and Corbin, KY, serving all intermediate points in KY: From Knoxville over TN Hwy 33 to its junction with U.S. Hwy 25E at Tazewell, TN; then over U.S. Hwy 25E to Corbin, KY and return over the same route, serving points in Anderson, Bell, Bath, Bourbon, Boyle, Clark, Clay, Fayette, Franklin, Garrard, Harrison, Jackson, Jessamine, Knox, Laurel, Madison, Nicholas, Mercer, Montgomery, Rockcastle, Scott, Whitley, and Woodford Counties, KY, as off-route points in connection with the above regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lexington, KY.

No. MC 38898 (Sub-No. 2), filed January 12, 1978. Applicant: JAMES M. NAYE, INC., Delaware Avenue and Tasker Street, Philadelphia, PA 19148. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in pressurized bins loaded in specially adapted van trailers (excluding transportation in tank vehicles), from Philadelphia, PA, to Sparrows Point, MD; and Ashland, KY, and returned shipments, under a continuing contract or contracts with Keystone Lubricating Department, Chemical Specialties Division of Pennwalt Corp., located at Philadelphia, PA.

NOTE.—Applicant holds common carrier authority in No. MC 10412 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA.

No. MC 41136 (Sub-No. 26), filed December 19, 1977. Applicant: FLEET CARRIER CORP., 586 South Boulevard East, Pontiac, MI 48053. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in driveaway and truckaway service, from Indianapolis, IN, to points in the United States (including AK, but excluding HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, OR; Seattle, WA; or San Francisco, CA.

No. MC 41849 (Sub-No. 38), filed January 9, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transpor-

tation of *bulk salt* in dump vehicles, from St. Louis, MO, to points in IL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, MO, or Chicago, IL.

No. MC 46737 (Sub-No. 54), filed January 11, 1978. Applicant: GEO. F. ALGER CO., a corporation, 26380 Van Born Road, Dearborn Heights, MI 48125. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials, and iron and steel articles* from the facilities of Penn Dixie Steel Corp. at Blue Island, Joliet, and Chicago, IL to points in IL and MI; (2) *Building and construction materials and iron and steel articles* from the facilities of Penn Dixie Steel Corp. at Toledo and Columbus, OH, and Fort Wayne and Kokomo, IN, to points in IN, MI, and OH; (3) *Materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials from points in IL, IN, MI, and OH to the facilities of Penn Dixie Steel Corp. at Blue Island, Joliet and Chicago, IL; Fort Wayne and Kokomo, IN; and Columbus and Toledo, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, MI, or Chicago, IL. Common control may be involved.

No. MC 48958 (Sub-No. 149), filed January 16, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food*, cooked, cured, preserved, or prepared, frozen, from the plantsites and facilities utilized by Banquet Foods Corp., at or near Carrollton, Macon, Marshall, Milan and Moberly, MO, to Denver and Pueblo, CO, and Modesto and Turlock, CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either at Kansas City, MO, or Denver, CO.

No. MC 48958 (Sub-No. 150), filed January 16, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities utilized by Aberdeen Manufacturing Co., at or near Kaufman, TX, as an off-route point in connection with carrier's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 50307 (Sub-No. 93), filed December 16, 1977. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, materials, supplies* and *equipment* used in the manufacture thereof between points in NY, NJ, and PA, on the one hand, and, on the other, Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, NY or Cleveland, OH.

No. MC 51146 (Sub-No. 559), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood burning stoves and furnaces* from Cobleskill, NY to Green Bay and Madison, WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 560), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded cellular foam rubber*, from Baltimore, MD to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 561), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers and distributors of insulation and fertilizer (except in bulk), between Kenosha, WI, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 563), filed January 13, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, distributed, or used by manufacturers or distributors of plastic, wooden, and health care products (except commodities in bulk), between the facilities of Bemis Manufacturing Co. at Sheboygan Falls, WI, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 59150 (Sub-No. 119), filed January 9, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings*, and *accessories; valve* and *water boxes;* and *castings*, from the storage facilities of Central Foundry Co., Inc., located at or near Holt, AL, to points in FL, GA, NC, SC, TN, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, AL.

No. MC 60014 (Sub-No. 66), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment, and parts and accessories for such commodities*, from the plantsite and facilities of the Fuller Co. located at Houston, TX, to points in AL, CO, ID, IL, IN, IA, KY, MI, MN, MT, NV, ND, OH, OR, SD, TN, UT, WA, WV, WI, and WY, and shipments of refused or rejected items on return from the destination points named above to Houston, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, TX.

No. MC 60014 (Sub-No. 67), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Co. located at or near Wilton, IA to points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, RI, VT, VA, and WV; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the States named in part (1) above, to the plantsite and storage facilities of North Star Steel Co., located at or near Wilton, IA. Restriction: The authority in parts (1) and (2), above, is restricted to the transportation of traffic originating at and destined to the named origins and destinations; the authority in part (2) is further restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 60014 (Sub-No. 68), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, building board, insulating materials and roofing materials*, from points in AL, FL, GA, SC, NC, AR, LA, MS, OK, TN, and TX, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, GA or Washington, DC.

No. MC 61592 (Sub-No. 412), filed December 16, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial and commercial waste containers, and roll-off hoists*, from the plantsite of Galbreath, Inc. at or near Winamac, IN to points in MA, ME, RI, NH, and VT; (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of industrial and commercial waste containers, and roll-off hoists, from points in the United States (except points in AZ, CA, CO, IA, DE, ID, KS, LA, MO, MT, ND, NE, NM, NV, OK, OR, SD, UT, WA, WY, AK, and HI) to the plantsite of Galbreath, Inc., located at or near Winamac, IN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 66592 (Sub-No. 9), filed December 29, 1977. Applicant: COLVIN MOTOR LINES, INC., P.O. Box 671, Orange, VA 22960. Applicant's representative: Bernard J. Hasson, Jr., 927 15th Street NW., Suite 306, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Metal doors, metal door frames, metal partitions, metal bookstacks, and related parts thereto*, Between Orange, VA, on the one hand, and, on the other, points in MD.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC. Common control may be involved.

No. MC 66900 (Sub-No. 45), filed January 10, 1978. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, VA 24486. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods, as defined by the Commission): (1) Between Baltimore, MD and Parkersburg, WV, serving all intermediate points: From Baltimore, MD, over Interstate Hwy 70 to Hagerstown, MD, then over Interstate Hwy 81 to Lexington, VA, then over Interstate Hwy 64 (also over U.S. Hwy 60) to Charleston, WV; then over Interstate Hwy 77 to Parkersburg, WV and return over the same route. (2) Between Baltimore, MD and the junction of Interstate Hwys 66 and 81 serving all intermediate points. From Baltimore, MD, over Interstate Hwy 95 to Washington, DC; then over Interstate Hwy 66 (also over VA Hwy 55) to the junction of Interstate Hwys 66 and 81 and return over the same route. (3) Between Frederick, MD, and the junction of Interstate Hwy 66 and U.S. Hwy 340 serving all intermediate points: From Frederick, MD, over U.S. Hwy 340 to its junction with Interstate Hwy 66. (4) Between Winchester, VA, and Parkersburg, WV serving all intermediate points: From Winchester, VA over U.S. Hwy 50 to Parkersburg, WV and return over the same route. (5) Between the junction of Interstate Hwys 70 and 81 and Huntington, WV serving Cumberland, MD, and all intermediate points in WV: From the junction of Interstate Hwys 70 and 81 over Interstate Hwy 70 to its junction with U.S. Hwy 48, then over U.S. Hwy 48 to its junction with Interstate Hwy 79, then over Interstate Hwy 79 to its junction with Interstate Hwy 64 (also over Interstate Hwy 119; then over WV Hwy 119 to its junction with Interstate Hwy 64; then over Interstate Hwy 64 to Huntington, WV and return over the same route. (6) Between the junction of U.S. Hwy 340 and VA Hwy 7 and Winchester, VA serving all intermediate points: From the junction of U.S. Hwys 340 and 7 over VA Hwy 7 to Winchester and return over the same route.

NOTE.—Applicant states it presently holds irregular route authority to operate between points on the routes applied for. Applicant seeks authority to convert said portions of its irregular route authority to regular routes. If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 69492 (Sub-No. 62), filed January 12, 1978. Applicant: HENRY EDWARDS d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 42301. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials* (1) from New Orleans, LA, and Louisville, KY, to Memphis, TN (2) from Fort Wayne, IN, to Paducah, KY, and (3) from St. Louis, MO, to Cairo, IL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN, Paducah, KY, or Nashville, TN.

No. MC 71652 (Sub-No. 15), filed January 16, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., Medford, OR 97501. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* from the plantsite of Certainteed Corp. located at Richmond, CA to points in OR and WA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Portland, OR, or San Francisco, CA.

No. MC 71902 (Sub-No. 91), filed January 16, 1978. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, Oklahoma City, OK 73118. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks authority to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *new foreign-made trucks, three quarter ton or less*, from Kansas City, MO, to points in MO (except Joplin, St. Louis, and Kansas City) in secondary movements, in truckaway service, restricted to traffic having a prior movement by rail or motor carrier.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in Washington, DC, or Oklahoma City, OK.

No. MC 74321 (Sub-No. 141), filed February 6, 1978. Applicant: B. F. WALKER, INC., P.O. Box 17-B,

Denver, CO 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Iron and Steel Articles and Wire Products*, from Kent, WA; City of Commerce, City of Industry, Hayward, Riverside and La Habra, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX.

NOTE.—Common control may be involved. Hearing March 22, 1978 (2 days), at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 82841 (Sub-No. 220), filed January 16, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings* knocked down, *prefabricated metal building sections* knocked down, *prefabricated pre-finished metal panel sections, component parts thereof*, and *equipment, materials, and supplies* used in the installation, construction, or erection thereof, (1) From Evansville, WI to points in AR and NE. (2) From Pine Bluff, AR to Evansville, WI.

NOTE.—If a hearing is deemed necessary, applicant requests oral hearing to be held in Madison, WI, or Milwaukee, WI.

No. MC 88203 (Sub-No. 10), filed January 12, 1978. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, OH 45802. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps; textile softeners; and cleaning, scouring, and washing compounds*, between points in Allen County, OH, on the one hand, and on the other, points in CT, ME, MA, MD, NH, NJ, NY, PA, RI, and VA, under a continuing contract or contracts with the Proctor & Gamble Distributing Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH.

No. MC 88594 (Sub-No. 31), filed January 16, 1978. Applicant: CARLETON G. WHITAKER, INC., P.O. Box 93, Deposit, NY 13754. Applicant's representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, between North Lawrence (St. Lawrence County) NY and the Town of Lowville (Lewis County) NY on the one hand, and, on the other, points in ME, NH, VT, MA, RI and CT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, NY or Albany, NY.

No. MC 95540 (Sub-No. 996), filed December 21, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* and (2) *Frozen meats and meat byproducts, unfit for human consumption* (except commodities in bulk, in tank vehicles) from the facilities of Wiscold, Inc., located at or near Beaver Dam and Milwaukee, WI, to points in FL and GA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, WI, Washington, DC or Tampa, FL. Common control may be involved.

No. MC 95540 (Sub-No. 997), filed December 15, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Memphis, TN to Chariton, IA; Cherokee, IA; and Schenectady, NY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC, or Tampa, FL.

No. MC 99439 (Sub-No. 6), filed January 3, 1978. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic; plastic articles; plastic pipe, tubing, fittings, and connections; materials, supplies, and accessories used in the manufacture and installation of all such commodities* (except in bulk, in tank vehicles) between the facilities utilized by Robintech, Inc. located in Palm Beach County, FL, on the one hand, and, on the other, points in AL, KY, LA, MS, NC, SC, TN, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA, in a consolidated hearing with applications of similar authority.

No. MC 99439 (Sub-No. 7), filed January 3, 1978. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic; plastic articles; plastic pipe, tubing, fittings, and connections; materials, supplies, and accessories used in the manufacture and installation of all such commodities* (except in bulk, in tank vehicles) between the facilities utilized by Robintech, Inc. located at or near Anderson, SC, on the one hand, and, on the other, points in AL, FL, and GA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA, in a consolidated hearing with applications of similar authority.

No. MC 100666 (Sub-No. 376), filed January 16, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubings, fittings*, and *connections* and *materials, supplies* and *accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), between facilities utilized by Robintech, Inc. at or near Riviera Beach (West Palm Beach), FL, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 103993 (Sub-No. 920), filed January 13, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and related articles*, from the plantsite and warehouse facilities of Veach-May-Wilson, Inc., located at Alcoa, TN to all points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, TN.

No. MC 103993 (Sub-No. 923), filed January 13, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsites of C. A. Reed Lumber Co. in Bernice, Monroe and Holly Ridge, LA to points in MS, TX, AR, OK, TN, AL, IN AND IL.





NOTE.—If a hearing is deemed necessary, applicant requests it be held at Shreveport, LA.

No. MC 106674 (Sub-No. 278), filed January 16, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of The Celotex Corp. located at or near Texarkana, AR to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, and TX; (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of The Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL or Indianapolis, IN.

No. MC 106679 (Sub-No. 13), filed December 28, 1977. Applicant: WHEELER FREIGHTWAYS, a Corporation, 3375 South Polaris Avenue, Las Vegas, NV 89102. Applicant's representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk*, in hopper-type vehicles, from: (1) Victorville, San Bernardino County, CA, (2) Creal, Kern County, CA, (3) Monolith, Kern County, CA, (4) Oro Grande, San Bernardino County, CA; and (5) Cushenberry, San Bernardino County, CA, to: Points in Clark County, NV.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, NV or Los Angeles, CA.

No. MC 106707 (Sub-No. 12), filed January 16, 1978. Applicant: ADAMS TRUCKING, INC., 1711 West 2d Street, Webster City, IA 50595. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain and feed handling equipment and storage bins, steel buildings, feed mixing mills, grain dryers, and parts and accessories* for the above named commodities, from Bluffton and Crawsfordsville, IN; Webster City, IA; Greenville, MS; and Elm Creek, Grand Island, and York, NE; to points in the United States (except AK and HI) and, (2) *materials, accessories, parts and supplies* used in the manufacture, operation, and distribution of the commodities described in Part (1), from points in the United States (except AK and HI) to Bluffton and Crawsfordsville, IN; Webster City, IA; Greenville, MS; and Elm Creek, Grand Island, and York, NE, restricted to traffic originating at or destined to the plantsites of Blount, Inc., and its subsidiaries, and further restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that said hearing be held at Des Moines, IA, Omaha, NE, or St. Paul, MN.

No. MC 106956 (Sub-No. 7), filed January 17, 1978. Applicant: SYLVESTER TRUCKING CO., 2930 Gradwohl Road, Toledo, OH 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *coke*, in bulk, in dump vehicles from Toledo, OH to points in the lower peninsula of MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, NY, Detroit, MI or Washington, DC.

No. MC 107403 (Sub-No. 1055), filed January 16, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Nickel Oxide Sinter and Nickel Granules*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located in MI and NY, to Pittsburgh, Washington and Houston, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 107496 (Sub-No. 1119), filed January 4, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, high fructose corn syrup, corn syrup and blends of liquid sugar with high fructose corn syrup or with corn syrup*, in bulk, from Supreme, LA, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO, or Baton Rouge, LA. Common control may be involved.

No. MC 107515 (Sub-No. 1118), filed December 19, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE, Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transporting of: *Foodstuffs* (except frozen foods, meats and meat products, dairy products), from the plantsites and storage facilities of J. M. Smucker's Co., located at or near Medina and Orrville, OH, to points in IL, IN, IA, KY, MI, MN, MO, TN, and WI. Restriction: Restricted to traffic originating at named plantsites and destined to the named destination states.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub 2), and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Cleveland or Columbus, OH.

No. MC 108119 (Sub-No. 74), filed November 28, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings, knocked down, and materials and supplies* used in the construction of such commodities, from the facilities of Beaver Log Homes of FL located at or near Blountstown, FL, to points in the United States in and east of MN, IA, IL, KY, TN and MS.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tallahassee, or Miami, FL. Common control may be involved.

No. MC 108341 (Sub-No. 79), filed January 16, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants and materials and supplies* used in the installation thereof (except commodities in bulk), from the plantsite and storage facilities of Clow Corp. at or near Lincoln, Talladega County, Al to points in GA, NC, SC and VA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL or Washington, DC.

No. MC 108341 (Sub-No. 80), filed January 17, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and conduit, and fittings,*





*valves, and accessories* thereof, from points in Geneva County, AL, to

*common carrier*, by motor vehicle, over irregular routes, transporting: (1)

corporation, P.O. Box 1216, Richmond, VA 23209. Applicant's representative:



Hwy 92 to junction U.S. Hwy 25-E and return over the same route; (11) Be-

points in the states of WA, OR, CA, AR, NV, ID, MT, WY, UT, NM, CO,

BROTHERS, INC., a corporation, 510 Riverside Drive, Coal Grove, OH

*valves, and accessories* thereof, from points in Geneva County, AL, to points in the United States in and east of OH, WV, VA, NC, SC and GA; and (2) *fittings, valves, and accessories* for plastic pipe and conduit, and materials, equipment, and supplies utilized in the manufacture, sale, and distribution of commodities named in (1) above from the destination area named in (1) above to points in Geneva County, AL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 108393 (Sub-No. 133), filed January 19, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances (except commodities in bulk, in tank vehicles), between Danville, KY, and Sidney, OH, under continuing contract or contracts with Whirlpool Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 109397 (Sub-No. 381) (correction), filed December 12, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical work platforms and parts and attachments* of mechanical work platforms, between the plantsite and storage facilities of Mark Industries, Inc., located in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI).

NOTE.—Common control may be involved. The purpose of this correction is to show hearing information below:

HEARING: Assigned for hearing March 13, 1978 (1 day) at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 109397 (Sub-No. 384) (correction), filed December 23, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dust collectors, cyclones, machinery, equipment, and materials, parts and accessories* used in air handling systems, and (2) *iron and steel articles*, from Greene County, TN, to points in the United States (including AK, but excluding HI).

NOTE.—Common control may be involved. The purpose of this correction is to show hearing information below:

HEARING: Assigned for hearing March 8, 1978 (3 days) at 9:30 a.m. local time, at Nashville, TN.

No. MC 109397 (Sub-No. 390), filed January 16, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum scrap*, between the facilities of Texas Reduction Corp., located in Brazoria County, TX, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or Houston, TX.

No. MC 109397 (Sub-No. 392) (correction), filed December 12, 1977, published in the FEDERAL REGISTER issue of February 9, 1978, as MC 109397 (Sub-No. 378), and republished, as corrected, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical lifting equipment, parts and attachments*, (1) from the facilities of Snorkel Division of A-T-O, Inc., located in St. Joseph, MO, to points in the United States (including AK, but excluding HI), and (2) from the facilities of Snorkel Division of A-T-O, Inc., located in St. Joseph, MO, to all ports of entry on the International Boundary line between the United States and Canada, restricted to traffic destined to the Provinces of AB, BC, MB, NB, NF, NS, SK, and the Yukon, Canada.

NOTE.—Common control may be involved. The purpose of this correction is to show correct Sub-No. assigned to this proceeding, and to indicate hearing as set forth below

HEARING.—February 27, 1978 (1 day) at 9:30 a.m. local time, in Room 609 Federal Office Building, 911 Walnut Street, Kansas City, MO.

No. MC 109533 (Sub-No. 101), filed January 13, 1978. Applicant: OVERNITE TRANSPORTATION CO., a corporation, P.O. Box 1216, Richmond, VA 23209. Applicant's representative: Eugene T. Liipfert, Suite 1000, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Serving points in Simpson and Warren Counties, KY, as off-route points in connection with carrier's authorized regular routes operations; (2) Between junction KY Hwy 80 and Interstate Hwy 24 and Bowling Green, KY, serving all intermediate points: From junction KY Hwy 80 and Interstate Hwy 24 over KY Hwy 80 to Bowling Green and return over same route; (3) Between Bowling Green, KY, and Hazard, Ky, serving the intermediate points between London, KY and Hyden, KY: From Bowling Green over KY Hwy 80 to junction Cumberland Parkway, then over Cumberland Parkway to Shopville, KY, then over KY Hwy 80 to junction Daniel Boone Parkway, then over Daniel Boone Parkway to Hazard and return over same route; (4) Between Flat Lick, KY and KY-TN State Line, serving all intermediate points: From Flat Lick over U.S. Hwy 25-E to KY-TN State Line and return over same route; (5) Between junction KY Hwy 90 and U.S. Hwy 25-W and the KY-TN State Line, serving all intermediate points: From junction KY Hwy 90 and U.S. Hwy 25-W over U.S. Hwy 25-W to KY-TN State Line and return over same route; (6) Between Pineville, KY and Harlan, KY, serving all intermediate points: From Pineville over U.S. Hwy 25-E to junction U.S. Hwy 119, then over U.S. Hwy 119 to Harlan and return over same route; (7) Between Hyden, KY and Dot, VA, serving all intermediate points: From Hyden over U.S. Hwy 421 to Dot and return over same route; (8) Between junction U.S. Hwy 58 and U.S. Hwy 23 and Middlesboro, KY, serving all intermediate points, and the off-route point of Nickelville, VA: From the junction of U.S. Hwy 58 and U.S. Hwy 23 to Middlesboro over U.S. Hwy 58 and return over the same route; (9) Between Bowling Green, KY and IN-KY State Line, serving all intermediate points: From Bowling Green over U.S. Hwy 231 to junction Green River Parkway, then over Green River Parkway to Owensboro, KY, then over Audubon Parkway to junction Pennyrile Parkway, then over Pennyrile Parkway to junction U.S. Hwy 41, then over U.S. Hwy 41 to IN-KY State Line and return over same route; (10) Between Williamsburg, KY and junction KY Hwy 92 and U.S. Hwy 25-E, serving all intermediate points: From Williamburg over KY Hwy 92 to junction U.S. Hwy 25-E and return over the same route; (11) Between Hyden, KY and junction KY Hwy 118 and Daniel Boone Parkway, serving all intermediate points: From Hyden over KY Hwy 118 to junction Daniel Boone Parkway and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, TN or Washington, DC.

No. MC 109708 (Sub-No. 80), filed January 16, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Applicant's representative: Bruce A. Bullock, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice concentrate*, in bulk, in tank vehicles, from Plymouth, IN to Lansing, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Detroit, Grand Rapids, or Lansing, MI.

No. MC 111401 (Sub-No. 508), filed December 21, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk; and (2) *acid sludge*, in bulk, (a) from Baton Rouge, LA, to Norphlet, AR; and (b) from Norphlet, AR, to Baton Rouge, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, AR or New Orleans, LA.

No. MC 111434 (Sub-No. 93), filed January 9, 1978. Applicant: DON WARD, INC., 241 West 46th Avenue, Denver, CO 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash* in bulk, from Pueblo, CO, to points in KS, OK, NM, NE, WY, UT, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pueblo, CO, or Denver, CO.

No. MC 111434 (Sub-No. 94), filed January 12, 1978. Applicant: DON WARD, INC., 241 West 46th Avenue, Denver, CO 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures* in bulk, in tank vehicles, from Denver, CO to points in the states of WA, OR, CA, AR, NV, ID, MT, WY, UT, NM, CO, ND, SD, NE, KS, TX, OK, LA, AR, MO, IA, and MN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Denver, CO, or Albuquerque, NM. Common contrtol may be involved.

No. MC 111729 (Sub-No. 726), filed January 16, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media* of all kinds, between Birmingham and Montgomery, AL, on the one hand, and, on the other, Louisville, Owensboro and Paducah, KY.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub-Nos. thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 111812 (Sub-No. 555), filed January 19, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary products*, from Chicago and Carol Stream, IL, to points in FL. Restricted to the transportation of traffic originating at the plantsites and warehouse facilities of E. J. Brach & Sons.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL. Common control may be involved.

No. MC 112304 (Sub-No. 126), filed January 18, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and machinery parts*, from the plantsite of Landis Tool Co., at or near Waynesboro, PA, to points in the United States (except AK and HI); and (2) *equipment, materials and supplies* used in the manufacture of machinery and machinery parts, from points in the United States (except AK and HI), to the plantsite of Landis Tool Co., at or near Waynesboro, PA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC. Common control may be involved.

No. MC 112595 (Sub-No. 74), filed January 13, 1978. Applicant: FORD BROTHERS, INC., a corporation, 510 Riverside Drive, Coal Grove, OH 45638. Mail: P.O. Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY, to points in IL, IN, KY, MI, OH, VA and WV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH.

No. MC 113362 (Sub-No. 315), filed December 23, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. From the plantsite and warehouse facilities of John Morrell & Co. located at Esterville, IA; Sioux Falls, SD; Sioux City, IA; and Humboldt, IA; to points in AL, FL, GA, MS, NC, SC, and TN. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Des Moines, IA.

No. MC 113651 (Sub-No. 261), filed January 16, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: Jack W. Tapy, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), and (2) *Foodstuffs*, from Bowling Green, KY to points in the United States east of MT, WY, CO and NM. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Bowling Green Packing Co. located at or near Bowling Green, KY and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Frankfort, KY.

No. MC 113855 (Sub-No. 400), filed January 9, 1978. Applicant: INTER-





NATIONAL TRANSPORT, INC., a

points in the United States (including

Kansas City, MO and (2) from St.



*Plastic containers*, from Green Bay,

that part of PA on and west of U.S.

NATIONAL TRANSPORT, INC., a corporation, 2450 Marion Road SE, Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Lumber, lumber products* and *wood products* from Weston County, WY, to points in PA, MD, WV, NY, TN and MN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, CO.

No. MC 114211 (Sub-No. 336), filed December 22, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk) from the facilities of Deere & Co. in Black Hawk, Dubuque, Polk, Scott and Wapello Counties, IA; Rock Island County, IL, and Dodge County, WI to points in AR and LA (2) returned shipments of the above named commodities from the destination States named in (1) above to the facilities of Deere & Co. named in (1) above. Restriction: The operations in (1) above are restricted (a) to traffic originating at the named facilities of Deere & Co., and (b) to traffic destined to the points named, except that the restriction in (b) above shall not apply to traffic moving in foreign commerce; and the operations authorized in (2) above are restricted to traffic destined to the named facilities of Deere & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114211 (Sub-No. 339), filed January 9, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, pipe, parts and accessories*, between Union County, SD on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX and all ports of entry between the United States and Canada for furtherence in foreign commerce (2) *irrigation systems, materials, equipment and supplies*, used or useful in the manufacture of irrigation systems and items in (1) above from points in the United States (including AK, but excluding HI), to Union County, SD.

NOTE.—If a hearing is deemed necessary, we request it either be held at Sioux Falls, SD or Pierre, SD or Minneapolis, MN.

No. MC 114273 (Sub-No. 322), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers (1) from Toledo, OH to Kansas City, MO; Omaha, NE and points in IA, and (2) from Wood River, IL and St. Louis, MO, to Omaha, NE, and points in IA. Restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 324), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and-or storage facilities utilized by the Rath Packing Co. at or near Waterloo, IA to points in OH. Restricted to traffic originating at and destined to the above-named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 325), filed January 4, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, wines and malt beverages* (except in bulk in tank vehicles) from (1) Chicago, Lemont, Pekin, Peoria, and Plainfield, IL; Lawrenceburg, IN; Bardstown, Clermont, Frankfort, Louisville, and Owensboro, KY; Allen Park, and Detroit, MI; New York, NY; Cincinnati, OH; Schenley, PA to Dodge City, Independence, Kansas City, Salina, Topeka, and Wichita, KS and Columbus and North Kansas City, MO and (2) from St. Louis, MO to Dodge City, KS.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 333), filed January 16, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by hardware, drug, discount and department stores and supermarkets, from Baltimore, MD to points in the States of AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, ND, OH, OK, PA, TN, TX and WI. Restricted to traffic originating at the shortage facilities utilized by Action Industries and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 334), filed January 17, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from the plantsite and storage facilities utilized by Continental Group, Inc. at or near Lenexa, KS, to Cedar Rapids, Fort Madison, and Iowa City, IA, restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114457 (Sub-No. 347), filed January 12, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, from Green Bay, WI to Cincinnati, Cleveland, and Toledo, OH; points in IN, and Winona, MN; (2) *plastic containers*, from Bonaporte, IA to Minneapolis-St. Paul, MN; Cincinnati, Cleveland, and Toledo, OH; (3) *plastic containers*, from Chicago, IL to Cincinnati, Cleveland, and Toledo, OH.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN or Chicago, IL.

No. MC 114457 (Sub-No. 348), filed January 12, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)





No. MC 115331 (Sub-No. 445), filed January 12, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bulk or in packages*, from the site of Missouri Portland Cement Co. at or near Union, St. James Parish, LA, to points in AL, AR, FL, GA, MS, TX, OK, and LA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO.

No. MC 115826 (Sub-No. 284), filed January 10, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, except in bulk, from the plant facilities of Fibreboard Corp. at, or, near Fruita, CO and Grambling, LA to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in San Francisco, CA.

No. MC 115826 (Sub-No. 285), filed January 12, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in AZ to points in CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ.

No. MC 115931 (Sub-No. 46), filed December 16, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and farm machinery*, from Crystal Lake, IL, to points in AZ, CA, CO, ID, IA, KS, MI, MN, MT, NE, NV, NM, ND, OH, OR, SD, UT, WA, WI, WY, and points in that part of PA on and west of U.S. Hwy 19.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL, or Milwaukee, WI.

No. MC 117068 (Sub-No. 91), filed February 1, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical work platforms* and *parts and attachments* for such articles, between the facilities of Mark Industries located in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (except AK and HI).

HEARING.—March 13, 1978 (1 day), at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 117686 (Sub-No. 199), filed December 23, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Estherville, IA, St. Paul and Worthington, MN, to points in CA. Restriction: Restricted to shipments originating at the plantsite and storage facilities of John Morrell & Co., at or near the above-named origin points.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or St. Paul, MN. Common control may be involved.

No. MC 117786 (Sub-No. 6), filed December 28, 1977. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard* from Chicago, IL, Natick, MA, and Goshen, CA, to Phoenix, AZ, and such merchandise as is dealt in by mail-order houses from St. Louis, MO to Phoenix, AZ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ.

No. MC 117815 (Sub-No. 273), filed January 5, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle, 405 SE. 20th Street, Des Moines, IA 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods and articles distributed by pet food manufacturers* (except commodities in bulk), from the facilities of or utilized by Bow Wow Co., Inc., located at or near Rolla, MO, to points in IL, IN, IA, MI, MN, NE, OH, and WI, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis or Kansas City, MO.

No. MC117940 (Sub-No. 255), filed January 16, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Hwy 12, P.O. Box 104, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the facilities of Milkhouse Cheese Corp. at Bongards, MN, to points in LA, OK and TX, restricted to traffic originating at the facilities of Milkhouse Cheese Corp. at named origin and destined to named destinations.

NOTE.—If hearing is deemed necessary applicant requests it be held at Houston, TX.

No. MC 118304 (Sub-No. 5), filed January 15, 1978. Applicant: CALDWELL TRANSPORT LTD., Florenceville, NB. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *lumber*, from ports of entry on the International Boundary Line between the United States and Canada located in ME, NH, VT, and NY to points in (a) ME, NH, VT, MA, RI, CT, NY, NJ and PA and (b) to points in DE, MD, VA, WV, OH and DC.

NOTE.—Applicant presently holds authority to serve the destination States named in (a) above through various ports of entry located in ME. If this application is granted, it will surrender its existing relevant certificates. Under (b) above authority is sought to serve the additional destination States named. If a hearing is deemed necessary, applicant requests it be held at Bangor or Portland, ME, or Boston, MA.

MC 118535 (Sub-No. 110), filed January 4, 1978. Applicant: TIONA TRUCK LINE, INC., 111 So. Prospect, Butler, MO 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 NW. 58th St., Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredi-*





*ents, in bulk*, except salt, urea and phosphate; (1) between points in AR, Ports in NY and NJ in the New York, NY Commercial Zone (including Ports

numbered county road to Sterling, NE, then over NE Hwy 41 to Adams, NE,



points in MI and OH, restricted to

No. MC 123407 (Sub-No. 425), filed

No. MC 124078 (Sub-778), filed Janu-

*ents, in bulk*, except salt, urea and phosphate: (1) between points in AR, LA, MO, OK and TX, (2) from points in AR, LA, MO, OK and TX, to points in IL, IN, IA, KS, MN, MS, NE, WI; and Memphis, TN; and (3) from points in CO, IL, IN, IA, KS, MN, MS, NE, NM, and WI, to points in AR, LA, KS, MO, NM, OK and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, MO.

No. MC 118535 (Sub-No. 111), filed January 3, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Pet food, animal and poultry feed, animal and poultry feed ingredients;* and (2) *animal and poultry feed and animal and poultry feed ingredients:* (1) from Webb City, MO, to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, NE, OK,TN, TX, and WI; and (2) from Girard, KS, to points in AR, IA, MO, NE, OK, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, MO.

No. MC 119315 (Sub-No. 24), filed January 16, 1978. Applicant: FREIGHTWAY CORP., 131 Matzinger Road, Toledo, OH 43612. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol and sodium formate*, (except commodities in bulk), from the plantsite of Perstorp, Inc. at Toledo, OH, to points in GA; IL; IN; IA; MI; MN; MO; WI; NJ (except points in Sussex, Cape May, Cumberland, Salem, Atlantic, and Gloucester Counties); Buffalo, Rochester, Syracuse, and New York City, NY and their commercial zones; and points in Allegheny and Westmoreland Counties, PA.

NOTE.—If a hearing is deemed necessay, applicant requests that it be held at Columbus, OH.

No. MC 119619 (Sub-No. 120), filed January 16, 1978. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43d St., Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from regulation under Section 203(b)(6) of the I.C.C. Act, when transported in mixed loads with bananas. From: Ports in NY and NJ in the New York, NY Commercial Zone (including Ports in New York, NY and Port Newark, NJ), as defined by the Commission, and Philadelphia, PA. To: Points in the States of IN, OH, IL, MI, Pittsburgh, PA, and St. Louis, MO.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at New York, NY.

No MC 119741 (Sub-No. 90), filed January 13, 1978. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, IA. 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA. 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, in vehicles equipped with mechanical refrigeration, from Jacksonville, IL, to points in CO. Restriction: Restricted to the transportation of shipments, originating at the plant or warehouse sites of Anderson Clayton Foods at Jacksonville, IL and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, TX or St. Louis, MO.

No. MC 119968 (Sub-No. 11), filed December 29, 1977. Applicant: A. J. Weigard, Inc., P.O. Box 130, 1046 N. Tuscarawas Avenue, Dover, OH 44622. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, from Nitro, WV to points in IL, IN, MI, NY, OH, PA, RI, MA, CT, MD, NJ, KY, WI, NC, MO, TN, SC, and FA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH.

No. MC 120427 (Sub-No. 10), filed January 13, 1978. Applicant: Williams Transfer, Inc., 2128 East Highway 30, Grand Island, NE 68801. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except explosives and those commodities requiring special equipment); (1) Between Adams, NE, and Lincoln, NE: From Adams over NE Hwy 41 to Junction with U.S. Hwy 77, then over U.S. Hwy 77 to Lincoln, and return over the same route, serving Firth, Holland, Hickman, Roca, Panama, Douglas and Sterling, NE as off-route points. (2) Between Omaha, NE, and Roca, NE: From Omaha over U.S. Hwy 6 to Junction with unnumbered county road 2 miles west of Ashland, NE, then over unnumbered county road to Douglas, NE, then over unnumbered county road to Sterling, NE, then over NE Hwy 41 to Adams, NE, then over NE Hwy 43 to Panama, NE, then over unnumbered county roads to Firth, NE, then over unnumbered county road to Roca, and return over the same route. Restriction: The authorities set out in Parts (1) and (2) above are restricted against service between Omaha, NE and Lincoln, NE. (3) Between points in Gage County, NE. (4) Between points in Gage County, NE, on the one hand, and, on the other, points in that part of NE east of U.S. Hwy 183. (5) Between points within that part of NE on and bounded by a line beginning at Lincoln, NE, then along U.S. Hwy 77 to Beatrice, NE, then along NE Hwy 4 to its junction with U.S. Hwys 73/75, then along U.S. Hwys 73/75 to the Platte River, then along the Platte River to U.S. Hwy 6, then along U.S. Hwy 6 to Lincoln, NE. (6) Between points in that part of NE set out in Part (5) above, on the one hand, and, on the other, points in that part of NE in and east of Dundy, Chase, Perkins, Keith, McPherson, Hooker, and Cherry Counties, NE.

NOTE.—The purpose of this application is to convert the Certificate of Registration held by applicant in MC 120427 (Sub-No. 2) to a Certificate of Public Convenience and Necessity. The authorities set out in MC 120427 (Sub-No. 2) have been reworded to conform to Commission practice. If a hearing is deemed necessary, applicant requests that it be held in Lincoln or Omaha, NE.

No. MC 120737 (Sub-No. 49), filed December 16, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., South Fourth Ave., P.O. Box 39, Canton, IL, 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and (2) *parts and attachments* for agricultural machinery and implements, from Colchester, IL, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, IL or Washington, DC.

No. MC 121795 (Sub-No. 1), filed January 16, 1978. Applicant: LAKESHORE WAREHOUSE, INC., 700 East Atwater, Detroit, MI 48226. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *flour*, in bulk in tank vehicles, from the facilities of The Millers's Bulk Flour Association located at Detroit, MI, to





points in MI and OH, restricted to traffic having a prior movement by rail.

NOTE.—If a hearing is deeemed necessary, the applicant requests that it be held at either Detroit or Lansing, MI.

No. MC 123253 (Sub-No. 131), filed January 13, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *container and container ends and materials and supplies used in the manufacture and distribution of containers and container ends*, between the facilities of Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, WI; Memphis, TN; longview, TX; Tampa, FL; Syracuse and Raddison, NY; Winston-Salem, NC; Chatsworth and Van Nuys, CA; and Fairport, NY, a non-radial movement. Restricted to shipments originating at and destined to the facilities of the Jos. Schlitz Brewing Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, OH.

No. MC 123407 (Sub-No. 423), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products (including shipping devices and crating material)* (1) From Valparaiso, IN, to points in MI, IL, OH, and NY; and (2) from points in MI to Valparaiso, IN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 123407 (Sub-No. 424), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building wall and insulating boards, and materials and supplies used in the installation thereof (except commodities in bulk)* from Beaver Falls, PA, and Marietta, PA, to points in IL, IA, KS, MN, MO, NE, ND, SD, and WI; and (2) *return and refused shipments from the destination points in Part 1 above to the points of origin in Part 1 above.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA, or Washington, DC.

No. MC 123407 (Sub-No. 425), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poultry and animal feeding and watering systems and equipment and supplies relating thereto;* and (2) *Agricultural building ventilation systems and equipment and supplies relating thereto* from Milford, IN; Decatur, AL; and Watkinsville, GA, to points in the Unites States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 123407 (Sub-No. 427), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Grants, NM, to points in MN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albuquerque, NM.

No. MC 124078 (Sub-No. 768), filed December 5, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions and spent phosphoric acid*, in bulk: (1) From Adel, Carrollton, Covington, Franklin, LaGrange, Newnan, Tifton, and Valdosta, GA, to points in NC, SC, TN, and VA; and (2) refused and rejected shipments from NC, SC, TN and VA, to points in GA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA. Common control may be involved.

No. MC 124078 (Sub-No. 776), filed January 16, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, anhydrous ammonia, urea, and soda ash*, in bulk, from points in Richmond County, GA, to points in KY, NC, SC, TN, VA and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 124078 (Sub-778), filed January 19, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Cairo, OH to points in IN and MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, OK. Common control may be involved.

No. MC 124174 (Sub-No. 113), filed December 15, 1977. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 L Street, Omaha, NE 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and wood fibre products*, from the plantsite of the United States Gypsum Co., located at or near Lisbon Falls, ME, to points in AL, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, NC, OH, OK, SC, SD, TN, TX, and WI.

NOTE.—Applicant holds contract carrier authority in MC 128342, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Washington, DC.

No. MC 124211 (Sub-No. 313), filed January 11, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment, appliances, materials, supplies, and accessories*; and (2) *such commodities* as are used in the manufacture, distribution, sale and installation of commodities in (1) above (except commodities in bulk in tank or hopper type vehicles), between Hampton, VA; Parkersburg, WV; and points in Wood County, WV, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 124711 (Sub-No. 50), filed January 9, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oils*, in bulk, in tank vehicles, from Dodge City, KS, to points in CO, NE, NM, OK, and TX.





NOTE.—If a hearing is deemed necessary,

tribution of malt beverages, (except

*ouses* as described in sections A and C



NOTE.—Applicant holds motor contract carrier authority in No. MC 129135 (Sub-No.

(except AK and HI). Restricted: (1) Against the transportation of com-

route. 6. Between Town Creek, AL,

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, OK; Kansas City, MO; or Denver, CO. Common control may be involved.

No. MC 124896 (Sub-No. 41), filed December 15, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Des Moines, IA to points in AL, GA, FL, NC, and SC, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX or Kansas City, MO.

No. MC 124896 (Sub-No. 45), filed January 18, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packing houses*, as described in sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co. located at or near Amarillo, TX, to points in AL, FL, GA, NC, SC, TN and VA, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 125023 (Sub-No. 50), filed December 22, 1977. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and *related advertising material* from Eden, NC, to points in DE, MD, NJ, PA, VA, WV and DC; (2) *materials, supplies*, and *equipment* used in the manufacture, sale, and distribution of malt beverages, (except commodities in bulk) and returned empty malt beverage containers from points in the destination States and DC named in (1) above to Eden, NC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 125533 (Sub-No. 20), filed December 22, 1977. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant requests authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Brick(s)* from Phoenixville, PA to points in CT, DE, ME, MD, MA, NH, NJ, NY, RI and VT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, PA.

No. MC 125777 (Sub-No. 207), filed January 4, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Elko County, NV, and Tooele County, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 125952 (Sub-No. 28), filed December 21, 1977. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango SW, Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier, over irregular routes, in the transportation of salt* and *industrial chemicals* from points in WY; Salt Lake City, Silsbee, Ogden, UT; Three Forks and Dillon, MT; and Belle Fourche, SD to points in WA and OR under a continuing contract with Van Waters and Rogers, Seattle, WA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA or Portland, OR.

No. MC 125996 (Sub-No. 55), filed January 16, 1978. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, 13080 Renfro Circle, Omaha, NE 68137. Applicant's representative: Floyd F. Knutson, (same address as applicant). Authority sought to operate as a *common carrier, over irregular routes, transporting: Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the Report in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Lyons, NE and Sioux City, IA, to points in the States of AZ, CA, CO, ID, NV, OR, UT, and WA. Restricted to traffic originating at the plantsite and/or storage facilities utilized by Premier Boneless Meats, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Omaha, NE, or Washington, DC.

No. MC 126346 (Sub-No. 19), filed January 3, 1978. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Self-propelled material handling and construction equipment* (except self-propelled vehicles designed for transporting property or passenger on highways), *cranes, and hoisting equipment;* (2) *attachments, assemblies, sub-assemblies, components and weldments* for the commodities named in (1); (3) *parts* for the commodities named in (1) and (2), from the ports of New York, NY, Baltimore, MD, Boston, MA, Charleston, SC; Cleveland, OH; Duluth, MN; Houston, TX; Milwaukee, WI; and New Orleans, LA; to points in the United States (except AK and HI); (B)(1) *self-propelled material handling and construction equipment* with or without attachments (except self-propelled vehicles designed for transporting property or passengers on highways), from AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, to the facilities of J. I. Case Co., Drott Manufacturing Co. in Marathon and Lincoln Counties, WI. Restriction: The operations authorized herein under the descriptions named above are limited to a transportation service to be performed under a continuing contract, or contracts, with J. I. Case Co., Drott Manufacturing Co., Division of Schofield, WI.

NOTE.—If the application is assigned for oral hearing, applicant requests it be held at Milwaukee, WI or Chicago, IL.

No. MC 126539 (Sub-No. 35), filed January 3, 1978. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized agricultural limestone and gypsum*, from points in Marion County, IA, to points in IL, KS, MN, MO, NE, ND, SD, and WI.





NOTE.—Applicant holds motor contract carrier authority in No. MC 129135 (Sub-No. 2), and sub-numbers thereunder; therefore dual operations may be involved. It a hearing is deemed necessary, applicant requests it be held at either Des Moines, IA, or Omaha, NB.

No. MC 128190 (Sub-No. 14), filed January 16, 1978. Applicant: FREMONT CONTRACT CARRIERS, INC., P.O. Box 489, Fremont, NE 68025. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal drywall products and products used in the manufacturing and distribution of metal drywall products*, from the plantsite of Phillips Manufacturing Co., located in Omaha, NE, to points in the United States (except NE, AK, and HI), and (2) *materials, equipment, and supplies* used in the manufacturing and distribution of the commodities named in (1) above, from points in the United States (except NE, AK, and HI), to the plantsite of Phillips Manufacturing Co., located in Omaha, NE. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Phillips Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha, NE.

No. MC 128205 (Sub-No. 45), filed January 19, 1978. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bulk, in tank or hopper type vehicles, from Detroit, MI, to points in IL, IN, IA, KY, MO, NY, OH, PA, WV, WI, MD, VA, WA, DC, DE, and NJ.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 128273 (Sub-No. 278), filed January 12, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, or distributed by manufacturers of rubber or plastic products, from the plantsites and storage facilities of the B. F. Goodrich Co., Chemical Division, at or near Henry, IL, Louisville, KY, Pedricktown, NJ, and Akron and Avon Lake, OH, to points in the United States, located in and west of MN, IA, MO, AR, and LA (except AK and HI). Restricted: (1) Against the transportation of commodities in bulk, and commodities which, because of size or weight, require the use of special equipment, and (2) restricted to traffic originating at the plantsites and storage facilities of the B. F. Goodrich Co., Chemical Division, and destined to the states involved in the destination territory.

NOTE.—If oral hearing is deemed necessary, applicant requests it be held at Cleveland, OH, or Washington, DC.

No. MC 128273 (Sub-No. 279), filed January 17, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients* (except commodities in bulk in tank vehicles), from (1) Mattoon, IL, and/or Indianapolis, IN, to all points in the United States (except AK and HI), and (2) Hutchinson, KS, to all points in the States in and east of ND, SD, NE, CO, and NM.

NOTE.—If oral hearing is deemed necessary, applicant requests it be held at Los Angeles, CA, or Washington, DC.

No. MC 128521 (Sub-No. 7), filed December 22, 1977. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Avenue, P.O. Box 7429, Nashville, TN 37210. Applicant's representative: John P. Carlton, 727 Frank Nelson Building, Birmingham, AL 25203. Applicant seeks authority as a motor *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): 1. Between Athens, AL, and Huntsville, AL, serving all intermediate points; from Athens over U.S. Hwy 72 to Huntsville, and return over the same route. 2. Between Decatur, AL, and Huntsville, AL, serving all intermediate points; from Decatur over U.S. Hwy Alternate 72 to Huntsville, and return over the same route. 3. Between Athens, AL, and Tuscumbia, AL, serving all intermediate points; from Athens over U.S. Hwy 72 and 72 Business to Tuscumbia and return over the same route. 4. Between Town Creek, AL, and Sheffield, AL, serving all intermediate points; from Town Creek over AL State Hwy 101 to its intersection with AL State Hwy 184, thence over AL State Hwy 184 to Sheffield, and return over the same route. 5. Between Decatur, AL, and Tuscumbia, AL, serving all intermediate points; from Decatur over U.S. Hwy Alternate 72 and 72 Business to Tuscumbia, and return over the same route. 6. Between Town Creek, AL, and the intersection of AL State Hwy 101 and U.S. Hwy 72, serving all intermediate points, over AL State Hwy 101, and return over the same route. 7. Between Huntsville, AL, and Nashville, TN, serving no intermediate points; from Huntsville over AL State Hwy 53 to Ardmore, TN-AL, thence over TN State Hwy 110 to the intersection thereof with U.S. Hwy Interstate 65, thence over U.S. Hwy Interstate 65 to Nashville and return over the same route. 8. Between Nashville, TN, and Florence, AL, serving no intermediate points; from Nashville over U.S. Hwy 431 to its junction with TN State Hwy 99, thence over TN State Hwy 99 to Columbia, TN, thence over U.S. Hwy 43 to Florence and return over the same route. Serving the plantsite of Champion Paper Co., a Division of U.S. Plywood at or near Courtland, AL, as an off-route point in conjunction with Routes 1-8 above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Huntsville, AL; Decatur, AL; or Nashville, TN. Common control may be involved.

No. MC 128527 (Sub-No. 98), filed December 16, 1977. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicants representative: Hightower and Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Log homes*, precut and knocked down, and *hardware and accessories* pertaining to the erection thereof, *and materials and supplies* used in the manufacturing of precut, knocked down homes, between Boise, ID, on the one hand, and points in UT, TX, ND, SD, NE, KS, OK, MN, WI, IA, MO, and AR, on the other. (2) *Pressure treated timbers* from Boise, ID, to all points in MN, WI, IA, MO, AR, TX, and all points in States west of these States excluding AK and HI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, ID.

No. MC 128555 (Sub-No. 22), filed January 3, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, FL 33561. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, NY 1402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular rutes, in the transportation of: *Foodstuffs, and containers, materials, supplies, and equipment* used in the manufacture, production, sale, or distribution of foodstuffs (except in bulk), between Murfreesboro, TN, on the one hand, and, on the other, points in AL, AR, CA, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI. Restricted to the





transportation of traffic originating at or destined to the plantsite or facili-

*products and articles distributed by meat packinghouses* (except hides and

plicant seeks authority, as a *common*



tion of electric storage batteries (except commodities in bulk), from

sion of Cavert Wire Co., Inc., at or near Pittsburgh, PA, to points in AL,

BROKERAGE, INC., 805 32d Avenue, Council Bluffs, IA 51501. Applicant's

transportation of traffic originating at or destined to the plantsite or facilities of Rich Products Corp. at or near Murfreesboro, TN, under a continuing contract or contracts with Rich Products Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, NY. Applicant holds motor common carrier authority in No. MC 136123, therefore, dual operations may be involved.

No. MC 133405 (Sub-No. 3), filed January 6, 1978. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Applicant's representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and advertising and promotional material* therefor when being transported at the same time and in the same vehicle as malt beverages, (a) from Williamsburg, VA; Jacksonville, FL; Columbus, OH; and Newark, NJ, to points in MD; Loudoun, Fairfax, Arlington, Prince William, Stafford, Caroline, King George, and Spottsylvania Counties, and Alexandria, Fredericksburg, and Manassas, VA, (b) from Detroit, MI to Baltimore and Waldorf, MD. (2) *Empty containers, pallets, dunnage,* and other material incidental to the transportation of the commodities set forth in (1) above. (a) From Baltimore and Waldorf, MD, to Detroit, MI, and (b) from points in MD; Loudoun, Fairfax, Arlington, Prince William, Stafford, Spottsylvania, Caroline, and King George Counties, and Alexandria, Manassas, and Fredericksburg, VA, to Williamsburg, VA; Jacksonville, FL; Columbus, OH, and Newark, NJ.

NOTE.—Applicant holds contract carrier authority in permit No. MC 129612 and No. MC 129612 (Sub-No. 4). The lead permit authorizes operations as a contract carrier in the transportation of malt beverages from Newark, NJ to Upper Marlboro and Leonardtown, MD. The Sub-No. 4 permit authorizes transportation of malt beverages from Williamsburg, VA, to all points in MD. By this application, applicant seeks to convert all of its permits into a certificate of public convenience and necessity. It offers for cancellation the two permits which are the subject of this conversion application. No duplicating authority is sought. Common control may be involved and as a result thereof, dual operations may exist. If a hearing is deemed necessary, applicant does not indicate a location.

No. MC 133566 (Sub-No. 102), filed January 11, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities utilized by Briggs & Co., a subsidiary of Wilson Foods Corp., at Landover, MD, to points in CT, MA, and RI. Restricted to the transportaton of traffic originating at the above-named origins and destined to the named destinaton.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, TX, or Kansas City, MO.

MC 133689 (Sub-No. 164), filed January 16, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cleaning, washing and scouring compounds, fabric softeners, and disinfectants,* (1) from Kankakee, IL, to Fargo, ND, and points in MN, MI, and OH; (2) from Piscataway, NJ, to Kankakee, IL, and points in MI and OH. Restriction: Restricted in (1) and (2) above to traffic originating at the plantsite and storage facilities of Texize Chemicals Co., Division of Morton-Norwich Products, Inc., located at the named origins and destined to the indicated destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134282 (Sub-No. 19), filed December 29, 1977. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, TX 75116. Applicant's representative: William D. White, Jr., 2505 Republic Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories,* restricted against the transportation of said commodities in bulk, from the plantsite of Elk Corp. located at or near Stephens, AR, and its storage facility located at or near East Camden, AR, to points in TX, LA, and MS.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, TX, or New Orleans, LA.

No. MC 134387 (Sub-No. 54), filed January 12, 1978. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Applicant seeks authority, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, bottles, carboys, demijohns, or jars,* other than cut, with and without *caps, covers, stoppers or tops;* and *boxes, fibreboard, corrugated,* from the plantsite and warehouse facilities of Owens-Illinois, Inc., at Tracy, CA, to points in AZ and Las Vegas, NV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 134477 (Sub-No. 211), filed January 9, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 and *frozen prepared foods* (except hides and commodities in bulk), from Fairmont, MN and Eau Claire, WI to points in AL, CT, DE, FL, GA, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN,VT, VA, WV, and DC. Restricted to the transportation of traffic originating at the facilities of Armour & Co. at or near Fairmont, MN and Eau Claire, WI and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134477 (Sub-No. 213),filed January 12, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *New and used electric storage batteries and parts* (except commodities in bulk), (A) between the facilities of Gould, Inc. located at or near Phoenix, AZ; Hayward and City of Industry, CA; Denver, CO; Orlando, FL; Zanesville, OH; Salem, OR; and Lynchburg VA; and (B) between the facilities of Gould, Inc. located at or near Phoenix, AZ; Hayward and City of Industry, CA; Denver, CO; Orlando, FL; Zanesville, OH; Salem, OR; and Lynchburg, VA, on the one hand, and, on the other hand, the facilities of Gould, Inc., located at or near Dunmore, PA; Memphis, TN; Shreveport, LA; Farmers Branch, TX; Leavenworth, KS; and St. Paul, MN; and (2) *equipment, materials and supplies,* used in the manufacture or distribution of electric storage batteries (except commodities in bulk), from points in the United States (except AK and HI) to the named points in 1-A) above. Restriction: (1-A), (1-B), and (2) above restricted to traffic originating at or destined to the facilities of Gould, Inc., and further restricted in (2) above against the transportation of lead and junk batteries from Council Bluffs and Sioux City, IA; Kanas City, MO and its commercial zone; and points in NE.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134755 (Sub-No. 124), filed December 14, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles, plastic bags, and plastic sheeting* (except in bluk), (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture and distribution of paper and paper articles, plastic bags, and plastic sheeting, (A) from the facilities of Hudson American Corp. at or near Richmond, VA, to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, WI, WA, and DC, and (B) from points in the States named in (A) above to the facilities of Hudson American Corp. at or near Richmond, VA.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 (Sub-No. 2), and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Jacksonville, FL.

No. MC 134783 (Sub-No. 41), filed January 12, 1978. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, Lubbock, TX 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baling or binding wire* (except in bulk), from the facilities of Cavert Wire Co., Inc., at or near Uniontown, PA, to points in AL, AR, GA, LA, MS, OK, TX, AZ, NM, CA, NC, SC, and TN; (2) *wire* (except in bulk), from the facilities of Bear Specialty Wire, Division of Cavert Wire Co., Inc., at or near Lansing, IL, to points in AL, AR, GA, LA, MS, OK, TX AZ, NM, CA, NC, SC, and TN; (3) *Baling or binding wire, steel strapping, paper clips, and fencing materials* (except in bulk), from the facilities of Steel City Products, Division of Cavert Wire Co., Inc., at or near Pittsburgh, PA, to points in AL, AR, GA, LA, MS, OK, TX, AZ, NM, CA, NC, SC, and TN.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in Docket No. MC 139309 and Subs thereto; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Uniontown, PA or Lubbock, TX.

No. MC 135691 (Sub-No. 21), filed December 22, 1977. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, TX 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories, automotive jacks and cranes (not self-propelled), hand, electric and pneumatic tools, advertising materials, premium racks, display cases and signs,* from the facilities of Walker Manufacturing Co. located at or near Harrisonburg, VA, to points in the United States (except AK and HI); and (2) *Materials, supplies, and equipment used in the manufacture, sale, and distribution of the aforementioned commodities, and shock absorbers,* from points in the United States (except AK and HI) to the facilities of Walker Manufacturing Co. located at or near Harrisonburg, VA. Restrictions: All restricted against commodities in bulk or those requiring special equipment. Further restricted to traffic originating at or destined to the facilities utilized by Walker Manufacturing Co. at or near Harrisonburg, VA. Further restricted to a transportation service to be performed under a continuing contract, or contracts, with Walker Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL, or Washington, DC.

No. MC 135861 (Sub-No. 27), filed January 18, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Suppositories, medicines, and drugs,* in temperature controlled vehicles, from Los Angeles, CA, to the facilities of E. R. Squibb & Sons, Inc., at Mission, KS; Rolling Meadows, IL; Michigan City, IN; Sharonville, OH; Burlington, MA; and Somerset and New Brunswick, NJ, under continuing contract, or contracts, with E. R. Squibb & Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX or New Brunswick, NJ.

No. MC 136817 (Sub-No. 6), filed January 16, 1978. Applicant: HUNTER BROKERAGE, INC., 805 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber,* (1) from Beardstown and Hillsdale, IL, to points in IN, MI, OH, KY, TN, AL, GA, NC, VA, AR, and PA; from Beardstown and Hillsdale, IL; Memphis, TN and points in AR to points in CO, KS, NE, MO, IA, MN, IL, and WI; and (2) from points in IA to points in MO, under a continuing contract, or contracts, with McGuffin Lumber, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL. Dual operations and common control may be involved.

No. MC 138157 (Sub-No. 53), filed January 3, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting,* from the plantsite of E.T.C. Carpet Mills Ltd., located at or near Santa Ana, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX.

NOTE.—Applicant holds contract carrier authority in No. MC 134150 Sub-No. 2, and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 138328, Sub-No. 53, filed January 16, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New, boxed cedar products and patio supplies,* from Meridian, ID, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, ID, or Omaha, NE. Applicant holds contract carrier authority in No. MC 133233 (Sub-No. 1) and Subs thereunder, therefore dual operations may be involved.

No. MC 138469 (Sub-No. 56), filed January 11, 1978. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities utilized by John Morrell & Co., located at or near Estherville, Humboldt, and Sioux City, IA and Sioux Falls, SD to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 136375 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 138635 (Sub-No. 48), filed January 12, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn* from Gastonia, NC to Westminster, CA, restricted to traffic originating at, and destined to the facilities of Liken Home Furnishings, Division of Beatrice Foods, d.b.a., Del Mar Loomcrafted Woven Wood.

NOTE.—Applicant holds contract carrier authority in No. MC 136464 (Sub-No. 2), and other Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 138741 (Sub-No. 43), filed December 15, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Asbestos products and building, construction, and insulating materials* (other than iron and steel articles and commodities in bulk) from the facilities of the G.A.F. Corp. located at or near St. Louis, MO, to points in AR, CO, GA, IL, IN, IA, KS, KY, MI, NE, OH, OK, PA, TN, TX, and WS.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO, or Chicago, IL.

No. MC 138801 (Sub-No. 1), filed January 13, 1978. Applicant: THRU CONCO, INC., a corporation, 3100 Sirius Street, P.O. Box 14911, Las Vegas, NV 89102. Applicant's representative: Mike Soumbeniotis, 402 North Division Street, P.O. Box 646, Carson City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* having a prior or subsequent movement, in containers, and restricted to the pickup and delivery of used household goods in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such traffic, between points in San Bernardino and Inyo Counties, CA; and Clark County, NV, a nonradial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Vegas, NV.

No. MC 138875 (Sub-No. 71), filed January 16, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 776, (except hides and products in bulk), from the facilities of Columbia Foods Inc., a subsidiary of Iowa Beef Packers Inc. at or near Boise, ID to points in AZ, CA and UT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise, ID or Omaha, NE.

No. MC 139420 (Sub-No. 27), filed January 12, 1978. Applicant: ART GREENBERG d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, parts and accessories therefor, and door hardware*, from the facilities of Jim Walter Doors, Division of Celotex Corp. at or near Century, FL to points in WI, MN, IA, NE, CO, AZ, UT, CA, OR, and WA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mobile, AL or Tampa, FL.

No. MC 139442 (Sub-No. 1), filed December 23, 1977. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 West Seventh Street, P.O. Box 425, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood sawdust, wood fiber, wood shavings, wood scraps, and wood chips;* (2) *coal and lignite;* and (3) *clay and shale*, between points in AR, KS, LA, MI, MO, OK, and TX, under a contract or contracts with Acme Brick Co., Division of Justin Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Dallas or Houston, TX.

No. MC 139495 (Sub-No. 305), filed January 17, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, from Fresno, CA to points in OR and WA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 306), filed January 16, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and plastic products* (except in bulk), from Humboldt, KS to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 308), filed January 9, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, childrens vehicles, and related parts and accessories*, from Carson, CA, to points in the United States in and east of MN, IA, MO, AR, and LA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 309), filed January 18, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except chemicals, vegetable oils, and vegetable oil products), as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of National Beef Packing Co. at or near Liberal, KS, to points in DE, ID, MT, NV, ND, OR, SD, WA, WV, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 140176 (Sub-No. 11), filed December 15, 1977. Applicant: RILEY WAYNE POWELL d.b.a. POWELL TRUCKING CO., Route 3, Box 13, Sumrall, MS 39482. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Leaf River Forest Products, Inc., New Augusta, MS to points in AR, KS, LA, MO, OK, TX, points in that part of IL on and south of U.S. Hwy 36, points in that part of IN on and west of U.S. Hwy 231, points in that part of KY on and west of U.S. Hwy 231, and points in that part of TN on and west of U.S. Hwy 31, and points in that part of FL on and south of Florida Hwy 50, under a continuing contract or contracts with Leaf River Forest Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, or Hattiesburg, MS.

No. MC 140389 (Sub-No. 22) filed January 13, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Ceretificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the facilities of The Meat Co., division of TM Enterprises, at Calhoun, GA, to points in AL, FL, GA, IL, IN, IA, KY, MI, MN, MO, NC, SC, TN, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA. Common control may be involved.

No. MC 141033 (Sub-No. 34), filed January 11, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper articles, polyethylene articles, and packaging and bagging materials and supplies*, from Jackson, TN and Halethrope, MD to points in the United States (except AK and HI). Restricted against the transportation of commodities in bulk and those which be reason of size or weight, require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in No. MC 124796 and subnumbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN or Washington, DC.

No. MC 141054 (Sub-No. 4), filed January 3, 1978. Applicant: B & B PACKING TRANSPORT, TLD., 4404 West Berteau Avenue, Chicago, IL 60641. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree Street, NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Council Bluffs, IA to points in the United States (except AK and HI), under a continuing contract or contracts with Great Plains Beef Co., located at Council Bluffs, IA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Omaha, NE.

No. MC 141140 (Sub-No. 1), filed December 27, 1977. Applicant: DIPIETRO TRUCKING CO., a corporation, 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, flour mixes, cereals, and frostings* from Kent, WA to points in OR, AZ, NV and CA; (2) Sugar and salt from points in CA to Kent, WA. Restricted in (1) and (2) above to service under a continuing contract or contract with Continental Mills, Inc.

NOTE.—(Hearing site: Seattle, WA). Applicant holds common carrier authority in No. MC 123023 (Sub-No. 5), therefore dual operations may be involved.

No. MC 141318 (Sub-No. 1), filed December 22, 1977. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth Street, Medford, WI 54451. Applicant's representative: John Fitch Michler, P.O. Box 1244, First American Center, Wausau, WI 54401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1)(a) *Doors, windows, window units, sashes, frames, blinds, screens, shutters, thresholds, sills, and glass*, and (b) *unassembled components* of the aforementioned commodities, from Medford, WI to points in AL, AR, CO, DE, GA, IL, IN, IA, ID, KS, KY, MD, MI, MN, MS, MO, MT, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, UT, VA, WA, WV, WY, and DC; (2) *materials, equipment, and supplies* used or useful in the production or distribution of the commodities described in part (1) above, from points in the destination States named in part (1) above to Medford, WI; (3) *advertising materials* relating to the commodities described in part (1) above, between Medford, WI, on the one hand, and, on the other, points in the destination States named in part (1) above, restricted in parts (1), (2), and (3) to a transportation service to be performed under a continuing contract or contracts with Weather Shield Mfg., Inc., Medford, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN, Milwaukee, WI, or Chicago, IL.

No. MC 141362 (Sub-No. 10), filed January 9, 1978. Applicant: GEORGE A. SPARKS, d.b.a., ESCONDIDO TRUCK & EQUIPMENT, 1020 Linda Vista Drive, San Marcos, CA 92069. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements*, dry, in bulk, from points in Pima County, AZ, to points in Imperial County, CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 141441 (Sub-No.3), filed January 3, 1978. Applicant: CROCKER TRUCK LINES, INC., North 1410 Howe, Spokane, WA 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire, building, and paving brick; ground fire and crude clay; and clay flue lining, sewer pipe and drain tile*, between the facilities of Interpace Corp. at or near Mica, Spokane County, WA, on the one hand, and, on the other, points in ID, MT, OR, and UT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, WA; Boise, ID; or Missoula, MT.

No. MC 141500 (Sub-No. 6), filed December 18, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Dubuque, IA, and South St. Paul, MN, to points in WI on and south of WI Hwy 70; and (2) from Clinton, Davenport, and Du-







buque, IA, to points in IL on and

tion, 12th and Main Streets, P.O. Box

as a *contract carrier*, by motor vehicle,





cant's representative: Bertram E.

Morgan Counties, TN, to points in

Thomas A. Stroud, 2008 Clark Tower,

buque, IA, to points in IL on and north of U.S. Hwy 136, and on and west of U.S. Hwy 51, under a continuing contract or contracts with the C. Reiss Coal Co., located at Sheboygan, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, WI, or Chicago IL.

No. MC 141776 (Sub-No. 18), filed January 12, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Applicant's representative: L. Agnew Myers, Jr., Suite 407 Walker Building, 734—15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals, toilet preparations, elemental diet preparations, sweetening compounds, bandages, surgical dressings, and advertising material*, in mechanically refrigerated equipment (except in bulk), from Norwich, NY and North Norwich, NY, to Elk Grove Village, IL; Chicago, IL; and Dallas, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, PA or Washington, DC.

No. MC 142059 (Sub-No. 17), filed: January 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Applicant's representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts and accessories for material handling equipment*, from Crystal Lake, IL and Houston, TX to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL.

No. MC 142680 (Sub-No. 2), filed December 19, 1977. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Lumber*, from points in Pickens and Sumter Counties, AL, to points in KY, NC, SC, IL, and points in LA (except St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, and St. Bernard Parishes).

Note.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA, or Cuba, AL.

No. MC 143059 (Sub-No. 9), filed December 16, 1977. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th and Main Streets, P.O. Box 11129, Louisville, KY, 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings*, and *connections*, and *materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robin-tech Inc., located at or near Grinnell, IA; Rolla, MO; and Hillsboro, TX; on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.

No. MC 143236 (Sub-No. 10), filed January 3, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Defoaming compounds* (except in bulk), in mechanical refrigerated equipment, from the facilities of Colloids, Inc., at Newark, NJ to points in the United States (except AK and HI); and (2) *equipment, materials and supplies* used in the manufacture and sale of the foregoing commodities (except commodities in bulk), from points in the United States (except AK and HI) to Newark, NJ.

Note.—Applicant holds contract carrier authority in No. MC 142766 Sub-No. 2 and other Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY, or Washington, DC.

No. MC 143267 (Sub-No. 7), filed January 18, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Applicant's representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete structures*, between the facilities of Price Brothers Co. at Kent, OH, on the one hand, and, on the other, points in MI, NY, WV, PA, IN and KY.

Note.—If a hearing is deemed necessary, applicant requests that it be held at Cleveland, OH, or Washington, DC.

No. MC 143320 (Sub-No. 2), filed January 13, 1978. Applicant: RICHARD P. MILLER, d.b.a. POTAWATOMIC TRAILS, 51585 Winding Waters Lane, Elkhart, IN 46514. Applicant's representative: Richard P. Miller, 51585 Winding Waters Lane, Elkhart, IN 46515. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, hinges, knobs, pulls, bolts, tools, and hardware*, between the facilities utilized by G.M. Distributors, Inc., G.M. Industrial Corp., at or near Elkhart, IN, Woodland and Anaheim, CA; Denver, CO; Newton, KS; Boise, ID; Salem, OR; Fort Worth, TX; Marshfield, WI; and Albert Lea, MN; under a continuing contract or contracts with G.M. Distributors, Inc., G.M. Industrial Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 143397 (Sub-No. 1), filed December 12, 1977. Applicant: NORRIS JACOBSON, d.b.a. NORRIS JACOBSON TRUCKING, Route 2, Box 42, Goodhue, MN 55027. Applicant's representative: F. H. Kroeger, 1745 University, St. Paul, MN 55104. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, dry in bag and in bulk moving in the same straight truck equipped with auxiliary auger unloading equipment, restricted to shipments which because of size or weight require the use of special equipment. From the plantsite of Cargill, Inc., Nutrena Feed Division, plant facilities located in Minneapolis, MN, to points in and north of LaCrosse, Monroe, Juneau, Adams, Marquette, Green Lake, Fond du Lac, and Sheboygan Counties, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN.

No. MC 143561 (Sub-No. 2), filed December 22, 1977. Applicant: JOSEPH E. COBB d.b.a. J. E. C. TRUCKING, 202 Hwy 3 South, Yerington, NV 89447. Applicant's representative: Joseph E. Cobb (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (including hides and commodities in bulk), from Yerington, NV to points in CA; and (2) *equipment, materials and supplies* used in the conduct of a meat packinghouse business, from points in CA to Yerington, NV, restricted to a transportation service to be performed under a continuing contract or contracts with Nevada West Packing, Inc. of Yerington, NV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City or Reno, NV.

No. MC 143574 (Sub-No. 2), filed December 27, 1977. Applicant: BAY STATE TAXI, INC., 156 Lawton Street, Brookline, MA 02146. Applicant's representative: Bertram E. Snyder, 160 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packages of computer printout and other related paper products* associated with computer processing, between Boston, MA and the commercial zone of Boston, MA to Manchester, NH, and Amherst, NH, under a continuing contract or contracts with Itel Corp., located in Chestnut Hill, MA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, MA.





No. MC 143657 (Sub-No. 1), filed December 21, 1977. Applicant: GLENN PETERSON, Thunder Hawk, SD 57655. Applicant's representative: Curtis W. Hanks, 209½ Main Avenue, Lemmon, SD 57638. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal, poultry and livestock feed* in bags and bulk, poultry and livestock health products, and bulk grain, from Minneapolis, MN, to Lemmon, SD; and from the Ralston Purina Mills located in Sioux City, IA, to Lemmon, SD.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Rapid City, or Pierre, SD.

No. MC 143703 (Sub-No. 2), filed December 21, 1977. Applicant: HAMMOND MOVING AND STORAGE, INC., 800 West King Street, Cocoa, FL 32922. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Brevard, Osceola, Orange, Indian River, Martin, Okeechobee, and St. Lucie Counties, FL, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Miami, FL. Common control may be involved.

No. MC 143753 (Sub-No. 1), filed December 22, 1977. Applicant: BOLES & FRANKLIN, INC., Route 2, Box 169, Weaverville, NC 28787. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, (1) from points in Bell, Clay, Harlan, Knox, Laurel, and Whitley Counties, KY, and points in Anderson, Campbell, Claiborne, Grainger, and Morgan Counties, TN, to points in Buncombe, Burke, Haywood, and McDowell Counties, NC, and (2) from points in Claiborne and Grainger Counties, TN, to points in Transylvania County, NC

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Asheville, NC.

No. MC 143807 (Sub-No. 2), filed January 4, 1978. Applicant: G AND W RIGGING AND ERECTION, Route 13, Box 14A, Greeneville, TN 37743. Applicant's representative: Earl Gass, Route 13, Box 14A, Greeneville, TN 37743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machine parts, iron and steel articles, supplies, material and equipment* used in the manufacture of ships and ship parts, between Greeneville, TN, on the one hand, and Newport News, VA and Norfolk, VA on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Nashville, TN, or Washington, DC.

No. MC 143821 (Sub-No. 1), filed January 11, 1978. Applicant: KRIS'S TRUCK TRANSPORT, INC., 2840 Waverly Way, Livermore, CA 94550. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* between San Gabriel, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY restricted to traffic originating at or destined to the plantsite of Pathfinder Equipment Co., Inc., in San Gabriel, CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 143978 (Sub-No. 2), filed January 11, 1978. Applicant: EMERSON DELIVERY, INC., 307—12th Street SE., Cedar Rapids, IA 52406. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts*, between Cedar Rapids, IA, on the one hand, and, on the other, points in the United States in and east of ND, SD, WY, CO, OK, and TX, under continuing contract or contracts with FMC Corp. of Cedar Rapids, IA.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, IL, or St. Paul, MN.

No. MC 143988 (Sub-No. 1), filed January 12, 1978. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, 5377 Fleetway Avenue, Memphis, TN 38118. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in containers, from Gulfport, MS, to points in MO, OK, and IL.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in New Orleans, LA.

No. MC 143996 (Sub-No. 1), filed January 9, 1978. Applicant: STRONG TRANSFER & STORAGE CO., 520 East 44th Street, Lubbock, TX 79404. Applicant's representative: Jack F. Strong, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and military baggage*, between points in Lubbock, Lamb, Hockley, Terry, Lynn, Garza, Crosby, Floyd, Hale, Castro, Swisher, Briscoe, Motley, Cottle, Dickens, King, Kent, Yoakum, Cochran, Andrews, Dawson, Gaines, and Martin Counties, TX, restricted to the performance of packing, crating and containerization, or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lubbock, Amarillo, or Fort Worth, TX.

No. MC 144054 (Sub-No. 2), filed January 13, 1978. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gift wrapped and packaged foods, food products and commodities* dealt in by retail gift shops, from Medford, OR. to Oakland and San Francisco, CA and Los Angeles, CA, and their commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Medford, OR.

No. MC 144057 (Sub-No. 1), filed January 10, 1978. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 387, Whitehall, WI 54773. Applicant's representative: Ronald V. Dreckman, P.O. Box 162, Whitehall, WI 54773. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Foodstuffs, including frozen foods*, from Deerfield, IL to points in WI and the Upper Peninsula of MI.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC.

No. MC 144107 (Sub-No. 2), filed January 11, 1978. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIERS, INC., 1800 Grand Avenue, West Des Moines, IA 50265. Appli-





[illegible] James M. Hodge, and *material, supplies* and *equipment*

under a continuing contract or con-

KS, and the Mapco, Inc. pipeline ter-



one vehicle not including driver, be-

Crowley Maritime Corp., One Market

cant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by wholesale and retail department stores, from Des Moines, IA to points in IA, restricted to traffic destined to the facilities of K-Mart Corp., under continuing contract or contracts with K-Mart Corp. of Troy, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held in Des Moines, IA.

No. MC 144110 (Sub-No. 1), filed January 13, 1978. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, MN, to points in ND and SD.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, ND or Minneapolis or St. Paul, MN.

No. MC 144116, filed December 19, 1977. Applicant: TRANSPORT MOTOR SERVICE, INC., 5353 Topanga Canyon Boulevard, Woodland Hills, CA 91364. Applicant's representative: Fred H. Mackenson, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by retail stores, from the plantsites of Beecham Products, Division of Beecham, Inc., located at Rockwood, MI, Morrisville (Bucks County), PA; Clifton, NJ; Aiken, SC; and Bristol, TN; and Vernon, CA to Rockwood, MI; Morrisville (Bucks County), PA, Clifton, NJ; Aiken, SC; Bristol, TN; Foxboro, MA; Mechanicsburg, PA; Savannah, GA; Columbus, OH; Memphis, TN; Chicago, IL; Kansas City, MO; Arlington, TX; Denver, CO; Portland, OR; and Los Angeles, CA, under a continuing contract or contracts with Beecham Products, Inc.

NOTE.—If a hearing is deemed necessary, applicants request it to be held at Los Angeles, CA.

No. MC 144123 (Sub-No. 1), filed January 9, 1978. Applicant: MARCANN CARRIERS, INC., 6 Wychview Drive, Westfield, NJ 07090. Applicant's representative: Robert J. Gallagher, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and yarn*, from Rocky Mount, Fayetteville, Kinston, Lumberton and Goldsboro, NC to points in the States of AL, CA, CT, FL, GA, LA, MD, MA, MS, NJ, NY, PA, SC, TN, TX, and VA; and *material, supplies* and *equiptment* used in the conduct of business by fabric and yarn manufacturers, from points in the States of AL, CA, CT, FL, GA, LA, MD, MA, MS, NJ, NY, PA, SC, TN, TX and VA to Rocky Mount, Fayetteville, Kinston, Lumberton and Goldsboro, NC, under a continuing contract or contracts with Texfi Industries, Inc., of Greensboro, NC.

NOTE.—If a hearing is deemed necessary the applicant requests it to be held in Washington DC or Newark, NJ.

No. MC 144129, filed December 21, 1977. Applicant: QUICKWAY EXPRESS, INC., R.D. 2, Tunkhannock, PA 18657. Applicant's representative: James K. Peck, Jr., 912 Bank Towers, Scranton, PA 18503. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Anthracite filter media; sand filter media; cinder filter media; and gravel filter media*, from points in Lackawanna and Luzerne Counties, PA, to points in that part of the United States lying on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN; then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Scranton or Wilkes-Barre, PA.

No. MC 144173, filed January 17, 1978. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane* from Mapco, Inc., pipeline terminal, located at or near Clay Center, KS, and the terminal storage facilities located on the pipeline of Mapco, Inc., located at or near Conway, KS, to Carleton and Ruskin, NE, under a continuing contract or contracts with Petersen Oil & Fertilizer, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lincoln, NE.

No. MC 144173 (Sub-No. 3), filed January 18, 1978. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, (a) from the facilities of Farmland Industries, Inc., at or near Dodge City, KS, and the Mapco, Inc., pipeline terminal, at or near Clay Center, KS, to points in NE; and (b) from the facilities of Wy-Con Chemical Co., at or near Cheyenne, WY, the facilities of Farmland Industries, Inc., at or near Dodge City, KS, and Hastings, NE, and the facilities of Cominco American. Inc., Phillips Petroleum Co., and Farmland Industries, Inc., at or near Hoag, NE, to Yuma County, CO; (2) *anhydrous ammonia and liquid fertilizer*, from the facilities of Farmland Industries, Inc., Cominco American, Inc., and Phillips Petroleum Co., at or near Hoag, NE, and the facilities of Farmland Industries, Inc., at or near Hastings, NE, to points in KS; and (3) *liquid fertilizer*, (a) from the facilities of Boettcher Enterprises, Inc., at or near Republic and Courtland, KS, to points in NE, and (b) from the facilities of Kugler Oil Co., at or near Culbertson, NE, to points in KS, under a continuing contract or contract or with W W Agri Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO, or Lincoln, NE.

No. MC 144178 (Sub-No. 1), filed January 10, 1978. Applicant: CIRCLE CARTAGE CORP., 70 Sherman Avenue, Jersey City, NJ 07307. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contact carrier*, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from Piscataway, NJ to points in OH, IL, IN, MN, WI, PA, MI, KY, NY, MD, DE and Washington, DC, restricted to shipments under continuing contract or contracts with Paramount Industries, Inc., Piscataway, NJ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, NY or Washington, DC.

No. MC 144214, filed January 12, 1978. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cellulose insulation materials and applicating equipment*, from the facilities of Weathercheck, Inc. at New Albany, IN to points in IN, KY, TN, OH, MI, PA, MO, WV, VA, AR, NY, NJ, NC, SC, GA, AL, and MS, (b) *materials, equipment, and supplies* used in the manufacture and distribution of cellulose insulation materials, (except commodities in bulk), from points in LA, FL, TX, MN, WI, KY, TN, OH, MI, PA, MO, WV, VA, AR, NY, NJ, NC, SC, GA, AL, and MS to the facilities of Weathercheck, Inc., and Service Sales, Inc., at or near New Albany, IN. Restriction: Service to be performed under a continuing contract or contracts with Weathercheck, Inc., Service Sales, Inc., and Insulation Supply, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Albany, IN, or Indianapolis, IN.

No. MC 144214 (Sub-No. 1), filed January 12, 1978. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Electrical conduit, fittings, enclosures and components, and wire harness*, from the facilities of Service Sales, Inc., at or near New Albany, IN to points in OH and KY, and from Marshall, TX; Lincoln, RI; Portland, TN; Pittsburgh, Scranton, and West Newton, PA; Chicago and Danville, IL; Mespeth and Lynnview, NY; Bayonne, NJ; Ashland and Springfield, KY, to the facilities of Service Sales, Inc. at or near New Albany, IN. Restriction: Restricted to service to be performed under a continuing contract or contracts with Service Sales, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Albany, IN, or Indianapolis, IN.

PASSENGERS

No. MC 2835 (Sub-No. 40), filed January 3, 1978. Applicant: ADIRONDACK TRANSIT LINES, INC., P.O. Box 1758, Kingston, NY 12401. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, from points in St. Lawrence, Franklin, Clinton, Essex, Hamilton, Warren, Saratoga, Fulton, Montgomery, Schenectady, Albany, Schoharie, Otsego, Delaware, Greene, Ulster, and Orange Counties, NY, and extending to points in the United States (including AK, but excluding HI), and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, or Kingston, NY.

No. MC 143202 (Sub-No. 1), filed January 3, 1978. Applicant: E & P AUTO LIVERY, INC, 43 Easton Avenue, New Brunswick, NJ 08903. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in non-scheduled door to door service of not more than six passengers in any one vehicle not including driver, between points in Middlesex County, NJ, on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, New York, NY, and Philadelphia International Airport, Philadelphia, PA.

NOTE.—If a hearing is deemed necessary the applicant requests it to be held at Newark, NJ, or New York, NY.

FREIGHT FORWARDER

No. FF-508, filed December 19, 1977. Applicant: RAY TRANSPORT, INC., doing business as SOUTHEAST ALASKA FREIGHT FORWARDERS, 5219 1st Ave. South (P.O. Box 81203) Seattle, WA 98108. Applicant's representative: Ray I. Weberg (same address as applicant). Authority sought to engage in operation in interstate or foreign commerce as a *freight forwarder* through the use of the facilities of common carriers by rail, motor, and water in the transportation of (1) general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in WA on the one hand, on the other hand, points in AK south and east of the Canadian-American border north of Haines, AK.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, WA.

WATER CARRIER

No. MC-F-13387. (PUGET SOUND TUG & BARGE CO.—continuance in control—COLUMBIA COMMON CARRIERS, INC.), published in the December 1, 1977 issue of the FEDERAL REGISTER under Motor Carriers. The preceding publication was published in the Motor Carrier Section of the FEDERAL REGISTER only. Because the applicant, Puget Sound Tug & Barge Co. has authority from this Commission to operate as both a Motor Carrier and a Water Carrier, it is necessary that this application be published in the Water Carrier Section of the FEDERAL REGISTER so that the Water Carriers may have proper notice of this transaction. The following notice is for notification to Water Carriers: Authority sought for continuance in control by Puget Sound Tug & Barge Co., 1022 SW. Massachusetts Street, Seattle, WA 98134, of Columbia Common Carriers, Inc., and for acquisition by Crowley Maritime Corp., One Market Plaza, San Francisco, CA 94105, of control of such rights through the transaction. Applicants' attorney and representative: John Cunningham, 1776 F St. NW., Suite 500, Washington, DC 20006, and Mr. William F. Roush, Vice President Common Rates and Regulations, Off-shore Group, Crowley Maritime Corp., One Market Plaza, P.O. Box 3815, San Francisco, CA 94105. Operating rights sought to be controlled: Columbia Common Carriers, Inc., intends to operate pursuant to certificate W-1305 when issued• authorizing the following service: *General commodities* by self-propelled and non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, (1) between ports and points in WA and OR on the Columbia River from its confluence with the Willamette River to Priest Rapids, WA, (2) between ports and points in OR on the Willamette River from its confluence with the Columbia River to Portland, OR, (3) between ports and points in WA and ID on the Snake River from its confluence with the Columbia River to Asotin, WA, and (4) between ports and points in ID on the Clearwater River from its confluence with the Snake River to Hog Island, ID. In No. W-1305 • • • and applicant's affiliates existing authority that it duplicates in part shall be construed as conferring only a single operating right • • • (and was) conditioned upon the person or persons engaged in the common control of management of each applicant and any other carrier operating in interstate or foreign commerce applying for approval thereof under section 5(2) of the Act. W-1305 will not be issued until the Commission approves Puget Sound Tug & Barge Co. control of Columbia Common Carriers, Inc. Puget Sound Tug & Barge Co. is authorized to operate under W-586 as a common carrier in interstate or foreign commerce as follows: (1)(a) By non-self-propelled vessels with the use of separate towing vessels in the transportation (a) of commodities generally between ports and points along the Pacific coast with no local service between ports and points along the Columbia River. (b) Of commodities generally, except freight cars, loaded or empty, between ports and points on Puget Sound, the Straits of Georgia and Juan de Fuca, and interconnecting and tributary waterways. (2) By towing vessels in the performance of general towage, between ports and points along the Pacific Coast and tributary waterways, not including points on the Columbia River above the mouth of the Willamette River, Portland, OR, nor the Sacramento and San Joaquin Rivers. (3) By non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment, (a) between ports and points on the Atlantic coast and tributary waterways and the Gulf of Mexico coast and







tributary waterways (excluding the

this application is as follows: *General commodities*, with exceptions, as a

Crocketville, Miley, Sycamore, Ulmers, Graniteville, Vaucluse, and North Au-

route operations, serving no intermediate points, between junction U.S. Hwy

ently authorized regular-route operations, serving no intermediate points,

No. MC-F-13502. Authority sought for the purchase by LOMBARD

tributary waterways (excluding the Mississippi River System above Baton Rouge, LA), on the one hand, and on the other, ports and points along the Pacific Coast and tributary waterways, (b) between ports and points along the Atlantic coast and tributary waterways, on the one hand, and on the other, ports and points on the Gulf of Mexico coast and tributary waterways (excluding the Mississippi River system above Baton Rouge, LA) Puget Sound Tug & Barge Co. also holds authority in MC 126513 (Subs-No. 2 and 3), Sub-2 authorizes operations as a motor carrier transporting general commodities in seasonal operations, April 1-November 30, between beach-landing sites in AK on the one hand, and on the other, DEW Line and Mona Lisa sites at or near numerous points in AK. Sub-3 authorizes operations as a motor carrier transporting general commodities in annual seasonal operations, July 1-October 30, between points in AK North of 69 degrees North Latitude, restricted to operations having a prior or subsequent movement by water.

NOTE.—*Columbia Common Carriers, Inc., was granted a certificate by order of January 5, 1977, No. W-1305, conditioned upon obtaining section 5(2) approval from the Commission.

## FINANCE APPLICATIONS

### NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers, or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13415 (correction) (RYDER TRUCK LINES, INC.—Purchase (portion)—EASTERN EXPRESS, INC.), published in the Thursday, December 1, 1977, issue of the FEDERAL REGISTER on page 61136, volume 42, No. 231. Previous publication was erroneous in scope and described the authority sought in a companion or "directly related" application designated No. MC 2900 (Sub-No. 314). The correct authority involved in this application is as follows: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Augusta, GA, and Columbus, GA, serving all intermediate points; between Augusta, GA, and Washington, GA, serving all intermediate points; between Savannah, GA, and junction GA Hwy 257 and U.S. Hwy 280, serving all intermediate points; between Savannah, GA, and Albany, GA, serving all intermediate points; between Savannah, GA, and Atlanta, GA, serving all intermediate points, with restrictions; between Cordele, GA, and Macon, GA, serving all intermediate points for purposes of joinder only; between Camden SC, and Bishopville, SC, serving all intermediate points; between Charleston, SC, and Society Hill, SC, serving all intermediate points; between Charleston, SC, and Wilmington, NC, serving all intermediate points; between Charlotte, NC, and Society Hill, SC, serving all intermediate points, except that service at Society Hill, SC, is restricted against the transportation of traffic moving to or from Cheraw, SC, and points on U.S. Hwy 52 intermediate thereto; between Columbia, SC, and Charlotte, NC, serving all intermediate points; between Columbia, SC, and Aberdeen, NC, serving all intermediate points; between Columbia, SC, and Greer, SC, serving all intermediate points; between junction U.S. Hwys 221 and 276 and Greenville, SC, serving all intermediate points; between Columbia, SC, and Sumter, SC, serving all intermediate points; between Darlington, SC, and Hartsville, SC, serving all intermediate points; between Raleigh, NC, and junction U.S. Hwys 301 and 158, serving all intermediate points; between Raleigh, NC, and Wilson, NC, serving all intermediate points; between Rocky Mount, NC, and Zebulon, NC, serving all intermediate points; between Sumter, SC, and Wilmington, NC, serving all intermediate points; between Wilmington, NC, and Cherry Point, NC, serving all intermediate points; between Wilmington, NC, and Wilson, NC, serving all intermediate points; between Wilson, NC, and junction U.S. Hwys 401 and 1, serving all intermediate points; between Columbia, SC, and Atlanta, GA, serving all intermediate points; serving all points in GA, NC, and SC, as off-route points in connection with carrier's regular route authority, with restrictions; between Charleston, SC, and Savannah, GA, serving all intermediate points, and serving the off-route points of Ritter, Green Pond, Burton, Beaufort, Port Royal, and Parris Island, SC, those in SC within 10 miles of Charleston, and those in GA within 10 miles of Savannah; between Walterboro, SC, and Augusta, GA, serving all intermediate points, and serving the off-route points of Crocketville, Miley, Sycamore, Ulmers, Graniteville, Vaucluse, and North Augusta, SC; between Walterboro, SC, and Blackville, SC, serving all intermediate points; between Walterboro, SC, and Columbia, SC, serving the intermediate points of Cayce, Orangeburg, Smoaks, and Ruffin, SC; and the off-route points of Cope, St. Matthews, St. George, Grover, and Williams, SC; between Savannah, GA, and Augusta, GA, serving all intermediate points; general commodities, between Fayetteville, NC, and Richmond, VA, service is authorized to and from all intermediate points; general commodities, with exceptions, between Estill, SC, and Savannah, GA, serving all intermediate points; and the off-route points of Pocataligo, Furman, Lena, Hampton, Brunson, Fairfax, and Allendale, SC; general commodities with exceptions, between Augusta, GA, and Columbia, SC, serving all intermediate points, and serving the off-route points of Orangeburg, Cope, Neeces, Norway, and Walterboro, SC; between Augusta, GA, and Charleston, SC, serving all intermediate points, and serving the off-route points of Orangeburg, Cope, Neeces, Norway, and Walterboro, SC; between Aiken, SC, and Barnwell, SC, serving all intermediate points, and serving the off-route point of Varnville, SC; between Aiken, SC, and Leesville, SC, serving all intermediate points, and serving the off-route points of Saluda, Graniteville, and Vaucluse, SC; between Aiken, SC, and Wagner, SC, serving all intermediate points; alternate route for operating convenience only: MC 75651 (Sub-No. 23), general commodities, with exceptions between Sylvania, GA, and Allendale, SC, between Allendale, SC, and Bamberg, SC, between Bamberg, SC, and Orangeburg, SC, between Orangeburg, SC, and Summerton, SC, between Summerton, SC, and Fayetteville, NC, service is not authorized to or from intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 52), general commodities, with exceptions between Denmark, SC, and Olar, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Olar, SC, and junction U.S. Hwys 321 and 301, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwys 301 and 321, and Fairfax, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Fairfax, SC, and Estill, SC, in connection with carrier's authorized regular route operations, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 52), between junction U.S. Hwys 301 and 321, and Allendale, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwy 21 and SC Hwy 64 (near Ruffin, SC, and junction U.S. Hwys 21 and 17A, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwy 78 and SC Hwy 215, and Columbia, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwys 21 and 176, and Orangeburg, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Orangeburg, SC, and Rosinville, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Rosinville, SC, and Charleston, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Bamberg, SC, and Branchville, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Branchville, SC, and St. George, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between St. George, SC, and Charleston, SC, in connection with carrier's authorized regular route operations, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 64), general commodities, with exceptions between Jacksonville, FL, and Millen, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, between junction U.S. Hwy 23 and U.S. Hwy 301 and Millen, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; alternate route for operating convenience only: MC 75651 (Sub-No. 65), general commodities, with exceptions between Springfield, GA, and Garnett, SC, in connection with carrier's authorized regular-route operations between Savannah and Augusta, GA, and between Estill, SC, and Savannah, GA, serving no intermediate points; general commodities, with exceptions between Atlanta, GA, and Jonesboro, GA, serving no intermediate points, between Conley, GA, and junction unnumbered highway known as Mountain View Road and Georgia Hwy 54, serving no intermediate points, between Barnesville, GA, and Perry, GA, serving no intermediate points, between Hazelhurst, GA, and junction U.S. Hwy 23 (formerly Georgia Hwy 15) and U.S. Hwy 1, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 67), general commodities, with exceptions between junction GA Hwy 42 and GA Hwy 87, near Flovilla, GA, and Macon, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points between Macon, GA, and Tarversville, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, with service at Tarversville, GA, for purposes of joinder only between Tarversville, GA, and Eastman, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, with service at Tarversville for purposes of joinder only; general commodities, with exceptions, serving Chesapeake, VA, exclusive of its commercial zone, as off-route point in connection with carrier's regular route authority, with restrictions. Application was filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to that filed simultaneously in Ryder Truck Lines, Inc.—Extension, Docket No. MC 2900 (Sub-No. 314), with respect to which notice of filing appeared in the FEDERAL REGISTER on December 1, 1977, page 61140. Common control may be involved. If an oral hearing is deemed necessary, applicant requests that it be held in GA. This publication corrects and supersedes an earlier and erroneous one on December 1, 1977, page 61136.

No. MC-F-13443 (correction) (DUFF TRUCK LINE, INC. (purchase) (portion), Eastern Express, Inc.), published in the Thursday, January 26, 1978, issue of the FEDERAL REGISTER on page 3663, Volume 43, No. 18. Publication omitted the word "intermediate" in the route-segment description designated "(1)(b)". The correct description is as follows: "between Huntington, IN, and Fort Wayne, IN, serving no intermediate points * * *"

No. MC-F-13499. Authority sought for control by B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118, of Southern Trucking Corp., 1500 Orenda Avenue, Memphis, TN 38107, and for acquisition by Bob McAdams, 2909 Justin Matthews Drive, North Little Rock, AR 72116, of control of such rights, through the acquisition. Applicant's representative: Bob McAdams, Route 6, Box 15, North Little Rock, AR 72118. Operating rights sought to be controlled: Numerous specified commodities, with certain specified exceptions, as a *common carrier*, over irregular routes, from, to, and between specified points in the United States (except AK and HI) as more specifically described in certificate No. MC 73688 and Subs thereto and TN State TPSC certificate No. 921 and Subs thereto. Vendee is authorized to operate as a *common carrier* in all 50 States. No dual operation or duplicating authority will result in the approval of this transaction. B. J. McAdams, Inc. also controls McCormack's Highway Transportation, Inc. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13502. Authority sought for the purchase by LOMBARD BROTHERS, INC., 233 Mill Street, Waterbury, CT 06720, of a portion of the operating rights of Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, MA 02748, and for acquisition by Clotilda Lombard, New Haven Road, Prospect, CT 06712, and A. J. Lombard, Flanders Road, Woodbury, CT 06798, of control of such rights through the purchase. Applicants' attorneys: Hugh M. Joseloff, 800 State Street, Hartford, CT 06103 and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be transferred: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), as a *common carrier*, (1) over regular routes, between Boston, MA and Lewiston, ME and between Boston, MA and Portland, ME; and (2) over irregular routes between Portland, ME, on the one hand, and, on the other, points in ME within 50 miles of Portland, ME, and between Boston, MA, on the one hand, and, on the other, points in MA within 50 miles of Boston, MA. Approval of the proposed transaction will not result in dual operations. Approval thereof will result in duplication of rights in the event of approval, vendee proposes to accept a restriction on or elimination of substantially all such rights. Vendee is authorized to operate as a *common carrier* in MA, RI, CT, NH, NY, NJ, PA, MD, VT, ME, DE, and DC. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC 42289 (Sub-No. 11) is a directly related matter.

No. MC-F-13503. Authority sought for purchase by ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52580, of a portion of the operating rights of Hiawatha Produce Co., 4195 4th Street, Winona, MN 55987, and for acquisition by Eugene F. Elliott, Dysart, IA, of control of such rights through the purchase. Applicants' attorney: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Operating rights sought to be transferred are issued under Docket No. MC 135032, Sub-No. 15, as a common carrier transporting foodstuffs (except commodities in bulk), from the facilities of Land O' Lakes, Inc., at or near Hudson, IA to points in IL, MO, KS, and NE. Vendee is authorized to operate as a common carrier in IL, IN, IA, MN, MO, NE, and WI. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13504. Authority sought for purchase by E. E. HENRY, an indi-









vidual, 1923 Sparrow Road, Chesapeake, VA 23320, of a portion of the



tion: The operations authorized herein are restricted to the transportation of

with transfer applications under section 212(b) of the Interstate Com-

MOTOR CARRIER INTRASTATE APPLICATION(S)

vidual, 1923 Sparrow Road, Chesapeake, VA 23320, of a portion of the operating rights of Mer-Lou Transportation, Inc., P.O. Box 759, Fort Myers, FL 33902; and for purchase by E. E. Henry, an individual, of the operating authority of E. E. Henry, Inc., 1923 Sparrow Road, Chesapeake, VA, 23320, and for acquisition by E. E. Henry, Chesapeake, VA 23320 address, of control of such rights through the purchase. Applicants' attorney: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Operating rights sought to be purchased from Mer-Lou Transportation, Inc.: (a) Pickled products, in containers, as a contract carrier over irregular routes from the facilities of Vlasic Foods, Inc., at Greenville, MS, to points in the United States (except AK and HI), with no transportation for compensation on return except as otherwise authorized; (b) supplies and materials used in the processing and manufacturing of pickled products (except in bulk), from Chicago, IL, to the facilities of Vlasic Foods, Inc., at Greenville, MS, with no transportation for compensation on return except as otherwise authorized. Restriction: The transportation authorized in (a) and (b) above is restricted to shipments moving under a continuing contract or contracts with Vlasic Foods, Inc. Operating rights sought to be purchased from E. E. Henry, Inc. Malt beverages and related advertising material, as a common carrier over irregular routes from Pabst, Houston County, GA, to points in AL, FL, MS, NC, SC and points in that part of TN on and east of Interstate Hwy 65; and return shipments of the above-specified destination territory to Pabst, Houston County, GA. E. E. Henry is authorized to operate as a common carrier in TX, LA, AR, MS, AL, TN, GA, FL, NC, SC, VA, NJ, and DE. Application has been filed for temporary authority under section 210a(b). No. MC 123387 (Sub-No. 12)F is a directly related matter.

No. MC-F-13505. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA, of a portion of the operating rights and property of Strickland Transportation Co., Inc., 3011 Gulden Lane, Dallas, TX, and for acquisition by Consolidated Freightways, Inc., 601 California Street, San Francisco, CA, of control of such rights through the purchase. Applicants' attorneys: (Vendee's) E. T. Lippfert, Suite 1000, 1660 L Street NW., Washington, DC 20036; (Vendor's) Leroy Hallman, 4555 First National Bank Building, Dallas, TX 75202. Operating rights sought to be purchased are set forth in certificate No. MC 59680, Sub-No. 117 as follows: *General commodities*, with exceptions, over regular routes, (1) between Houston, TX, and New Orleans, LA, serving the intermediate points of Orange and Beaumont, TX, with service at points in the Orange, Beaumont, and Houston, TX, Commercial Zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points on the below-described route in LA, and serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA-TX State line: From Houston over U.S. Highway 90 to IA, LA, then over U.S. Hwy 165 to Kinder, LA, then over U.S. Hwy 190 to Baton Rouge, LA, and then over U.S. Hwy 61 to New Orleans, and return over the same route. Vendee is authorized to operate as a common carrier in all the States in the United States (except HI). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13506. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of the operating rights of McLAREN TRUCK LINES, INC., P.O. Box 295, Terre Haute, IN 47808, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicant vendee's representative: E. T. Lippfert, Suite 1000, 1660 L Street NW., Washington, DC 20036; applicant vendor's representative: A. W. McLaren, P.O. Box 295, Terre Haute, IN 47808. The operating rights sought to be purchased are set forth in Certificate No. MC 2078, issued March 15, 1963, and MC 2078 (Sub-No. 2), issued July 23, 1970, as follows: General commodities, with exceptions as a common carrier over regular routes (1) between Terre Haute, IN, and Danville, IL, serving all intermediate points, except points between Terre Haute and Lyford, IN, not including Lyford or points within the Terre Haute commercial zone, and serving the off-route points of Cayuga, Covington, Foster, Gessie, Montezuma, Rileysburg, and Silverwood, IN: From Terre Haute over U.S. Hwy 41 to Lyford, IN, then over IN Hwy 163 to Clinton, IN, then over IN Hwy 63 to junction U.S. Hwy 136, and thence over U.S. Hwy 136 to Danville, and return over the same route; (2) between Terre Haute, IN and Dana, IN, serving all intermediate points, and the off-route point of Universal, from Terre Haute over U.S. Hwy 41 to junction IN Hwy 63, then over IN Hwy 63 to junction IN Hwy 163, then over IN Hwy 163 to junction IN Hwy 71, then over IN Hwy 71 to Dana, and return over the same route; (3) between Terre Haute, IN, and Clinton, IN, serving all intermediate points except those on U.S. Hwy 40 and 150, and serving the off-route point of the site of the Wabash Station of the Public Service Co. of Indiana, Inc.: From Terre Haute over U.S. Hwy 40 to West Terre Haute, IN, then over U.S. Hwy 150 (north to junction unnumbered hwy known as River Road, near Marion Heights, IN, then over unnumbered hwy to Clinton, and return over the same route. From Terre Haute over U.S. Hwy 40 to West Terre Haute, IN, then over U.S. Hwy 150 to junction unnumbered hwy approximately 8 miles north of junction U.S. Hwy 40 and 150, and thence over unnumbered hwy to Clinton, and return over the same route, with restrictions. Vendee is authorized to operate as a common carrier in all the states in the United States (except Hawaii) pursuant to Certificate No. MC 42487 and related sub-numbers thereunder. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13507. Authority sought for control by SPECIALIZED PARTS DISTRIBUTION, INC., (noncarrier), Northwest 82nd Ave., Miami, FL 33166, of SENTINAL STAR EXPRESS CO., P.O. Box 2833, Orlando, FL 32082, and for acquisition by Ryder System, Inc., 3600 Northwest 82d Ave., Miami, FL 33166, of control of such rights through the transaction. Applicant's attorney: Francis W. McInerny, 1000—16th Street NW., Washington, DC 20036. Operating rights sought to be controlled: General commodities, with exceptions, as a *common carrier* over irregular routes between points in FL on, south, and east of a line beginning at Yankeetown and extending along FL Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction FL Hwy 24, then along FL Hwy 24 to Waldo, then along U.S. Hwy 301 to the FL-GA State line, then along the FL-GA State line to the Atlantic Ocean. Restriction: The operations authorized herein are restricted against: (1) Serving points in Monroe County, (2) the transportation of any single package or article weighing more than 125 pounds, and (3) the transportation of packages or articles weighing more than 1,000 pounds from any one consignor to any one location on any single day; General commodities, with exceptions, as a *common carrier* over irregular routes between points in FL on, south and east of a line beginning at Yankeetown and extending along FL Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction FL Hwy 24, then along FL Hwy 24 to Waldo, then along U.S. Hwy 301 to the FL-GA State line, then along the FL-GA State line to the Atlantic Ocean (excluding Monroe County), on the one hand, and, on the other, points in Douglas, Fulton, DeKalb, Cobb, Gwinnet, and Henry Counties, GA. Restriction: The operations authorized herein are restricted to the transportation of a single package or article weighing not more than 125 pounds in shipments not exceeding 500 pounds from one consignor to one consignee in any one day, and restricted against utilization of vehicles equipped with mechanical refrigeration and shipments having immediate prior or subsequent movement by air. Approval of the transaction will result in the applicant, Ryder, being in control of both common and contract carrier operations between described areas of GA and FL. Ryder System, Inc., also controls six other motor common and contract carriers which are subject to the Interstate Commerce Act. They are: Dustomized Parts Distribution, Inc., certificate No. MC 136291; Complete Auto Transit, Inc., certificate No. MC 49368; M & G Convoy, Inc., certificate No. MC 20722; RPD, Inc., certificate No. MC 136051; DPD, Inc., certificate No. MC 140921; and Janesville Auto Transit Co., certificate No. MC 119642. M & G Convoy, Inc. is a *common carrier* and all of the others are contract carriers, and collectively these carriers operate in all 48 contiguous States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13508. Authority sought for control and merger by SPARTAN EXPRESS, INC., a South Carolina Corp., I-85 at SC Hwy 101, P.O. Box 529, Greer, SC 29651 of EDWARDS TRUCKING, INC., P.O. Box 428, Hemingway, SC 29651, of control of such rights through the transaction. Applicants' representatives: George W. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., NW., Washington, DC 20004, for vendor. Operating rights sought to be controlled: specified commodities as a motor *common carrier*, over irregular routes as authorized in MC 116514 (Sub-No. 1) and other subs in AL, GA, MS, MA, NC, RI, SC, TN, and VA, including: *wool, wool waste, groceries, textile materials and wools, foodstuffs*, and such commodities as are used, produced or distributed by manufacturers of plastic articles. Vendee is authorized to operate as a motor common carrier, over irregular routes, in the States of NC, SC, Augusta, GA, and Danville, VA. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 42289 (Sub-No. 11), filed January 27, 1978. Applicant: LOMBARD BROTHERS, INC., 233 Mill Street, Waterbury, CT 06720. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in MA, within 50 miles of Boston, MA.

NOTE.—The purpose of this application is to eliminate the gateway of Boston, MA; this is a matter directly related to a section 5(2) proceeding in MC-F-13502, published in a previous section of this FEDERAL REGISTER issue. (Hearing site: Hartford, CT.)

No. MC 123387 (Sub-No. 12), filed February 2, 1978. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, VA 23320. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Pabst, Houston County, GA, to points in VA; and (2) from Monroe, NC to points in AL, FL, MS, and TN.

NOTE.—The purpose of this application is to eliminate the gateways of Monroe, NC in part (1) and Pabst, GA in part (2). This is a matter directly related to a section 5(2) proceeding in MC-F-13504, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

AR Docket No. M. 10827, filed December 27, 1977. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, Russellville, AR 72801. Applicant's representative: Charles J. Lincoln and Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: Transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment): U.S. Hwy 71, Alma, AR, to Bentonville, AR, and return, serving all intermediate points (said authority to be tacked to existing regular route authorities of applicant). Intrastate, interstate and foreign commerce sought. Hearing: Wednesday, March 22, 1979 at 9:30 a.m., at the Arkansas Transportation Commission, Hearing Room, Justice Building, Little Rock, AR 72201. Requests for procedural information should be addressed to Arkansas Transportation Commission, Justice Building, Little Rock, AR 72201, and should not be directed to the Interstate Commerce Commission.

SC Docket No. 78-36-T, filed January 18, 1978. Applicant: LOWTHER TRUCKING CO., INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: *Wire and communication materials* used in the manufacture and packaging of wire and communication equipment, between the plantsite of Essex Group, Inc., near Chester, SC, and points and places in SC. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet

fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Box 11649, Transportation Dept., Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4823 Filed 2-23-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 596]

### ASSIGNMENT OF HEARINGS

FEBRUARY 21, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123475 (Sub-No. 7), Lightning Supply, Inc., now assigned February 23, 1978, at Chicago, IL, is canceled and application dismissed.

MC 129455 Sub 22, Carretta Trucking, Inc., now assigned March 20, 1978, at New York, NY, will be held at the Department of Agriculture and Markets, Room 5084, 50th Floor, Tower 2, 6 World Trade Center.

MC 138328 Sub 41, Clarence L. Werner, DBA Werner Enterprises, now assigned March 21, 1978, at New York, NY, will be held at the Department of Agriculture and Markets, Room 5084, 50th Floor, Tower 2, 6 World Trade Center.

MC 113678 Sub 676, Curtis, Inc., now assigned March 22, 1978 at Philadelphia, PA, will be held in the U.S Customs Courtroom, Third Floor, U.S Customs House Building.

MC 142559 Sub 3, Brooks Transportation, Inc., now assigned March 23, 1978 at Philadelphia, PA, will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs Building.

MC 125433 Sub 133, F-B Truck Line Co., is now assigned for hearing March 10, 1978 (1 day) at San Francisco, CA, and will be held in Room 15022, 15th Floor, Federal Building, 450 Golden Gate Avenue.

MC 121658 Sub 9, Steve D. Thompson, is now assigned for hearing on May 8, 1978 (1 week,) at Memphis, TN, at a hearing room to be later designated; and will continue May 15, 1978 (1 week) at Monroe, LA, also at a hearing room to be later designated.

I & S 9179, Cancellation of Intermediate Routing, Michigan Northern Railway, now being assigned March 21, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

No. 35366, The Atchison Topeka & Santa Fe Railway Co., et al. now assigned April 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4949 Filed 2-23-78; 8:45 am]

### FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 21, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before March 13, 1978.

FSA No. 43509, Zim Israel Navigation Co., Ltd.'s No. 14, on intermodal rates on general commodities, between ports in the Far East, on the one hand, and, on the other, rail terminals at Wilmington, NC, and Charleston, SC, by way of Los Angeles, CA, in its tariff I.C.C. No. 7, and other tariffs named in the application, to become effective April 3, 1978. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4951 Filed 2-23-78; 8:45 am]

[7035-01]

[Notice No. 297]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 27, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC 77300, filed September 6, 1977. Transferee: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Transferor: SCOTT TRUCKING, INC., P.O. Box 128, Masury, Oh 44438. Applicant's representative: E. H. VAN DEUSEN, P.O. Box 97, Dublin, OH 43017. Authority sought for purchase by transferee of the operating rights set forth in permit No. MC-136988 (Sub-No. 3) issued November 28, 1973, as follows: Reinforced concrete slabs and walls from Aurora, OH to points in that part of PA on and west of US Hwy 219, points in that part of NY on and west of NY Hwy 14, and points in Jackson, Cabell, Kanawha, Marshall, Mason, Pleasants, Tyler, Wayne, Wetzel, Wood, Hancock, Brooke, and Ohio Counties, WV, and reinforcing wire between Aurora, OH, on the one hand, and, on the other, Rochester and South Bethlehem, NY. Transferee holds Commission authority under certificate No. MC-143267 and has filed an application for authority under section 210a(b).

No. MC-FC 77339, filed September 30, 1977. Transferee: JERRY J. KOBS, INC., Rural Route No. 2, Walnut, IA 51577. Transferor: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, IA 51301. Applicant's representative: SCOTT E. DANIEL, P.O. Box 82028, Lincoln, NE 68501. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in certificate No. MC-115113 (Sub-No. 21) issued November 20, 1974 as follows: Meat, meat products, and meat by products (except hides and commodities in bulk) from the facilities of Raskin Packing Co., Inc., at or near Mankato, KS to points in CT, ME, MA, NH, RI, and VT. Transferee holds no Commission authority and application has been made for section 210a(b) authority.

No. MC-FC-77515 filed January 18, 1978. Transferee: MICHAEL J. FITZGIBBON, d.b.a. FITZ FREIGHT TRANSFER, P.O. Box 1144, Miami, OK, 74354. Transferor: FOUR STATE TRANSPORT, INC., d.b.a. FOUR STATE, (Security Bank & Trust Co.—successor in interest), P.O. Box 880, Miami, OK, 74354. Applicants' representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK, 73112. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 125691, issued February 18, 1970, as follows: *Meats, meat products, and meat byproducts* and articles distributed by meat packinghouses, except commodities in bulk, in tank vehicles, from Miami, OK, and Carthage, MO, to specified areas of OK, KS, MO, and AK. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).





No. MC-FC-77524 filed January 24, 1978. Transferee: BRUCE M. SMITH AND KAREN E. SMITH, 2304 12th Avenue, Lewiston, ID, 83537. Transferor: ABRAMS HARDWARE, INC., d.b.a. KENDRICK-LEWISTON AUTO FREIGHT, P.O. Box D, Kendrick, ID, 83537. Applicants' representative: Frank V. Barton, P.O. Box 573, 622 Main Street, Lewiston, ID, 83501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 93518, issued July 2, 1973, as follows: *General commodities,* with certain exceptions, over specified regular routes, between Clarkston, WA, and Kendrick, ID, serving all intermediate points; and those off-route points within 15 miles of Kendrick. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77533 filed February 8, 1978. Transferee: DUDLEY TRUCKING, INC., d.b.a. DUDLEY TRUCKING, 1819 Olympic Street East, P.O. Box 1651, Tacoma, WA 98402. Transferor: DUDLEY BOAT & TRAILER TRANSPORTATION, INC., d.b.a. DUDLEY BOAT & TRAILER TRANSPORTATION, 13315 8th Street East, Sumner, WA 98390. Applicants' representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in the entire Certificate No. MC 126266 (Sub-No. 8) issued February 10, 1977, as follows: *Iron and steel articles* and *pipe* between points in OR and WA. Application has been filed for temporary authority under section 210a(b). Transferee holds no authority from this Commission but is affiliated with Rucker Bros. Trucking, Inc. (MC 96607).

No. MC-FC-77538 filed February 7, 1978. Transferee: ALPHA INTERNATIONAL MOVERS, INC., P.O. Box 3, Little Falls, NJ 07424. Transferor: LEVINTAN-TODD CORP., 118-10 15th Avenue, College Point, NY 11356. Applicants' representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001; and Thomas F. X. Foley, Colts Neck Professional Plaza, Colts Neck, NJ 07722. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 95969 issued July 15, 1971, as follows: *Household goods,* as defined by the Commission between New York, NY and points in Nassau County, NY, on the one hand, and on the other, points in NY, NJ, CT, PA, MA, VA, MD, and DC. Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-4950 Filed 2-23-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, 36th Rev. Exemption No. 90]

### APALACHICOLA NORHERN RAILROAD CO., ET AL.

#### Exemption Under Provision of Mandatory Car Service Rules

It appearing that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with car service rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

*It is ordered,* That, pursuant to the authority vested in me by car service rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of car service rules 1, 2(a), and 2(b).

Apalachicola Northern Railroad Co.
Reporting marks: AN.
[1] Atlanta & Saint Andrews Bay Railway Co.
Reporting marks: ASAB.
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting marks: CPLT.
City of Prineville.
Reporting marks: COP.
The Clarendon & Pittsford Railroad Co.
Reporting marks: CLP.
Duluth, Missabe & Iron Range Railway Co.
Reporting marks: DMIR.
Greenville & Northern Railway Co.
Reporting marks: GRN.
Greenwich & Johnsonville Railway Co.
Reporting marks: GJ.
Lake Erie, Franklin & Clarion Railroad Co.
Reporting marks: LEF.
Louisville & Wadley Railway Co.
Reporting marks: LW.
Louisville, New Albany & Corydon Railroad Co.
Reporting marks: LNAC.
McCloud River Railroad Co.
Reporting marks: MR.
Middletown & New Jersey Railway Co., Inc.
Reporting marks: MNJ.
Minneapolis, Northfield, & Southern Railway.
Reporting marks: MNS.
* * *
Municipality of East Troy, Wis.
Reporting marks: METW.
New Orleans Public Belt Railroad.
Reporting marks: NOPB.
North Louisiana & Gulf Railroad Co.
Reporting marks: NLG.
Pearl River Valley Railroad Co.
Reporting marks: PRV.
The Pittsburgh & Lake Erie Railroad Co.
Reporting marks: P&LE.
Providence & Worcester Co.
Reporting marks: PW.
Raritan River Rail Road Co.
Reporting marks: RR.
Sacramento Northern Railway.
Reporting marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting marks: SJL.
St. Lawrence Railroad.
Reporting marks: NSL.
Sierra Railroad Co.
Reporting marks: SERA.
Terminal Railway, Alabama State Docks.
Reporting marks: TASD.
Tidewater Southern Railway Co.
Reporting marks: TS.
Toledo, Peoria & Western Railroad Co.
Reporting marks: TPW.
Vermont Railway, Inc.
Reporting marks: VTR.
WCTU Railway Co.
Reporting marks: WCTR.
Yreka Western Railroad Co.
Reporting marks: YW.

Effective February 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

[1] Addition.

[2] Missouri-Kansas-Texas Railroad Co. deleted.

[FR Doc. 78-4948 Filed 2-23-78; 8:45 am]





# sunshine act meetings



7. Informal Docket Nos. 400(I), and 401(I), 402(I): *Kaiser Aluminum &*

CONTACT PERSON FOR MORE INFORMATION:

proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c),

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[3410-05]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., March 1, 1978.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on November 30, 1977.
2. Report re: Background and potential implementation problems of Section 1420, Food and Agriculture Act of 1977 (Pilot projects for alcohols and industrial hydrocarbons).
3. Resolution TCX 310a, Amendment 1 re: Commodities available for sale to foreign governments, international organizations and relief organizations during fiscal year 1978.
4. Resolution re: Sale of CCC's shares in Intra Investment Company.
5. Docket FCZ 247, Revision 1 re: Policy on CCC interest rates on commodity loans, grain reserve loans, farm storage and drying equipment loans, and certain price support purchase transactions.
6. Docket TCP 72a re: 1978 cotton loan program (extra long staple).
7. Docket TCM 195b re: Emergency feed program.
8. Docket OCZ 299, Revision 1 re: Disaster reserve.
9. Docket TCP 154a re: 1978-uniform grain storage agreement.
10. Study re: Dairy product manufacturing margins used in calculating the purchase prices of dairy products under the milk price support program.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Acting Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, DC 20013, telephone 202-447-7583.

[S-421-78 Filed 2-22-78; 2:09 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., February 27, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters—order for private investigation—offer of settlement.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-422-78 Filed 2-22-78; 2:09 pm]

[6715-01]

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, March 1, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit, compliance, personnel.

DATE AND TIME: Thursday, March 2, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings
II. Correction and approval of minutes
III. Advisory opinions: AO 1978-6. AO 1977-70. AO 1977-65
IV. FOIA regulations
V. Appropriations and budget
VI. Classification actions
VII. Pending legislation
VIII. Pending litigation
IX. Liaison with other Federal agencies
X. Routine administrative matters

PORTIONS CLOSED TO THE PUBLIC

All matters not concluded at the meeting of March 1, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone, 202-523-4065.

MARJORIE W. EMMONS,
*Secretary to the Commission.*

[S-426-78 Filed 2-22-78; 3:49 pm]

[6730-01]

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: March 1, 1978—10 a.m.

PLACE: Room 12126—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Agreement No. 9615-25: Modification of Iberian/North Atlantic Westbound Freight Conference Agreement with respect to the amount of bank guarantee required of members.
2. Agreement No. 9976-3: Modification of the Mediterranean Association Conferences Agreement—Extension of term of agreement.
3. Agreement No. 10135-4: Modification of the Far East and Pacific Westbound Conferences' Member Lines' Discussion Agreement to accord unlimited term of approval.
4. Docket No. 73-64: Proposed revisions to Commission General Order 7 providing for new self-policing requirements.
5. Special Docket No. 517—*Texaco Export, Inc.* v. *American West African Freight Conference*—Review of initial decision.
6. Informal Docket No. 359(I): *Durite Corp., Ltd.* v. *Sea-Land Service, Inc.*—Consideration of record.





7. Informal Docket Nos. 400(I), and 401(I), 402(I): *Kaiser Aluminum & Chemical Corp.* v. *Atlantic Container Line*—Consideration of record.

PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 77-47: Far East Conference Amended Tariff Rule regarding the Assessment of Wharfage and Other Accessorial Charges—Consideration of request for hearing.
2. Matson Navigation Co. general rate increase in the U.S. West Coast/Hawaii trade.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-425-78 Filed 2-22-78; 3:49 pm]

[7020-02]

5

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 11 a.m., Wednesday, February 22, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Emergency meeting—open to the public.

MATTERS TO BE CONSIDERED:

1. Certain welded stainless steel pipe and tube (Inv. 337-TA-29)—Commission consideration of the form of the Commission's determination and action, including bonding.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-418-78 Filed 2-22-78; 9:08 am]

[7035-01]

6

INTERSTATE COMMERCE COMMISSION.

FEBRUARY 21, 1978.

TIME AND DATE:
9:30 a.m., Tuesday, February 28, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

1. Introduction of Rail Public Counsel.
2. Processing of Rail Abandonment Proceedings (Quarterly Review by Office of Proceedings).
3. Briefing on Possible Amtrak Route Restructuring Proposals (Rail Services Planning Office).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-416-78 Filed 2-21-78; 5:00 pm]

[7555-01]

7

NATIONAL SCIENCE FOUNDATION.

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC) Notice of Meeting.

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF 1978 Facilities Subcommittee of the Nuclear Science Advisory Committee (NUSAC).
Date and time: March 13, 1978 9 a.m. to 5 p.m., March 14, 1978 9 a.m. to 5 p.m., March 15, 1978 9 a.m. to 5 p.m.,
Place: Conference Room 543 for March 13, & 14; Conference Room 321 for March 15; National Science Foundation, 1800, G Street NW., Washington, D.C.
Type of meeting: March 13, 1978—Closed: 9 a.m. to 1 p.m.; March 13, 1978—Open: 1 p.m. to 5 p.m.; March 14, 1978—Open: 9 a.m. to 5 p.m.; March 15, 1978—Closed: 9 a.m. to 5 p.m.
Contact person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone: 202-632-4318.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of committee: To provide advice to NUSAC on needs and opportunities for major new facilities and major modifications of existing facilities in the field of basic nuclear science in the United States.

AGENDA

*March 13, 1978*

Closed session (9 a.m. to 1 p.m.). Discussion of projects under consideration for funding.
Open session (1 p.m. to 5 p.m.). Presentations by research groups of proposed projects, and discussion thereof.

*March 14, 1978*

Open session (9 a.m. to 5 p.m.). Continuation of previous day's activities.

*March 15, 1978*

Closed session (9 a.m. to 5 p.m.). Discussion of projects under consideration for funding.
Reason for closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer, pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management Coordinator.*

FEBRUARY 2, 1978.

[S-420-78 Filed 2-22-78; 11:03 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 27, 1978

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 28

*9:30 a.m.*

1. Amendments to Table S-3 of 10 CFR Part 51, and Addendum to Response to New England Coalition on Nuclear Pollution (NECNP) Petition for Rulemaking (PRM-51-1) to Amend Table S-3 of 10 CFR Part 51 (approx 1 hr) (Public meeting).
2. Consideration of Intervenors' Motion for Stay in Three Mile Island Unit 2 (Approx ½ hr) (Public meeting).
3. Discussion of Release of Staff Papers Discussed at Public Meetings (approx 1 hr) (Public meeting).

*3 p.m.*

1. Proposed Contract Award for the NRC Document Control System (approx 1 hr) (Closed—Exemptions 4 and 9).

THURSDAY, MARCH 2

*9:30 a.m.*

1. Briefing by DOE on International Fuel Cycle Evaluation Status (approx 1 hr) (Closed—Exemption 1).
2. Discussion of Personnel Matter (approx 1½ hrs) (Closed—Exemption 6).

*1:30 p.m.*

1. Briefing on the Integrated Safeguards Information System (ISIS) (approx 1 hr) (Public meeting).
2. General Session on Medical Uses of Isotopes (approx 2 hrs) (Public meeting).
3. Affirmation Items (approx 5 min) (Public meeting)—(a) Reduction of Radiography Overexposures; and (b) Revised Draft Order re Bailly Construction Permit.
4. Agenda Planning Session (approx 15 min) (Exempt session).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
*Office of the Secretary.*

FEBRUARY 21, 1978.

[S-423-78 Filed 2-22-78; 2:09 pm]

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[7600-01]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 28, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: February 21, 1978.

[S-417-78 Filed 2-22-78; 5:08 pm]

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[7910-01]

10

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7084, February 17, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, February 22, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 21, 1978.

HARRY R. VAN CLEVE,
*Acting Chairman.*

[S-419-78 Filed 2-22-78; 11:03 am]

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[4410-01]

11

UNITED STATES PAROLE COMMISSION. United States Parole Commission National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, March 2, 1978; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

MATTERS TO BE CONSIDERED: Referrals from regional commissioners of approximately 15 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-424-78 Filed 2-22-78; 2:09 pm]



Federal Register

FRIDAY, FEBRUARY 24, 1978
PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Public Health Service

■

## SCIENTIFIC PEER REVIEW OF RESEARCH GRANT APPLICATIONS AND RESEARCH AND DEVELOPMENT CONTRACT PROJECTS



[4110-08]

of the current system, most of these suggestions were not adopted. However, of any peer review group may be Federal officers or employees. However,



to the public documents that otherwise would be nondisclosable. This is qualified to make the detailed scientific judgments called for under these covered by the section be reviewed by a peer review group either before a re-

[4110-08]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52h—SCIENTIFIC PEER REVIEW OF RESEARCH GRANT APPLICATIONS AND RESEARCH AND DEVELOPMENT CONTRACT PROJECTS

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This rule prescribes the requirements for scientific peer review of (1) applications for grants under the Public Health Service Act for biomedical and behavioral research, and (2) biomedical and behavioral research and development contract projects of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. These regulations codify the existing process for peer review of research grant applications and provide uniform rules for peer review of research contract projects in accordance with Section 475 of the Public Health Service Act, as added by Pub. L. 93-352 and renumbered by Pub. L. 94-63.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas E. Malone, Deputy Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-1096.

SUPPLEMENTARY INFORMATION: On March 29, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 12986) proposing addition of a new part 52h to Title 42 of the Code of Federal Regulations for the purpose of implementing Section 475 of the Public Health Service Act.

Interested persons were invited to submit, on or before May 28, 1976, written comments regarding the proposed regulations. Comments were received from 60 individuals.

## DISCUSSION OF COMMENTS

### GENERAL

Section 475 requires that, to the extent practical, the review of research grant applications provided for in the regulations be consistent with the system utilized by the National Institutes of Health (NIH) and the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) to review grant applications on the date of enactment of Pub. L. 93-352, July 23, 1974. Several of the comments suggested changes in the present system. In view of the statutory endorsement of the current system, most of these suggestions were not adopted. However, these comments were all referred to the NIH Grants Peer Review Study Team which was set up by the Director, NIH, to review the NIH grants peer review system and which has recently submitted its report to the Director, NIH. The comments dealt with the length of the term of membership, restrictions regarding service on more than one peer review group at the same time, the relative merits of centralized versus regional review groups, and the need for a system for appeal of adverse peer review recommendations.

Section 475 does not apply to activities of the Food and Drug Administration (FDA). Nevertheless, the Commissioner of FDA at first requested that the Notice of Proposed Rulemaking cover FDA as well. However, since FDA's regulations are by and large codified in Title 21 of the Code of Federal Regulations rather than Title 42, the Commissioner has decided not to have FDA included in the current regulations. References to FDA have therefore been deleted.

At the suggestion of a number of respondents, the title of the regulations has been changed to clarify the fact that they are applicable to "research" grant applications and "research and development" contract projects.

## COMMENTS ADDRESSED TO SPECIFIC PROVISIONS

### DEFINITIONS—SECTION 52h.2

In response to several comments, the word "assembled" has been deleted from the definition of "peer review group" to reflect the fact that, under current practice, advice is on rare occasions secured by mail where time constraints are involved.

It was pointed out that the definition of "research and development contract project" did not specifically encompass "clinical trials." This has been rectified.

### COMPOSITION OF PEER REVIEW GROUPS—SECTION 52h.4

It was suggested that members of peer review groups be selected in such a manner as to secure wide geographic representation and appropriate expertise. This is current practice as reflected in Chapter 9 of the HEW General Administration Manual (referred to in § 52h.4(a)) and § 52h.4(b)(4), respectively.

Several respondents were concerned that members other than scientists, such as business or administrative experts, might not be covered. These individuals are encompassed by the reference to "technical" experts so no additional language has been added.

One respondent questioned the limitation that no more than one-fourth of any peer review group may be Federal officers or employees. However, this is a specific statutory requirement in section 475.

As the result of several comments, references to specific academic degrees were deleted and language giving recognition to "experience" was added.

One comment objected to professional recognition, through awards and other honors, as an appropriate measure for selection of peer review group members. While this is only one factor taken into account in attempting to select and appoint highly qualified members, it certainly is an appropriate consideration.

### CONFLICT OF INTEREST—SECTION 52h.5

A number of respondents expressed the view that this section was overly restrictive and inflexible. For the most part, it reflects current restrictions to prevent conflicts of interest or the appearance of such conflicts. However, in order to permit some flexibility, a new paragraph has been added permitting the Director of NIH or the Administrator of ADAMHA to grant waivers of these restrictions where to do so would not violate any law, executive order, or the HEW Standards of Conduct and there is no other practical means for securing expert advice on a particular application, project, or proposal.

In response to several comments, the phrase "or is otherwise associated" has been revised to read "or is otherwise similarly associated."

One respondent suggested that a member should be disqualified from reviewing an application submitted by any institution with which his or her child is associated. Such a restriction already exists in § 52h.5.

Another respondent urged that a member be disqualified if he or she has ever submitted or may ever submit in the future an application for NIH or ADAMHA support of research closely related to that of the application under review. Such a restriction goes beyond current practice and legal requirements. It would impose a test which would be very difficult to apply and would have the effect in many cases of disqualifying most if not all individuals with the expertise necessary to make a proper scientific review of the application. For these reasons, this proposal was not adopted.

It was also suggested that a member be disqualified if he or she was trained or educated by the investigator or at the institution under consideration. Here again the suggestion was not followed because it would impose undue restrictions on members' participation beyond what is necessary to avoid conflicts of interest.

### AVAILABILITY OF INFORMATION—SECTION 52h.6

Several respondents expressed concern that this section made available to the public documents that otherwise would be nondisclosable. This is clearly not the case because the section merely states that documents will be available for inspection and copying to the extent provided in the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, and implementing HEW regulations.





### GRANTS; MATTERS TO BE REVIEWED—SECTION 52h.7

In response to a number of comments, this section was expanded slightly to make it clear that, where a national advisory council or board has the necessary scientific and technical expertise, it is not precluded from carrying out the peer review of grant applications called for in these regulations.

A few comments reflected concern that national advisory councils and boards could overturn recommendations of disapproval by peer review groups. However, where a council or board does not accept the recommendation for scientific or technical reasons the usual procedure is to return the application for reconsideration by the original peer review group or another such group.

A couple of respondents objected to the statement in this section and §§ 52h.9 and 52h.10 that recommendations by peer review groups are advisory only and not binding on the awarding official. This is in fact the case. Scientific and technical merit is an important factor, but not the only factor which an official must weigh in making a funding decision. He or she must also consider such matters as program priorities and availability of funds in determining which applications or proposals to support.

### GRANTS; REVIEW CRITERIA—SECTION 52h.8

One respondent suggested that peer review could be carried out by the Institutional Review Boards established under Part 46 of Title 45 of the Code of Federal Regulations. These Boards are created at institutions to evaluate whether research projects which would involve human subjects meet certain ethical and legal standards. In order to carry out this function the Boards are required to include in their memberships, not just scientists but lay individuals such as ethicists and lawyers. Even the scientific members of the Boards come from broad ranges of disciplines and are not necessarily selected based upon training and scientific experience relevant to the research project under consideration. In addition, they come from the local area of the institution which they serve and thus do not offer a wide diversity of views so necessary to programs serving nation-wide goals. Hence, these Boards would not be qualified to make the detailed scientific judgments called for under these regulations.

Another respondent was concerned that this section would limit the sacrifice of animals for research purposes. What the section requires is that adverse effects on animals be taken into account. However, this would not prevent sacrificing animals if necessary to carry out the research.

### UNSOLICITED CONTRACT PROPOSALS; MATTERS TO BE REVIEWED—SECTION 52h.9

Question was raised as to why there was no equivalent in this section to the provision in § 52h.8 that "where under applicable law an awarding official is required to secure the approval or advice of a national advisory council or board concerning an application, said application will not be considered by the council or board unless it has been reviewed by a peer review group." The reason this was omitted from § 52h.9 is that there is no legal requirement that councils or boards review individual contract projects or proposals and they do not normally do so.

One respondent objected to subjecting unsolicited contract proposals to peer review prior to award because it was felt this would cause undue delay. However, this is the current practice at NIH.

### CONTRACT PROJECTS INVOLVING SOLICITED CONTRACT PROPOSALS; MATTERS TO BE REVIEWED—SECTION 52h.10

A number of respondents objected to the fact that this section did not mandate peer review of individual contract proposals in the same manner as grant applications. It is evident from the legislative history to Pub. L. 93-352 that Congress intentionally used the word "project" rather than "proposal" in section 475 because it believed that, if contract project selection was well done and the project well defined, the succeeding steps in the procurement process could be adequately accomplished by agency staff. For that reason, § 52h.10 places emphasis on peer review of the project concept rather than individual proposals for carrying out the project. In some instances time constraints or other factors prevent peer review of the concept before proposals are solicited; in these cases, there must be peer review of the concept and approach before award.

For similar reasons, no action was taken in response to a suggestion that the regulations cover proposals for renewal of contracts.

Several respondents expressed concern that under this section it would be possible for contracts to be awarded for projects that lack scientific merit. The purpose of the section is to avoid this very occurrence by requiring that the project concept for all projects covered by the section be reviewed by a peer review group either before a request for proposals is issued or, where this is not possible, at least prior to the award of any contracts. One respondent suggested that the provision which allows for waiver of the requirement for peer review of the project concept before solicitation of proposals be amplified to spell out the conditions under which waiver is permissible. However, since this is not a total waiver and no award may be made on the basis of the solicitation without peer review of both the concept and approach, it has been decided not to limit the flexibility offered by the waiver provision.

### CONTRACT PROJECTS AND PROPOSALS; REVIEW CRITERIA—SECTION 52h.11

One respondent queried why the qualifications of the principal investigator were not listed as a criterion for the review of the project concept. The reason is that, at the concept stage, the identity of the principal investigator would not be known.

## MISCELLANEOUS COMMENTS

A number of comments suggested added topics to be covered in the regulations. However, in some cases, the topics did not have to do with the peer review process itself, relating instead to the responsibilities of agency staff or matters covered by the procurement regulations (e.g., specifications in requests for proposals).

Among the other suggestions was one that the regulations contain a penalty for their violation. However, in the absence of any specific penalty provision in section 475, this would seem adequately dealt with in the conflict-of-interest and civil service laws.

One respondent suggested that individuals as well as institutions be eligible for grant funds. Eligibility for an award under any particular program depends on the language in the enabling legislation and implementing regulations. Section 301(c) of the Public Health Service Act does permit research project grant awards to individuals. Normally, however, an individual needs the facilities, equipment, and other services of an institution in order to carry out successfully any substantial research activity.

Finally, one comment suggested that there should be some form of direct competition between grant applications from individual scientists, multiproject applications, and contract proposals. This is beyond the scope of these regulations, which are directed primarily at codifying the current system for scientific and technical peer review.

In addition to those additions and revisions already noted, a few minor changes have been made in the regulations, all editorial or technical in nature.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new part 52h as follows.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 29, 1977.

JAMES F. DICKSON,
*Acting Assistant*
*Secretary for Health.*

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*

Sec.
52h.1 Applicability.
52h.2 Definitions.
52h.3 Establishment and operation of peer review groups.
52h.4 Composition of peer review groups.
52h.5 Conflict of interest.
52h.6 Availability of information.
52h.7 Grants; matters to be reviewed.
52h.8 Grants; review criteria.
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52h.10 Contract projects involving solicited contract proposals; matters to be reviewed.
52h.11 Contract projects and proposals; review criteria.
52h.12 Applicability of other regulations.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 475, 88 Stat. 360, 89 Stat. 351 (42 U.S.C. 289*l*-4).

### § 52h.1 Applicability.

The regulations in this part are applicable to:

(a) Applications to the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or any of their components for grants under the Act for biomedical and behavioral research, *except:*

(1) Applications for continuation funding for budget periods within an approved project period;

(2) Applications for supplemental funding to meet increased administrative costs within a project period; or

(3) Applications for construction grants;

(b) Biomedical and behavioral research and development contract projects administered by the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or any of their components.

### § 52h.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Project period" has the same meaning as in 42 CFR Part 52.

(c) "Budget period" means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(d) "Awarding official" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated; *except that,* where the Act specifically authorizes another official to make awards in connection with a particular program, the "awarding official" shall mean said other official and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) "Peer review group" means a group of experts qualified by training and experience in particular scientific or technical fields to give expert advice, in accordance with the provisions of this part, on the scientific and technical merit of grant applications or contract projects in those fields.

(f) "Research" means systematic study directed toward new or fuller knowledge and understanding of the subject studied.

(g) "Development" means the systematic use of knowledge and understanding gained from research, directed toward creating useful materials, devices, systems, or methods.

(h) "Research and development contract project" means an identified, circumscribed activity, involving a single contract or two or more similar, related, or interdependent contracts, intended and designed to acquire new or fuller knowledge and understanding of a subject and/or to use such knowledge and understanding to develop useful materials, devices, systems, or methods. The terms include (but are not limited to) development and utilization of resources, testing, demonstrations, clinical trials, preparation of reports, and production of experimental or test models necessary or incidental to a research and/or development activity, but exclude quantity production and routine product testing and quality control.

(i) "Project concept" means the basic purpose, scope, and objectives of the project.

(j) "Project approach" means the methodology to be followed and the resources needed in carrying out the project.

(k) "Contract proposal" means a written offer to enter into a contract, submitted to an awarding official by an individual or non-Federal organization, and including as a minimum a description of the nature, purpose, duration, and cost of the project and the methods, personnel, and facilities to be utilized in carrying it out.

(l) "Solicited contract proposal" has the same meaning as in 41 CFR 3-1.353(b)(2).

(m) "Unsolicited contract proposal" has the same meaning as in 41 CFR 3-4.5201.

(n) "Request for Proposals" means a Government solicitation to prospective offerors, under procedures for negotiated contracts, to submit a proposal to fulfill specific agency requirements based on terms and conditions defined in the request for proposals. The request for proposals contains information sufficient to enable all offerors to prepare competitive proposals, and is as complete as possible with respect to: Nature of work to be performed; descriptions and specifications of items to be delivered; performance schedule; special requirements clauses, or other circumstances affecting the contract; format for cost proposals; and evaluation criteria by which the proposals will be evaluated.

### § 52h.3 Establishment and operation of peer review groups.

(a) To the extent applicable, the Federal Advisory Committee Act (5 U.S.C. App. I), Department of Health, Education, and Welfare (45 CFR Part 11), implementing regulations and Chapter 9 of the Department of Health, Education, and Welfare General Administration Manual[1] will govern the establishment and operation of peer review groups, including that meetings shall be open to the public except as determined by the Secretary.

(b) Subject to § 52h.5 and paragraph (a) of this section, the Director of the National Institutes of Health, and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration will adopt procedures for the conduct of reviews and the formulation of recommendations under §§ 52h.7, 52h.9 and 52h.10 within their respective agencies.

### § 52h.4 Composition of peer review groups.

(a) To the extent applicable, the selection and appointment of members of peer review groups and their terms of service will be governed by Chapter 9 of the Department of Health, Education, and Welfare General Administration Manual.

(b) Subject to paragraph (a) of this section, members will be selected based upon their training and experience in relevant scientific or technical fields, taking into account, among other factors:

(1) The level of formal scientific or technical education completed or experience acquired by the individual;

(2) The extent to which the individual has engaged in relevant research, the capacities (e.g., principal investigator, assistant) in which the individual has done so, and the quality of such research;

(3) Recognition as reflected by awards and other honors received from scientific and professional organizations outside the Department of Health, Education, and Welfare; and

(4) The need for the group to have included within its membership experts from various areas of specialization within relevant scientific or technical fields.

(c) Not more than one-fourth of the members of any peer review group to which these regulations are applicable may be officers or employees of the United States. For purposes of the preceding sentence, membership on such groups does not make an individual an officer or employee of the United States.

[1] The Department of Health, Education, and Welfare General Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 6.01 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.





### § 52h.5 Conflict of interest.

(a) Members of peer review groups covered by this part are subject to relevant provisions in Title 18 of the United States Code, relating to criminal activity, the Department of Health, Education, and Welfare Standards of Conduct (45 CFR Part 73), and Executive Order 11222, as amended.

(b) In addition to any restrictions imposed under paragraph (a) of this section:

(1) No member of a peer review group may participate in or be present during any review by said group of a grant application, contract project, or contract proposal in which, to the member's knowledge, any of the following has a financial interest: (A) The member or his or her spouse, parent, child, or partner, (B) any organization in which the member or his or her spouse, parent, child, or partner is serving as an officer, director, trustee, partner, or employee, or is otherwise similarly associated, or (C) any organization with which the member or his or her spouse, parent, child, or partner is negotiating or has any arrangement concerning prospective employment or other similar association.

(2) In the event any member of a peer review group or his or her spouse, parent, child, or partner is currently or expected to be the principal investigator or member of the staff responsible for carrying out any research or development activities contemplated as part of a grant application, contract project, or contract proposal, that group is disqualified and the review will be conducted by another group with the expertise to do so. If there is no other group with the requisite expertise, the review will be conducted by an ad hoc group no more than 50 percent of whose members may be from the disqualified group. The composition of any such ad hoc group will be determined in accordance with § 52h.4(b) and § 52h.4(c) of this part and, to the extent feasible, § 52h.4(a) of this part.

(3) Where a member of a peer review group participates in or is present during:

(A) Development or review of a project approach or request for proposals by said group or

(B) Review by said group under § 52h.10(b) or § 52h.10(c), i.e. after the issuance of a request for proposals, no contract may thereafter be awarded as the result of such development or review to said member, his or her spouse, parent, child, or partner or any organization in which the member, his or her spouse, parent, child, or partner was serving as officer, director, trustee, partner, or employee at the time of such development or review or with which the member, his or her spouse, parent, child, or partner was negotiating or had any arrangement concerning prospective employment at said time.

(4) No member of a peer review group may participate in any review under this part of a specific grant application or contract project for which the member has had or is expected to have any other responsibility or involvement (whether preaward or postaward) as an officer or employee of the United States.

(c) Where permissible under the statutes, standards, and order cited in paragraph (a) of this section, the Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, or their designees may waive the requirements in paragraph (b) of this section if he or she determines that there is no other practical means for securing appropriate expert advice on a particular grant application, contract project, or contract proposal.

### § 52h.6 Availability of information.

Transcripts, minutes, and other documents made available to or prepared for or by a peer review group will be available for public inspection and copying to the extent provided in the Freedom of Information Act (5 U.S.C. 552), the Federal Advisory Committee Act (5 U.S.C. App. I), the Privacy Act (5 U.S.C. 552a), and implementing Department of Health, Education, and Welfare regulations (45 CFR Parts 5, 5b).

### § 52h.7 Grants; matters to be reviewed.

(a) No awarding official will make a grant based upon an application covered by this part unless the application has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of such application. In addition, where under applicable law an awarding official is required to secure the approval or advice of a national advisory council or board concerning an application, said application will not be considered by the council or board unless it has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of the application except where the council or board is the peer review group.

(b) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official or national advisory council or board.

### § 52h.8 Grants; review criteria.

In carrying out its review under § 52h.7, the peer review group will take into account, among other factors:

(a) The significance and originality from a scientific or technical standpoint of the goals of the proposed research;

(b) The adequacy of the methodology proposed to carry out the research;

(c) The qualifications and experience of the principal investigator and proposed staff;

(d) The reasonable availability of resources necessary to the research;

(e) The reasonableness of the proposed budget and duration in relation to the proposed research; and

(f) Where an application involves activities which could have an adverse effect upon humans, animals, or the environment, the adequacy of the proposed means for protecting against or minimizing such effects.

### § 52h.9 Unsolicited contract proposals; matters to be reviewed.

(a) No awarding official will award a contract based upon an unsolicited contract proposal covered by this part unless the proposal has been reviewed by a peer review group in accordance with the provisions of this part (pursuant to procedures set forth in 41 CFR Subpart 3-4.52) and said group has made recommendations concerning the scientific merit of such proposal.

(b) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official.

### 52h.10 Contract projects involving solicited contract proposals; matters to be reviewed.

(a) Subject to paragraph (b) of this section, no awarding official will issue a request for contract proposals with respect to a contract project involving solicited contract proposals unless the project concept has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of said





concept. Where in the judgment of

that no award will be made until such

(2) The availability of the technology and other resources necessary to

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concept. Where in the judgment of the awarding official the project approach has been sufficiently well defined by the time the review required by the preceding sentence is conducted, this review and the resulting recommendations shall include the project approach as well.

(b) The awarding official may waive the requirements of paragraph (a) of this section for peer review before issuing a request for contract proposals if he determines that the accomplishments of essential program objectives would otherwise be placed in jeopardy and any further delay would clearly not be in the best interest of the Government. The awarding official shall specify in writing the grounds on which this determination is based. Under such circumstances, the awarding official will not award a contract based on the request for contract proposals unless the proposals received in response to the request have been reviewed by a peer review group and that group has made recommendations concerning the scientific merit of the project concept and of the approaches outlined in the proposals. The request for proposals will indicate that the project concept has not been reviewed by a peer review group and that no award will be made until such review is conducted and recommendations made based on such review.

(c) The Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, or their designees may identify individual contracts or classes of contracts which may not be awarded unless all pertinent contract proposals have been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of said proposals.

(d) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official.

**§ 52h.11 Contract projects and proposals; review criteria.**

(a) In carrying out its review of a project concept under § 52h.10(a) or § 52h.10(b), the peer review group will take into account, among other factors:

(1) The significance from a scientific or technical standpoint of the goals of the proposed research or development activity;

(2) The availability of the technology and other resources necessary to achieve these goals;

(3) The extent to which there are identified, practical uses for the anticipated results of the activity; and

(4) Where the review includes the project approach, the adequacy of the methodology to be utilized in carrying out the activity.

(b) In carrying out its review of unsolicited contract proposals under § 52h.9, the peer review group will take into account, among other factors, those criteria in § 52h.8 which are relevant to the particular proposals.

(c) In carrying out its review of solicited contract proposals under § 52h.10(c) the peer review group will evaluate each proposal in accordance with the criteria set forth in the request for proposals.

**§ 52h.12 Applicability of other regulations.**

The regulations in this part are in addition to, and do not supersede other regulations concerning grant applications, contract projects, or contract proposals appearing elsewhere in this Title, Title 41, or Title 45 of the Code of Federal Regulations.

[FR Doc. 78-4441 Filed 2-23-78; 8:45 am]



federal register

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PART III

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## PUBLIC LANDS

### Management of Recreation Activities



[4310-84]

necessary to establish management and control over concentrated recrea-

thorized officer cannot exercise that discretionary power in a capricious



and its use in the proposed rulemaking. The term is deleted throughout

hazard to resources than competitive activities.

1. Exclude dog races in Alaska.

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2432]

Subchapter F—Outdoor Recreation and Wildlife Management (6000)

Group 6200—Recreation Management

PART 2920—SPECIAL LAND USE PERMITS

PART 6260—VISITOR MANAGEMENT

Rules for Visitor Use—Other Than Developed Recreation Sites

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes a permit and fee system for management of recreation activities on public lands. The Federal Land Policy and Management Act of 1976 provides specific authority for permits for recreation use on public lands.

EFFECTIVE DATE: March 27, 1977.

ADDRESS: Director (370), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202-343-8735.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 5294 to 5296 of the FEDERAL REGISTER of January 27, 1977, to delete recreation permit provisions from 43 CFR Part 2920, establish 43 CFR 6260 as the appropriate location for recreation permit provisions in the Code of Federal Regulations and establish the specific authority for issuing special recreation permits. 43 CFR Part 2920 covers permit procedures for activities not specifically provided for in other law and is no longer the proper Part for special recreation permits.

The principal author of this document is Mr. Larry Young of the Bureau of Land Management, Washington Office Division of Recreation, assisted by the Division of Legislation and Regulatory Management and the Solicitor's Office of the Department of the Interior.

Comments were received through mail, public meetings, and petitions for a 75 day period ending April 13, 1977. Adding together signatures on petitions and comments from letters and meetings, approximately 850 people commented on the proposed rulemaking.

DISCUSSION OF MAJOR COMMENTS—GENERAL COMMENTS

Many comments expressed only general disapproval of any permit and fee system. A permit system is considered necessary to establish management and control over concentrated recreation activities which cause damage to natural resources. Fees are included for two purposes. Filing fees are to cover the cost of processing an application and are nonrefundable because an application must be processed and costs are involved whether it leads to a permit or is rejected. Use fees are charged to ensure the general public a fair return for the use of its land for commercial purposes and for specialized uses which entail exclusive use of certain public lands by a specific person, group, or organization.

Some comments expressed only general approval of a permit and fee system and included no suggestions for improvement.

It was suggested that the requirements of the permit system are not restrictive enough to adequately protect the resources. No specific additional restrictions were suggested and the rules allow the authorized officer enough latitude to take quick action to protect resources in an urgent situation.

Several comments suggested that the filing fee be returned to the area where it was collected as a fund to be used for the improvement of recreation lands and facilities. There is no authority that allows adoption of this suggestion.

It was suggested that since Alaska has many unique characteristics, the rules should be phased in over a five year period. It is recognized that Alaska, because of its remote situation, has some unique characteristics. However, there is also a need to manage concentrated recreation use in Alaska. The regulation gives the authorized officer latitude in decisionmaking to apply the rules according to resource protection needs in Alaska.

Many comments objected to the amount of authority vested in the authorized officer and held that actions of the authorized officer should be appealable. The authorized officer is the Bureau of Land Management official who has been delegated the authority to carry out the management responsibilities of the Secretary of the Interior on a particular management area of the public lands. The authorized officer may be an Area Manager, a District Manager, a State Director, or the Director of the Bureau of Land Management, depending upon the location and the resource program involved. It will most often be Area and District Managers under these rules. Decisions of the authorized officer are appealable to the Interior Board of Land Appeals and to the courts as appropriate. The issuance of any permit is entirely discretionary with the official who is responsible for the effect of the permitted activity on public lands under that official's care. However, the authorized officer cannot exercise that discretionary power in a capricious manner so as to discriminate against one individual or group without a supportable motive.

SPECIFIC COMMENTS BY SECTION

*Section 6263.0-5(a).* Comments were received on the definition of "commercial use" as follows:

1. Exclude any noncompetitive event from the regulations.

The exclusion is not made. Many noncompetitive recreation activities may be conducted for commercial purposes and the public is entitled to a fair return for the use of the land.

2. Clarify the regulations with respect to church, scout, and certain camp activities.

No changes are considered necessary. Church groups, scout groups, and similar nonprofit organizations, when not engaged in off-road vehicle competitive events, would only be required to get a permit when their outing involves 50 or more vehicles on public land. Where more than 50 vehicles are involved, such groups may qualify to secure a recreation use permit for the minimum fee of $1 per permit.

3. Do not consider the charging of fees as one of the criteria for determining commercial use.

The term "fee", as used in the definition of "commercial use", is properly used. No change is made.

4. Make an exception for subsistence activities in Alaska.

Subsistence activities in Alaska are not considered recreation use. The definition of "commercial use" is changed as suggested.

*Section 6263.0-5(c).* The definition of "competitive use" is clarified by deleting the last sentence and adding more precise criteria for determining competitive use.

*Section 6263.0-5(e).* It was suggested that the term "educational use" should not be confined only to activities of groups with scholastic accreditation. Since the intention of the definition is to separate nonprofit activities by educational institutions from commercial activities and primarily recreation oriented activities, the definition is considered proper as it is now written.

*Section 6263.0-5(g).* As suggested in several comments, the definition of "special area" is expanded to include primitive and wilderness areas and to give flexibility to the authorized officer to take special measures in areas such as high fire risk areas when needed.

*Section 6263.0-5(h).* The term "rider/event" is not used in the rulemaking and the definition is deleted.

*Section 6263.0-5(j).* Many comments were critical of the definition of the term "motorized recreation vehicle" and its use in the proposed rulemaking. The term is deleted throughout the rulemaking and the term "off-road vehicle" is used instead, where appropriate. Additionally, several comments requested an exclusion for emergency vehicles when used for emergency purposes. The exclusion is effected in the definition of the term "off-road vehicle." Finally, the exclusion of official use vehicles and combat vehicles from the definition of the term "off-road vehicle" has been added to conform the definition to that contained in Executive Order 11989, 42 FR 26959 (May 25, 1977).

*Section 6263.0-7.* Several comments expressed concern that enforcement authority might be abused by enforcement agents. Personnel who are to be authorized to enforce these rules will be well trained and carefully screened before being entrusted with the authority. However, the scope of the legal sanctions authorized by this section have been limited to failure to pay any fee or failure to obtain a permit when required or operating with a suspended permit. Resource protection programs will continue to put emphasis on the cooperative efforts of the public land user.

*Section 6263.1.* Many comments suggested that the minimum number of off-road vehicles involved in noncompetitive events for which a permit would be required should be increased from 25 to 50 to accommodate groups who generally travel only on roads and trails and whose recreation pursuits are not as potentially damaging to resources as competitive events. Two comments expressed general disapproval of the special area provisions in the section. It was suggested that the permit system be based upon numbers of people rather than numbers of vehicles involved in an event.

Concentrated recreation use involving large numbers of off-road vehicles has been a major cause of natural resource damage on public lands. Vehicles are required to get people to the public lands for recreation purposes. Therefore, numbers of off-road vehicles is retained as one basis for requiring permits and fees. Also, special area provisions are retained to ensure that the authorized officer will be able to exercise closer control of potentially damaging activities where natural resources have unique features which need protection or where public hazards exist which must be guarded against.

It was determined to raise the minimum number of off-road vehicles, for which permits and fees are required, from 25 to 50 where noncompetitive, noncommercial recreation activities are the objective of a group, because the types of activities engaged in by the groups in the noncompetitive, noncommercial category are less of a hazard to resources than competitive activities.

*Section 6263.2.* Several comments addressed the time frames established in regard to filing applications. Many commentors felt that the provision for filing 120 days in advance of the proposed use date is unrealistic and should be shortened and that the authorized officer should not be allowed 60 days from the filing date to determine that a permit might be delayed by the need for an environmental impact statement or other reasons. Additionally, comments objected to the requirements for three maps.

The 120 day lead time was adopted to allow 90 days for processing an application and 30 days for the applicant to have a permit in hand prior to the use date. The intent is to serve the user by allowing 30 days in which to prepare for the planned event with no uncertainty as to whether or not a permit would be granted to the applicant. The rulemaking provides the authorized officer with flexibility to accept an application and process it in a shorter time than 120 days if the authorized officer determines that it is practicable to do so. Therefore, the 120 day advance requirement for filing is retained.

The time set up to inform the applicant of a delay in the processing of the application is shortened to 30 days after the filing date or 15 days prior to the proposed use date whichever is earlier. The intent is to serve the applicant by giving the earliest possible notice of problems with the application.

The map requirement is reduced to one map of sufficient scale to allow identification of the use area on the ground.

Additionally, the section is clarified by stating that applications may be mailed in as well as filed in person.

*Section 6263.4.* It was suggested that fee provisions only apply to profit making organizations. Also, it was suggested that the authorized officer be given complete authority to determine whether or not a fee should be charged.

Fee provisions are established to ensure a fair return to the general public for the use of public lands for commercial purposes and for specialized uses which entail exclusive use of certain public lands by a specific person, group, or organization and where a need for above normal expenditures of public funds is created by the activity. The authorized officer is not given complete authority to determine whether fees should be charged in the case of commercial and competitive events and in special areas because consistency must be maintained from jurisdiction to jurisdiction across the public lands.

Additionally, it was suggested that exclusions be placed in § 6263.4(d) as follows:

1. Exclude dog races in Alaska.
2. Exclude the State of Alaska.
3. Exclude lands selected by Native Corporations under the Alaska Native Claims Settlement Act.
4. Exclude land in reservations which have been revoked by provisions of the Alaska Native Claims Settlement Act.

It is determined that where the Secretary of the Interior has the management responsibility for the public lands, the rules needed by the Bureau of Land Management to properly carry out that responsibility must apply to all lands under its jurisdiction. This approach will protect the values important to the Native Corporations as well as the values important to the general public. Dog races are competitive events which result in concentrated recreation use and therefore should not be excluded from these rules.

*Section 6263.5.* Section 302(c) of the Federal Land Policy and Management Act of 1976 requires an administrative finding of a violation of any term or condition of a permit before a permit may be revoked or suspended. However, it provides that a permit may be suspended without an administrative finding of a violation where necessary to protect health or safety or the environment. The regulations have been changed to reflect this authority.

There were objections to the provision in 6263.5(a)(4) allowing access to documents and records of a permittee for three years after a permit is terminated. Several comments asked clarification of the bonding provisions relating to when a bond is required and how the amount of the bond is established. Many comments expressed disapproval of any bonding or insurance provisions.

Regarding the examination of records and documents after a permit has terminated: this is a standard procedure on operations involving Federal permits, licenses, leases, and contracts where money is involved. With regard to protection of the permittee under the Freedom of Information Act: the authorized officer only reserves the right to examine the records; therefore, the records would not be subject to exposure under the Act unless irregularities in the records resulted in a court action. In that event, the records would be exposed by the court.

Regarding bonding provisions: the authorized officer will decide whether a bond is required and how large the bond shall be. The decision will be based upon the kind of recreation activity proposed, what the effect of the proposed activity might be on the lands involved, and what costs of rehabilitation may be anticipated as a result of the proposed activity. In the case of a payment bond it is based upon the amount of the use fee involved.









Bonding and insurance requirements

Sec.

itself determine whether an event or



operator or permittee on the public lands. Passenger day is synonymous

ground. The authorized officer may waive the requirement for maps where

and Management Act of 1976 (43 U.S.C. 1734)

Bonding and insurance requirements are necessary for several reasons. Bonding assures the public that its tax money will not have to be used to rehabilitate public lands damaged by special interests who do not fulfill the obligations of their permits. Bonds are released expeditiously to permittees who comply with the terms of their permits.

Insurance requirements assure the public that its tax money will not have to be used to pay for lawsuits filed by recreation seekers who are injured or suffer equipment losses while voluntarily engaging in high risk events on public lands. Participants in permitted recreation events have a right to expect the sponsors of high risk events to be properly bonded and insured to protect the participants.

Accordingly, Parts 2920 and 6260, Chapter II, Title 43 of the Code of Federal Regulations are amended as set forth below.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Order 11821 and OMB Circular A-107.

Dated: February 16, 1978.

GUY R. MARTIN,
*Assistant Secretary of the Interior.*

## PART 2920—SPECIAL LAND USE PERMITS

§ 2920.0-50 [Amended]

§§ 2920.0-2—2920.7 (Subpart 2924) [Deleted]

1. Part 2920 is amended by deleting § 2920 is amended by deleting § 2920.0-5(e), and Subpart 2924.

## PART 6260—VISITOR MANAGEMENT

2. Part 6260 is amended by adding Subpart 6263 to the table of sections as follows:

* * * * *

**Subpart 6263—Rules for Visitor Use—Other Than Developed Recreation Sites**

Sec.

6263.0-1 Purpose.
6263.0-2 Objective.
6263.0-3 Authority.
6263.0-5 Definitions.
6263.0-7 Enforcement.
6263.1 Permits required.
6263.1-1 Public lands, general.
6263.1-2 Special areas.
6263.2 Applications.
6263.3 Issuance of permits.
6263.4 Fees.
6263.5 Terms.

3. Part 6260 is amended by adding Subpart 6263 to read as follows:

**Subpart 6263—Rules for Visitor Use—Other Than Developed Recreation Sites**

### § 6263.0-1 Purpose.

This subpart sets forth the procedures for authorizing certain recreational uses of lands and waters administered by the Bureau.

### § 6263.0-2 Objective.

To establish a permit and fee system for certain recreation uses of lands and waters administered by Bureau.

### § 6263.0-3 Authority.

The rules in this subpart are issued pursuant to: 43 U.S.C. 1201; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1374; 43 U.S.C. 1181a; 16 U.S.C. 460(1-6a); 16 U.S.C. 670g-n; 16 U.S.C. 1271-1287; 16 U.S.C. 1241-1249.

### § 6263.0-5 Definitions.

For the purposes of this subpart:

(a) "Commercial use" is recreational use of the public lands for business or financial gain. When any permittee, employee or agent of a permittee, operator, or participant makes or attempts to make a profit, salary, increase his capital worth, advance or promote his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the special recreation permit, the use will be considered commercial. Subsistence activities of Alaskan natives in Alaska are not considered recreational use. The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity or use shall make the activity or use commercial. Use by educational and therapeutic institutions is considered commercial when the above criteria are met. Profit making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making. Nonprofit status of any group or organization under the Internal Revenue or Postal Laws or regulations does not in itself determine whether an event or activity arranged by such a group or organization is noncommercial. Any person, group, or organization seeking to quality as noncommercial shall have the burden of establishing to the satisfaction of the authorized officer that no financial or business gain will be derived from the proposed use.

(b) "Actual costs or expenses" are costs or expenses necessarily incurred for the permitted activity or use. These terms include, but are not limited to, the actual costs of such items as expendable equipment and supplies. Actual costs or expenses will not include any salaries, profit, increase of capital worth, allowances, or subsidies of any other activities of the permittee or sponsor, the purchase or amortization of nonexpendable supplies or equipment, any allowance for undersubscribed events, or any monetary compensation for sponsors or participants.

(c) "Competitive use" is any formally organized or structured use, event, or activity on public land in which there are the elements of competition between two or more contestants, registration of participants, and/or a predetermined course or area is designated. The term also applies to one or more individuals contesting an established record such as speed or endurance.

(d) An "event" is a single, structured, organized, consolidated, or scheduled meeting or occurrence for the purpose of recreational use of the public lands. An event may be composed of several activities.

(e) "Educational use" is use by an institution which has been recognized as educational by Federal, State, or local government bodies, or regional accrediting bodies. Such use must have learning as the major objective, and there must be a teacher-pupil relationship present. National regional, State, or local accreditation will normally qualify a school as noncommercial, but such accreditation in and of itself does not assure noncommercial status.

(f) An "operator" is a group, association, individual, corporation, or organization which provides recreational services.

(g) A "special area" is an area established as a component of the National Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, an area covered by joint agreement between the Bureau of Land Management and a State government as provided for in Title II of the Sikes Act, or any other area where the authorized officer determines that the resources require special management and control measures for their protection.

(h) A "User day" is any calendar day, or portion thereof, for each individual accompanied or serviced by an operator or permittee on the public lands. Passenger day is synonymous with user day.

(i) An "off-road vehicle" is any motorized vehicle capable of or designed for, travel on or immediately over land, water, or other natural terrain excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is specifically authorized by the authorized officer or otherwise officially approved; (4) official use; or (5) any combat or combat support vehicle when used in times of natural defense emergencies.

### § 6263.0-7 Enforcement.

Failure to pay any fee or failure to obtain a permit required by this subpart or operating with a suspended permit shall be punishable pursuant to the Federal Land Policy and Management Act of 1976, the Land and Water Conservation Fund Act, the Wild and Scenic Rivers Act, the National Trails Act, the Sikes Act, and other appropriate laws when applicable.

### § 6263.1 Permits required.

### § 6263.1-1 Public lands, general.

Special recreation permits are required for (a) commercial use, (b) competitive use, (c) off-road vehicle events involving 50 or more vehicles, and (d) special area use where the authorized officer determines the criteria of the Land and Water Conservation Fund Act, the Sikes Act, the Wild and Scenic Rivers Act, Federal Land Policy and Management Act, the Taylor Grazing Act, or National Trails Act requires their issuance.

### § 6263.1-2 Special areas.

With the exception of use in special areas, special recreation permits are not required for recreational use by individuals, or individual immediate families. Notice will be given in the FEDERAL REGISTER and regional news media when special recreation permits are required for recreational use other than commercial, competitive, and off-road vehicle use in a special area. Access points in special areas will also be posted notifying the public of required permits for recreational use, other than commercial, competitive, and off-road vehicle use.

### § 6263.2 Applications.

(a) *Forms and maps.* Applications for special recreation permits shall be made to the authorized officer on forms approved by the Director, Bureau of Land Management. Applications shall include a map of sufficient scale and detail to allow identification of the proposed use area on the ground. The authorized officer may waive the requirement for maps where appropriate.

(b) *Supplemental information.* The authorized officer may require the applicant to submit supplemental information in sufficient detail to evaluate the impact of the proposed event upon the lands and environment, including measures the applicant would take to mitigate impacts on the lands and environment.

(c) *Filing.* (1) The application shall be filed in the office of the Bureau having jurisdiction over the lands to be used. The application shall be filed a minimum of 120 days in advance of intended use unless a shorter time is authorized by the authorized officer. Applications may be filed by mail or in person. (2) Within 30 days of the filing date or within 15 days of the desired use date, which ever is earliest, the authorized officer will inform the applicant if the decision on issuing the permit will be delayed. (3) The authorized officer may establish a maximum time by which applications will be accepted prior to date of proposed use.

### § 6263.3 Issuance of permits.

The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer.

### § 6263.4 Fees.

(a) *Filing fees.* Applicants for special recreation permits for commercial or competitive uses shall include with their application a $10 nonrefundable filing fee.

(b) *Use fees.* (1) Commercial use—a minimum of $25.00 is required for use of not in excess of 100 user days. Payment for use in excess of 100 user days shall be in the amount of $25.00 each additional 100 user days or fraction thereof. (2) Competitive use—the fee is five percent of the gross receipts, $1.00 per participant per day or $10.00 whichever is greater. When use is both commercial and competitive, the competitive fee shall be charged. (3) Special area use—fees may be required for special area uses by other than commercial, competitive, and off-road vehicle users where the authorized officer determines that such charges are consistent with the Land and Water Conservation Fund Act. A minimum fee of $1.00 will be charged for each permit for such use. (4) Off-road vehicle use—a minimum fee of $1.00 will be charged for the permit for each event. (5) The authorized officer may charge larger fees than these minimums consistent with charges made for similar uses by other organizations and governmental agencies in the region of use. (6) Any change in established fees will be made in accordance with section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

(c) *Payment of use fees.* (1) Payment of fees will be required at the time a permit is issued. (2) Where the amount of intended use cannot be precisely determined, the fee will be based on an estimation and payment will be required of that amount. The fee will be adjusted, based on actual use, after use is made. Refunds will be made or additional payment will be required to the extent the payment requirement for actual use varies from the initial amount paid by $10.00. (3) If an applicant is unable to pay the fee in advance, the authorized officer may allow the posting of a payment bond or other guarantee in an amount equal to the actual or estimated fee. The authorized officer will establish a payment date which is no later than 15 days following the use period.

(d) *Exceptions, exclusions, and exemptions.* (1) Nothing contained herein shall authorize Federal hunting, trapping, or fishing licenses, permits, or fees. (2) Fees under provisions of this part shall not be charged and permits shall not be required for commercial or other activities not related to recreation. Permits may be required but fees shall not be charged for uses including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. (3) Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State, or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. (4) The use of areas for which a fee waiver is requested must relate directly to scientific or educational purposes. (5) No fee shall be charged for those special recreation permits required for: (i) Any hospital patient actively involved in medical treatment or therapy in the area visited; (ii) educational and therapeutic institutions that are not commercial; and (iii) individuals, and individual immediate families except in certain special areas. The authorized officer may determine that permits and fees are unnecessary where an event begins and ends on non-public lands, traverses less than one mile of public lands, and poses no threat of significant damage to public resource values.

### § 6263.5 Terms.

(a) *General.* (1) The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. The term of the permit shall continue to run during any such suspension. (2) Permits may be issued for

a day, season of use, or such other time period considered appropriate by the authorized officer for the use involved. (3) A special recreation permit will not be issued for an area larger than the authorized officer determines is necessary for the contemplated use. The land may be surveyed or unsurveyed. (4) The operator or permittee will allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent books, documents, papers, and records of the operator or permittee involving transactions related to the permit. The operator or permittee also will allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent books, documents, papers, and records of any employee or agent of the permittee or operator. These allowances and rights terminate 3 years after the expiration of the permit.

(b) *Stipulations.* A special recreation permit will contain such stipulations as the authorized officer considers necessary to protect the lands and resources involved and the public interest in general.

(c) *Bonds.* In addition to a payment bond, the authorized officer may require the posting of a cash or surety bond or other guarantee in such form and in such amount as the authorized officer determines to be sufficient to defray the costs of restoration and rehabilitation of the lands affected by the permitted use. Bonds and guarantees will be returned to the permittee upon satisfactory compliance with all permit stipulations, including restoration and rehabilitation requirements.

(d) *Insurance.* The authorized officer shall require all commercial and competitive applicants, and may require other applicants, to obtain and submit a property damage, personal injury, and public liability insurance policy which he judges sufficient to protect the public and the United States. The policy shall name the United States Government as a co-insured and stipulate that the authorized officer of the Bureau of Land Management will be notified 30 days in advance of the termination or modification of the policy.

(e) *Liability.* The permittee shall indemnify the United States against any responsibility or liability for damage, injury, or loss to persons and property which may occur during the permitted use period or as a result of such use.

(f) *Violation of law.* The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species, or antiquities that is related to said special recreation permit may result in the cancellation of the permit.

[FR Doc. 78-4761 Filed 2-23-78; 8:45 am]



FRIDAY, FEBRUARY 24, 1978
PART IV

Federal Register

# LABOR DEPARTMENT

## Employment Standards Administration

# MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions



[4510-27]

visions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision to-

of submitting this data may be obtained by writing to the U.S. Depart-

[4510-27]

## DEPARTMENT OF LABOR

### Employment Standards Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

### General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouragd to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

#### MODIFICATIONS TO GENERAL WAGE DETERMINATIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

| | |
|---|---|
| Alabama: | |
| AL77-1025 | Mar. 4, 1977. |
| AL78-1003 | Feb. 3, 1978. |
| Arizona: | |
| AZ77-5050; AZ77-5060 | June 17, 1977. |
| Arkansas: | |
| AR77-4173 | Aug. 19, 1977. |
| AR77-4290 | Nov. 11, 1977. |
| California: | |
| CA78-5004; CA78-5005 | Jan. 27, 1978 |
| Delaware: | |
| DE77-3134 | Sept. 30, 1977. |
| Minnesota: | |
| MN77-2043; MN77-2044; MN77-2045; MN77-2048 | May 6, 1977. |
| Missouri: | |
| MO77-4271 | Sept. 30, 1977. |
| New Mexico: | |
| NM78-4012 | Feb. 10, 1978. |
| North Dakota: | |
| ND77-5099 | Dec. 2, 1977. |
| Oklahoma: | |
| OK77-4278 | Sept. 30, 1977. |
| Pennsylvania: | |
| PA78-3169 | May 21, 1978. |

#### SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decisions numbers are in parentheses following the numbers of the decisions being superseded.

| | |
|---|---|
| California: | |
| CA77-5090 (CA78-5002); CA77-5091 (CA78-5003) | Sept. 30, 1977. |
| Florida: | |
| FL77-1028 (FL78-1149) | Mar. 18, 1977. |
| Georgia: | |
| GA77-1153 (GA78-1008) | Dec. 16, 1977. |
| Mississippi: | |
| MS76-1137 (MS78-1013) | Dec. 17, 1976. |
| Ohio: | |
| OH77-2132 (OH78-2006) | Sept. 2, 1977. |
| Pennsylvania: | |
| PA77-3023 (PA78-3005) | Jan. 28, 1977. |

#### CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., This 17th day of February 1978.

RAY J. DOLAN,
*Assistant Administrator,*
*Wage and Hour Division.*





MODIFICATIONS P. 2

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vocation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| DECISION NO. AZ77-5060 - Mod. #4 (42 FR 31070 - June 17, 1977) Pima County, Arizona | | | | | |
| Change: | | | | | |
| Asbestos Workers | 11.94 | .50 | 1.20 | | .02 |
| Elevator Constructors | 11.775 | .745 | .56 | a | .025 |
| Elevator Constructors' Helper | 70%JR | .745 | .56 | a | .025 |
| Plumbers; Steamfitters: | | | | | |
| Zone I | 12.24 | .75 | 1.35 | | .10 |
| Zone II | 12.59 | .75 | 1.35 | | .10 |
| Zone III | 13.01 | .75 | 1.35 | | .10 |
| Zone IV | 14.31 | .75 | 1.35 | | .10 |
| DECISION No. AR77-4173 - Mod. #5 (42 FR 42063 - August 19, 1977) Jefferson County, Arkansas | | | | | |
| CHANGE: Description of work to read "Building construction (does not include single family homes and garden type apartments up to and including 4 stories)." | | | | | |
| DECISION NO. AR77-4290 - Mod. #3 (42 FR 56924 - November 11, 1977) Conway, Van Buren, Perry and Cleburne Counties, Arkansas | | | | | |
| CHANGE: Description of work to read "Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)." | | | | | |

MODIFICATIONS P. 1

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vocation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| DECISION #AL77-1025-MOD. #5 (42 FR 15277 - March 4, 1977) Lawrence, Limestone and Morgan Counties, Alabama | | | | | |
| Change: | | | | | |
| Electricians: | | | | | |
| Cable Splicers | $10.60 | .55 | 3% + .35 | | 1% |
| DECISION #AL78-1003 - Mod. #2 (43-FR-4805 - February 3, 1978) Statewide Alabama | | | | | |
| CHANGE: | | | | | |
| Electricians: | | | | | |
| Zone 1 | $10.65a | | | | |
| Zone 3 | 10.65a | | | | |
| FOOTNOTE: a. Plus fringe benefits of $.55 Health and Welfare, 3%+.40 Pension and .5% Apprentice Training. | | | | | |
| DECISION NO. AZ77-5059 - Mod. #5 (42 FR 31065 - June 17, 1977) Maricopa County, Arizona | | | | | |
| Change: | | | | | |
| Painters: | | | | | |
| Zone A | $9.85 | .60 | .40 | | .08 |
| Brush; Tapers | 10.10 | .60 | .40 | | .08 |
| Spray; Paperhangers | | | | | |
| Zone B | 10.85 | .60 | .40 | | .08 |
| Brush; Tapers | 11.10 | .60 | .40 | | .08 |
| Spray; Paperhangers | | | | | |
| Zone C | 12.10 | .60 | .40 | | .08 |
| Brush; Tapers | 12.35 | .60 | .40 | | .08 |
| Spray; Paperhangers | | | | | |
| Plumbers; Steamfitters: | | | | | |
| Zone I | 12.24 | .75 | 1.35 | | .10 |
| Zone II | 12.59 | .75 | 1.35 | | .10 |
| Zone III | 13.01 | .75 | 1.35 | | .10 |
| Zone IV | 14.31 | .75 | 1.35 | | .10 |
| Sheet Metal Workers: | | | | | |
| Zone I | 10.83 | 3%+.80 | 1.30 | | .10 |
| Zone II | 11.48 | 3%+.80 | 1.30 | | .10 |
| Zone III | 13.33 | 3%+.80 | 1.30 | | .10 |
| Soft Floor Layers: | | | | | |
| Zone A | 9.21 | .59 | .12 | | .12 |
| Zone D | 10.21 | .59 | .12 | | .12 |
| Zone C | 10.71 | .59 | .12 | | .12 |

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION NO. CA78-5004 - Mod. #1 (43 FR 3844-January 27, 1978) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California | | | | | |
| Change: Power Equipment Operators: (Schedule Attached) Truck Drivers: (Schedule Attached) | | | | | |
| DECISION NO. CA78-5005 - Mod. #1 (43 FR 3853-January 27, 1978) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California | | | | | |
| Change: Power Equipment Operators: (Schedule Attached) Truck Drivers: (Schedule Attached) | | | | | |
| POWER EQUIPMENT OPERATORS | | | | | |
| Group 1: | $10.70 | $1.00 | $2.00 | .55 | .14 |
| Group 2: | 10.98 | 1.00 | 2.00 | .55 | .14 |
| Group 3: | 11.27 | 1.00 | 2.00 | .55 | .14 |
| Group 4: | 11.41 | 1.00 | 2.00 | .55 | .14 |
| Group 5: | 11.63 | 1.00 | 2.00 | .55 | .14 |
| Group 6: | 11.74 | 1.00 | 2.00 | .55 | .14 |
| Group 7: | 11.86 | 1.00 | 2.00 | .55 | .14 |
| Group 8: | 12.03 | 1.00 | 2.00 | .55 | .14 |
| Group 9: | 12.16 | 1.00 | 2.00 | .55 | .14 |



POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 5600 CFM); Ditchwitch, with seat, or similar type equipment; Elevator operator - inside; Engine oiler; Fork lift operator (5 tons); Generator; Generator, pump or compressor plant operator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Rotary drill helper (oilfield); Skiploader wheel type up to 3/4 yd. w/o attachments; Soils field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Truck crane oiler

Group 3: A-frame or winch truck; Chainman; Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driver jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinkey locomotive or motorman (up to and including 10 tons); Equipment greaser (greaser truck); Guard rail, post driver; Helicopter [illegible] Highline cableway Signalman; Hydra-hammer-aero stomper; Power sweeper; Rodman; Roller (compacting); Screed (asphalt or concrete); Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Batch plant; Bit sharpener; Concrete joint machine (canal and similar type); Concrete planer; Deck engine; Derrickman (oilfield type); Drilling machine operator (including water wells); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool operator; Maginnis internal full slab vibrator; Mechanic berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine; Slip form pump (power-driven hydraulic lifting device for concrete forms); Skiploader (crawler and wheel type over 3/4 yd. and up to and including 1¼ yds.); Stinger crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger hoist 1 drum; Tunnel locomotive (over 10 and up to and including 30 tons); Welder-general









POWER EQUIPMENT OPERATORS (Cont'd.)

Group 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Backhoe (up to and including 3/4 yd); crane operator; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Compactor, self-propelled; Concrete mixer - paving; Concrete pump (truck mounted); Crane operator up to and including 25 ton capacity) (long-boom pay applicable); Cretor crane; Crushing plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Crane checker; Grade-all; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. rubber tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Polar gantry crane operator; Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment (single engine ); Caterpiller, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired earth moving equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Self-propelled curb and gutter amchine; Skiploader (crawler and wheel type-over 1¼ yds., up to and including 6½ yds.); Surface heaters and planer; Tower crane operator; Tractor compressor drill combination; Tractor (any type larger than D-5 - 100 flywheel h.p. and over, or similar - Bulldozer, tamper, scraper and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping cleaning and bending machine; Trenching machine (over 6 ft. depth); Tunnel locomotive (over 30 tons); Shovel, backhoe, dragline, clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (long boom pay applicable)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick barge (long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist, stiff-legs, guy derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail locomotive (diesel); gas or electric); Motor patrol-blade operator (single engine); Multiple engine tractor (Euclid and similar type, except quad 9 cat); Party chief; Pedestal crane operator; Rubber-tired earth moving equipment (single engine, over 50 yds. struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.) (long boom pay applicable); Tower crane repairman; Tractor loader (crawler and wheel type over 6¼ yds.); Welder-certified; Wood mixer and similar pugmill equipment

Group 8: Auto grader; Automatic slip form; Crane-over 100 tons (long boom pay applicable); Crawler transport; Hoist (stiff legs, guy derrick or similar types capable of hoisting 100 tons or more) (long boom pay applicable); Mass excavator - less than 750 cu. yds.; Mechanical finishing machine; Mobile form traveler; Motor patrol, multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber tired self-loading scraper (paddle wheel-auger type self-loadeing-2 or more units); Rubber-tired scraper - pushing one another w/o push cat. Push-pull (50¢ per hour additional to base rate); Tandem equipment (2 units only; Tandem tractor (quad 9 or similar type); Tunnel mole boring machine

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator (over 750 cu. yds.)



| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Group 1: | $9.52 | $1.25 | .75 | $1.10 | .10 |
| Group 2: | 9.60 | 1.25 | .75 | 1.10 | .10 |
| Group 3: | 9.66 | 1.25 | .75 | 1.10 | .10 |
| Group 4: | 9.75 | 1.25 | .75 | 1.10 | .10 |
| Group 5: | 9.78 | 1.25 | .75 | 1.10 | .10 |
| Group 6: | 9.80 | 1.25 | .75 | 1.10 | .10 |
| Group 7: | 9.84 | 1.25 | .75 | 1.10 | .10 |
| Group 8: | 9.85 | 1.25 | .75 | 1.10 | .10 |
| Group 9: | 9.90 | 1.25 | .75 | 1.10 | .10 |
| Group 10: | 9.93 | 1.25 | .75 | 1.10 | .10 |
| Group 11: | 9.98 | 1.25 | .75 | 1.10 | .10 |
| Group 12: | 10.00 | 1.25 | .75 | 1.10 | .10 |
| Group 13: | 10.05 | 1.25 | .75 | 1.10 | .10 |
| Group 14: | 10.30 | 1.25 | .75 | 1.10 | .10 |
| Group 15: | 10.55 | 1.25 | .75 | 1.10 | .10 |
| Group 16: | 10.65 | 1.25 | .75 | 1.10 | .10 |
| Group 17: | 10.75 | 1.25 | .75 | 1.10 | .10 |
| Group 18: | 11.05 | 1.25 | .75 | 1.10 | .10 |
| Group 19: | 11.55 | 1.25 | .75 | 1.10 | .10 |

MODIFICATIONS P. 7
TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combination of vehicles of 2 axles (including all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers or vehicles or cimbination of vehicles of 3 axles

Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yards; Erosin control driver

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6¼ yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' juriadiction; Pipeline and utility working truck including winch, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50¢ per hour additional for tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6¼ yds. and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-frame or Swedish crane, or similar type of equipment driver; Fork lift driver; Ross carrier, highway

Group 15: All-off-highway equipment within Teamster jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck repairman; Water pull, single engine

Group 16: Truck repairman-welder

Group 17: Low bed driver, 9 axle or over

Group 18: Water pull, single engine with attachments

Group 19: Water pull, twin engine with attachment







Decision NO. DF77-3134- Mod. #5
(42 FR - 52990 - September 30, 1977)
State of Delaware

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| CHANGE | | | | | |
| Bricklayers | $10.10 | .95 | .85 | | |
| Stonemasons | 10.10 | .95 | .85 | | |
| DECISION #MN77-2043 - Mod. #3 (42 FR 23390 - May 6, 1977) Anoka, Carver, Hennepin, Scott Dakota, Ramsey & Washington Counties, Minnesota | | | | | |
| Change: | | | | | |
| Asbestos Workers | $11.13 | .70 | .65 | | .02 |
| Electricians: | | | | | |
| Building | | | | | |
| Hennepin & Scott Cos. Twps. of Anoka & Fridley in Anoka County | 10.60 | 7% | 6% | 10% | 1½% |
| Remainder of Anoka County & Remaining Counties | 10.65 | 5 3/4% | 6% | 11½% | 3/8% |
| Residential | | | | | |
| Carver, Hennepin & Scott Cos; Twps. of Anoka, Fridley, Crow & Ramsey in Anoka Co. | 6.93 | .48 | 3% | .27 | 1% |
| Dakota, Ramsey, Washington Cos; & Remainder of Anoka Co. | 7.35 | .48 | 3% | .29 | ½ of 1% |
| Elevator Constructors: | | | | | |
| Constructors | 10.87 | .745 | .56 | 8% + a | .025 |
| Helpers | 70%JR | .745 | .56 | 8% + a | .025 |
| Helpers (Prob.) | 50%JR | | | | |
| Painters: | | | | | |
| Dakota, Ramsey & Washington Cos: | | | | | |
| Brush | 10.10 | .55 | .25 | | .10 |
| Structural Steel & Spray | 10.70 | .55 | .25 | | .10 |
| Remaining Counties: | | | | | |
| Brush | 10.08 | .55 | .25 | | .09 |
| Structural Steel & Spray | 10.68 | .55 | .25 | | .09 |
| Plasterers: | | | | | |
| Dakota, Ramsey & Washington Cos: | 9.89 | .70 | .25 | .65 | .01 |
| Sheet Metal Workers: | | | | | |
| Remaining Counties | 11.52 | .52 | .71 | | .06 |









| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION #MN77-2044 - MOD. #3 (42 FR 23395 - May 6, 1977) Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota | | | | | |
| Change: | | | | | |
| Asbestos Workers | $11.13 | .70 | .65 | | .02 |
| Electricians: | | | | | |
| Blue Earth & Fairbault Cos. | | | | | |
| Jobs outside the Mankato city area less than $50,000 | 8.45 | 7½% | 6% | 10% | 1% |
| Jobs within a 5 mile radius of Mankato and all jobs $50,000 & over | 10.60 | 7½% | 6% | 10% | 1% |
| Mower County & Freeborn Cos: | | | | | |
| $25,000 or less | 7.67 | 4% | 1% | 6% | .25% |
| $25,000 or more | 10.01 | 4% | 1% | 6% | .25% |
| Elevator Constructors: | | | | | |
| Constructors | 10.87 | .745 | .56 | 8% + a | .025 |
| Helpers | 70%JR | .745 | .56 | 8% + a | .025 |
| Helpers (Prob.) | 50%JR | | | | |
| Glaziers: | | | | | |
| Blue Earth County | 8.20 | | | | |
| Remainder of Counties | 10.00 | | | | |
| Ironworkers | 10.85 | .75 | .60 | | .02 |
| Laborers: Building | | | | | |
| General Laborers & Carp. Tenders | 8.50 | .20 | .15 | | |
| Mason Tenders & Vibrator Oprs. | 8.60 | .20 | .15 | | |
| Mortar Mixers | 8.65 | .20 | .15 | | |
| Painters: | | | | | |
| Remainder of Counties | | | | | |
| Brush | 9.35 | .50 | .10 | | .09 |
| Spray & Structural Steel | 9.85 | .50 | .10 | | .09 |
| Plumbers & Steamfitters | | | | | |
| Remainder of Counties | 10.31 | .30 | .20 | | .02 |
| Roofers: | | | | | |
| Remainder of Counties | 9.30 | .55 | | | |
| DECISION #MN77-2045 - MOD. #2 (42 FR 23400 - May 6, 1977) Olmsted County, Minnesota | | | | | |
| Change: | | | | | |
| Asbestos Workers | $11.13 | .70 | .65 | | .02 |
| Cement Masons & Plasterers | | | | | |
| Building | 9.35 | .50 | .25 | | |
| Electricians: | | | | | |
| $25,000 or more | 10.01 | .44 | 3% | 6% | .25% |
| Under $25,000 & Residential | 7.67 | .44 | 3% | 6% | .25% |
| Ironworkers | 10.85 | .75 | .60 | | .02 |
| Plumbers & Steamfitters | 10.31 | .30 | .20 | | .02 |
| Tile Setters | 11.20 | | | | |







| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION #MN77-2046 - MOD. #2 (42 FR 23404 - May 6, 1977) Benton, Sherburne & Stearns Counties, Minnesota | | | | | |
| Change: | | | | | |
| Asbestos Workers | $11.13 | .70 | .65 | | .02 |
| Carpenters: Building Constr. Southern Tip of Sherburne Co. | | | | | |
| Carpenters, Millwrights & Pile-drivermen | 9.86 | .50 | .50 | .50 | .02 |
| Cement Masons - Building & Site Preparation, Excavation & Incidential Paving | | | | | |
| Sherburne County | 10.13 | .60 | .60 | | |
| Electricians: | | | | | |
| Benton & Stearns Cos; Twps. of Haven, Palmer, Santiago, Becker & Clear Lake in Sherburne County: | | | | | |
| Jobs under $50,000 | 8.45 | 7½% | 6% | 10% | 1½% |
| Jobs over $50,000 | 10.60 | 7½% | 6% | 10% | 1½% |
| Remainder of Sherburne Co. | 10.65 | 5 3/4% | 6% | 11½% | 3/8% |
| Ironworkers | 10.85 | .75 | .60 | | .02 |
| Lathers: | | | | | |
| Benton & Stearns Counties | 9.71 | .45 | .35 | | .01 |
| Painters: | | | | | |
| Eastern 2/3 of Sherburne Co. | | | | | |
| Brush - Rollers & Paperhangers | 10.08 | .55 | .25 | | .09 |
| Spray, Structural Steel & Sandblasting | 10.68 | .55 | .25 | | .09 |
| Plumbers & Steamfitters: | | | | | |
| Sherburne County; Eastern ½ of County | 10.39 | .38 | .50 | 1.35 | .05 |
| Sheet Metal Workers | 10.92 | .52 | .31 | | .03 |

MODIFICATIONS P. 11

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION #MO77-4271 - Mod. #2 | | | | | |
| (42 FR 53068 - September 30, 1977) | | | | | |
| Franklin, Jefferson, Lincoln, St. Charles, Warren Counties & City & County of St. Louis, Missouri | | | | | |
| Change: | | | | | |
| CARPENTERS; MILLWRIGHTS; PILE- | | | | | |
| DRIVERMEN: | | | | | |
| Zone 1 | $10.96 | .65 | .70 | | |
| Zone 2 | | | | | |
| Contracts $200,000.00 & under | 9.25 | .65 | .70 | | |
| Contracts over $200,000.00 | 10.96 | .65 | .70 | | |
| Zone 3 - Jefferson County | | | | | |
| Contracts over $25,000.00 | 10.96 | .65 | .70 | | |
| Zone 4 | | | | | |
| Contracts under $250,000.00 | 10.25 | .65 | .70 | | |
| Contracts over $250,000.00 | 10.96 | .65 | .70 | | |
| Zone 5 | | | | | |
| Contracts $250,000.00 & under | 9.68 | .65 | .70 | | |
| Contracts over $250,000.00 | 10.96 | .65 | .70 | | |
| IRONWORKERS | 11.225 | .55 | .70 | | .09 |
| LABORERS: | | | | | |
| Zone 1 | | | | | |
| Wrecking | 9.65 | .45 | 1.00 | | |
| PLUMBERS(Franklin, Jefferson, St. Charles, St. Louis & Warren Counties | 11.155 | .80 | .80 | .80 | .20 |
| SPRINKLER FITTERS | 13.11 | .65 | .95 | | .11 |
| DECISION NO. NM78-4012 - Mod #1 | | | | | |
| (43 FR February 10, 1978) | | | | | |
| Statewide, New Mexico | | | | | |
| CHANGE: | | | | | |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Bernalillo, Catron, Colfax, Curry, Debaca, Guadalupe, Harding, Lincoln, Los Alamos, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties: | | | | | |
| Elevator Constructors | $10.96 | .545 | .35 | 4%+b+c | .02 |
| Elevator Constructors helpers | 70%JR | .545 | .35 | 4%+b+c | .02 |
| Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties: | | | | | |
| Elevator Constructors | 8.57 | .745 | .35 | 4%+b+c | .02 |
| Elevator constructors | 70%JR | .745 | .35 | 4%+b+c | .02 |

MODIFICATIONS P. 12

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| DECISION #ND77-5099 - Mod. #2 | | | | | |
| (42 FR 61437 - December 2, 1977) | | | | | |
| Statewide, North Dakota | | | | | |
| OMIT: | | | | | |
| POWER EQUIPMENT OPERATORS GROUP 5: | | | | | |
| Rotomill Operator | $7.85 | .45 | .40 | | |
| ADD: | | | | | |
| POWER EQUIPMENT OPERATORS GROUP 4: | | | | | |
| Rotomill Operator | 8.10 | .45 | .40 | | |
| DECISION NO. OK77-427[illegible] - Mod. #5 | | | | | |
| (42 FR 53103 - September 30, 1977) | | | | | |
| Tulsa, Creek, Craig, Ottawa, Delaware, Mayes, [illegible] Counties, Oklahoma | | | | | |
| CHANGE: | | | | | |
| PIPEFITTERS | $11.02 | .50 | .65 | | .08 |
| Decision No. PA78-3161 - Mod. #5 | | | | | |
| (42 FR 21133 - May 21, 1978) | | | | | |
| Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania | | | | | |
| CHANGE: | | | | | |
| LINE CONSTRUCTION | | | | | |
| Journeyman Lineman | $13.71 | .45 | 1.37 | | .041 |
| Experienced Winch Truck | 9.55 | .45 | .095 | | .028 |
| 2nd 1000 Hrs. | 9.32 | .45 | .093 | | .027 |
| 1st. 1000 Hrs. | 9.09 | .45 | .090 | | .027 |
| Experienced Truck Driver | 8.86 | .45 | .088 | | .026 |
| 2nd 1000 Hrs. | 8.63 | .45 | .086 | | .025 |
| 1st. 1000 Hrs. | 8.40 | .45 | .084 | | .025 |
| Laj Trench Groundman | 8.17 | .45 | .081 | | .024 |
| 2nd 1000 Hrs. | 7.93 | .45 | .079 | | .023 |
| 1st. 1000 Hrs. | 7.70 | .45 | .077 | | .023 |
| LANDSCAPING | | | | | |
| Landscape Laborers | 7.50 | .95 | .65 | c | |
| Farm Tractor Driver | 8.00 | .95 | .65 | c | |
| Hydroseeder Nozzleman | 8.00 | .95 | .65 | c | |
| Mulcher Nozzleman | 8.00 | .95 | .65 | c | |





SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5002

DATE: Date of Publication

Supersedes Decision No. CA77-5090 dated September 30, 1977, in 42 FR 52905

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ASBESTOS WORKERS | $ 13.00 | .95 | $ 1.27 | $2.00 | .07 |
| BOILERMAKERS | 13.625 | 1.075 | 1.00 | .75 | .02 |
| BRICKLAYERS; Stonemasons: | | | | | |
| Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties | 11.42 | 1.50 | 1.10 | 1.00 | .05 |
| Alameda and Contra Costa Cos. | 12.55 | 1.35 | 1.25 | | .25 |
| Fresno, Kings, Madera, Mariposa and Merced Counties | 12.05 | .95 | 1.00 | | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties | 12.50 | 1.03 | 1.21 | | .25 |
| Monterey and Santa Cruz Cos. | 12.60 | 1.22 | 1.26 | | |
| San Benito and Santa Clara Cos. | 12.55 | 1.35 | 1.25 | | .25 |
| Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties | 11.70 | 1.00 | 1.30 | 1.00 | |
| Tulare County | 11.60 | 1.00 | 1.00 | | .07 |

DECISION NO. CA78-5002 Page 2

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| BRICK TENDERS: | | | | | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties | $ 9.30 | $1.00 | $ 1.70 | | |
| San Francisco and San Mateo Counties | 10.00 | .65 | .80 | | |
| Fresno, Kings, Madera and Tulare Counties | 10.80 | .80 | 1.40 | | |
| Calaveras and San Joaquin Counties | 9.98 | 1.25 | 1.70 | | |
| CARPENTERS: | | | | | |
| Carpenters | 11.70 | 1.35 | 1.71 | 1.00 | .07 |
| Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors | 11.85 | 1.35 | 1.71 | 1.00 | .07 |
| Millwrights | 12.20 | 1.35 | 1.71 | 1.00 | .07 |
| Piledrivermen, bridge, wharf and dock builders | 12.23 | .84 | 1.26 | .75 | .04 |
| CEMENT MASONS: | | | | | |
| Cement Masons | 10.50 | 1.30 | 1.43 | 1.68 | .05 |
| Mastic; Magnesite; All Composition Masons | 10.75 | 1.30 | 1.43 | 1.68 | .05 |
| Men working from swinging or slip form scaffolds | 10.75 | 1.30 | 1.43 | 1.68 | .05 |
| DRYWALL INSTALLERS | 11.52 | 1.22 | 1.71 | .75 | .07 |
| ELECTRICIANS: | | | | | |
| Alameda County | | | | | |
| Electricians | 13.91 | 1.30 | 3%+1.65 | | .069 |
| Cable Splicers | 15.52 | 1.30 | 3%+1.65 | | .069 |
| Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Nevada watershed | | | | | |
| Electricians | 14.89 | .95 | 3%+.85 | | .045 |
| Cable Splicers | 16.38 | .95 | 3%+.85 | | .045 |
| Tunnels: | | | | | |
| Electricians | 15.02 | .95 | 3%+.85 | | .045 |
| Cable Splicers | 17.52 | .95 | 3%+.85 | | .045 |

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS: (Cont'd) | | | | | |
| Lake Tahoe Area | | | | | |
| Electricians | $ 14.33 | .84 | 3%+1.07 | | .08 |
| Cable Splicers | 15.66 | .84 | 3%+1.07 | | .08 |
| Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties | | | | | |
| Electricians | 12.62 | 1.12 | 3%+.905 | | .04 |
| Cable Splicers | 13.88 | 1.12 | 3%+.905 | | .04 |
| Tunnel: | | | | | |
| Electricians; Cable Splicers' Helpers | 13.25 | 1.12 | 3%+.905 | | .04 |
| Cable Splicers | 14.54 | 1.12 | 3%+.905 | | .04 |
| Calaveras and San Joaquin Counties | | | | | |
| Electricians; Technicians | 13.80 | .96 | 3%+1.49 | | .01 |
| Cable Splicers | 15.53 | .96 | 3%+1.49 | | .01 |
| Contra Costa County | | | | | |
| Electricians | 15.20 | .70 | 3%+1.00 | | |
| Cable Splicers | 16.70 | .70 | 3%+1.00 | | |
| Del Norte and Humboldt Counties | | | | | |
| Electricians | 11.25 | .80 | 3%+1.85 | | .04 |
| Cable Splicers | 12.15 | .80 | 3%+1.85 | | .04 |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Electricians | 13.41 | .80 | 3%+1.05 | | .05 |
| Cable Splicers | 14.71 | .80 | 3%+1.05 | | .05 |
| Lake, Marin, Mendocino and Sonoma Counties | | | | | |
| Electricians | 13.15 | 1.11 | 3%+.30 | | .02 |
| Cable Splicers | 14.50 | 1.11 | 3%+.30 | | .02 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Electricians | 12.73 | .94 | 3%+1.50 | | 1/4% |
| Cable Splicers | 14.00 | .94 | 3%+1.50 | | 1/4% |
| Monterey County | | | | | |
| Electricians | 12.50 | 1.15 | 3%+3.00 | | .06 |
| Cable Splicers | 13.81 | 1.15 | 3%+3.00 | | .06 |
| Napa and Solano Counties | | | | | |
| Electricians | 12.91 | 1.08 | 3%+1.10 | | .04 |
| Cable Splicers | 13.42 | 1.08 | 3%+1.10 | | .04 |



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS: (Cont'd) | | | | | |
| San Benito, Santa Clara and Santa Cruz Counties | | | | | |
| Electricians | $ 13.80 | .92 | 3%+2.10 | | .05 |
| Cable Splicers | 15.53 | .92 | 3%+2.10 | | .05 |
| San Francisco County | | | | | |
| Electricians | 15.585 | 1.04 | 3%+.90 | | .06 |
| Cable Splicers | 17.53 | 1.04 | 3%+.90 | | .06 |
| San Mateo County | | | | | |
| Electricians | 14.14 | 1.25 | 3%+1.25 | | .03 |
| ELEVATOR CONSTRUCTORS | 14.82 | .745 | .56 | a | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS | 70%JR | .745 | .56 | a | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Pt. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from east of Fairfield) and Sonoma Counties | 11.79 | 1.00 | 1.41 | | .02 |
| Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of the City of Livingston), Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Cos. | 10.886 | .58 | 1.50 | | |
| Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County | 9.09 | .81 | 1.04 | .805 | .05 |
| IRONWORKERS: | | | | | |
| Fence Erectors | 10.66 | 1.24 | 2.22 | 1.46 | .06 |
| Reinforcing | 11.55 | 1.24 | 2.22 | 1.46 | .06 |
| Ornamental; Structural | 11.55 | 1.24 | 2.22 | 1.46 | .06 |
| LATHERS: | | | | | |
| Alameda and Contra Costa Counties | 11.36 | 1.09 | 1.26 | | .025 |



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| LATHERS: (Cont'd) | | | | | |
| Butte, Colusa, Glenn, Humboldt, Lake (tha portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties | $ 11.00 | .66 | .50 | | .01 |
| Calaveras and San Joaquin Counties | 11.30 | .68 | .55 | | .01 |
| Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties | 9.01 | .87 | .85 | 1.00 | 1/8¢ |
| Monterey and Santa Cruz Counties | 11.30 | .68 | .55 | | .01 |
| San Francisco and N¼ of San Mateo County | 13.07 | .66 | 2.00 | | .02 |
| San Benito and Santa Clara Counties | 12.69 | .98 | 1.75 | | |
| Fresno, Kings, Madera and Tulare Counties | 12.03 | .35 | .45 | | |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 10.75 | | | | .01 |
| Amador, El Dorado, Sacramento and Yolo Counties | 11.72 | .67 | 1.75 | | .02 |
| Southern half of San Mateo County | 10.03 | .32 | 1.00 | | |
| LINE CONSTRUCTION: | | | | | |
| Contra Costa County | | | | | |
| Groundmen | 11.40 | .70 | 3%+1.00 | | |
| Line Equipment Operators | 13.68 | .70 | 3%+1.00 | | |
| Linemen | 15.20 | .70 | 3%+1.00 | | |
| Cable Splicers | 16.70 | .70 | 3%+1.00 | | |
| Del Norte, Modoc and Siskiyou Counties | | | | | |
| Tree trimmer helper; Groundman | 8.24 | .45 | 3% | .10 | 1/2% |
| Head groundman; Headground-man (Chipper); Powdermen; Jackhammermen | 8.76 | .45 | 3% | .10 | 1/2% |
| Line Equipment Men | 10.02 | .45 | 3% | .10 | 1/2% |
| Linemen Polesprayer; Heavy Line Equipment Men; | | | | | |
| Certified Lineman; Welder | 11.63 | .45 | 3% | .10 | 1/2% |
| Tree Trimmer | 10.50 | .45 | 3% | .10 | 1/2% |
| Cable Splicers; Leadman; Pole Sprayer | 12.88 | .45 | 3% | .10 | 1/2% |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Groundmen | 12.74 | .75 | 3%+.95 | | .05 |
| Linemen; Line Equipment Operators | 13.56 | .75 | 3%+.95 | | .05 |
| Cable Splicers | 14.92 | .75 | 3%+.95 | | .05 |



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| LINE CONSTRUCTION: (Cont'd) | | | | | |
| Calaveras and San Joaquin Counties | | | | | |
| Groundmen | $ 10.35 | .96 | 3%+1.49 | | .01 |
| Line Equipment Operators | 12.42 | .96 | 3%+1.49 | | .01 |
| Linemen | 13.80 | .96 | 3%+1.49 | | .01 |
| Cable Splicers | 15.53 | .96 | 3%+1.49 | | .01 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Linemen | 9.83 | .62 | 1% | | 1% |
| Cable Splicers | 10.81 | .62 | 1% | | 1% |
| Monterey County | | | | | |
| Groundmen | 9.42 | 1.15 | 3%+3.00 | | .06 |
| Linemen; Technicians | 12.56 | 1.15 | 3%+3.00 | | .06 |
| Cable Splicers | 13.88 | 1.15 | 3%+3.00 | | .06 |
| Napa and Solano Counties | | | | | |
| Linemen | 12.07 | .68 | 3%+1.10 | | .04 |
| Cable Splicers | 13.58 | .68 | 3%+1.10 | | .04 |
| Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties | | | | | |
| Groundmen | 9.58 | .87 | 1%+.705 | | .02 |
| Linemen; Equipment Operators | 11.98 | .87 | 1%+.705 | | .02 |
| Cable Splicers | 13.18 | .87 | 1%+.705 | | .02 |
| Alameda County | | | | | |
| Groundmen | 9.68 | 1.05 | 3%+1.15 | | .03 |
| Linemen | 12.91 | 1.05 | 3%+1.15 | | .03 |
| Line Equipment Operators | 11.62 | 1.05 | 3%+1.15 | | .03 |
| Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed | | | | | |
| Groundmen | 8.97 | .73 | 1%+.75 | | .04 |
| Linemen | 11.21 | .73 | 1%+.75 | | .04 |
| Cable Splicers | 12.33 | .73 | 1%+.75 | | .04 |
| Lake, Marin, Mendocino and Sonoma Counties | | | | | |
| Groundman | 10.52 | 1.11 | 3%+.80 | | .02 |
| Line Equipment Operators | 11.84 | 1.11 | 3%+.80 | | .02 |
| Linemen | 13.15 | 1.11 | 3%+.80 | | .02 |
| Cable Splicers | 14.50 | 1.11 | 3%+.80 | | .02 |

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LINE CONSTRUCTION: (Cont'd) | | | | | |
| San Mateo County | | | | | |
| Groundman A | $ 12.10 | $ 1.16 | 3%+1.25 | | .03 |
| Groundman B | 9.25 | 1.16 | 3%+1.25 | | .03 |
| Line Equipment Operators | 12.81 | 1.16 | 3%+1.25 | | .03 |
| Linemen | 14.23 | 1.16 | 3%+1.25 | | .03 |
| Cable Splicers | 16.01 | 1.16 | 3%+1.25 | | .03 |
| Humboldt County | | | | | |
| Groundmen | 9.00 | .80 | 3%+1.85 | | .04 |
| Linemen | 11.25 | .80 | 3%+1.85 | | .04 |
| Cable Splicers | 12.15 | .80 | 3%+1.85 | | .04 |
| San Francisco County | | | | | |
| Groundmen | 13.25 | 1.04 | 3%+.90 | | .06 |
| Linemen; Technicians | 15.585 | 1.04 | 3%+.90 | | .06 |
| Cable Splicers | 17.53 | 1.04 | 3%+.90 | | .06 |
| San Benito, Santa Clara, and Santa Cruz Counties | | | | | |
| Groundmen | 11.65 | 1.02 | 3%+2.10 | | .04 |
| Linemen; Line Equipment Operators | 13.70 | 1.02 | 3%+2.10 | | .04 |
| Cable Splicers | 15.41 | 1.02 | 3%+2.10 | | .04 |
| MARBLE SETTERS | 11.74 | 1.40 | .93 | 1.03 | |
| PAINTERS: | | | | | |
| Alpine, Amador, Calaveras and San Joaquin Counties | | | | | |
| Brush | 9.82 | .85 | 2.34 | 1.11 | |
| Spray; Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel | 10.22 | .85 | 2.34 | 1.11 | |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Brush; Tapers | 11.12 | .41 | .20 | | |
| Spray; Structural Steel | 11.37 | .41 | .10 | | |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Brush | 9.60 | .70 | .45 | .75 | .02 |
| Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting | 9.85 | .70 | .45 | .75 | .02 |
| Spray; Sandblasting | 10.10 | .70 | .45 | .75 | .01 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS: (Cont'd) | | | | | |
| Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the the Lake Tahoe Area) | | | | | |
| Brush | $ 12.31 | $ 1.10 | $ 1.50 | .80 | .06 |
| Spray | 12.56 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 12.86 | 1.10 | 1.50 | .80 | .06 |
| Lake Tahoe Area | | | | | |
| Brush | 10.95 | .70 | .75 | | |
| Spray; Structural Steel; Tapers | 11.20 | .70 | .75 | | |
| Lake, Marin, Mendocino, San Francisco and Sonoma Cos. | | | | | |
| Brush | 12.18 | 1.10 | 1.50 | .80 | .06 |
| Spray | 12.68 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 12.98 | 1.10 | 1.50 | .80 | .06 |
| Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties | | | | | |
| Brush; Pot Tenders; Rollers | 8.75 | .60 | .40 | | |
| Spray; Sandblaster; Structural Steel; Swing Stage; Tapers | 9.25 | .60 | .40 | | |
| Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake) | | | | | |
| Brush | 10.95 | .70 | .75 | | |
| Spray; Structural Steel; Tapers | 11.20 | .70 | .75 | | |
| Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area) | | | | | |
| Brush | 12.31 | 1.10 | 1.50 | .80 | .06 |
| Spray | 12.81 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 13.11 | 1.10 | 1.50 | .80 | .06 |







| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS: (Cont'd) | | | | | |
| Del Norte and Humboldt Counties | | | | | |
| Brush | $ 7.55 | .60 | .20 | .80 | |
| Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers | 7.80 | .60 | .20 | .80 | |
| Parking Lot Striping Work and/or Highway Markers: | | | | | |
| Fresno, Kings and Tulare Counties | | | | | |
| Traffic Delineating Device applicator | 9.37 | .55 | .40 | b | |
| Wheel Stop Installer; Traffic Surface Sandblaster; Striper | 8.98 | .55 | .40 | b | |
| Helper (wheel atop installer, traffic surface sandblaster, striper) | 7.08 | .55 | .40 | b | |
| Slurry Seal Operation: | | | | | |
| Mixer Operator | 8.98 | .55 | .40 | b | |
| Squeegee Man | 7.98 | .55 | .40 | b | |
| Applicator Operator | 7.08 | .55 | .40 | b | |
| Shuttleman | 6.90 | .55 | .40 | b | |
| Top Man | 6.08 | .55 | .40 | b | |
| Remaining Counties | | | | | |
| Traffic Delinsating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster | 9.37 | .55 | .40 | b | |
| Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster) | 7.97 | .55 | .40 | b | |
| Striper | 10.47 | .55 | .40 | b | |
| Helper (striper) | 8.47 | .55 | .40 | b | |
| Slurry Seal Operation: | | | | | |
| Mixer Operator | 9.37 | .55 | .40 | b | |
| Squeegee man | 8.87 | .55 | .40 | b | |
| Applicator Operator | 7.97 | .55 | .40 | b | |
| Shuttleman | 6.90 | .55 | .40 | b | |
| Top Man | 6.47 | .55 | .40 | b | |
| PLASTERERS: | | | | | |
| Alameda and Contra Costa Counties | 10.10 | .745 | 1.05 | | .03 |
| San Mateo County | 7.72 | .48 | .90 | 1.50 | .025 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLASTERERS: (Cont'd) | | | | | |
| Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties | $ 9.79 | .56 | $ 1.00 | | |
| Monterey County | 12.31 | 1.00 | .35 | | .01 |
| Fresno, Kings, Madera and Tulare Counties | 9.24 | .90 | 1.50 | 1.11 | |
| Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (SE¼), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties | 11.59 | .71 | 1.50 | | .01 |
| San Francisco County | 12.33 | 1.00 | 2.25 | | .03 |
| Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties | 10.65 | .98 | .80 | 1.25 | .01 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 9.05 | .90 | 1.55 | 1.20 | |
| PLASTERERS' TENDERS: | | | | | |
| Alameda and Contra Costa Counties | 8.87 | .60 | 1.10 | | |
| Fresno, Kings and Madera Counties | 9.80 | .80 | 1.40 | | |
| San Francisco and San Mateo Counties | 9.80 | .80 | 1.20 | 1.25 | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties | 7.455 | .455 | 1.40 | .80 | |
| Calaveras and San Joaquin Counties | 9.91 | 1.25 | 1.70 | 1.00 | |
| Marin County | 8.32 | .80 | 1.40 | .90 | |
| Monterey County | 10.40 | 1.25 | 1.70 | | |
| San Benito, Santa Clara and Santa Cruz Counties | 11.80 | .70 | 1.40 | | |
| Solano County | 10.25 | 1.25 | 1.70 | 1.10 | |
| Napa County | 11.40 | 1.25 | | 1.10 | |
| PLUMBERS: | | | | | |
| Alameda County | 14.40 | 1.25 | 2.29 | | .16 |
| Contra Costa County | 14.37 | 1.25 | 2.29 | | .26 |
| PLUMBERS; Steamfitters: | | | | | |
| Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area) | 13.84 | 1.32 | 1.81 | | .14 |
| Lake Tahoe Area | 10.99 | .58 | .60 | 1.95 | .10 |
| Marin, Mendocino, San Francisco and Sonoma Counties | 11.75 | 1.905 | 1.50 | 1.17 | .15 |

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLUMBERS; Steamfittera: (Cont'd) | | | | | |
| Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kinga, Lassen, Madera, Mariposa, Merced, Modoc, Montarey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Biskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties | $ 13.60 | $ 1.44 | $ 2.00 | | .10 |
| Lake, Napa and Solano Counties | 14.44 | 1.25 | 2.29 | | .22 |
| Del Norte and Humboldt Counties | 12.29 | .86 | 1.22 | | .05 |
| San Benito and Santa Clara Cos. | 15.15 | 1.08 | 1.77 | | .14 |
| San Mateo County | 14.41 | 1.14 | 2.30 | | .25 |
| ROOFERS: | | | | | |
| Alameda and Contra Costa Cos. Roofers | 10.94 | 1.17 | 1.10 | .60 | .04 |
| Mastic Workers; Kettlemen (2 kettles w/o pumps) | 11.19 | 1.17 | 1.10 | .60 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up | 11.94 | 1.17 | 1.10 | .60 | .04 |
| Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne, Counties Roofers (slate, tile composition and built up) | 12.15 | 1.04 | 1.00 | | |
| Felt Machine Operator | 12.30 | 1.04 | 1.00 | | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties Roofers | 11.89 | .93 | .40 | | .06 |
| Fresno, Kings, Madera and Tulare Counties Roofers | 11.65 | .60 | .90 | | |
| Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties Roofers | 10.98 | 1.10 | 1.20 | 1.63 | .09 |
| Mastic Workers; Kettlemn (2 kettles w/o pumps) | 11.23 | 1.10 | 1.20 | 1.63 | .09 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch | 11.98 | 1.10 | 1.20 | 1.63 | .09 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ROOFERS: (Cont'd) | | | | | |
| Del Norte and Humboldt Counties Roofers | $ 10.32 | .40 | .75 | .35 | |
| Monterey and Santa Cruz Counties Roofers | 10.40 | 1.40 | 1.15 | | |
| San Francisco and San Mateo Counties Roofers | 11.58 | .60 | 1.20 | 1.15 | .09 |
| Mastic Workers and Kettlemen (2 kettles) without pumps | 11.83 | .60 | 1.20 | 1.15 | .09 |
| Bitumastic; Enamelers; Pipewrappers; Coal tar | 12.58 | .60 | 1.20 | 1.15 | .09 |
| Amador, Sacramento and Yolo Counties Roofers (slate, tile and Composition) | 11.15 | 1.04 | 1.10 | 1.00 | .10 |
| [illegible] | 11.65 | 1.04 | 1.10 | 1.00 | .10 |
| San Benito and Santa Clara Counties Roofers; Kettle (1 kettle) | 11.10 | .85 | 1.29 | | |
| SHEET METAL WORKERS: | | | | | |
| Alameda, Contra Costa, Napa and Solano Counties | 11.94 | .73 | 2.11 | 12% | .04 |
| Alpine, Calaveras and San Joaquin Counties | 11.77 | .66 | 1.40 | | .02 |
| Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 11.68 | .73 | 1.65 | | .11 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 11.14 | .60 | 1.10 | | .06 |
| Monterey, San Benito, Santa Clara and Santa Cruz Counties | 11.15 | 3%+.66 | 1.845 | 1.115 | |
| Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties | 12.50 | .66 | 1.74 | | .12 |





| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| SHEET METAL WORKERS: (Cont'd) | | | | | |
| San Mateo County | $ 13.54 | .73 | $ 1.84 | | .10 |
| Modoc and Siskiyou Counties | 10.285 | .52 | .28 | | .035 |
| Fresno, Kings, Madera and Tulare Counties | 11.98 | .73 | 1.22 | | .14 |
| SOFT FLOOR LAYERS: | | | | | |
| Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area) | 10.73 | .84 | 1.30 | 1.00 | .10 |
| Honey Lake Area and Lake Tahoe Area | 10.05 | .70 | .20 | | |
| Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties | 11.30 | .60 | 1.00 | c | .10 |
| SPRINKLER FITTERS: | | | | | |
| Almeda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties | 16.26 | .65 | 1.45 | | .09 |
| Remaining Counties | 15.07 | .65 | .95 | | .08 |
| STEAMFITTERS: | | | | | |
| Alameda and Contra Costa Cos. | 13.30 | 1.25 | 2.29 | | .165 |
| Del Norte and Humboldt Cos. | 11.64 | .61 | 1.12 | | .05 |
| TERRAZZO WORKERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos. | 11.42 | 1.50 | 1.10 | 1.00 | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 11.80 | .80 | .90 | | .25 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TILE SETTERS: | | | | | |
| [illegible] Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo & Yuba Cos. | $ 12.00 | .98 | $ 1.20 | $ 1.40 | .095 |
| Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties | 9.17 | 1.00 | .70 | 2.00 | |
| Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties | 10.80 | 1.00 | .50 | | |
| Monterey and Santa Cruz Cos. | 13.41 | 1.09 | 1.18 | | |
| TILE SETTERS' HELPERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties | 9.27 | .69 | .51 | 10% | |
| Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties | 7.78 | .80 | 1.20 | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.34 per hour to Vacation Fund; 5 years but less than 10 years $.44 per hour to Vacation Fund; over 10 years $.54 per hour to Vacation fund.

c. Employer contrubires $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holiday Benefits.

| LABORERS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Group 1 | $ 8.775 | $ 1.25 | $ 1.70 | $1.10 | .10 |
| Group 1(a) | 9.00 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(b) | 9.275 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(c) | 8.825 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(d) | 8.775 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(e) | 9.325 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(f) | 9.36 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(f)1 | 8.375 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(g) | 8.975 | 1.25 | 1.70 | 1.10 | .10 |
| Group 2 | 8.625 | 1.25 | 1.25 | 1.10 | .10 |
| Group 3 | 8.525 | 1.25 | 1.25 | 1.10 | .10 |
| LABORERS (Gunnite) | | | | | |
| Group 1 | 9.235 | 1.25 | 1.70 | [illegible] | .10 |
| Group 2 | 8.645 | 1.25 | 1.70 | 1.10 | .10 |
| Group 3 | 8.525 | 1.25 | 1.70 | 1.10 | .10 |
| LABORERS (Tunnel and Shaft Work) | | | | | |
| Group 1 | 10.345 | 1.25 | 1.70 | 1.10 | .10 |
| Group 2 | 10.035 | 1.25 | 1.70 | 1.10 | .10 |
| Group 3 | 9.855 | 1.25 | 1.70 | 1.10 | .10 |
| Group 4 | 9.735 | 1.25 | 1.70 | 1.10 | .10 |
| LABORERS (Wrecking Work) | | | | | |
| Group 1 | 8.775 | 1.25 | 1.70 | 1.10 | .10 |
| Group 2 | 8.625 | 1.25 | 1.70 | 1.10 | .10 |
| Group 3 | 8.525 | 1.25 | 1.70 | 1.10 | .10 |







LABORERS

Group 1: Asphalt Ironers and Raker; Barko, wacker and similar type tampers, buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1½" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Wire winding machine in connection with guniting or shot-crete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shot-crete - Aligner helper





LABORERS (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers, caulkers, banders, pipewrappers, conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, precast manhole setters, cast in place, manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Cunite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers



LABORERS (Cont'd)
(Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - primer house; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS
(Wrecking Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

| POWER EQUIPMENT OPERATORS: DREDGING CLAMSHELL AND DIPPER DREDGING (New Conetruction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Group 1: | | | | | |
| Bargeman; Deckhand; Fireman; Oiler | | | | | |
| Area 1 | $8.29 | $1.07* | $1.78 | .80 | .14 |
| Area 2 | 9.13 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 9.41 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 9.69 | 1.07* | 1.78 | .80 | .14 |
| Group 2: | | | | | |
| Deck Engineers; Deck Mate | | | | | |
| Area 1 | 9.91 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 10.76 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 11.03 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 11.31 | 1.07* | 1.78 | .80 | .14 |
| Group 3: | | | | | |
| Welder; Mechanic Welder; Watch Engineer | | | | | |
| Area 1 | 10.31 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 11.15 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 11.43 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 11.71 | 1.07* | 1.78 | .80 | .14 |
| Group 4: | | | | | |
| Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay) | | | | | |
| Area 1 | 11.01 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 11.86 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 12.14 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 12.41 | 1.07* | 1.78 | .80 | .14 |
| Group 4-A: | | | | | |
| Clamshell Operator (over 7 cu. yds. m.r.c.) Long Boom Pay) | | | | | |
| Area 1 | 12.08 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 12.93 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 13.31 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 13.48 | 1.07* | 1.78 | .80 | .14 |



| POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SHCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Group A-1: | | | | | |
| Bargeman; Deckhand; Levee-hand; Fireman; Oiler | | | | | |
| Area 1 | $8.27 | $1.07* | $1.78 | .80 | .14 |
| Area 2 | 9.11 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 9.39 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 9.67 | 1.07* | 1.78 | .80 | .14 |
| Group A-2: | | | | | |
| Winchman (atern winch on dredge); Deckmate; Deck Engineer | | | | | |
| Area 1 | 9.20 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 10.05 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 10.30 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 10.60 | 1.07* | 1.78 | .80 | .14 |
| Group A-3: | | | | | |
| Watch Engineer; Welder; Welder Mechanic | | | | | |
| Area 1 | 9.85 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 10.70 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 10.98 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 11.25 | 1.07* | 1.78 | .80 | .14 |
| Group A-4: | | | | | |
| Leverman; Clamshell Operator | | | | | |
| Area 1 | 10.69 | 1.07* | 1.78 | .80 | .14 |
| Area 2 | 11.54 | 1.07* | 1.78 | .80 | .14 |
| Area 3 | 11.82 | 1.07* | 1.78 | .80 | .14 |
| Area 4 | 12.09 | 1.07* | 1.78 | .80 | .14 |





| TOW BOATS (Dredging): Work on self-propelled vessels (except skiffs powered by out-board motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transporation by water of personnel, materials, equipment and supplies | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Deckhand/Mechanics | | | | | |
| Area 1 | $ 9.55 | .89 | $ 1.61 | $1.18 | |
| Area 2 | 10.05 | .89 | 1.61 | 1.18 | |
| Area 3 | 10.30 | .89 | 1.61 | 1.18 | |
| Area 4 | 10.55 | .89 | 1.61 | 1.18 | |
| Operator Mechanic/Watch Engineer | | | | | |
| Area 1 | 10.75 | .96 | 1.36 | 1.15 | |
| Area 2 | 11.25 | .96 | 1.36 | 1.15 | |
| Area 3 | 11.50 | .96 | 1.36 | 1.15 | |
| Area 4 | 11.75 | .96 | 1.36 | 1.15 | |
| Building and Heavy Construction Tow Boats (work on self-propelled vessels) | | | | | |
| Boat Operators | 10.75 | .96 | 1.36 | 1.15 | |

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Frnacisco, Sacramento and Stockton, California

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and inlcuding 80 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.20 per hour to Pensioned Health and Welfare Fund.



| POWER EQUIPMENT OPERATORS (Piledriving) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Group 1 | $ 9.18 | $ 1.58 | $ 2.25 | $1.00 | .29 |
| Group 1(a) | 9.55 | 1.58 | 2.25 | 1.00 | .29 |
| Group 1(b) | 9.78 | 1.58 | 2.25 | 1.00 | .29 |
| Group 2 | 9.78 | 1.58 | 2.25 | 1.00 | .29 |
| Group 2(a) | 10.60 | 1.58 | 2.25 | 1.00 | .29 |
| Group 3 | 10.92 | 1.58 | 2.25 | 1.00 | .29 |
| Group 3(a) | 11.36 | 1.58 | 2.25 | 1.00 | .29 |
| Group 4 | 11.93 | 1.58 | 2.25 | 1.00 | .29 |
| Group 5 | 12.11 | 1.58 | 2.25 | 1.00 | .29 |

*Includes $.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Piledriving)

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to and inlcuding 25 tons hoisting material only

Group 5: Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler)over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane, over 25 tons hoisting material or performing piledriving work

| POWER EQUIPMENT OPERATORS | Basic Hourly Rates | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|---|
| | | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| | AREA 1 | AREA 2 | | | | |
| Group 1: | $ 9.13 | $10.64 | $ 1.58 | $ 2.25 | $1.00 | .29 |
| Group 2: | 9.50 | 11.01 | 1.58 | 2.25 | 1.00 | .29 |
| Group 3: | 9.73 | 11.24 | 1.58 | 2.25 | 1.00 | .29 |
| Group 4: | 10.32 | 11.83 | 1.58 | 2.25 | 1.00 | .29 |
| Group 5: | 10.55 | 12.06 | 1.58 | 2.25 | 1.00 | .29 |
| Group 6: | 10.71 | 12.22 | 1.58 | 2.25 | 1.00 | .29 |
| Group 7: | 10.87 | 12.38 | 1.58 | 2.25 | 1.00 | .29 |
| Group 8: | 11.31 | 12.82 | 1.58 | 2.25 | 1.00 | .29 |
| Group 9: | 11.54 | 13.05 | 1.58 | 2.25 | 1.00 | .29 |
| Group 10: | 11.76 | 13.27 | 1.58 | 2.25 | 1.00 | .29 |
| Group 10-A: | 11.88 | 13.39 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11: | 12.06 | 13.57 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-A: | 13.22 | 14.73 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-B: | 13.52 | 15.03 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-C: | 13.84 | 15.35 | 1.58 | 2.25 | 1.00 | .29 |

*Includes $.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATOES
(AREAS I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler



POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

Group 5: Compresaor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" m.r.c.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)





POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Prestress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine scraper over 45 yds. Soil stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and loader over 3/4 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.)(crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. m.r.c.); Power blade (single engine); Self-propelled boom-type lifting device (center mount)(over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar



POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helper; Warehousemen | $ 10.725 | $ 1.395 | .75 | $1.00 | |
| TEAMSTER Oiler and/or Greaser and/or Service man | 10.80 | 1.395 | .75 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level) | 10.82 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK and WATER TRUCK (under 2,500 gallons) | 10.835 | 1.395 | .75 | 1.00 | |





| TRUCK DRIVERS: (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ROAD OIL TRUCKS OR BOOT MAN | $ 10.845 | $ 1.395 | .75 | $1.00 | |
| LIFT JITNEYS, Fork Lift | 10.855 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX, AGITATOR (under 6 yds.) | 10.875 | 1.395 | .75 | 1.00 | |
| FUEL AND/OR GREASE TRUCK Driver or Fuelman | 10.89 | 1.395 | .75 | 1.00 | |
| TRUCK REPAIRMAN HELPER | 10.895 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK under (3,500 gallons) | 10.905 | 1.395 | .75 | 1.00 | |
| SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction) | 10.92 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.) | 10.935 | 1.395 | .75 | 1.00 | |
| COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.) | 10.975 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK (3,500 gals. and under 5,500 gals.) | 10.985 | 1.395 | .75 | 1.00 | |
| RUBBER-TIRED MUCK CAR (not self-loaded) | 10.995 | 1.395 | .75 | 1.00 | |







| TRUCK DRIVERS: (cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (W/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level) | $ 11.02 | $ 1.395 | .75 | $ 1.00 | |
| A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo | 11.035 | 1.395 | .75 | 1.00 | |
| HEAVY DUTY TRANSPORT (high bed) | 11.04 | 1.395 | .75 | 1.00 | |
| ROSS HYSTER and SIMILAR STRADDLE CARRIER | 11.065 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (8 yds. through 10 yds.) | 11.075 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK (5,500 gals. and under 7,500 gals.) | 11.085 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.) | 11.135 | 1.395 | .75 | 1.00 | |
| COMBINATION BOOTMAN and ROAD OILER | 11.165 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.) | 11.175 | 1.395 | .75 | 1.00 | |





| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level | $ 11.26 | $ 1.395 | .75 | $1.00 | |
| HEAVY DUTY TRANSPORT (gooseneck lowbed) | 11.27 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.) | 11.275 | 1.395 | .75 | 1.00 | |
| AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level) | 11.30 | 1.395 | .75 | 1.00 | |
| DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man | 11.32 | 1.395 | .75 | 1.00 | |
| P.B. OR SIMILAR TYPE SELF-LOADING TRUCK | 11.36 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.) | 11.375 | 1.395 | .75 | 1.00 | |

| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level) | $11.405 | $1.395 | .75 | $1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level) | 11.46 | 1.395 | .75 | 1.00 | |
| TRUCK REPAIRMAN | 11.395 | 1.395 | .75 | 1.00 | |



| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level) | $ 11.61 | $ 1.395 | .75 | $1.00 | |
| DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment whel pulling Aqua/Pak or water tank trailers | 11.71 | 1.395 | .75 | 1.00 | |
| BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level) | 11.76 | 1.395 | .75 | 1.00 | |



| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80yds. water level); Dumpcrete (ober 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and incuding 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level) | $ 11.91 | $ 1.395 | .75 | $1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 80 yds. and incuding 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and incuding 95 yds. water level) | 12.06 | 1.395 | .75 | 1.00 | |



CALIFONRIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Soutehrly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundray of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northelry to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of twonship 3N, range 15E,
Rhence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIPONRIA
AREA DEPINITONS For POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to tha S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern lina of township 12N to the Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Easterly to the S. E. corner of township 27N, range 8E,
Thence Northerly to tha N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to tha S.E. corner of township 16N, range 6W,
Thence Southerly to tha S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to tha N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,



CALIPORNIA
AREA DEPINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. cornar of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern Califofnia within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
AREA 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, renge 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.





CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Tehnce Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, ragne 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not inoluded within AREA 1 as defined.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5003 DATE: Date of Publication

Supersedes Decision No. CA77-5091 dated September 30, 1977, in 42 FR 52927.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ASBESTOS WORKERS | $ 13.00 | .95 | $ 1.27 | $ 2.00 | .07 |
| BOILERMAKERS | 13.625 | 1.075 | 1.00 | .75 | .02 |
| BRICKLAYERS; Stonemasons: | | | | | |
| Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties | 11.42 | 1.50 | 1.10 | 1.00 | .05 |
| Alameda and Contra Costa Cos. | 12.55 | 1.35 | 1.25 | | .25 |
| Fresno, Mariposa and Merced Cos. | 12.05 | .95 | 1.00 | | |
| El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties | 12.50 | 1.03 | 1.21 | | .25 |
| Monterey and Santa Cruz Counties | 12.60 | 1.22 | 1.26 | | |
| San Benito and Santa Clara Cos. | 12.55 | 1.35 | 1.25 | | .25 |
| Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties | 11.70 | 1.00 | 1.30 | 1.00 | |
| BRICK TENDERS: | | | | | |
| Calaveras and San Joaquin Cos. | 9.98 | 1.25 | 1.70 | | |
| San Francisco and San Mateo Cos. | 10.00 | .65 | .80 | | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties | 9.30 | 1.00 | 1.70 | | |
| Fresno County | 10.80 | .80 | 1.40 | | |
| CARPENTERS: | | | | | |
| Carpenters | 11.70 | 1.35 | 1.71 | 1.00 | .07 |
| Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors | 11.85 | 1.35 | 1.71 | 1.00 | .07 |
| Millwrights | 12.20 | 1.35 | 1.71 | 1.00 | .07 |
| Piledrivermen, Bridge, Wharf and Dock Builders | 12.23 | .84 | 1.26 | .75 | .04 |
| Mariposa and Merced Counties: | | | | | |
| Carpenters (wood frame residential construction) | 7.00 | 1.22 | | | |

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| CEMENT MASONS: | | | | | |
| Cement Masons | $ 10.50 | $ 1.30 | $ 1.68 | $ 1.65 | .05 |
| Mastic; Magnesite; All Composition Masons | 10.75 | 1.30 | 1.68 | 1.65 | .05 |
| Men working from swinging or Slip Form Scaffolds | 10.75 | 1.30 | 1.68 | 1.65 | .05 |
| DRYWALL INSTALLERS | 11.52 | 1.22 | 1.71 | .75 | .07 |
| ELECTRICIANS: | | | | | |
| Alameda County | | | | | |
| Electricians | 13.91 | 1.30 | 3%+1.65 | | .069 |
| Cable Splicers | 15.52 | 1.30 | 3%+1.65 | | .069 |
| Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed | | | | | |
| Electricians | 14.89 | .95 | 3%+.85 | | .045 |
| Cable Splicers | 16.38 | .95 | 3%+.85 | | .045 |
| Lake Tahoe Area | | | | | |
| Electricians | 14.33 | .84 | 3%+1.07 | | .08 |
| Cable Splicers | 15.66 | .84 | 3%+1.07 | | .08 |
| Tehama County | | | | | |
| Electricians (Family residences, limited to 3 stories) | 8.38 | 1.12 | 3%+.67 | | .04 |
| Electricians (4 stories): | | | | | |
| Electricians | 12.62 | 1.12 | 3%+.905 | | .04 |
| Cable Splicers | 13.88 | 1.12 | 3%+.905 | | .04 |
| Calaveras and San Joaquin Cos. | | | | | |
| Electricians | 13.80 | .96 | 3%+1.49 | | .01 |
| Cable Splicers | 15.53 | .96 | 3%+1.49 | | .01 |
| Contra Costa County | | | | | |
| Electricians | 15.20 | .70 | 3%+1.00 | | |
| Cable Splicers | 16.70 | .70 | 3%+1.00 | | |
| Del Norte and Humboldt Counties | | | | | |
| Electricians | 11.25 | .80 | 3%+1.85 | | .04 |
| Cable Splicers | 12.15 | .80 | 3%+1.85 | | .04 |
| Fresno County | | | | | |
| Electricians (family residences not to exceed 2 stories) | 7.75 | .80 | 3%+1.05 | | .05 |
| Electricians (3-4 stories): | | | | | |
| Electricians | 13.41 | .80 | 3%+1.05 | | .05 |
| Cable Splicers | 14.71 | .80 | 3%+1.05 | | .05 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ELECTRICIANS: (Cont'd) | | | | | |
| Marin and Sonoma Counties | | | | | |
| Electricians | $ 13.15 | 1.11 | 3%+.30 | | .02 |
| Cable Splicers | 14.50 | 1.11 | 3%+.30 | | .02 |
| Mariposa, Merced and Tuolumne Counties | | | | | |
| Electricians | 12.73 | .94 | 3%+1.50 | | 1/4% |
| Cable Splicers | 14.00 | .94 | 3%+1.50 | | 1/4% |
| Monterey County | | | | | |
| Electricians | 12.50 | 1.15 | 3%+3.00 | | .06 |
| Cable Splicers | 13.81 | 1.15 | 3%+3.00 | | .06 |
| Napa and Solano Counties | | | | | |
| Electricians | 12.91 | 1.08 | 3%+1.10 | | .04 |
| Cable Splicers | 13.42 | 1.08 | 3%+1.10 | | .04 |
| San Benito, Santa Clara and Santa Cruz Counties | | | | | |
| Electricians | 13.80 | .92 | 3%+2.10 | | .05 |
| Cable Splicers | 15.53 | .92 | 3%+2.10 | | .05 |
| San Francisco county | | | | | |
| Electricians | 15.585 | 1.04 | 3%+.90 | | .06 |
| Cable Splicers | 17.53 | 1.04 | 3%+.90 | | .06 |
| San Mateo County | | | | | |
| Electricians | 14.14 | 1.25 | 3%+1.25 | | .03 |
| ELEVATOR CONSTRUCTORS | 14.82 | .745 | .56 | a | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS | 70%JR | .745 | .56 | a | .025 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E of Fairfield), Sonoma Counties | 11.79 | 1.00 | 1.41 | | .02 |
| Alpine, Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, Yolo and Yuba Counties | 10.886 | .58 | 1.50 | | |
| Fresno and Remaining portions of Merced County | 9.09 | .81 | 1.04 | .805 | .05 |





| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| IRONWORKERS: | | | | | |
| Fence Erectors | $10.66 | $ 1.24 | $ 2.22 | $1.46 | .06 |
| Reinforcing | 11.55 | 1.24 | 2.22 | 1.46 | .06 |
| Ornamental; Structural | 11.55 | 1.24 | 2.22 | 1.46 | .06 |
| LATHERS: | | | | | |
| Alameda and Contra Costa Cos. | 11.36 | 1.09 | 1.26 | | .025 |
| Humboldt, Nevada, Placer and Tehama Counties | 11.00 | .66 | .50 | | .01 |
| Amador, El Dorado, Sacramento and Yolo Counties | 11.72 | .67 | 1.75 | | |
| Calaveras and San Joaquin Cos. | 11.30 | .68 | .55 | | .01 |
| Marin and Sonoma Counties | 9.01 | .87 | .85 | 1.00 | 1/8c |
| Monterey and Santa Cruz Counties | 11.30 | .68 | .55 | | .01 |
| San Francisco and N½ of San Mateo County | 13.07 | .66 | 2.00 | | .02 |
| San Benito and Santa Clara Cos. | 12.69 | .98 | 1.75 | | |
| Fresno County | 11.43 | .35 | .45 | | |
| Mariposa, Merced and Tuolumne Counties | 10.75 | | | | .01 |
| Southern half of San Mateo County | 10.03 | .32 | 1.00 | | |
| PAINTERS: | | | | | |
| Alpine, Amador, Calaveras and San Joaquin Counties | | | | | |
| Brush | 9.82 | .85 | 2.34 | 1.11 | |
| Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel | 10.22 | .85 | 2.34 | 1.11 | |
| Fresno County | | | | | |
| Brush; Tapers | 11.12 | .41 | .20 | | |
| Spray; Structrual Steel | 11.37 | .41 | .20 | | |
| Del Norte and Humboldt Counties | | | | | |
| Brush | 7.55 | .60 | .20 | .80 | |
| Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers | 7.80 | .60 | .20 | .80 | |
| Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area) | | | | | |
| Brush | 12.31 | 1.10 | 1.50 | .80 | .06 |
| Spray | 12.56 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 12.86 | 1.10 | 1.50 | .80 | .06 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS: (Cont'd) | | | | | |
| Sutter, Tehama and Yuba Counties | | | | | |
| Brush; Pot Tender; Rollers | $ 8.75 | .60 | .40 | | |
| Spray; Sandblasters; Structural Steel; Swing Stage; Tapers | 9.25 | .60 | .40 | | |
| Lake Tahoe Area | | | | | |
| Brush | 10.95 | .70 | .75 | | |
| Spray; Structural Steel; Tapers | 11.20 | .70 | .75 | | |
| Marin, San Francisco and Sonoma Counties | | | | | |
| Brush | 12.18 | 1.10 | 1.50 | .80 | .06 |
| Spray | 12.68 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 12.98 | 1.10 | 1.50 | .80 | .06 |
| Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area) | | | | | |
| Brush | 12.31 | 1.10 | 1.50 | .80 | .06 |
| Spray | 12.81 | 1.10 | 1.50 | .80 | .06 |
| Tapers | 13.11 | 1.10 | 1.50 | .80 | .06 |
| Mariposa, Merced and Tuolumne Counties | | | | | |
| Brush | 9.60 | .70 | .45 | .75 | .02 |
| Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting | 9.85 | .70 | .45 | .75 | .02 |
| Spray, Sandblasting | 10.10 | .70 | .45 | .75 | .02 |
| PLASTERERS: | | | | | |
| Alameda and Contra Costa Cos. | 10.10 | .745 | 1.05 | | .03 |
| Sutter and Yuba Counties | 9.79 | .56 | 1.00 | | |
| Fresno County | 9.24 | .90 | 1.25 | 1.00 | |
| Monterey County | 12.31 | 1.00 | .35 | | .01 |
| Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Cos. | 11.59 | .71 | 1.50 | | .01 |
| San Francisco County | 12.33 | 1.00 | 2.25 | | .03 |
| San Mateo County | 7.72 | .48 | .90 | 1.50 | .025 |
| Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties | 10.65 | .98 | .80 | 1.25 | .01 |
| Mariposa, Merced and Tuolumne Counties | 9.05 | .90 | 1.55 | 1.20 | |

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLASTERERS TENDERS: | | | | | |
| Alameda and Contra Costa Cos. | $ 8.87 | .60 | $ 1.10 | | |
| Fresno County | 9.80 | .80 | 1.40 | | |
| Marin County | 8.32 | .80 | 1.40 | .90 | |
| Solano County | 10.25 | 1.25 | 1.70 | 1.10 | |
| Napa County | 11.40 | 1.25 | | 1.10 | |
| San Francisco and San Mateo Cos. | 9.80 | .80 | 1.20 | 1.25 | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties | 7.455 | .455 | 1.40 | .80 | |
| Calaveras and San Joaquin Cos. | 9.91 | 1.25 | 1.70 | 1.00 | |
| Monterey County | 10.40 | 1.25 | 1.70 | | |
| San Benito, Santa Clara and Santa Cruz Counties | 11.80 | .70 | 1.40 | | |
| PLUMBERS: | | | | | |
| Alameda County | 13.10 | .83 | 1.55 | | .12 |
| Contra Costa County | 12.72 | .90 | 1.72 | | .20 |
| PLUMBERS; Steamfitters: | | | | | |
| Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area) | 13.84 | 1.32 | 1.81 | | .14 |
| Lake Tahoe Area | 10.99 | .58 | .60 | 1.95 | .10 |
| Marin, San Francisco and Sonoma Counties | 11.75 | 1.905 | 1.50 | 1.17 | .15 |
| San Benito and Santa Clara cos. | 15.15 | 1.08 | 1.77 | | .14 |
| San Mateo County | 14.41 | 1.14 | 2.30 | | .25 |
| Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter Tehama, Tuolumne and Yuba Cos. | 13.60 | 1.44 | 2.00 | | .10 |
| Napa and Solano Counties | 14.44 | 1.25 | 2.29 | | .22 |
| Del Norte and Humboldt Cos. | 12.29 | .86 | 1.22 | | .05 |
| ROOFERS: | | | | | |
| Alameda and Contra Costa Cos. Roofers | 10.94 | 1.17 | 1.10 | .60 | .04 |
| Mastic workers; Kettlemen (2 kettles w/o pumps) | 11.19 | 1.17 | 1.10 | .60 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up | 11.94 | 1.17 | 1.10 | .60 | .04 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ROOFERS: (Cont'd) | | | | | |
| Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties | | | | | |
| Roofers (slate, tile and composition and built up) | $ 11.29 | .98 | .67 | | |
| Felt Machine Operator | 11.44 | .98 | .67 | | |
| El Dorado, Placer, Butter and Yuba Counties | | | | | |
| Roofers | 11.89 | .93 | .40 | | .06 |
| Fresno County | | | | | |
| Roofers | 11.35 | .60 | .80 | | |
| Marin, Napa, Solano and Sonoma Counties | | | | | |
| Roofers | 10.13 | .85 | 1.20 | 1.63 | .04 |
| Mastic Workers; Kettlemen (2 kettle w/o pumps) | 10.38 | .85 | 1.20 | 1.63 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch | 11.13 | .85 | 1.20 | 1.63 | .04 |
| Del Norte and Humboldt Counties | | | | | |
| Roofers | 10.32 | .40 | .75 | .35 | |
| Monterey and Santa Cruz Counties | | | | | |
| Roofers | 10.40 | 1.40 | 1.15 | | |
| San Francisco and San Mateo Cos. | | | | | |
| Roofers | 11.58 | .60 | 1.20 | 1.15 | .09 |
| Mastic Workers and Kettlemen (2 kettles w/o pumps) | 11.83 | .60 | 1.20 | 1.15 | .09 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar | 12.58 | .60 | 1.20 | 1.15 | .09 |
| Amador, Sacramento and Yolo Counties | | | | | |
| Roofers | 11.15 | 1.04 | 1.10 | 1.00 | .10 |
| Enamelers and Pitch | 12.65 | 1.04 | 1.10 | 1.00 | .10 |
| San Benito and Santa Clara Cos. | | | | | |
| Roofers; Kettleman (1 kettle) | 11.10 | .85 | 1.29 | | |
| SHEET METAL WORKERS: | | | | | |
| Alameda, Contra Costa, Napa and Solano Counties | 11.94 | .73 | 2.11 | 12% | .04 |
| Alpine, Calaveras and San Joaquin Counties | 11.77 | .66 | 1.40 | | .02 |
| Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos. | 11.68 | .73 | 1.65 | | .11 |
| Mariposa, Merced and Tuolumne Counties | 11.14 | .60 | 1.10 | | .04 |







| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| SHEET METAL WORKERS: (Cont'd) | | | | | |
| Monterey, San Benito, Santa Clara and Santa Cruz Cos. | $ 11.15 | 3%+.66 | $ 1.845 | $ 1.115 | |
| San Mateo County | 13.54 | .73 | 1.84 | | .10 |
| Del Norte, Humboldt, Marin, San Francisco and Sonoma Cos. | 12.50 | .66 | 1.74 | | .12 |
| Fresno County | 11.98 | .73 | 1.22 | | .14 |
| SOFT FLOOR LAYERS: | | | | | |
| Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area) | 10.73 | .84 | 1.30 | 1.00 | .10 |
| Lake Tahoe Area | 10.05 | .70 | .20 | | |
| Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties | 11.30 | .60 | 1.00 | b | .10 |
| SPRINKLER FITTERS: | | | | | |
| Almeda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties | 16.26 | .65 | 1.45 | | .09 |
| Remaining Counties | 15.07 | .65 | .95 | | .08 |
| STEAMFITTERS: | | | | | |
| Alameda and Contra Costa Cos. | 13.30 | 1.25 | 2.29 | | .165 |
| Del Norte and Humboldt Cos. | 11.64 | .61 | 1.12 | | .05 |
| TERRAZZO WORKERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties | 11.42 | 1.50 | 1.10 | 1.00 | |
| El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties | 11.80 | .80 | .90 | | .25 |



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TILE SETTERS: | | | | | |
| Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos. | $ 12.00 | .98 | $ 1.20 | $ 1.40 | .095 |
| Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties | 9.17 | 1.00 | .70 | 2.00 | |
| Fresno, Mariposa and Merced Counties | 10.80 | 1.00 | .50 | | |
| Monterey and Santa Cruz Counties | 13.41 | 1.09 | 1.18 | | |
| TILE SETTERS' HELPERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma and Solano Counties | 9.27 | .69 | .51 | 10% | |
| Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tehama, Yolo and Yuba Counties | 7.78 | .80 | 1.20 | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holidays Benefits.

| LABORERS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Group 1 | $ 8.775 | $ 1.25 | $ 1.70 | $ 1.10 | .10 |
| Group 1(a) | 9.00 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(b) | 9.275 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(c) | 8.825 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(d) | 8.775 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(e) | 9.325 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(f) | 9.36 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(f)1 | 8.375 | 1.25 | 1.70 | 1.10 | .10 |
| Group 1(g) | 8.975 | 1.25 | 1.70 | 1.10 | .10 |
| Group 2 | 8.625 | 1.25 | 1.70 | 1.10 | .10 |
| Group 3 | 8.525 | 1.25 | 1.70 | 1.10 | .10 |
| LABORERS (Gunite) | | | | | |
| Group 1: | 9.235 | 1.25 | 1.70 | 1.10 | .10 |
| Group 2: | 8.645 | 1.25 | 1.70 | 1.10 | .10 |
| Group 3: | 8.525 | 1.25 | 1.70 | 1.10 | .10 |



LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger ,iclcuding placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1¼" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DR143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and rod beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General construction work on or in bell hole footings and shaft









LABORERS (Cont'd)

Group 1(f): Wire winding machine in connection with guniting or shot-crete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shot-crete - Aligner helper

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit layers and Plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, Precast manhole setters, cast in palce, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dump-man, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horti-cultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Main-tenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS
(Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers



| POWER EQUIPMENT OPERATORS | Basic Hourly Rates AREA 1 | Basic Hourly Rates AREA 2 | Fringe Benefits Payments H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|---|
| Group 1: | $ 9.13 | $10.64 | $ 1.58 | $ 2.25 | $1.00 | .29 |
| Group 2: | 9.50 | 11.01 | 1.58 | 2.25 | 1.00 | .29 |
| Group 3: | 9.73 | 11.24 | 1.58 | 2.25 | 1.00 | .29 |
| Group 4: | 10.32 | 11.83 | 1.58 | 2.25 | 1.00 | .29 |
| Group 5: | 10.55 | 12.06 | 1.58 | 2.25 | 1.00 | .29 |
| Group 6: | 10.71 | 12.22 | 1.58 | 2.25 | 1.00 | .29 |
| Group 7: | 10.87 | 12.38 | 1.58 | 2.25 | 1.00 | .29 |
| Group 8: | 11.31 | 12.82 | 1.58 | 2.25 | 1.00 | .29 |
| Group 9: | 11.54 | 13.05 | 1.58 | 2.25 | 1.00 | .29 |
| Group 10: | 11.76 | 13.27 | 1.58 | 2.25 | 1.00 | .29 |
| Group 10-A: | 11.88 | 13.39 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11: | 12.06 | 13.57 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-A: | 13.22 | 14.73 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-B: | 13.52 | 15.03 | 1.58 | 2.25 | 1.00 | .29 |
| Group 11-C: | 13.84 | 15.35 | 1.58 | 2.25 | 1.00 | .29 |

*Includes $.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATOES
(AREAS I and II)

Group 1: Assistant to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motor-man; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Presa-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Factor or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports and canals; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade checker (mechanical or other-wise); Highline cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internatal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and gutter machine, concrete or asphalt; Portable crusher; Post driver (M-1500 and similar); Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled Pipeline wrapping machine; Perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractor; Surface heater

Group 7: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Cocrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Gantry rider (or similar); Hydrahammer (or similar); Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement breakar with or without compressor combination; Pavement breaker, truck mounted with compressor combination; Pipe bending machine (pipelines only); Pipe cleaning machine (tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Roller operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader

Group 8: Armor-Coater (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heading shield operator; Heavy duty repairman and/or welder; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical trench shield; Portable crushing and screening plants; Push cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired dozer; Self-propelled compactor with dozer; Sheepfoot; Timber skidder (rubber tired or similar equipment); Tractor drawn scraper; Tractor trenching machine; Tri-batch paver; Tunnel mole boring mahcine; Welder; Woods-mixer (and other similar pugmill equipment)

Group 9: Canal finger drain digger; Chacago boom; Combination mixer and compressor (gunite); Combination slurry mixer and/or cleaner; Highline cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking machine (rubber tire, rail or track type); Tractor (with boom) (d-6 or larger and similar)



POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 10: Boom-type backfilling machine; Bridge crane; Cary-lift or similar); Chemical grouting machine, truck mounted; Combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more Loader; Adams elegrader; Elevating grader; Heavy duty rotary drill rig (including caisson foundation work and Euclid loader and similar type; Robbins type drills); Koehring skooper (or similar); Lift slab machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive 100 tons) (single or multiple units); Multiple engine earthmoving machine (Euclids, dozers, etc.)(no tandem scraper); Pre-stress wire wrapping machine; Reservoir-debris tug (self-propelled floating); Rubber-tired scraper, self-loading (paddle wheels, etc.); Shuttle car (reclaim station); Single engine scraper over 45 yds. soil stabilizer (P & H or equal); Sub-grader (gurries or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and loader over 3/4 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.)(crane attached); Cranes (not over 25 tons, Rammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. m.r.c.); Power blade (single engine); Self-propelled boom-type lifting device (centermount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar

Group 11: Automatic concrete slip form paver; Automatic railroad car dumper; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); Euclid loader when controlled from the pullcat; Highline cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller formless M900 sloper paver or similar; Power blade (multi-engine); Power shovels, clamshells, draglines, backhoes, grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Tubber-tired earth moving machines (multiple propulsion power units and two or more scrapers)(up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with tandem scrapers); Slip form paver (concrete or asphalt); Tandem cats; Tower cranes mobile including rail mounted; Trencher (pulling attached shield); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power shovels and draglines (over 7 cu. yds. m.r.c.); Rubber tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment





| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helper; Warehousemen | $ 10.725 | $ 1.395 | .75 | $1.00 | |
| TEAMSTER Oiler and/or Greaser and/or Service man | 10.80 | 1.395 | .75 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level) | 10.82 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK and WATER TRUCK (under 2,500 gallons) | 10.835 | 1.395 | .75 | 1.00 | |



| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| ROAD OIL TRUCK OR BOOT Man | $ 10.845 | $ 1.395 | .75 | $1.00 | |
| LIFT JITNEYS, Fork Lift | 10.855 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX, AGITATOR (under 6 yds.) | 10.875 | 1.395 | .75 | 1.00 | |
| FUEL AND/OR GREASE TRUCK Driver or Fuelman | 10.89 | 1.395 | .75 | 1.00 | |
| TRUCK REPAIRMAN HELPER | 10.895 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK under (3,500 gallons) | 10.905 | 1.395 | .75 | 1.00 | |
| SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction) | 10.92 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.) | 10.935 | 1.395 | .75 | 1.00 | |
| COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.) | 10.975 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK (3,500 gals. and under 5,500 gals.) | 10.985 | 1.395 | .75 | 1.00 | |
| RUBBER-TIRED MUCK CAR (not self-loaded) | 10.995 | 1.395 | .75 | 1.00 | |

| TRUCK DRIVERS: (cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| BULK CEMENT SPREADER (W/wo auger, 6 yds. and under 8 yds. water leval); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level) | $ 11.02 | $ 1.395 | .75 | $ 1.00 | |
| A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo | 11.035 | 1.395 | .75 | 1.00 | |
| HEAVY DUTY TRANSPORT (high bed) | 11.04 | 1.395 | .75 | 1.00 | |
| ROSS HYSTER and SIMILAR STRADDLE CARRIER | 11.065 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (8 yds. through 10 yds.) | 11.075 | 1.395 | .75 | 1.00 | |
| VACUUM TRUCK (5,500 gals. and under 7,500 gals.) | 11.085 | 1.395 | .75 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.) | 11.135 | 1.395 | .75 | 1.00 | |
| COMBINATION BOOTMAN and ROAD OILER | 11.165 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.) | 11.175 | 1.395 | .75 | 1.00 | |





| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpeter (8 yds. and including 12 yds. water level | $ 11.26 | $ 1.395 | .75 | $1.00 | |
| HEAVY DUTY TRANSPORT (gooseneck lowbed) | 11.27 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.) | 11.275 | 1.395 | .75 | 1.00 | |
| AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixar; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 ydss. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level) | 11.30 | 1.395 | .75 | 1.00 | |
| DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man | 11.32 | 1.395 | .75 | 1.00 | |
| P.B. OR SIMILAR TYPE SELF-LOADING TRUCK | 11.36 | 1.395 | .75 | 1.00 | |
| TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.) | 11.375 | 1.395 | .75 | 1.00 | |







| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level) | 11.405 | 1.395 | .75 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level; Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level) | 11.46 | 1.395 | .75 | 1.00 | |
| TRUCK REPAIRMAN | 11.395 | 1.395 | .75 | 1.00 | |





| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level) | $ 11.61 | $ 1.395 | .75 | $1.00 | |
| DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment whel pulling Aqua/Pak or water tank trailers | 11.71 | 1.395 | .75 | 1.00 | |
| BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level) | 11.76 | 1.395 | .75 | 1.00 | |

| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level) | $ 11.91 | $ 1.395 | .75 | $1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 80 yds. and incuding 95 yds. water leval); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and incuding 95 yds. water level) | 12.06 | 1.395 | .75 | 1.00 | |







CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

*AREA 1: All areas included in the description dafined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. cornsr of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundray of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,





CALIFONRIA
AREA DEFINITONS For POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Weaterly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Easterly to the S. E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,



CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the folloiwng line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
AREA 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.

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CALIFORNIA

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Tehnce Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, ragne 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Alachua
DECISION NUMBER: FL77-1149 DATE: Date of Publication
Supersedes Decision No.: FL77-1028 published March 18, 1977 in 42 FR 15262
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Asbestos Workers | 10.99 | .45 | .55 | | .08 |
| Boilermakers | 10.05 | .95 | 1.05 | | .02 |
| Bricklayers | 7.65 | .30 | .30 | | .02 |
| Carpenters | 8.92 | .52 | .50 | | .05 |
| Cement Masons | 7.30 | .30 | .30 | | .02 |
| ELECTRICIANS: | | | | | |
| Commercial: | | | | | |
| Wiremen | 9.05 | .35 | 3% | | 1% |
| Cable Splicers | 9.905 | .35 | 3% | | 1% |
| Industrial: | | | | | |
| Wiremen | 10.25 | .35 | 3% | | 1% |
| Cable Splicers | 11.275 | .35 | 3% | | 1% |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Mechanics | 9.785 | .745 | .56 | 4%+a+b | .025 |
| Helpers | 6.85 | .745 | .56 | 4%+a+b | .025 |
| Porbationary Helpers | 4.89 | | | | |
| Glaziers | 8.00 | | .20 | | |
| Ironworkers | 8.95 | .55 | .85 | | .02 |
| LABORERS: | | | | | |
| Air tool operators; Mortar Mixers; Pipelayers (concrete & clay) | 4.90 | .20 | | | |
| Unskilled | 4.80 | .20 | | | |
| Lathers | 7.95 | | | | .01 |
| Marble Setters | 7.30 | .30 | .30 | | .02 |
| Millwrights | 9.23 | .30 | .30 | | .02 |







Page 2

FL77-1149 - (Cont'd)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PAINTERS: | | | | | |
| Brush | 7.01 | .10 | | | .05 |
| Paperhangers | 7.51 | .10 | | | .05 |
| Structural Steel | 7.51 | .10 | | | .05 |
| Spray | 7.51 | .10 | | | .05 |
| Swing Stage | 7.51 | .10 | | | .05 |
| Boatswain's Chair | 7.51 | .10 | | | .05 |
| Piledrivers | 8.92 | .52 | .50 | | .05 |
| Plasterers | 7.65 | .30 | .30 | | .02 |
| Plumbers; Pipefitters; Steamfitters | 10.30 | .20 | .25 | | .10 |
| ROOFERS: | | | | | |
| Roofers | 8.71 | .50 | .25 | | .025 |
| Kettlemen | 6.53 | .50 | .25 | | .025 |
| Sheet Metal Workers | 9.08 | .80 | 3% + .44 | | .125 |
| Soft Floor Layers | 8.47 | .52 | .50 | | .05 |
| Sprinkler Fitters | 10.16 | .65 | .95 | | .10 |
| Stone Masons | 7.65 | .30 | .30 | | .02 |
| Tile & Terrazzo Workers | 7.30 | .30 | .30 | | .02 |
| Welders - Rate for craft to which welding is incidental | | | | | |

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Pege 3

FL77-1149 - (Cont'd)

| POWER EQUIPMENT OPERATORS: | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| GROUP I | 9.48 | .50 | .35 | | .05 |
| GROUP II | 8.30 | .50 | .35 | | .05 |
| GROUP III | 7.32 | .50 | .35 | | .05 |
| GROUP IV | 6.21 | .50 | .35 | | .05 |

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper), front end loaders, (over 4 cu, cap.,), side boom cats, multi-drum hoist (for rigging), mechanic ( heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging), including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant ( 2 or more compressors on a common manifold), lubricating engineer, (mobile plant), pavement breakers, street sweeping machines.

GROUP IV: Tractor operated sweeper, trenching machine, (ladder & wheel type maximum cut 6', maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. raduis), self-propelled sweepers, combination pump, compressor & combustion type welding machine.

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTY: HOUSTON
DECISION NO.: GA78-1008 DATE: DATE OF PUBLICATION
Supersedes Decision No. GA77-1153, dated December 16, 1977, in 42 FR 63620.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ASBESTOS WORKERS | $10.15 | .55 | .60 | | .10 |
| BOILERMAKERS | 10.25 | .75 | 1.05 | | .02 |
| BRICKLAYERS & STONE MASONS | 7.50 | | .15 | | |
| CARPENTERS | 8.05 | | | | |
| CEMENT MASONS | 5.76 | | | | |
| ELECTRICIANS | 9.00 | .50 | 3% | | ½ of 1% |
| IRONWORKERS: | | | | | |
| Structural, Ornamental, & Reinforcing | 9.25 | .65 | .57 | | .07 |
| LABORERS: | | | | | |
| Unskilled | 3.64 | | | | |
| Air tool operators | 4.65 | .15 | .10 | | .05 |
| LATHERS | 7.00 | | | | |
| MILLWRIGHTS | 8.45 | | | | |
| PAINTERS & DRY WALL FINISHERS | 6.10 | .45 | .40 | | .10 |
| PLASTERERS | 6.89 | | | | |
| PLUMBERS & PIPEFITTERS | 9.60 | .52 | .63 | | .05 |
| ROOFERS | 5.38 | | | | |
| SHEET METAL WORKERS | 7.74 | | | | |
| SOFT FLOOR LAYERS | 5.76 | | | | |
| TILE SETTERS | 5.85 | .15 | | | |
| TRUCK DRIVERS | 4.27 | | | | |
| WELDERS - Rate for craft | | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Backhoe | 8.88 | .55 | .50 | | .02 |
| Bulldozer | 7.61 | .55 | .50 | | .02 |
| Crane, derrick, dragline | 8.88 | .55 | .50 | | .02 |
| Forklift | 7.31 | | | | |
| Front end loader | 7.61 | .55 | .50 | | .02 |
| Mechanic | 8.88 | .55 | .50 | | .02 |
| Motor grader | 4.25 | | | | |
| Oiler | 6.99 | .55 | .50 | | .02 |
| Tractor | 5.00 | | | | |



SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS78-1013 DATE: Date of Publication
Supersedes Decision No.: MS76-1137 dated December 17, 1976 in 41 FR 55271
DESCRIPTION OF WORK: Highway Construction. (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Waters, Tunnels and Railroad Construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Carpenters | $5.20 | | | | |
| Cement masons/Finisher | 5.00 | | | | |
| Electricians | 5.00 | | | | |
| Ironworkers, reinforcing | 5.70 | | | | |
| Ironworkers, structural | 9.73 | | | | |
| Laborers: | | | | | |
| Unskilled | 3.00 | | | | |
| Asphalt Raker | 3.72 | | | | |
| Pipelayer | 3.50 | | | | |
| Painter (Structural steel) | 10.00 | | | | |
| Piledriverman | 5.07 | | | | |
| Truck driver | 3.00 | | | | |
| Tugboat operator | 5.50 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Asphalt distributor-spreader operator | 3.81 | | | | |
| Backhoe/Shovel Operator | 4.76 | | | | |
| Bulldozer operator | 4.50 | | | | |
| Concrete finishing machine op operator | 5.13 | | | | |
| Crane, dragline operator | 5.00 | | | | |
| Loader operator (all types) | 4.60 | | | | |
| Mechanic | 5.50 | | | | |
| Motor patrol operator | 5.17 | | | | |
| Oiler-greaser | 3.50 | | | | |
| Roller operator (self-propelled) | 3.68 | | | | |
| Striping machine operator | 4.10 | | | | |

Area VI Counties:
George, Hancock, Harrison, Jackson, Pearl River, and Stone.





SUPERSEDEAS DECISION

STATE: OH10 COUNTIES: *SEE BELOW
DECISION NUMBER: OH78-2006 DATE: Date of Publication
Supersedes Decision No.: OH77-2132, dated September 2, 1977 in 42 FR 44469
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to & including 4 stories)

* ALLEN, AUGLAIZE, CRAWFORD, DEFIANCE, ERIE, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, VAN WERT, WILLIAMS, WOOD, & WYANDOT

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ASBESTOS WORKERS: | | | | | |
| Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos. | $12.30 | .50 | .75 | | |
| Auglaize, & Logan Cos. | 11.47 | .75 | 1.00 | | .02 |
| Crawford, Hardin, Knox, Marion, & Morrow Cos. | 12.67 | .45 | .85 | | .02 |
| Erie (W½), Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood, & Wyandot Cos. | 12.43 | .50 | 1.20 | | .04 |
| Erie (E ½), & Huron Cos. | 13.93 | | | | |
| Richland Co. | 12.135 | .55 | .80 | | .02 |
| BOILERMAKERS | 13.10 | .70 | 1.00 | | .03 |
| BRICKLAYERS; Marble setters; Terrazzo workers; & Tile setters: | | | | | |
| Allen, Auglaize, Mercer, & Van Wert Cos. | 11.08 | | .20 | | |
| Crawford, Hardin, Marion, Morrow, Richland, Wyandot (except Twps. of Crawford, Ridge, Richland, & Tymochtee) Cos. | 10.63 | .60 | 1.00 | | .02 |
| Defiance, Henry (except Twps. of Monroe, Barlo, Liberty, Washington, Richfield, Marion, & Damascus & that part of Harrison outside city limits of city of Napoleon), Paulding, Putnam, & Williams Cos.: | | | | | |
| Bricklayers; Marble setters | 11.72 | .93 | | | |
| Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), Wyandot (Tymochtee Crawford, Ridge, & Richland Twps.), & island of Lake Erie North of Sandusky | 11.14 | .60 | .50 | | .01 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Henry (Twps. of Washington, Damascus, Richfield, Bartlo, Liberty, Harrison, Monroe, & Marion), & Wood (Twps. of Perrysburg, Ross, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids): | | | | | |
| | $12.155 | .93 | .90 | | .01 |
| Knox Co. | 10.33 | .60 | .50 | | .02 |
| Logan Co. | 10.60 | | | | |
| CARPENTERS: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos. | 10.14 | .53 | .70 | | .02 |
| Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos. | 10.66 | .70 | 1.00 | a | .04 |
| Defiance, Henry, Paulding, & Williams Cos. | 11.54 | .93 | .75 | | |
| Hancock & Wood Cos. (excluding Fostoria) | 12.32 | .93 | .75 | | .05 |
| CEMENT MASONS: | | | | | |
| Allen, Auglaize, Hardin, Logan, & Mercer, Van Wert Cos. | 10.20 | .50 | | | .05 |
| Crawford, Marion, Morrow, Richland, & Wyandot Cos. | 10.55 | | | | |
| Defiance, Paulding & Williams Cos. | 11.90 | .60 | | | |
| Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Twps. of Tymochtee, Crawford, Ridge, & Richland), & Island of Lake Erie North of Sandusky | 11.14 | .60 | .50 | | .01 |
| Hancock, Henry, Putnam, & Wood (except Perry & Bloom Twps.) Cos. | 13.34 | .60 | | | .02 |
| Knox Co. | 10.15 | .50 | .20 | | .03 |

DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| ELECTRICIANS: | | | | | |
| Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos. | $11.74 | .32 | 3%+.37 | | .04 |
| Crawford, Huron (Twps. of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middleburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps. of Sycamore, Crane, Eden, Pitt, & Antrim) Cos. | 11.50 | .45 | 3%+.50 | | .1% |
| Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos. | 13.00 | .65 | 3%+.55 | | .1% |
| Erie, & Huron (Twps. of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkefield, Norwich, Greenfield, Fairfield, Fitchville, & New London) Cos. | 12.35 | .73 | 3% | | .1% |
| Knox (Twps. of Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College) Co. | 10.80 | .40 | 3%+.62 | | .03 |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Allen, Auglaize, Defiance, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.: | | | | | |
| Elevator constructors | 10.91 | .745 | .56 | 4%+b+c | .035 |
| Helpers | 70%JR | .745 | .56 | 4%+b+c | .035 |
| Helpers (Prob.) | 50%JR | | | | |
| Crawford, Hardin, Knox, Logan, Marion, Morrow, & Richland Cos.: | | | | | |
| Elevator constructors | 11.705 | .745 | .56 | 4%+b+c | .035 |
| Helpers | 70%JR | .745 | .56 | 4%+b+c | .035 |
| Helpers (Prob.) | 50%JR | | | | |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Erie & Huron Cos.: | | | | | |
| Elevator constructors | $ 12.79 | .745 | .56 | 4%+b+c | .035 |
| Helpers | 70%JR | .745 | .56 | 4%+b+c | .035 |
| Helpers (Prob.) | 50%JR | | | | |
| Hancock, Henry, Ottawa, Sandusky, Seneca, Wood, & Wyandot Cos.: | | | | | |
| Elevator constructors | 12.355 | .745 | .56 | 4%+b+c | .035 |
| Helpers | 70%JR | .745 | .56 | 4%+b+c | .035 |
| Helpers (Prob.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Allen, Auglaize, Crawford, Hancock, Hardin, Mercer, Putnam, Van Wert, & Wyandot Cos. | 8.55 | | .56 | | |
| Defiance, Henry, Ottawa, Sandusky, Seneca, Williams, & Wood Cos. | 10.525 | .50 | .85 | | .01 |
| Erie, & Huron Cos. | 12.83 | .55 | .65 | | .01 |
| IRONWORKERS: | | | | | |
| Allen, Auglaize, Logan (W 2/3), & Mercer Cos.: | | | | | |
| Within 15 mi. radius of Local Union #290 | 10.96 | .90 | 1.25 | | .04 |
| Beyond 15 mi. radius of Local Union #290 | 11.11 | .90 | 1.25 | | .04 |
| Crawford, Hardin, Knox, Logan (Rem. of Co.), Marion, Morrow, & Wyandot Cos. | 11.10 | .90 | 1.55 | | .05 |
| Defience, Paulding, Putnam, Van Wert, & Williams Cos. | 11.20 | .90 | 1.20 | | .02 |
| Erie, & Huron Cos. | 12.22 | .80 | 1.10 | | .03 |
| Hancock, Henry, Ottawa, Sandusky, Seneca, & Wood Cos. | 12.30 | .93 | 1.11 | | .05 |
| Richland Co.: | | | | | |
| Ornamental; Reinforcing; & Structural | 11.08 | .70 | .75 | | .03 |
| Sheeter-roof | 11.58 | .70 | .75 | | .03 |
| Sheeter-side | 11.33 | .70 | .75 | | .03 |
| Bucker-up | 11.205 | .70 | .75 | | .03 |



DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LATHERS: | | | | | |
| Auglaize, Logan, & Mercer Cos. | $11.04 | | .20 | | .01 |
| Crawford, Knox, Logan, Marion, Morrow, & Wyandot Cos. | 11.05 | | .10 | | .01 |
| Defiance, Hancock, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos. | 12.38 | .93 | .10 | | .01 |
| Erie, & Huron Cos. | 12.45 | | | | .01 |
| LEADBURNERS | 10.75 | .40 | | d | .01 |
| MARBLE SETTERS' FINISHERS; Terrazzo workers' Finishers; & Tile setters' Finishers: | | | | | |
| Allen, Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos. | 10.10 | .65 | .40 | .50 | |
| Auglaize, Hardin, Logan, & Mercer Cos. | 8.34 | | | | |
| Erie, Huron, & Richland Cos.: | | | | | |
| Marble setters' Finishers | 11.41 | | 1.00 | | |
| Terrazzo workers' Finishers | 12.12 | | .85 | | |
| Tile setters' Finishers | 11.94 | | 1.00 | | |
| MILLWRIGHTS: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos. | 10.79 | .53 | .70 | | .02 |
| Crawford, Huron, & Richland Cos. | 10.66 | .70 | 1.00 | a | .04 |
| Defiance, Erie (W. of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos. | 12.32 | .93 | .75 | | .05 |
| Erie (E. of B & O RR Tracks) | 11.95 | .77 | 1.40 | | .03 |
| PAINTERS: | | | | | |
| Allen, Auglaize, Defiance, Hardin, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.: | | | | | |
| Brush; Drywall taping; & Roller Wall covering; Swing stage; Safety belts; Spiders & cherry pickers - brush or rollers | 8.65 | .73 | .50 | | .03 |
| | 8.90 | .73 | .50 | | .03 |



DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Sandblasting; Spray; Steam-cleaning; Mitts; High pressure water cleaning; Blow down | $9.15 | .73 | .50 | | .03 |
| Stilts & automatic drywall tools | 9.40 | .73 | .50 | | .03 |
| Petroleum storage tanks (over 30 ft. high) brush, rollers | 9.05 | .73 | .50 | | .03 |
| Structural steel (open skeleton) - brush or roller | 8.95 | .73 | .50 | | .03 |
| Elevated water tanks & stacks - brush, roller or spray | 10.15 | .73 | .50 | | .03 |
| Crawford, Marion, Morrow, & Richland Cos.: | | | | | |
| Brush; Roller; Washer & cleaner | 8.80 | | .50 | | |
| Drywall; Paperhangers; Wall coverer; Pot tender | 9.55 | | .50 | | |
| Structural steel tanks & towers; Hazardous materials incl. epoxy or any 2 component materials | 9.30 | | .50 | | |
| Spray; Riggers & helpers on scaffold over 30 ft. above base level | 9.55 | | .50 | | |
| Sign & pictorial | 9.65 | | .50 | | |
| Sandblaster cleaner | 9.95 | | .50 | | |
| Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.: | | | | | |
| Old Commercial | | | | | |
| Brush; Roller; Wash; Clean Drywall; Paperhanging; 30' to 60' | 8.80 | .50 | .60 | | $50.00p/yr |
| 60' or over | 9.05 | .50 | .60 | | 50.00p/yr |
| Sandblasting; Spray; Swing stage; Boatswain chair; Needle beam | 9.90 | .50 | .60 | | 50.00p/yr |
| Hazardous work & material; Stacks, Tanks, Towers over 40' in ht. | 9.30 | .50 | .60 | | 50.00p/yr |
| New Commercial | 9.80 | .50 | .60 | | 50.00p/yr |
| Brush; Roller; Wash; Clean Drywall; Paperhanging | 9.40 | .50 | .60 | | 50.00p/yr |
| Structural steel; 30' to 60' | 9.65 | .50 | .60 | | 50.00p/yr |
| 60' & over | 9.85 | .50 | .60 | | 50.00p/yr |
| Sandblast; Spray; Swing stage; Needlebeam; Boatswain chair | 10.25 | .50 | .60 | | 50.00p/yr |
| Hazardous work & material; Stacks, tanks, & towers over 40' in ht. | 9.90 | .50 | .60 | | 50.00p/yr |
| | 10.40 | .50 | .60 | | 50.00p/yr |

DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Henry, Ottawa, & Wood Cos.: | | | | | |
| Brush; Paperhangers; Drywall tapers & finishers | $10.49 | .65 | .70 | | |
| Sandblasting; Spray; Pressure cleaning | 11.04 | .65 | .70 | | |
| Open structural steel; Brush | 10.04 | .65 | .70 | | |
| Knox Co.: | | | | | |
| Brush; Paperhangers | 7.50 | | | | |
| Spray | 7.95 | | | | |
| Logan Co.: | | | | | |
| Brush; Paperhangers (tools furnished) | 7.80 | .10 | .25 | | |
| Swing stage | 8.15 | .10 | .25 | | |
| Spray | 8.50 | .10 | .25 | | |
| Structural steel | 8.35 | .10 | .25 | | |
| PILEDRIVERMEN: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos | 10.79 | .53 | .70 | | .02 |
| Crawford, Huron, & Richland Cos. | 10.66 | .70 | 1.00 | a | .04 |
| Defiance, Erie (W. of B & O RR Tracks), Hancock, Henry, Ottawa Paulding, Sandusky, Seneca, Williams, & Wood Cos. | 12.32 | .93 | .75 | | .05 |
| Erie (E. of B & O RR Tracks) | 12.10 | .77 | 1.25 | | .03 |
| PLASTERERS: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Mercer, & Van Wert Cos. | 10.34 | .50 | .30 | | .02 |
| Crawford, Marion, Morrow, Richland, & Wyandot (excluding Tymochtee, Crawford, Ridge, & Richland Twps.) Cos. | 10.45 | | | | |
| Defiance, Hancock, Henry, Paulding, Williams, & Wood (excluding Perry & Bloom Twps.) Cos. | 13.00 | .60 | | | .01 |
| Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), Wyandot (Tymochtee, Crawford, Ridge, & Richland Twps.), & Island of Lake Erie N. of Sandusky | 11.14 | .60 | .50 | | .01 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| PLUMBERS; Steamfitters: | | | | | |
| Allen, Auglaize, Hardin, Mercer, & Van Wert Cos. | $12.00 | .50 | .75 | | .05 |
| Crawford, Erie, Huron, Knox, Morrow, Richland, & Wyandot Cos. | 12.25 | .60 | .88 | | .05 |
| Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos. | 12.83 | .80 | .85 | | .09 |
| Logan Co. | 11.81 | .58 | .80 | | .04 |
| Marion Co. | 12.47 | .55 | .80 | | .05 |
| ROOFERS: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos. | 11.195 | .60 | .65 | | .01 |
| Crawford, & Richland Cos. | 11.18 | .73 | .55 | | .02 |
| Defiance, Hancock, Henry, Paulding, Williams, & Wood Cos. | 12.11 | .93 | .85 | | .02 |
| Erie, Huron, Ottawa, Sandusky, & Seneca Cos. | 13.18 | .25 | .50 | | |
| SHEET METAL WORKERS: | | | | | |
| Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot Cos. | 11.24 | .55+e | .94 | | .15 |
| Crawford, & Richland Cos. | 10.91 | .61 | .84 | | .05 |
| Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Seneca, Williams, & Wood Cos. | 12.195 | .93 | 1.15 | | .045 |
| Erie, Huron, & Sandusky Cos. | 12.68 | .60 | .60 | | .04 |
| Knox, Marion, & Morrow Cos. | 10.82 | .45+f | 1.05 | | .10 |
| SOFT FLOOR LAYERS: | | | | | |
| Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos. | 10.14 | .53 | .70 | | .02 |
| Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos. | 10.66 | .70 | 1.00 | a | .04 |
| Defiance, Hancock (excluding Fostoria), Henry, Paulding, Williams, & Wood (excluding Fostoria) Cos. | 10.90 | .93 | .50 | | .04 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| SPRINKLER FITTERS | $12.30 | .65 | .95 | | .08 |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 2 paid holidays: B & D
b. 7 paid holidays: A through F, & Day after Thanksgiving
c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the Holiday and the regular scheduled work days immediately preceding and following the holiday.
e. $.39 of gross earnings to SASMI
f. 3% of gross earnings to SASMI



DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LABORERS: | | | | | |
| Allen, Auglaize, Mercer, Paulding, Putnam, & Van Wert Cos.: | | | | | |
| Building laborers; Laser beam; Power wheelbarrow or power buggy | $7.85 | .55 | .40 | | .05 |
| Vibrators; Spikers by hand (Railroad); Cement finishers' helpers; All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tamper; Torch man; & tunnel | 8.00 | .55 | .40 | | .05 |
| Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & wagon drill helper | 8.15 | .55 | .40 | | .05 |
| Blaster-powder man; Gunite ops.; Muckers & miners (tunnel & caisson) free air; Sandblasters; & wagon drill/operator | 8.35 | .55 | .40 | | .05 |
| Crawford, Knox, Morrow, & Richland Cos.: | | | | | |
| General laborer; Carpenter tender; Concrete handler | 8.41 | .65 | .55 | | .10 |
| Mason & Plasterers' tenders; Air & power driven tools; Pipelayer; Dynamite blaster; Mortar mixer; & formsetter | 8.61 | .65 | .55 | | .10 |
| Gunnite operator | 9.01 | .65 | .55 | | .10 |

DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Defiance, Henry, & Williams Cos.: | | | | | |
| Unskilled laborers; Cement finishers' helpers; Carpenters' helpers; Carpenters' tenders | $8.97 | .65 | .55 | | .01 |
| Mason tenders; Gunite pot man | 9.09 | .65 | .55 | | .01 |
| All power driven tools & buggies, burners, torchmen & nozzle man for concrete pump | 9.115 | .65 | .55 | | .01 |
| Plasterers' tenders | 9.145 | .65 | .55 | | .01 |
| Nozzle operator for gunite work | 9.62 | .65 | .55 | | .01 |
| Bellman; Bottom man; & Brick expeditor | 9.205 | .65 | .55 | | .01 |
| Erie, Huron, Ottawa, & Sandusky Cos.: | | | | | |
| Building & construction laborers; Signalman; Flagman; Tool crib-man; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors | 9.56 | .65 | .55 | | .10 |
| Bottom men; Scaffold; Tunnel laborers; Pipelayers; Air & power driven tools burner on demolition work; Swinging scaffold; Mucker; Caisson workers; Cofferdam worker; Power men & dynamite blasters; Creosote workers; Mortar mixers; Form setter; Mason tenders; Plasterers' tenders; Hod carrier; Laser beam set up man | 9.76 | .65 | .55 | | .10 |
| Gunnite operator | 10.16 | .65 | .55 | | .10 |
| Hancock, Hardin, Marion, Seneca, & Wyandot Cos.: | | | | | |
| Building & construction laborers; Signalman; Flagman; Tool crib-man; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors | 8.41 | .65 | .55 | | .10 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| Bottom men; Scaffold builders; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote workers; Mortar mixers tenders; Plasterers' tenders; Hod carriers; Laser beam set up men | $ 8.61 | .65 | .55 | | .10 |
| Gunnite operators | 9.01 | .65 | .55 | | .10 |
| Logen Co.: | | | | | |
| Laborers, general; Carpenters' helpers | 7.60 | .55 | .40 | | .05 |
| Plasterers' tenders; Mason tenders; Mortar mixers; Air & machine driven tools ops.; Jackhammer; Barko & chain saw; Wagon drill; Hand spikers; Power concrete & buggies; Gunnite machine ops. & nozzle man; Sewer pipe layer; Bottom man; Asphalt raker & tamper | 7.85 | .55 | .40 | | .05 |
| Powderman & blaster | 8.10 | .55 | .40 | | .05 |
| Wood Co.: | | | | | |
| Unskilled laborers | 10.81 | .65 | .55 | | .11 |
| Mason tenders | 10.94 | .65 | .55 | | .11 |
| Mortar mixers; Gunnite pot men | 11.01 | .65 | .55 | | .11 |
| All power driven tools & buggies | 10.965 | .65 | .55 | | .11 |
| Pipelayers | 11.065 | .65 | .55 | | .11 |







DECISION NO. OH78-2006

POWER EQUIPMENT OPERATORS

| | ZONE I | ZONE II | ZONE III | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|---|---|
| | Basic Hourly Rates | Basic Hourly Rates | Basic Hourly Rates | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| GROUP A | $ 12.09 | $11.81 | $12.37 | .61 | 1.00 | | .11 |
| GROUP B | 11.93 | 11.65 | 12.22 | .61 | 1.00 | | .11 |
| GROUP C | 11.58 | 11.29 | 11.87 | .61 | 1.00 | | .11 |
| GROUP D | 10.77 | 10.51 | 11.09 | .61 | 1.00 | | .11 |
| GROUP E | 10.44 | 10.18 | 10.77 | .61 | 1.00 | | .11 |
| GROUP F | 8.73 | 8.48 | 9.09 | .61 | 1.00 | | .11 |

ZONE I: Allen, Defiance, Hancock, Hardin, Henry, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, & Wood Counties
ZONE II: Auglaize, Crawford, Knox, Logan, Marion, Mercer, Morrow, & Wyandot Counties
ZONE III: Erie & Huron Counties

GROUP A - A-frames, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggy-back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat



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POWER EQUIPMENT OPERATORS (CONT'D):

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.
GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under
GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)
GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| LINE CONSTRUCTION: | | | | | |
| Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos.: | | | | | |
| Linemen | $ 11.93 | .50 | 3% | | ½% |
| Groundman; Truck drivers | 7.72 | .50 | 3% | | ½% |
| Equipment operators | 10.74 | .50 | 3% | | ½% |
| Crawford, Huron (Twps. of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps. of Sycamore, Crane, Eden, Pitt, & Antrim) Cos.: | | | | | |
| Linemen; Equipment operators | 11.50 | .45 | 3%+.50 | | ½% |
| Line truck drivers | 7.48 | .45 | 3%+.50 | | ½% |
| Groundman | 6.90 | .45 | 3%+.50 | | ½% |
| Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.: | | | | | |
| Linemen | 13.11 | .50 | 3% | a | ½% |
| Technicians | 12.66 | .50 | 3% | a | ½% |
| Cable splicers | 13.36 | .50 | 3% | a | ½% |
| Operator Class 1 | 10.46 | .50 | 3% | a | ½% |
| Operator Class 2 | 9.23 | .50 | 3% | a | ½% |
| Groundman: | | | | | |
| Driver 1st 6 mos. | 6.62 | .50 | 3% | a | ½% |
| Driver 2nd 6 mos. | 7.27 | .50 | 3% | a | ½% |
| Driver 3rd 6 mos. | 7.92 | .50 | 3% | a | ½% |
| Erie, Huron (Twps. of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London) Cos.: | | | | | |
| Linemen; Equipment operators; Cable splicers | 12.35 | .73 | 3% | | ½% |
| Beginning truck driver groundman; Beginning groundman | 6.79 | .73 | 3% | | ½% |



DECISION NO. OH78-2006

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| Advanced truck driver (winch) groundman; Advanced groundman (over 2 years' experience) | $8.03 | .73 | 3% | | ½% |
| Knox Co. (Rem. of Co.): | | | | | |
| Linemen; Equipment operators | 11.73 | .50 | 3% | | ½% |
| Cable splicers | 12.46 | .50 | 3% | | ½% |
| Groundmen - truck driver over 1 year | 9.31 | .50 | 3% | | ½% |
| Groundmen - truck driver 0 - 1 year | 8.32 | .50 | 3% | | ½% |

FOOTNOTE:
a. 10 paid holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Day after Thanksgiving Day; Christmas Eve; & New Year's Eve



SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene. Indiana, McKean, Vanango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter
DECISION No.: PA78-3005 DATE: Date of Publication
Supersedes Decision No. PA77-3023 dated January 28, 1977, in 42 FR-5640
DESCRIPTION OF WORK: Heavy and Highway Construction

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | Education and/or Appr. Tr. |
|---|---|---|---|---|---|
| CARPENTERS | | | | | |
| ZONE 1 | $10.87 | 8% | 7% | | |
| ZONE 2 | 10.58 | 8% | 7% | | |
| CARPENTER - WLEDER | | | | | |
| ZONE 1 | 11.30 | 8% | 7% | | |
| ZONE 2 | 11.02 | 8% | 7% | | |

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerst, Venango and Warren

| | | | | | |
|---|---|---|---|---|---|
| CEMENT MASONS | 10.25 | .615 | 1.635 | | |
| PILEDRIVERMEN | 10.55 | 5.5% | 10% | | |
| IRONWORKERS: | | | | | |
| Reinforcing | | | | | |
| ZONE 1 | 8.07 | .785 | 1.03 | | .01 |
| ZONE 2 | | | | | |
| Structural, Ornamental & Reinforcing | 11.28 | .84 | 1.36 | | .03 |

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Alegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Vanango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter
ZONE 2 Franklin, Huntingdon and Mifflin Counties

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DECISION #PA78-3005

| | BASIC HOURLY RATES ZONE 1 | BASIC HOURLY RATES ZONE 2 | BASIC HOURLY RATES ZONE 3 | FRINGES BENEFITS H&W | FRINGES BENEFITS PEN |
|---|---|---|---|---|---|
| LABORERS | | | | | |
| CLASS 1 | $ 8.05 | $ 7.93 | $ 7.83 | 10% | 10% |
| CLASS 2 | 8.21 | 8.11 | 8.01 | 10% | 10% |
| CLASS 3 | 8.63 | 8.63 | 8.63 | 10% | 10% |
| CLASS 4 | 9.58 | 9.58 | 9.58 | 10% | 10% |

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny, Beaver, Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, and Somerset.
ZONE 2 - Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango and Warren
ZONE 3 - Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntington, Mifflin and Potter

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 1 - Heavy Highway & R.R. Construction Laborer (including tenders, handling Salamanders, L.P. Gas Heaters or similas, etc.), Asphalt curb sealers, asphalt tampers, batcherman (weigh), blaster's helper, brakeman, change house attendant, coffer dam laborer, concrete curing, pitman, puddler, (including vibrator operators), drill runner's helper includes drill mounted on truck, track or similar and davey drills (spots-clean-up & helps to maintain), electric brush and/or grinder, fence construction (including fence machine operator), form stripper and mover,gabion (erectors and placers), hydro-jet blaster nozzleman, manually moved emulsion sprayer, radio actual traffic control operator, rip rap work, scaffolds and runways (as per agreement of record), sheeters and shorers, structural concrete top surfacer, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper.

CLASS 2 - Air tools (all types), asphalt, batch and concrete plant operator (manually operated), asphalt rakers, burner, caisson men (open air), carryable pumps, chain saw operator (including attachments),cribbing (concrete or steel), curb machine operator (asphalt or concrete) (walk behind), diamond head core driller, drill runner's helper (tunnel), fork lift (walk behind), form setter (road forms line man), highway slab reinforcement placers (incl. joint and basket setter), hydraulic pipe pusher, liner plates (tile or vitrified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakemen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor,post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all railroad track work, adzing machine, ballast router, bolting machine, power jacks, rail drills, railroad brakeman, rail saws, spike drivers (manually or hand-held tool), spike pullers, tamping machine, thermitweld, sandblaster, signal man.

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 3 - Blacksmith, blaster, brick stone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin builder (brick, block, concrete or any prefabrication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder.

CLASS 4 - Welder (pipeline).

| | BASIC HOURLY RATES | BASIC HOURLY RATES | Fringe Benefits Pensions | | |
|---|---|---|---|---|---|
| | | | H & W | PENSION | APPR. TR. |
| | ZONE 1 | ZONE 2 | | | |
| LANDSCAPE: | | | | | |
| Landscape Laborer | $ 5.50 | 5.40 | .40 | .40 | |
| Skilled Landscape Laborer | 5.65 | 5.55 | .40 | .40 | |
| Landscape Tractor Operator | 6.00 | 5.90 | .40 | .40 | |

AREA COVERED BY LANDSCAPE
LABORERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Erie, Forest, Franklin, Fulton, Huntingdon, McKean, Mifflin, Potter, Somerset, Warren



| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| LINE CONSTRUCTION | | | | | |
| ZONE 1 | | | | | |
| Journeyman Lineman | $12.83 | .45 | 1.28 | | .064 |
| Experienced Winch Truck Operator | 8.98 | .45 | .089 | | .044 |
| 2nd 1000 Hrs. | 8.77 | .45 | .087 | | .043 |
| 1st 1000 Hrs. | 8.55 | .45 | .085 | | .042 |
| Experienced Truck Driver | 8.34 | .45 | .083 | | .041 |
| 2nd 1000 Hrs. | 8.13 | .45 | .081 | | .040 |
| 1st 1000 Hrs. | 7.91 | .45 | .079 | | .039 |
| Experienced Groundman | 7.70 | .45 | .077 | | .038 |
| 2nd 1000 Hrs. | 7.48 | .45 | .074 | | .037 |
| 1st 1000 Hrs. | 7.27 | .45 | .072 | | .036 |
| ZONE 2 | | | | | |
| Journeyman Lineman | 10.76 | .45 | .107 | | .053 |
| Experienced Winch Truck | 7.49 | .45 | .074 | | .037 |
| 2nd 1000 hrs. | 7.30 | .45 | .073 | | .036 |
| 1st 1000 hrs. | 7.12 | .45 | .071 | | .035 |
| Experienced Truck Driver | 6.94 | .45 | .069 | | .034 |
| 2nd 1000 hrs. | 6.76 | .45 | .067 | | .033 |
| 1st 1000 hrs. | 6.58 | .45 | .065 | | .032 |
| Experienced Groundman | 6.40 | .45 | .064 | | .032 |
| 2nd 1000 hrs. | 6.21 | .45 | .062 | | .031 |
| 1st 1000 hrs. | 6.03 | .45 | .060 | | .030 |

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington, & Westmoreland Counties
ZONE 2 Franklin & Mifflin Counties



| POWER EQUIPMENT OPERATOR | BASIC HOURLY RATES ZONE 1 | BASIC HOURLY RATES ZONE 2 | BASIC HOURLY RATES ZONE 3 | FRINGES BENEFITS H&W | PEN | APPR. TR |
|---|---|---|---|---|---|---|
| CLASS 1 | $11.13 | 11.84 | | .95 | .80 | .09 |
| CLASS 2 | 10.87 | 10.56 | | .95 | .80 | .09 |
| CLASS 3 | 8.51 | 8.22 | | .95 | .80 | .09 |
| CLASS 4 | 8.06 | 7.73 | | .95 | .80 | .09 |
| CLASS 5 | 7.91 | 7.62 | | .95 | .80 | .09 |

AREA COVERED BY POWER
EQUIPMENT OPERATOR ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION
FOR ALL ZONES

CLASS 1 - Autograder (C. M. I. & similar), backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50), cranes (boom or mast over 200 ft. inclusive of jib + $.75), cranes (tower-stationary-climbing tower cranes), derrick, derrick boat, dozer (D-6 & over), dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote controle or otherwise), grader (power-fine grade), helicopter (1500 lb. or over lift), helicopter (under 1500 lb. lift), hilift (4 cy. & over), hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std. gauge), metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), muching machine (tunnel), pile driver machine, pipe extrusion machine, presplitter drill (self contained), refrigeration plant (soil stabilization), rough terrian crane (25 ton & over), rough terrain crane (under 25 ton), scrapers, shovel-power, slip form paver (C. M. I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lb.), tunnel machine (mark XXI jarva or similar), whirley



CLASSIFICATION DEFINITION
FOR ALL ZONES (CONT'D)

CLASS 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing), (180° swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C. M. I. and similar), concrete finishing machine end spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Penn drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hilift (und 4 cy.), hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), over-head crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

CLASS 3 - Broom Finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (Self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame Truck (When hoisting & lowering)

CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Grout Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator, Light Plant, Mulching Machine, Personnel Boat (powered), Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (power Driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)

CLASS 5 - Deck Hand, Farm Tractor, Fireman or Boiler, Mechanic's Helper, Oiler, Power Room, Side Delivery Shoulder Spreader (Attachment)

| DECISION NO. PA78-3005 | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TRUCK DRIVERS | | | | | |
| ZONE 1 | | | | | |
| CLASS 1 | $ 8.55 | 7.3% | 4.2% | | |
| CLASS 2 | 8.29 | 7.3% | 4.2% | | |
| CLASS 3 | 8.39 | 7.3% | 4.2% | | |
| CLASS 4 | 8.47 | 7.3% | 4.2% | | |
| CLASS 5 | 8.34 | 7.3% | 4.2% | | |
| CLASS 6 | 8.24 | 7.3% | 4.2% | | |
| CLASS 7 | 8.57 | 7.3% | 4.2% | | |

CLASSIFICATIONS DEFINITIONS ZONE 1

CLASS I - Heavy Duty Trailer, such as Low-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks
CLASS 2 - Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)
CLASS 3 - Tandem-axle Ready-mixed Concrete Trucks (Such as agitators barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi including water, sprinkler, oil trucks such as fuel, dump (tandem), Flat bottom, Sicssors, and combination fuel and grease)
CLASS 4 - Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when ot self-loaded) Rated under forty-five tons, Tri Axle trucks
CLASS 5 - Trucks with Dolley or Trailer
CLASS 6 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman).
CLASS 7 - Heavy off-the-road equipment (rated at forty-five tons or over): Bottom or Belly-dump Trucks





| DECISION NO. PA78-3005 | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | Education and/or Appr. Tr. |
| TRUCK DRIVERS | | | | | |
| ZONE 2 | | | | | |
| CLASS 1 | $ 8.35 | 7.3% | 4.2% | | |
| CLASS 2 | 8.03 | 7.3% | 4.2% | | |
| CLASS 3 | 8.14 | 7.3% | 4.2% | | |
| CLASS 4 | 8.30 | 7.3% | 4.2% | | |
| CLASS 5 | 8.19 | 7.3% | 4.2% | | |
| CLASS 6 | 8.14 | 7.3% | 4.2% | | |
| CLASS 7 | 8.00 | 7.3% | 4.2% | | |
| CLASS 8 | 8.39 | 7.3% | 4.2% | | |

CLASSIFICATIONS DEFINITIONS ZONE 2

CLASS 1 - Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and Hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks
CLASS 2 - Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)
CLASS 3 - Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)
CLASS 4 - Tri-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Tri-axle Trucks); Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons
CLASS 5 - Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors and combination fuel and grease);
CLASS 6 - Trucks with Dolley or Trailer
CLASS 7 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)
CLASS 8 - Heavy off-the-road Equipment (rated at forty-five tons and over); Bottom or Belly dump trucks

AREA COVERED BY TRUCK DRIVERS ZONES

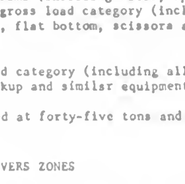
ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

[FR Doc. 78-4811 Filed 2-23-78; 8:45 am]





FRIDAY, FEBRUARY 24, 1978
PART V




# INTERAGENCY TASK FORCE ON WORKPLACE SAFETY AND HEALTH

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# STRENGTHS AND WEAKNESSES OF EXISTING GOVERNMENTAL REGULATORY WORKPLACE SAFETY AND HEALTH PROGRAM

Request for Public Comment

federal register







help employers improve workplace risdictions. The question is intended to

[4510-23]

## INTERAGENCY TASK FORCE ON WORKPLACE SAFETY AND HEALTH

### STRENGTHS AND WEAKNESSES OF EXISTING GOVERNMENTAL REGULATORY WORKPLACE SAFETY AND HEALTH PROGRAMS

**Request for Public Comment**

AGENCY: Interagency Task Force on Workplace Safety and Health.

ACTION: Request for Public Comment.

SUMMARY: This publication reviews the purposes for which the Interagency Task Force on Workplace Safety and Health was created. It requests comments from the public as to strengths and weaknesses of existing governmental regulatory workplace safety and health programs and opinions as to how those programs could be improved. Additional information is sought to help the Task Force identify successful private sector workplace safety and health activities so that recommendations for Government policies which foster these activities can be made.

DATES: Comments should be received by April 7, 1978, to be given full consideration by the Task Force in its recommendations.

ADDRESS: Mail comments to: Task Group A, Interagency Task Force on Workplace Safety and Health, 1815 North Lynn Street, Rosslyn, Va. 22209.

FOR FURTHER INFORMATION CONTACT:

Richard I. Bergman, Executive Director, Interagency Task Force on Workplace Safety and Health, 1815 North Lynn Street, Rosslyn Va. 22209.

SUPPLEMENTARY INFORMATION: By memorandum dated August 5, 1977, President Carter created the Interagency Task Force on Workplace Safety and Health, jointly chaired by Secretary of Labor Marshall and Office of Management and Budget Director Designate McIntyre, to consider ways of improving the Federal Government effort to protect the safety and health of American workers. Specifically, the President directed that the Task Force inquiry focus on the following:

Exploration of incentives that might supplement workplace safety regulations. These might include improved education and information services, economic aid and tax incentives to help employers improve workplace safety, changes in workers' compensation and liability laws and deterrent penalty structures.

Evaluation of the government-wide administration of Federal workplace safety and health activities. This will include investigation of duplication, overlap and gaps in Federal agency jurisdiction.

Review of other ways to improve the safety and health efforts of all Federal agencies, including those programs that affect Federal employees, and the resources devoted to them.

In formulating its recommendations, the Task Force strongly encourages information and views from the public at large, including employers, workers and other interested parties, and from Government. Accordingly, this notice is published in the FEDERAL REGISTER to solicit public comment as to the direction in which the Federal Government should proceed to improve workplace safety and health.

In addition to general comments, opinions on the following matters would be particularly useful to the Task Force:

1. What problems have you or your organization had with the existing Federal safety and health regulatory program and in what ways has the program been beneficial? For example, describe your experience with such areas as the reporting system, the standards, inspections, or on-site consultations.

2. How could the programs of the Federal Government be improved to aid in reducing job-related injuries and illnesses?

The Task Force has received numerous comments on general experiences which employees and employers have had with the Federal occupational safety and health effort. The purpose of these questions is to pinpoint areas of concern in existing governmental workplace safety and health programs and to obtain opinions on how these programs could be improved.

3. Are you or your organization subject to conflicting safety and health regulations and guidelines from different Government sources, or to omissions in coverage of certain activities by any source? How does this affect the safety and health of employees? Do you have any suggestions for improvement?

Many employees and employers have indicated that in some instances there are conflicts and omissions in coverage between the regulations of certain Federal agencies as well as between Federal and State and local jurisdictions. The question is intended to identify those areas and to elicit ideas as to how they could be eliminated.

4. What has been tried over the last five years to improve safety and health at your workplace?

The purpose of this question is to determine the nature of safety and health activities in which interested persons have been involved over the past five years. The Task Force can use this information to better understand the current workplace health and safety effort.

5. Please describe one activity which you found was particularly successful in reducing accidents and illnesses, and one which was tried out but found to be ineffective.

How was the success measured? If it included data, please describe it (for example, evidence of decreased workplace injuries or improved health).

What motivated initiation of the activities? Was it union or other employee pressure, cost reduction, OSHA requirements, or other reasons?

Please specify what was spent on the activities in terms of both dollars and numbers of personnel. What levels of personnel were involved?

Are there any ways in which the Federal effort might be focused to complement your successful activity?

A statement by interested persons as to successful activities (for example, employee incentives, job or machine redesign, performance feedback, specific education and training programs) will aid the Task Force in recommending governmental policies which foster those activities. In order to fully evaluate the statement, however, it is necessary to know whether any other factors simltaneously existed which could have had an effect on the results of the activity, such as less than full production or employment.

Persons who are interested in assisting the Task Force in reaching its recommendations by responding to this notice should do so in writing to: Task Group A, Interagency Task Force on Workplace Safety and Health; 1815 North Lynn Street; Rosslyn, Va. 22209. All communications received on or before April 7, 1978, will be afforded full consideration by the Task Force in making its recommendations to the President.

Signed at Washington, D.C., this 21st day of February, 1978.

RICHARD I. BERGMAN,
*Executive Director.*

[FR Doc. 78-4912 Filed 2-23-78; 8:45 am]



FRIDAY, FEBRUARY 24, 1978

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federal register

FRIDAY, FEBRUARY 24, 1978

PART VI

# DEPARTMENT OF DEFENSE

## Office of the Secretary

# DISCHARGE REVIEW BOARDS (DRBs)

■

## Procedures and Standards



[3810-70]

[3810-70]

DEPARTMENT OF DEFENSE

Office Of The Secretary

(32 CFR Part 70)

(DoD Directive 1332.28)

DISCHARGE REVIEW BOARDS (DRBs)

Procedures and Standards

AGENCY: Office of the Secretary of Defense

ACTION: Supplemental Notice of Proposed Rule

SUMMARY: The Department of Defense published a proposed rule on uniform standards and procedures for discharge review to meet statutory requirements. This supplemental notice includes the provisions of Public Law 95-126 which provides an opportunity until January 1, 1980 for former members administratively discharged under other than honorable conditions to make application to the Discharge Review Boards (DRBs) without regard to the normal 15-year period in which an application must be made. It also contains adoption of a number of recommendations made after the initial proposed rule was published, and reflects editorial format changes. Moreover, the Department of Defense has reevaluated both the proposed rule and the previous notice of rulemaking. Based upon that reevaluation, DoD has determined that a more detailed notice and a revised proposal should be published to provide a further opportunity for comment.





DATES: Written comments must be received on or before March 27, 1978.

ADDRESSES: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), The Pentagon, Room 3C980, Washington, D. C. 20301.

FOR FURTHER INFORMATION CONTACT:

Captain E. T. Boywid, JAGC, USN or

Lieutenant Colonel G. A. Johnson, USAF

Telephone 202-697-9525

SUPPLEMENTARY INFORMATION: In FR Doc. 77-35794 appearing in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), the Department of Defense (DoD) published a notice of proposed rulemaking to establish DoD uniform standards and procedures for discharge review to meet statutory requirements. In FR Doc. 78-1355 appearing in the FEDERAL REGISTER on January 18, 1978 (43 FR 2634), the 30-day period for comment was extended to January 23, 1978. Title 10, U.S.C. 1553 permits an individual who has been discharged or dismissed administratively in accordance with directives of the Military Departments or by sentence of a special court-martial to apply for review of that discharge or dismissal, provided that the application is made within 15 years from the date thereof. If the former member is deceased, an application may be made by the surviving spouse, next-of-kin, or legal representative

of the former member. In accordance with Public Law 95-126, the Department of Defense will provide an opportunity until January 1, 1980 for former members administratively discharged under other than honorable conditions to make application to the DRB without regard to the normal 15-year period in which an application must be made.

Public Law 95-126 amends Title 38, U.S.C. 3103 to provide that no benefits administered by the Veterans' Administration shall be provided as a result of an action by a DRB except upon a case-by-case review. This review must consider all the evidence and factors in each case under published uniform standards and procedures. The standards must be historically consistent with criteria for determining honorable service and shall not include any criterion for automatically granting or denying a change or new issuance of a discharge.

OTHER THAN HONORABLE DISCHARGES

In addition, the Department of Defense is required to provide a further determination in cases wherein discharges under other than honorable conditions were upgraded to general or honorable discharges in the following circumstances: (a) under the President's





directive of January 19, 1977, initiating further action with respect to Presidential Proclamation 4313 of September 16, 1974; (b) under the Department of Defense's special discharge review program on or after April 5, 1977; (c) under revised standards as implemented subsequent to April 5, 1977, and not made applicable to all persons administratively discharged or released from military service under other than honorable conditions. This review is designed to insure that persons whose discharges were upgraded in these programs receive benefits only if their discharges were upgraded under historically consistent standards. If a preliminary determination is made that the upgrade was not based upon historically consistent standards, the individual will be notified of the preliminary determination by the appropriate DRB and of the right to a hearing before the DRB concerned under published standards and procedures which are set forth in this Part prior to a final determination. The law requires that such determinations be made prior to October 8, 1978, and further mandates that determinations be made on an expedited basis after the Secretary concerned is notified by the Veterans' Administration that the individual has received,





is in receipt of, or has applied for such benefits.



In addition, a DRB may consider

is in receipt of, or has applied for such benefits, or after a written request is made by the individual for such determination.

STANDARDS AND PROCEDURES

The Secretary of Defense proposes to add a new Part 70 to 32 CFR Chapter 1 in order to publish the standards and procedures required by Public Law 95-126. The proposed rule will govern the Military Departments in the formulation and application of their rules concerning standards and procedures for discharge review. Discharge review is the process by which the reason for discharge, the procedures followed in accomplishing discharge, and the characterization of Service are reevaluated in order to determine whether the discharge should be changed.

The proposed rule assigns major administrative responsibility for compliance with Public Law 95-126 to the Secretary of the Army and the Assistant Secretary of Defense (Manpower, Reserve Affairs and logistics). The proposal sets forth the procedures to be followed in applying for a discharge review. Applicants may request a personal hearing (with or without counsel or other representative) or may have a counsel or other representative present the case in their absence.





In addition, a DRB may consider a case on its own motion. The proposed rule provides procedures to govern a DRB's action in case there is a failure to appear for a hearing, a request for continuance, or a request for reconsideration. Guidance is provided on how an applicant may obtain military and other government records relevant to the discharge review. The proposal guides a DRB in addressing problems that may arise with regard to such records. Provision is also made for notification of applicants concerning records that will be considered by the DRB's. The DRB must consider contentions clearly stated by applicants and all other pertinent issues discerned by the DRB. The DRB is instructed to review cases on the basis of available records, documentary evidence submitted by the applicant, personal testimony of the applicant and witnesses, presentation of any hearing examinations, and any other relevant evidence.

When a DRB determines that an applicant's discharge was improper, it must determine the proper reason for discharge based upon the facts and circumstances properly before the discharge authority in view of the regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that a discharge was







The proposed rule provides for the decisional

inequitable, the provisions as to characterization in the regulation under which the applicant should have been discharged will be considered in determining whether further relief is warranted. If the DRB determines that an applicant's discharge was inequitable, the degree of relief will be based upon an evaluation of the applicant's overall record of service and appropriate regulations of the military service in which the applicant served.

The proposed rule requires the DRB to prepare a decisional document for each case. This document contains relevant matters from the applicant's official records, reference to the evidence submitted by the applicant, and a statement of findings, conclusions, and reasons on issues upon which the decision is based or otherwise raised by the applicant. This document also contains information regarding advisory opinions, and the names and votes of the DRB members.

The proposed rule provides for the applicant to be notified in writing of the decision. The proposal specifies the contents of the record of proceedings and further provides for disposition of the records by the military service. In cases reviewed by the Secretary of a Military Department, the Secretary is bound to follow the uniform standards and to issue a decisional document similar to the document issued by the DRB's.





The proposed rule provides for the decisional document to be available for public inspection and copying, subject to appropriate deletions to protect rights of privacy, and to cover classified and other privileged material. In addition, the rule requires that an index be developed and be made available to the public. The index will enable the public to isolate from decisions that are indexed those decisions that may be similar to an applicant's case.

The proposed rule provides standards for discharge review. These standards are designed to be uniform and historically consistent with the criteria for honorable service. No factors require automatic change or denial of a change in a discharge. There are no weighted factors in the evaluation. In each case, consideration must be given to all applicable factors. The object of the review is to determine the propriety and equity of the discharge. A discharge is considered proper unless there was prejudicial error at the time of discharge. Accordingly, an error of fact, law, procedure, or discretion will render a discharge improper if there is substantial doubt that the discharge would have remained the same if the error had not been made. A further ground for finding impropriety is that the military service of which the applicant was a member has made a change in policy





that has been made expressly retroactive to the type



COMMENTS RECEIVED

that has been made expressly retroactive to the type of discharge under consideration.

A discharge shall be deemed equitable unless the policies and procedures under which the applicant was discharged differ in material respects from the policies and procedures currently applicable on a service-wide basis to discharges of the type under consideration, provided that (a) such c nges represent a substantial enhancement of the rights afforded a respondent in such proceedings; and (b) that there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration. A discharge may also be considered inequitable if, at the time of issuance, it was inconsistent with the standards of discipline in the military service of which the applicant was a member. A discharge may further be considered to be inequitable based upon consideration of (a) the applicant's Service record, and (b) other evidence presented to the DRB viewed in conjunction with the regulations under which the applicant was discharged and factors which are listed in the proposed directive.





COMMENTS RECEIVED

In response to the notice of proposed rulemaking published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), as extended by 43 FR 2634 on January 18, 1978, the Department of Defense received comments from some 70 organizations and individuals. Each of the comments previously submitted, as well as those received as a result of this supplemental notice, will be considered prior to adoption of a final rule. Accordingly, we propose to amend Part 70 as follows:

PART 70--DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS.

Sec.

70.1 Purpose.

70.2 Applicability and Scope

70.3 Definitions.

70.4 Policy and Responsibilities.

70.5 Discharge Review Procedures.

70.6 Discharge Review Standards.

Authority. Title 10, U.S.C. 1553 and Title 38, U.S.C. 101 and 3103, as amended by Public Law 95-126, October 8, 1977.





§70.1 Purpose.



§70.2 Applicability and Scope.

§70.1 Purpose.

(a) This part establishes uniform policies, procedures and standards for the review of discharges or dismissals in accordance with Title 10, U.S.C.1553. In furtherance of such purpose, this Part

(1) Provides for discharge review by application or on motion of a DRB;

(2) Provides guidelines for the conduct of discharge reviews and standards to be applied in such reviews which are designed to insure historically consistent uniformity in execution of this function, as required by the provisions of Pub.L. 95-126.

(3) Assigns responsibility for administering the program.

(4) Makes provision for public inspection,copying, and distribution of DRB documents through the the Armed Forces Discharge Review Board Reading Room.

(5) Provides an opportunity for former members administratively discharged under other than honorable conditions to make application to the DRBs without regard to the normal 15 year period in which an application must be made and establishes January 1, 1980 as the date by which such applications must be submitted.

(b) Nothing in this part changes or modifies in any way the portions of the separate service regulations that implement the requirements of Stiuplation of Dismissal, Civil Action No. 76-530, United States Court for the District of Columbia, "Urban Law Institute of Antloch College, Inc., et al., Plaintiffs v. Secretary of Defense, et al., Defendants," January 31, 1977.





§70.2 Applicability and Scope.

The provisions of this directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve Components thereof in the conduct of discharge reviews. Directives of these organizations which relate to the discharge process are hereby incorporated in this Part.

§70.3 Definitions.

(a) Discharge Review Board (DRB). An administrative board constituted by the Secretary concerned and vested with discretionary authority to review discharges and dismissals under the provisions of Title 10, U.S.C. 1553. It may be configured as one main element or two or more elements as designated by the Secretary concerned.

(b) DRB Panel. An element of a DRB, consisting of five members, authorized by the Secretary concerned to review discharges and dismissals.

(c) Applicant. A former member of the Armed Forces who has been discharged or dismissed administratively in accordance with the directives of the Military Departments or by sentence of a special court-martial under Title 10, U.S.C., 801 et seq. (Uniform Code of Military Justice) and, in accordance with statutory and regulatory provisions: (1) whose case is heard by the DRB concerned at the request of the former member, or, if he or she is dead, the surviving spouse, next-of-kin, or legal representative; or (2) whose case is heard on the DRB's own motion, which includes reviews







§70.4 Policy and Responsibilities.

requested by the Veterans Administration under Title 38, U.S.C. 101 and 3103, as amended by Public Law 95-126.

(d) Counsel/Representative. An individual or agency designated by the applicant who agrees to represent the applicant in a case before the DRB. It includes, but is not limited to: a lawyer who is a member of the bar of a Federal Court or of the highest court of a State; an accredited representative designated by an organization recognized by the Administrator of Veterans Affairs; a representative from a State agency concerned with veterans affairs; and representatives from private organizations or local government agencies.

(e) President, DRB. A person designated by the Secretary concerned and responsible for the supervision of the discharge review function and other duties as assigned.

(f) Hearing Examination. The process by which a designated officer of a DRB prepares a presentation for consideration by a DRB in accordance with regulations prescribed by the Secretary concerned.

(g) DRB Traveling/Regional Panel. A DRB panel that conducts discharge reviews in a location outside the Washington, D.C. area.

(h) Discharge. A general term used in this Part which includes dismissal and separation or release from active or inactive military status, as well as actions which accomplish a complete serverance of all military status. This term also includes the assignment of a reason for such discharge and characterization of service.

(i) Discharge Review. The process by which the reason for separation, the procedures followed in accomplishing separation, and the characterization of service are evaluated.





§70.4 Policy and Responsibilities.

(a) Under the provisions of Title 10, U.S.C. 1553, the Secretaries of the Military Departments and the Secretary of Transportation (for the Coast Guard) have the authority for final decision and the responsibility for the operation of their respective discharge review programs.

(b) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to: (1) resolve all issues concerning DRBs which cannot be resolved among the Military Departments; (2) insure uniformity among the Military Departments in the procedural rights afforded applicants in discharge reviews; and (3) modify or supplement this Part in a manner consistent with the policies set forth herein.

(c) The Secretary of the Army is designated the administrative focal point for DRB matters. In meeting this responsibility, the Secretary shall:

(1) Effect necessary coordination with other governmental agencies regarding continuing applicability of this Part and resolve administrative procedures relating thereto.

(2) Review suggested modifications to this Part, including implementing directives; monitor the implementing directives of the Military Departments; resolve differences when practicable; recommend specific changes; provide supporting rationale to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) for decision; and include appropriate documentation to effect publication in the Federal Register.





(3) Maintain the DD Form 293, Application for Review of Discharge or

(3) Maintain the DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, and re-publish as necessary with appropriate coordination of the other Military Departments, the Secretary of Transportation and the Office of Management and Budget.

(4) Respond to all inquiries from private individuals, organizations or public officials with regard to Discharge Review Board matters. In those instances where the specific Military Service concerned can be identified, such correspondence will be referred to the appropriate DRB for response. An appropriate activity may be further designated to perform this task.

(5) Provide overall guidance and supervision to the Armed Forces Reading Room with staff augmentation, as required, by the Departments of the Navy and Air Force.

(d) The preliminary determinations required by Title 38, U.S.C. 3103(e) shall be made upon majority vote of the DRB concerned on an expedited basis. Such determination shall be based upon the standards set forth in §70.6 of this Part.

§70.5 Discharge Review Procedures.

(a) Application for Review

(1) An applicant may submit a written request for review to the DRB concerned with such other statements, affidavits, or documentation as desired. The request for review shall be made on DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, which is available at most military installations and regional offices of the Veterans Administration.

(2) A motion or request for review must be made within 15 years after





the date of discharge or dismissal; except that, in accordance with Pub.L. 95-126, any former member administratively discharged under other than honorable conditions, and otherwise eligible to make application for review may do so without regard to the 15 year limitation period in Title 10, U.S.C. 1553 if such application is received prior to January 1, 1980.

(3) Written notification shall be made to each applicant whose record indicates a reason for discharge that bars receipt of benefits under Title 38, U.S.C. 3103a. This notification will advise the applicant that separate action by the Board for Correction of Military/Naval Records and/or the Veterans Administration (in case of disqualification based upon 180 days consecutive unauthorized absence) may confer eligibility for VA benefits. As regards the 180 days consecutive unauthorized absence:

(i) Such absence must have been included as part of the basis for the applicant's discharge under other than honorable conditions.

(ii) Such absence is computed without regard to the applicant's normal or adjusted expiration of term of service.

(b) Conduct of Reviews.

(1) Members. As designated by the Secretary concerned, the DRB and panels thereof, if any, shall consist of five members. One member of the DRB shall be designated as the President and may serve as a presiding officer. Other officers may be designated to serve as presiding officers for DRB panels under regulations prescribed by the Secretary concerned.

(2) Locations. Reviews by a DRB will be conducted in Washington, D.C. and such other locations as designated by the Secretary concerned.

(3) Modes of Appearance. An applicant, upon request, is entitled to appear before a DRB in person with or without counsel/representative or





to have counsel/representative present the applicant's case in the absence



(ii) Postponements of scheduled reviews normally shall not be permitted

to have counsel/representative present the applicant's case in the absence of the applicant.

(4) Applicant's Expenses. Unless otherwise specified by law or regulation, expenses incurred by the applicant, witnesses, or counsel/representative will not be paid by the Department of Defense.

(5) Withdrawl of Application. An applicant shall be permitted to withdraw an application without prejudice at any time before the scheduled review.

(6) Failure to Appear for Hearing. Except as authorized or directed by the Secretary concerned, further opportunity for personal appearance shall not be made available to an applicant who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by representative, not having made a prior, timely request for a continuance or withdrawal of the application. In such cases, the applicant shall be deemed to have waived the right to a personal appearance and the DRB shall complete its review of the discharge based upon the evidence of record. Further request for a personal hearing shall not be granted unless the applicant can demonstrate that the prior failure to appear or to request continuance or withdrawal of the application was due to circumstances beyond the applicant's control.

(7) Continuances and Postponements.

(i) A continuance of a discharge review hearing may be authorized by the President of the DRB or presiding officer of the panel concerned, provided that such continuance is of reasonable duration and is essential to achieving a full and fair hearing. Where a proposal for continuance is indefinite, the pending application shall be returned to the applicant with the option to resubmit when the case is fully ready for review.





(ii) Postponements of scheduled reviews normally shall not be permitted other than for demonstrated good and sufficient reason set forth by the applicant in a timely manner, or for the convenience of the government.

(8) Reconsideration. A discharge review shall not be subject to reconsideration except:

(i) Where the only previous consideration of the case was on the motion of the DRB;

(ii) When the original discharge review did not involve a personal hearing and a personal hearing is now desired, and the provisions of §.70.5 (b)(6) do not apply;

(iii) Where changes in discharge policy are announced subsequent to an earlier view of an applicant's discharge, and the new policy is made expressly retroactive:

(iv) Where the DRB determines that policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that such changes in policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings;

(v) Where an individual is to be represented by a counsel/representative, and was not so represented in any previous consideration of the case by the DRB;





(vi) Where the case was not previously considered under uniform



(iii) In the event that the official records relevant to the dis-

(vi) Where the case was not previously considered under uniform standards published pursuant to Pub.L. 95-126 and such application is made before January 1, 1980 or within 15 years after the date of discharge; or

(vii) On the basis of presentation of new, substantial, relevant evidence not available to the applicant at the time of the original review The decision as to whether evidence offered by an applicant in support of a request for reconsideration is in fact new, substantial, relevant, and was not available to the applicant at the time of the original review will be based on a comparison of such evidence with the evidence considered in the previous discharge review. If this comparison shows that the evidence submitted would have had a probable effect on matters concerning the propriety or equity of the discharge, the request for reconsideration shall be granted.

(9) Availability of Records:

(i) Prior to a review, applicants or other designated representatives may obtain copies of military records by submitting a Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Missouri 62132. The request must be submitted prior to the time the DD Form 293 is submitted, since, once the DD Form 293 is submitted, the records will be requested from the NPRC by the DRB.

(ii) If the DRB is not authorized to provide copies of documents that are under the cognizance of another government department, office or activity, applications for such information must be made by the applicant to the cognizant authority. The DRB shall advise the applicant of the mailing address of the government department, office, or activity to which the request should be submitted.





(iii) In the event that the official records relevant to the discharge review are not available at the agency having custody of the records, the applicant shall be notified of the situation and requested to provide such information and documents as may be desired in support of the request for discharge review. A period of not less than 30 days shall be allowed for such documents to be submitted. At the expiration of this time period, the review may be conducted with information available to the DRB.

(iv) A DRB may take steps to obtain additional evidence material to the discharge review under consideration beyond that found in the official military records or submitted by the applicant, if a review of available evidence suggests certain aspects of the review would be incomplete without the additional information or when the applicant presents testimony or documents which require additional information to evaluate properly. Such information shall be made available to the applicant, upon request, with appropriate modifications regarding classified material.

(v) Prior to initiation of the decision process specified in §70.5(c), the applicant and/or counsel/representative is entitled to request access to the records to be considered by the DRB in the discharge review.

(A) At a reasonable time prior to the initiation of the decision process, in any case heard on request of an applicant, the DRB shall provide the applicant and/or counsel/representative with a description of all documents to be considered in the discharge review, except for documents in the official personnel/medical records and any documents submitted by the applicant. The DRB shall also notify the





applicant and/or counsel/representative: (1) of the right to examine such



(12) Evidence and Testimony:

applicant and/or counsel/representative: (1) of the right to examine such documents or to be provided with copies of the documents upon request, (2) of the date by which such requests must be received, and (3) of the opportunity to respond within a reasonable period of time to be set by the DRB.

(B) When necesary to acquaint the applicant with the substance of a classified, document, the classifying authority, on the request of the DRB, shall prepare a summary of or extract from the document deleting all references to sources of information and other matters, the disclosure of which, in the opinion of the classifying authority, would be detrimental to the national security interests of the United States. Should preparation of such summary be deemed impracticable by the classifying authority, information from the classified source shall not be considered by the DRB in its review of the case.

(10) A secretary/recorder or assistant shall be designated to assist in the functioning of each DRB in accordance with the procedures prescribed by the Secretary concerned.

(11) Personal appearance hearings (including hearing examinations) shall be conducted with recognition of the rights of the individual to privacy. Accordingly, presence at hearings of individuals other than those whose presence is required will be limited to persons authorized by the Secretary concerned or expressly requested by the applicant. If in the opinion of the presiding officer, presence of other individuals would be prejudicial to the interests of the applicant or the government, such hearings may be held in closed session.





(12) Evidence and Testimony:

(i) The DRB may consider any evidence obtained in accordance with this Part.

(ii) Formal rules of evidence shall not be applied in DRB proceedings. The presiding officer shall rule on matters of procedure and shall insure that reasonable bounds of relevancy and materiality are maintained in the taking of evidence and presentation of witnesses.

(iii) Applicants undergoing personal appearance hearings shall be permitted to introduce witnesses, documents, sworn or unsworn statements or other information on their behalf, all at no expense to the Department of Defense.

(iv) Applicants may also make oral or written arguments personally and/or through counsel/representatives.

(v) Applicants and witnesses may be questioned by the DRB. All testimony shall be taken under oath or affirmation unless the applicant specifically requests to make an unsworn statement.

(vi) There is a presumption of regularity in the conduct of governmental affairs. This presumption can be applied in any review unless there is substantial credible evidence to rebut the presumption.

(13) Contentions.

(i) Applicants must state clearly and specifically their contentions, and/or the issues of fact, law, or discretion for a written determination to be made in accordance with §70.5(d)(4)(ii).

(ii) In addition, the DRB shall consider such issues of fact, law, or discretion as are discerned by the DRB in the discharge review process.

(iii) The DRB shall make findings and conclusions with respect to the contentions and issues as required by §70.5(d)(4).

(14) Decisions. On the basis of its findings and conclusions, the DRB shall record its decision as to whether relief should be granted. The nature of any change shall be specified clearly.

(15) Implementation of Discharge Review Decisions. A written notification shall be issued to implement the decison of the DRB, or that of higher authority, in each discharge review case.

(c) Decision Process:

(1) The DRB or the DRB panel, as appropriate, shall meet in plenary session to review discharges and exercise its discretion on a case-by-case basis in applying the standards set forth in §70.6.

(2) The presiding officer is responsible for the conduct of the discharge review. The presiding officer shall convene, recess, and adjourn the DRB panel as appropriate and shall maintain an atmosphere of dignity and decorum at all times.

(3) Each DRB member shall act under oath or affirmation requiring careful, objective consideration of the application. DRB members are





responsible for eliciting all facts necessary for a full and fair hearing. They shall consider all information presented to them by the applicant. In addition, they shall consider available Service and health records, together with such other records as may be in the files of the Military Department concerned and relevant to the issues before the DRB, and any other evidence obtained in accordance with this Part.

(4) If the applicant does not appear in person and the designated counsel/representative does not appear in the applicant's behalf, the DRB shall review the application on the basis of available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this Part.

(5) If the applicant appears in person or the designated counsel/representative appears before the DRB in the applicant's behalf, the DRB shall review the application on the basis of testimony on behalf of the applicant, available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this Part.

(6) Application of Standards:

(i) When a DRB determines that an applicant's discharge was improper (§70.6(b)), the DRB will determine which reason for discharge should have been assigned based upon the facts and circumstances properly before the discharge authority in view of the Service regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that the discharge was inequitable





(§70.6(c)), the provisions as to characterization in the regulation



(2) The circumstances and character of the applicant's service

(§70.6(c)), the provisions as to characterization in the regulation under which the applicant should have been discharged will be considered in determining whether further relief is warranted.

(ii) When the DRB determines that an applicant's discharge was inequitable (§70.6(c)), any change will be based on the evaluation of the applicant's overall record of service and relevant regulations of the Military Service of which the applicant was a member.

(7) Voting shall be conducted in closed session, a majority of the five members' votes constituting the DRB decision. Voting procedures shall be prescribed by the Secretary concerned.

(8) Details of closed session deliberations of a DRB are privileged information and shall not be divulged.

(9) Minority opinions may be recorded by any member in accordance with procedures prescribed by the Secretary concerned.

(10) DRBs may request advisory opinions from staff offices of their Military Departments. These opinions are advisory in nature and are not binding on the DRB in its decision making process.

(d) Decisional Document: A decisional document shall be prepared for each review conducted by a DRB. At a minimum this document shall contain:

(1) The date, character of, and reason for the discharge or dismissal certificate issued to the applicant upon separation from military service, including the specific regulatory authority under which the discharge or dismissal certificate was issued.





(2) The circumstances and character of the applicant's service as extracted from Service records, health records and information provided by other government authority or the applicant, such as, but not limited to:

Date of enlistment

Period of enlistment

Age at enlistment

Length of service

Periods of unauthorized absence

Conduct and efficiency ratings (numerical or narrative)

Highest rank achieved

Awards and decorations

Educational level

Aptitude test scores

Incidents of punishment pursuant to Article 15, Uniform Code of Military Justice (including nature and date of offense or punishment)

Conviction by court-martial

Prior military service and type of discharge received.

(3) Reference to the written brief, documentary evidence, and testimony presented to the DRB by or on behalf of the applicant.

(4) A statement of findings, conclusions, and reasons consisting of:

(i) Findings on all issues of fact, law, or discretion upon which the decision on the application is based, including those factors required by applicable Service regulations to be considered for determination of the character of and reason for the discharge or dismissal certificate in question.

(ii) Findings and conclusions on all other issues of fact, law, or discretion raised by the applicant in accordance with §70.5(b)(13)(i), including claims by the applicant that statutory, regulatory, and/or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the DRB would have warranted greater relief than that afforded the applicant by the DRB's decision if resolved in the applicant's favor.

(iii) Conclusions as to whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal and/or the reason and authority for the discharge or dismissal; and, if so concluded, the particular changes, corrections, or modifications that should be made.

(iv) A statement of the reasons for the findings and conclusions made in accordance with (i) through (iii) above.

(5) Advisory opinions, including those containing factual information, where such opinions have been relied upon for final decision or have been accepted as a basis for rejecting any of the applicant's claims. Such advisory opinions or relevant portions thereof that are not fully set forth in the statement of findings, conclusions, and reasons shall be incorporated by reference therein. A copy of such opinions shall be appended to the decision and included in the record of proceedings.

(6) A record of the DRE members' names and votes.

(7) The DRB decision and written minority opinions or reports, if any.





(8) A listing of the contentions or issues presented by the applicant, if not included elsewhere.

(9) An authentication of the document by an appropriate official.

(e) Issuance of Decisions Following Discharge Review. The applicant and counsel/representative, if any, shall be provided with a copy of the decisional document and of any further action in review. Final notification of decisions shall be issued to the applicant with a copy to the counsel/representative, if any, and to the Military Service.

(1) Notification to applicants, with copies to counsel/representatives, shall normally be made through the U.S. Postal Services. Such notification shall consist of a notification of decision, together with a copy of the decisional document.

(2) Notification to the Military Services shall be for the purpose of appropriate action and inclusion of review matter in personnel records. Such notification shall bear appropriate certification of completeness and accuracy.

(3) Actions on review by superior authority, when occurring, shall be provided to the applicant and counsel/representative in the same manner as the notification of the review decision.

(f) Records of DRB Proceedings:

(1) When the proceedings in any review have been concluded, a record thereof will be prepared. Records may include written records, electro-magnetic records, videotape recordings, or a combination thereof.

(2) At a minimum, the record will include the following:

The application for review

A record of the testimony in verbatim, summarized, or recorded form at the option of the DRB concerned.

Documentary evidence or copies thereof considered by the DRB other than the Military Service record.

Briefs/arguments submitted by or on behalf of the applicant.

Advisory opinions considered by the DRB, if any.

The findings, conclusions, and reasons developed by the DRB.

Notification of the DRB's decision to the cognizant custodian of the applicant's records, or reference to the notification document.

Minority reports, if any.

A copy of the decisional document.

(g) Cases reviewed by the Secretary concerned, or by one to whom the reviewing authority has been delegated, shall be considered in accordance with the standards set forth in §70.6

(1) On every decision of the DRB that is reviewed by the Secretary, or by one to whom reviewing authority has been delegated, the decision on review shall be made in writing.

(2) In every case, the decision of the DRB and the reviewing authority, if any, shall include a statement of findings, conclusions, and reasons, (§70.5(d)(5)) except where the reviewing authority expressly adopts, in whole or in part, the statement of findings, conclusions and reasons of the DRB. Similarly, where the reviewing authority adopts the DRB's statement of findings, conclusions and reasons, there is no requirement for duplicative publication and indexing under terms of §70.5(i).





(h) Final Disposition of the Record of Proceedings. The original record of proceedings and all appendices thereto shall in all cases be incorporated in the Service record of the applicant and the Service record shall be returned to the custody of the NPRC, St. Louis, Missouri. Other copies shall be filed and disposed of in accordance with separate Military Service regulations.

(i) Availability of Discharge Review Board Documents for Public Inspection and Copying:

(1) A copy of the decisional document prepared in accordance with §70.5(d) shall be made available for public inpsection and copying promptly after a notice of final decision is sent to the applicant.

(2) To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from documents made available for public inspection and copying. Names, addresses, social security numbers, and Military Service numbers must be deleted. Written justification shall be made for all other deletions and shall be available for public inspection.

(3) Any other privileged or classified material contained in or appended to any documents required by this agreement to be furnished the applicant and counsel/representative or made available for public inspection and copying may be deleted therefrom only if a written statement of the basis for the deletions is provided the applicant and counsel/representative and made available for public inspection. It is not intended that the statement be so detailed as to reveal the nature of the withheld material.

(4) DRB documents made available for public inspection and copying shall be located in the Armed Forces Discharge Review/Correction Boards Reading Room. The documents shall be indexed in a usable and concise form so as to enable the public and those who represent applicants before the DRBs to isolate from all these decisions that are indexed those cases that may be similar to an applicant's case and that indicate the circumstances under and/or reasons for which the DRB or the Secretary concerned granted or denied relief.

(i) The reading file index shall include, in addition to any other items determined by the DRB, the case number, the date, character of, reason for, and authority for the discharge. It shall further include the decisions of the DRB and reviewing authority, if any, and the issues addressed in the statement of findings, conclusions and reasons.

(ii) The index need be permanently maintained only at permanent DRB regional locations. This index should be made available at sites selected for traveling board hearings or hearings examinations for such periods as the DRB is present and in operation. Applicants at such sites shall be so advised in the notice of scheduled hearings.

(iii) The Armed Forces Discharge Review/Correction Boards Reading Room shall publish indexes quarterly for all Boards. All Boards will be responsible for timely submission to the Reading Room of individual case information required for update of the indexes. These indexes shall be available for public inspection and/or purchase at the Reading Room. This information will be provided to applicants in the notice of scheduled hearings.





(iv) Correspondence relating to matters under the cognizance of the Reading Room (including requests for purchase of indexes) shall be addressed to:

Armed Forces Discharge Review/Correction Board Reading Room
The Pentagon Concourse
Washington, D.C. 20310

(j) Privacy Act Information. Information protected under the Privacy Act is involved in the discharge review functions. The provisions of 32 CFR 286a will be observed throughout the processing of a request for review of discharge or dismissal.

§70.6 Discharge Review Standards.

(a) Objective of Review. The objective of a discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes, if necessary. The standards of review and the underlying factors which aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable service. No factors shall be established which require automatic change or denial of a change in a discharge. Neither a DRB or the Secretary concerned shall be bound by any methodology of weighting of the factors in reaching a determination. In each case, the DRB or Secretary concerned shall give a full, fair, and impartial consideration to all applicable factors prior to reaching a decision.

(b) Propriety: A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:





(1) There exists an error of fact, law, procedures, or discretion



(3) In the course of a discharge review, it is determined that

(1) There exists an error of fact, law, procedures, or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such error shall constitute prejudical error, if there is substantial doubt that the discharge would have remained the same if the error had not been made; or

(2) That a change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(c) Equity: A discharge shall be deemed to be equitable unless;

(1) In the course of a discharge review, it is determined that the policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that:

(i) current policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings; and

(ii) there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration;

(2) At the time of issuance, the discharge was inconsistent with standards of discipline in the Military Service of which the applicant was a member; or





(3) In the course of a discharge review, it is determined that relief is warranted based upon consideration of the applicant's Service record and other evidence presented to the DRB viewed in conjunction with the factors listed in this subparagraph and the regulations under which the applicant was discharged, even though the discharge was determined to have been otherwise equitable and proper at the time of issuance. Areas of consideration include, but are not limited to:

(i) Quality of Service, as evidenced by factors such as:

Service history, including date of enlistment, period of enlistment, highest rank achieved, conduct or efficiency ratings (numerical or narrative).

Awards and decorations.

Letters of commendation or reprimand.

Combat service

Wounds received in action.

Record of promotions and demotions.

Level of responsibility at which the applicant served.

Other acts of merit that may not have resulted in a formal recognition through an award or commendation.

Length of service during the service period which is the subject of the discharge review.

Prior military service and type of discharge received or outstanding post-service conduct to the extent that such matters provide a basis for a more thorough understanding of the performance of the applicant during the period of service which is the subject of the discharge review.





Convictions by court-martial.

Convictions by court-martial.

Record of non-judicial punishment.

Convictions by civil authorities while a member of the Service, reflected in the discharge proceedings or otherwise noted in Military Service records.

Record of periods of unauthorized absence.

Records relating to a discharge in lieu of court-martial.

(ii) Capability to serve, as evidenced by factors such as:

(A) Total Capabilities. This includes an evaluation of matters such as age, educational level, and aptitude scores. Consideration may also be given to whether the individual met normal military standards of acceptability for military service and similar indicators of an individual's ability to serve satisfactorily, as well as ability to adjust to the military service.

(B) Family/Personal Problems. This includes matters in extenuation or mitigation of the reason for discharge that may have affected the applicant's ability to serve satisfactorily may have been affected.

(C) Arbitrary or Capricious Actions. This includes actions by individuals in authority which constitute a clear abuse of such authority and which contributed to the decision to discharge or to the characterization of service.

(D) Discrimination. This includes unauthorized acts as documented by records or other evidence.

Maurice W. Roche

MAURICE W. ROCHE, Director
Correspondence and Directives
Washington Headquarters Service
Department of Defense

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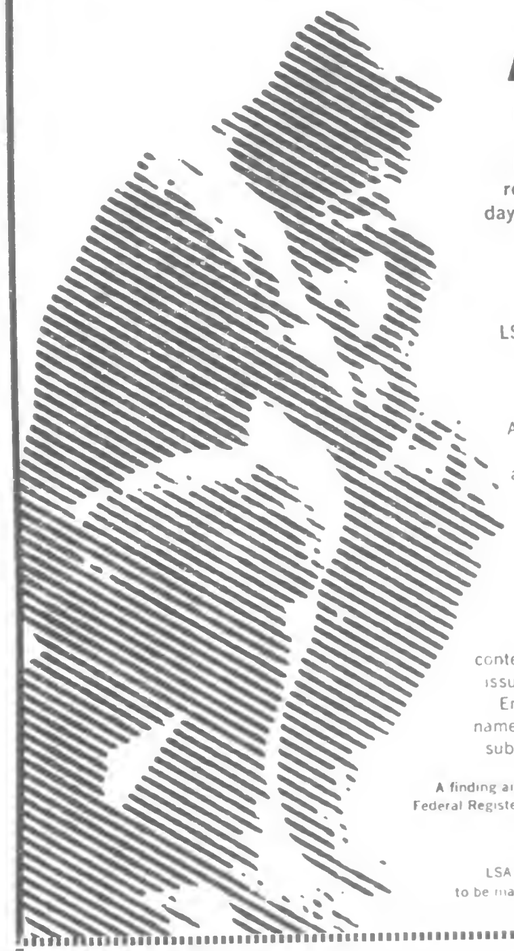

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# federal register

MONDAY, FEBRUARY 27, 1978

## highlights

**"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"**

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

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231 .... 6060
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241 .... 6060
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rules and regulations

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Promissory Note Requirement

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding signatures on the promissory note. The intended effect of this amendment is to make FmHA programs available to certain individuals without requiring these individuals to obtain additional signatures on the note. This action is being taken to conform FmHA regulations to the Equal Credit Opportunity Act.

DATES: Effective date: February 27, 1978. Comments due: March 29, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mathias Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: Section 1807.2 of Part 1807, Chapter XVIII, Title 7, Code of Federal Regulations (31 FR 14123) is amended. Paragraph (f)(8) of this section is amended to require only the applicant to sign the promissory note in those cases where the income or financial resources of the applicant is sufficient for a sound loan. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published effective on an interim basis. This action is being taken to make FmHA programs available to certain individuals without requiring additional signatures and at the same time permit public participation in the rulemaking process. Any delay in implementing this amendment would be contrary to the public interest because certain borrowers might be prevented from obtaining needed assistance. Comments made pursuant to this notice will be considered in the development of the final rule. Accordingly, § 1807.2 (f)(8) is amended as follows:

§ 1807.2 Initial loan cases.

* * * * *

(f) *Loan closing.* * * *

* * * * *

(8) *Promissory note.* The designated attorney or title insurance company representative will determine that the promissory note (or assumption agreement) is properly completed and executed. Only the applicant(s) is required to sign the promissory note if a sound loan can be made based on his/her income and financial resources alone. If the applicant(s) does not have sufficient repayment ability, then a co-owner(s) providing the needed repayment ability will sign the note. If the co-owner(s) occupying the RH building are unable to provide the needed repayment ability for an RH loan, then a cosigner (individual or corporation) will sign the note (or assumption agreement). Any other signatures on the note (or assumption agreement) needed to insure the required security, as provided in the State Supplements, will be obtained. Persons having a disability of minority or mental incompetency, or noncitizens in an FO case, are not to execute the promissory note. In all cases the purpose and effect of signing a promissory note, assumption, or other evidence of indebtedness for loans made or insured by FmHA is to engage separate and individual personal liability, regardless of any State law to the contrary. The date shown on the note will be the date it is executed by the borrower which may not be later than the date the mortgage is filed for record.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The FmHA has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 9, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-5073 Filed 2-24-78; 8:45 am]

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[3410-07]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

ACCOUNTING CALCULATIONS AND REPORTING REQUIREMENTS OF BORROWERS

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration amends its regulations to change the accounting calculations and reporting requirements of borrowers in its recently implemented rental assistance program. The intended effect of this action is to make the program more workable and more easily understood. This action is being taken because the former regulations did not provide adequate guidance.

DATES: Effective date: February 27, 1978. Comments due on or before March 29, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Paul R. Conn, 202-447-7207.

SUPPLEMENTARY INFORMATION: The following amendments are made to Subpart D Part 1822, Chapter XVIII of Title 7 Code of Federal Reg-

ulations in order to change accounting calculations and reporting requirements of borrowers in the rental assistance program.

1. Paragraph 1822.88(a)(8) is added to require individual meters for utilities unless master metering is justified.

2. Paragraphs 1822.88(i)(3) and 1822.88 (i)(3) (i), (ii), and (iii) are added to clarify that verification of income is required when completing Form FmHA 444-8, "Tenant Certification."

3. Paragraphs III and III A and B of Exhibit F-5A, "Housing Allowances for Utilities and Other Public Services," are amended, paragraphs IV and V are added, and the existing paragraph IV is redesignated as paragraphs IIIB and IIIB 1, 2, 3, and 4.

4. Paragraph III of Exhibit J is amended to allow interest credit on loans to be repaid over a period of 40 years or more.

5. Paragraph IVB2e of Exhibit J is amended to change the title of Form FmHA 444-29.

6. Paragraphs IVB2f and IVB3 of Exhibit J are deleted.

7. Exhibit J-2 is amended as part of the implementation of the changes discussed above.

8. Exhibit R is amended to be consistent with the above changes.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published effective on an interim basis. This action is being taken to change to accounting calculations and reporting of the rental assistance program and at the same time permit public participation in the rulemaking process. Any delay in implementing these amendments would be contrary to the public interest because it could delay or discourage a borrower's participation in the rental assistance program. Comments made pursuant to this notice will be considered in the development of the final rule. Comments must be received on or before March 29, 1978.

Accordingly, Subpart D of Part 1822 is amended as follows:

1. In § 1822.88 paragraphs (a)(8), (i)(3), and (i)(3) (i), (ii), and (iii) are added and read as follows:

§ 1822.88 Special conditions.

(a) *Type and size of housing.* • • •

(8) All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly.

• • • • •

(i) *Tenant certification.* • • •

(3) The incomes reported by all tenants must be verified by the borrower. Such verifications may be obtained by:

(i) The use of Form FmHA 410-5, "Requests for Verification of Employment," or verification forms prepared by the borrower or other sources. Until Form FmHA 410-5 is revised, it may be modified by deleting "to the Farmers Home Administration" in the last sentence of the Instructions; deleting "Farmers Home Administration" in Part I, item 2 and inserting the name and address of the borrower or management agent to whom the form is to be returned; deleting "applied for a Farmers Home Administration loan and" in the first sentence and the word "loan" in the second sentence of the applicant's statement in Part I; and by deleting the complete last sentence below the employer's signature.

(ii) In the case of the elderly or other persons whose income is not from wages or salary, by actually examining the income checks, check stubs or other reliable data the tenant possesses.

(iii) Until the Form FmHA 444-8 is revised, the borrower will make a notation on each tenant certification that "The tenant's income has been verified and found to be accurate". The notation will be dated and the name of the person making it will be shown.

• • • • •

2. Paragraph III and III A and B of Exhibit F-5A are amended, paragraphs IV and V are added, and the existing paragraph IV is renumbered to paragraphs IIIB and IIIB 1, 2, 3, and 4 to read as follows:

EXHIBIT F-5A—HOUSING ALLOWANCES FOR UTILITIES AND OTHER PUBLIC SERVICES

• • • • •

III. *Preparation by Borrower or Applicant.*

A. *Applicable Projects.* Except for projects operating on a profit basis, Exhibit F-5A will be completed in the original and three copies in all instances where the tenants pay utilities or authorized services directly. This form will establish the allowances for all size units in the project. The allowances shall be adequate for all utilities and any authorized services which are or will be available to the tenants, except telephone and cable TV. The allowances for utilities as determined in Part I of this form will be the basis of the operating expenses used in budget preparation. The forms will be signed by the borrower. The original and two copies of the form will be submitted to FmHA. Backup data and necessary documentation should be included with the submission.

B. *Submission of Supporting Data to FmHA.* The applicant will submit to FmHA adequate data to justify the utility allowance for the project. The data will include the following:

1. Completed Exhibit F-5A.

2. List of local sources contacted for information and copies of any data provided by such sources.

3. Any data on allowances already established for the area.

4. Complete narrative statement and computations on method used in arriving at the allowances.

IV. *Actions by FmHA.* If FmHA finds the allowances acceptable, the approval portion of Part I will be completed on all copies and the original and one copy returned to the County Supervisor. The County Supervisor will keep a copy for the county office file and return the original to the borrower. If the proposed utility allowance is unacceptable, the borrower will be requested to revise the data and resubmit it for further consideration.

V. *Subsequent Action by Borrower.* After approval by FmHA the borrower will complete Part II of the form and provide copies to each tenant paying utilities directly by attaching it to the lease entered into by the borrower and tenant. The form will provide the family with the amount of allowance for each of the utilities and services which are to be paid by the tenant. If all utilities and services are paid by the borrower F-5A need not be attached to the lease.

3. Paragraphs IV B 2 f and IV B 3 of Exhibit J are deleted. Paragraphs III and IV B 2 e of Exhibit J are amended to read as follows:

EXHIBIT J—INTEREST CREDITS ON INSURED RRH AND RCH LOANS

• • • • •

III. Eligibility: Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, (2) is repaid over a period of 40 years or more, and (3) meets the other requirements of this Exhibit subject to the following limitations:

• • • • •

IV. Options of borrowers:

• • • • •

B. Plan II.

• • • • •

2. A borrower under Plan II, generally must:

• • • • •

e. Determine the required monthly payment on the loan at 1 percent interest and overage each month for the total units developed with any one loan. the amount of payment will be computed separately for each loan using Form FmHA 444-29, "Project Worksheet for Multiple Family Housing Projects." (Exhibit J-2 will be used until Form FmHA 444-29 is available.)

f. [Deleted]

3. [Deleted]

• • • • •

4. Exhibit J-2 is amended to read as follows:





Exhibit J-2 PROJECT WORKSHEET FOR MULTIPLE FAMILY HOUSING PROJECTS

| Borrower Name | |
|---|---|
| Case Number | Location of Project |

Kind of Loan (Check appropriate block)

☐ RRH ☐ RCH ☐ LH

Plan of Operation (Check appropriate block)

☐ Profit ☐ Plan I ☐ Plan I S 8

☐ Plan II ☐ Plan II RA ☐ Plan RA

This report is for the month of _____, 19____

In accordance with Farmers Home Administration's formula and procedures, all rental units are occupied by families who are eligible to occupy this Multiple Family Housing Project and have incomes within the limitations as set forth in FmHA regulations and/or the project has written permission from FmHA to rent to ineligible occupants on a temporary basis. The amount of payment, overage, surcharge and/or request for rental assistance payment for this project is as follows:

| 1 Payment Amount | 2 Loan Number | 3 Overage or Surcharge | 4 Total Payment | 5 Rental Asst. Payment Due Borrower | 6 No. Units Rec'ing Rent Asst |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

I certify that the statements made above and in Part II are true to the best of my knowledge and belief and are made in good faith.

_____ _____

(Date) (Signature-Borrower or Borrower's Representative

County Office Schedule No. ☐☐☐











FmHA Instruction 444.5

Reflects Data as of 1st Day of ____ 19__

Name of Borrower ____ page ____ of ____

| PART II | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Apt. No. | 2 Type | 3 Leased To | 4 No of Indiv in Unit | 5 Basic Monthly Rent | 6 Market Monthly Rent | 7 25% of Adjusted Monthly Income | 8 Tenant's Monthly Rental Payment | 9 Amount of Rental Assistance | 10 Overage and/or Surcharges | 11 Tenant's Monthly Utility Allowance | 12 Amt. Due Tenant To Cover Utilities |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | |

(1) PART II Page ___ of ___. Name of Borrower

(2) Reflects Data as of 1st Day of ___ 19__

| 1 Apt. No. | 2 Type | 3 Leased To | 4 No of Indiv In Unit | 5 Basic Monthly Rent | 6 Market Monthly Rent | 7 25% of Adjusted Monthly Income | 8 Tenant's Monthly Rental Payment | 9 Amount of Rental Assistance | 10 Overage and/or Surcharges | 11 Tenant's Monthly Utility Allowance | 12 Amt. Due Tenant To Cover Utilities |
|---|---|---|---|---|---|---|---|---|---|---|---|
| (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | |

amount of the monthly payment as though the note was written with a one percent interest rate.

3. For all projects operating in accordance with interest credit plan I, enter the amount of the monthly payment as though the note was written with a three percent interest rate.

4. For all projects with all units under contract with HUD Section 8 Housing Assistance Payments Program (Plan I S 8) enter the amount of the monthly payment as though the note was written with the appropriate one or two percentage point rate reduction.

(24) Enter the loan code for each loan on the project. The top line will always be used for the initial loan for the project.

(25) Enter the overage or surcharge due. All overages and surcharges will be shown on the initial loan line for the project.

(26) Enter the total payment due for each loan. This will be the sum of the amount(s) in item (23) and (25) for the line.

(27) Enter the amount of rental assistance provided as determined in Part II of the worksheet. This is the amount due from the government.

(28) Enter number of units occupied by tenants receiving rental assistance.

(29) Enter total amount of payment being transmitted.

(30) Enter date signed.

(31) The form must be signed by the borrower or the borrower's representative.

(32) The County Office will enter the schedule number of the Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal," used to transmit the borrower's payment to the Finance Office.

RENTAL ASSISTANCE PROGRAM

I. *General.* The objective of the rental assistance program is to reduce the rents paid by low-income families. This exhibit sets forth the policies and procedures and delegates authority under which rental assistance (RA) will be extended to eligible tenants occupying eligible Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) projects financed by FmHA. This exhibit also applies to Farm Labor Housing (LH) projects when the borrower is a broadly-based nonprofit organization, nonprofit organization of farmworkers or a State or local public Agency. Rental assistance will supplement the benefits available to tenants under the interest credit program outlined in Exhibit J to this Subpart.

II. *Definitions.*

A. *Adjusted Annual Income.* This is the total planned income of the family for the next 12 months as defined in §1822.3 (n) of Part 1822 Subpart A (FmHA Instruction 444.1, paragraph III N) less 5 percent, thereof, and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the family and lives in the rental unit.

B. *Adjusted Monthly Income.*

This is the amount obtained by dividing the Adjusted Annual Income by 12.

C. *Eligible Tenants.* Any low-income family or senior citizen that is unable to pay the approved rental rate for an eligible FmHA RA unit within 25 percent of their adjustem monthly income and whose adjusted annual income does not exceed the limit established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C).

D. *Eligible Project.*

1. All projects, except (a) LH loans and grants, and (b) direct RRH, and insured RRH loans approved prior to August 1, 1968, must convert to Interest Credit Plan II before they are eligible to receive rental assistance. All new RRH projects must also operate under Plan II to receive rental assistance. For a borrower to have an eligible project, the loan must be an:

a. RRH insured or direct loan made to a broadly-based nonprofit organization, or State or local agency, or

b. RRH insured loan to an individual or organization who has or will execute a Loan Resolution or Loan Agreement agreeing to operate the housing on a limited profit basis as defined in § 1822.83 (p) of this Subpart (FmHA Instruction 444.5 paragraph III P), or

c. RCH insured or direct loan, or

d. LH loan, or an LH loan and grant combination, made to a broad-based nonprofit organization or nonprofit organization of farmworkers or a State or local public Agency.

2. Projects with all or a part of the units under contract with the Department of Housing and Urban Development (HUD) developed under the Section 8 program for new construction or rehabilitation by either the dual or single track processing procedures will not be considered an eligible project. This exemption does not prohibit the borrower from utilizing HUD's Section 8 Housing Assistance Payments Program for existing housing and FmHA rental assistance for other eligible families in the same project.

E. *Rental Assistance.* Rental assistance, as used in this exhibit, is the difference between 25 percent of the family's adjusted monthly income and the approved rental rate (including costs of all utilities and services, when applicable) for the unit being occupied by the family. When the family's adjusted monthly income is less than the allowance established for utilities and services billed directly to and paid by the tenant, the owner will pay the family that difference in accordance with paragraph VII A of this Exhibit. Rental Assistance is further defined as:

1. For projects operating on Interest Credit Plan II, it is the difference between 25 percent of the family's adjusted monthly income and the basic rent including utilities for the unit.

2. For all direct RRH loans, insured RRH loans approved prior to August 1, 1968, and all eligible LH loans, it is the difference between 25 percent of the family's adjusted monthly income and the approve market rental rate including utilities for the unit.

F. *Approved Rental Rate.* The rental rates (basic and/or market rent) determined by the budget for the project and approved by FmHA. Rental rates will be considered approved if the budget for the year has been approved in accordance with § 1802.78 Part 1802 Subpart G (FmHA Instruction 430.2 paragraph X) and utility allowances, when required, have been determined and approved in accordance with paragraph VIII B of this exhibit. The rental rate includes the amortized principal and interest payments, operating and maintenance costs, required deposits to the reserve account and a return on the owner's initial investment when allowed by FmHA regulations. The cost of utilities and other public services when paid by the owner will be included in the operating and maintenance expenses to determine the approved rental rates.

G. *Utility Allowance.* The allowance approved by FmHA to cover the cost of utilities which are payable directly by the families.

III. *Eligibility of Borrower.* All borrowers who meet the eligible project definition in paragraph II D of this Exhibit are eligible and are encouraged to utilize the rental assistance program and receive rental assistance payments on behalf of low-income tenants as provided for in accordance with this exhibit. Generally, the borrower will initiate the processing of a rental assistance application. A borrower who does not request rental assistance may be encouraged to do so by the County Supervisor if rental assistance units are available and 20 percent or more of the families eligible for rental assistance in an eligible project petition the borrower to obtain rental assistance on their behalf. The petitions shall be in writing to the borrower and contain the signature of the head of the household of each family who is paying more than 25 percent of their adjusted montly income for rent including utilities and desiring rental assistance. A copy of the petition will be submitted to the County Supervisor.

IV. *Eligibility of Tenants.* All tenants as defined in paragraph II C of this exhibit, are eligible to receive the benefits of rental assistance when occupying a rental unit in an eligible project provided the project owner has agreed to provide such assistance in accordance with this exhibit and there are RA units available.

V. *Priority of Rental Assistance Applications.* The National Office may establish a State quota on the number of units that may receive rental assistance in any fiscal year. The State Director will limit the approval of rental assistance to no more than the number of units allocated to the State. Unless otherwise stated by the National Office, the State allocation will indicate the number of units for existing projects and the number of units to be used with the applications for loans. The priority in allocating units will be as follows:

A. *Allocation to Projects Within a State.* The State Director will distribute any units allocated to the State in accordance with any specific instructions from the National Office and approve requests for rental assistance to projects in accordance with the provisions of this Exhibit.

1. *Existing Housing:* The State Director will distribute any units allocated to the State for existing RRH, RCH, and LH projects by considering Forms FmHA 444-25, "Request for Rental Assistance," (Exhibit R-1 of this Subpart) that have been submitted by eligible borrowers. The State Director shall authorize rental assistance to projects with priority given to projects based on the earliest date that Form FmHA 444-25 and other required information is submitted to FmHA in acceptable form (see paragraph X). The number of units to be granted in any project will be based on the number of tenants in the project needing rental assistance up to the maximum allowed. The National Office shall notify the State Director each year of any specific date by which all requests for rental assistance must be submitted to FmHA for consideration.

2. *New Housing:* Any units allocated to the State for new construction (which includes substantial rehabilitation) shall be distributed on a priority basis in the following order:

a. RRH or RCH projects to be provided in areas where HUD Section 8 units under the FmHA set-aside are not available.





b. Applications for RRH and RCH loans where the market survey information indicates that without RA, a large percentage of the prospective tenants will be paying in excess of 25 percent of their adjusted monthly income for rent including utilities. When the number of RA units available is inadequate to cover all such applications, the units will be distributed giving priority to the projects with the earliest date of application in which the applicant has provided all the information necessary to process the application in accordance with Exhibit F-7 of this Subpart.

c. For LH projects, RA units will be allocated by the National Office on a case-by-case basis at the time the projects are considered for funding at the National Office level.

3. *Limitation on number of units of rental assistance in each project:* The maximum number of units in a project to obtain rental assistance is limited to the following:

a. No limitation for eligible labor housing loan and grant projects. However, an eligible labor housing project with a loan only will be limited to not more than 20 percent (fractional units will be rounded to the next higher whole number) of the total number of units in the project.

b. No limitation for RRH, RCH or SCH projects designed and limited to housing for the elderly except that the State Director may limit the percentage of units granted to elderly projects to no more than 40 percent if it appears that the number of units distributed to the state will not be adequate to approve all requests for rental assistance.

c. An RCH or RRH project designed and/or primarily occupied by low- and moderate-income families will be limited to not more than 20 percent of the total number of units in the project.

d. An RCH or RRH project planned and designed for a mix of senior citizen and low- and moderate-income families will ber limited to not more than 20 percent of the total number of units designed for low- and moderate-income families and no limitations on the units designed for and occupied by senior citizens.

B. *Granting Exceptions.*

1. *State Directors Authority.* An exception to the 20 percent limitation indicated in paragraph V A 3 a, c, and d of this exhibit may be granted by the State Director for up to 40 percent of the units in any particular project (fractional units will be rounded to the next higher whole number). However, the total number of units of rental assistance granted by the State Director including exceptions, cannot exceed the number of units allocated to that State. Exceptions will be granted only when units are or can be made available and the following conditions exist:

a. When more than 20 percent of the units are occupied by families who are paying more than 25 percent of their adjusted income for rent including utilities, and such units are no larger than needed to meet the family's need, or

b. The tenants in a project that is being assisted at the 20 percent level experience a hardship as a result of an income decrease or a rental increase and must obtain rental assistance to remain in the project, or

c. The project is being developed in an area of extremely low-income families and the majority of the proposed tenants will be paying in excess of 25 percent of their income for rent including utilities.

2. *National Office Authority.* If the project is located in or is being developed in an area of extremely low-income families and the majority of the tenants are, or will be, paying in excess of 25 percent of their income for rent including utilities, the National Office may authorize the State Director to grant approval for a greater number of units on a case-by-case basis for up to 100 percent of the units to receive rental assistance. Such requests will be submitted to and approved by the National Office prior to loan granting or requesting obligation of rental assistance for more than 40 percent of the units in the project.

C. *Processing Exception Requests.*

1. A request for an exception to the 20 percent limitation for existing projects will be submitted by the borrower to the County Supervisor. The County Supervisor will submit the request with supporting documentation and recommendations to the State Office by memorandum for approval. Included in the memorandum will be the number and percentage of units in excess of the 20 percent limit and justification for the approval. When National Office authorization is required to exceed the 40 percent limitation, the State Director will request this authorization by memorandum and will include (a) the borrower's case file, (b) complete data and documentation on the housing market situation, (c) the number of rental assistance units allocated to the State, (d) number of uncommitted units still available in the State allocation, and (e) recommendations. If a borrower requests authority to exceed the 40 percent limitation for a new project after the loan is approved, such requests will not be approved until the project is completed, and at least partially occupied and it is apparent that full rentup will not occur unless the 40 percent limitation is exceeded.

2. The State Director will maintain Form FmHA 444-28, "Record of Rental Assistance Agreement." The record will include the borrower's case number, fund code, loan number, number of units in the project, number of units for rental assistance authorized and the effective date of each agreement and amendment. This information will be obtained from Form FmHA 444-25, "Request for Rental Assistance Agreement", form FmHA 444-26, "Request for Obligation of Rental Assistance", and Form FmHA 444-27, "Rental Assistance Agreement." Any changes which are made in the number of rental units assisted will be recorded in the Record of Rental Assistance Agreements. Exhibit R-3 of this Subpart may be used for keeping this record until Form FmHA 444-28 is available.

VI. *Priority Among Eligible Families Within a Project Receiving Rental Assistance.* The borrower will determine priority for RA among tenants living in a project and among families applying for occupancy in accordance with this paragraph.

A. *In Existing Projects:*

1. If the project is fully occupied at the time the rental assistance is granted, priority will be given to families paying the highest percentage of its annual adjusted income for rent including utilities. However, no family eligible to occupy a unit in the project will be required to move from the project to allow a family applying for a unit who has a higher priority to move in.

2. If the project has vacancies or vacancies occur and rental assistance is available, priority will be given to families already living in the project who are eligible for rental assistance before any new tenants are considered. Priority for new tenants will be based on the date of the family's application for occupancy. If more than one family applies for a unit on the same date, the applications will be time dated. If the family with the earliest date of application is unable or does not want to accept the rental assistance unit, the unit will be offered to the next earliest application. The application of a family who is unable for personal reasons or does not want to accept a rental assistance unit when notified, will be redated as of the current date if the family still wishes to be considered for occupancy.

3. If the project has vacancies or vacancies occur and rental assistance is available, the units will be leased to eligible families having the highest priority based on date of application for occupancy regardless of whether they qualify for rental assistance.

4. If the project has vacancies or vacancies occur and rental assistance is not available, a family eligible for rental assistance may accept occupancy but cannot receive rental assistance. Such families will be considered for rental assistance in accordance with paragraph VI A 1. If such families elect not to accept occupancy because rental assistance is not available, their application for a unit will retain its original date for priority.

5. Tenants receiving the benefits of rental assistance shall continue receiving such benefits as long as they remain eligible tenants and there is a rental assistance agreement in effect.

B. *In New Projects.* Applications for occupancy should be accepted during the construction phase of the project. Priority will be given based on the date of the family's application for occupancy. If all or a percentage of the units are authorized to receive rental assistance, such number of units will not be rented to families whose adjusted annual income exceeds the limits established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C) without the written approval of the County Supervisor. The County Supervisor will not grant such approval until he has reviewed the borrower's method of advertising the units and has determined that families eligible for rental assistance are not available or do not desire occupancy.

VII. *Responsibilities of Borrower in Administering the Rental Assistance Program.* Each borrower and management agent for each project that is to receive rental assistance should fully understand the responsibilities and requirements of carrying out the program. The borrower and management agent are the key to the successful operation of the program. The following guidelines will be followed:

A. Direct rental assistance payments will not be made to eligible tenants receiving rental assistance except in those instances when utilities are paid by the family and 25 percent of the family's monthly adjusted income is less than the allowance for utilities. In these cases, the borrower will pay the family that difference upon the family providing the borrower evidence that the utility bills are due or have been paid. (See paragraph VIII A, Payment of Utilities.) The borrower will maintain an accurate accounting of each tenant's utility allowance and payment made to tenants.

B. The borrower must initially submit Form FmHA 444-8, "Tenant Certification," for each tenant. The initial tenant certification will be submitted to the FmHA County Office with the next monthly payment following the date that the tenant occupies the





unit. Subsequent tenant certifications must be obtained annually and submitted to the

b. *Distraint for Rent or Other Charges.* Authorization to the landlord to take prop-

(FmHA Instruction 444.5) and submitted to FmHA for approval. The data will be ana-



FmHA 444-25 and submit all data provided by the borrower to the State Director.

borrower's address on Forms FmHA 440-57, "Acknowledgement of Obligated Funds/ Check Request," and 450-14, "Annual State-

ment under Executive Order 11821 and OMB Circular A-107.

unit. Subsequent tenant certifications must be obtained annually and submitted to the County Office with the first monthly payment following the date of the certification. The borrower or management agent will establish an adequate recordkeeping system of tenant certifications to assure this responsibility is carried out.

C. The incomes reported by the tenants must be verified by the borrower in accordance with §1822.88(i)(3) of this subpart (FmHA Instruction 444.5 paragraph VIII I 3).

D. Borrowers utilizing RA must comply with §1802.78 Part 1802 Subpart G (FmHA Instruction 430.2, paragraph X). RA will not be approved for projects until the operating budgets have been approved by the FmHA State Office or the County Supervisor. County Supervisors, with assistance from the State Office staff, must closely supervise and assist borrowers in complying with all accounting and management requirements.

E. A borrower participating in the RA program must have an FmHA approved lease with the assisted family.

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director may issue State Instructions covering any special conditions or local customs affecting leasing arrangements. In addition to other statements outlining the conditions of the lease, the lease form for tenants receiving RA should contain the following statements rather than those required in paragraph VI A of Exhibit J to this Subpart:

"I understand and agree that as long as I receive rental assistance, my total monthly payment for rent and utilities will be $——— (25 percent of my adjusted monthly income). If I pay any or all utilities directly (not including telephone or cable T.V.), a utility allowance of $——— will be deducted from my monthly payment for rental and utilities. If the utility allowance is in excess of 25 percent of my adjusted monthly income, the lessor will pay me this excess.

I further agree to notify the lessor of any permanent increase in adjusted monthly income or change in the number of family members living in the household. I understand that should I receive rental assistance benefits to which I am not entitled that I may be required to make restitution and I agree to pay any amount of benefits received to which I was not entitled.

I also understand and agree that my monthly payment for rent under this lease may be raised or lowered, based on changes in family income and changes in the number and age of family members living in my household. Should I no longer receive rental assistance as a result of these changes, I understand and agree that my monthly payment for rent may be adjusted to no less than $——— (basic rental) nor more than $——— (market rental) during the remaining term of this lease.

Eligible borrowers with LH loans an grants, direct RRH loans, or insured RRH loans approved before August 1, 1968, may omit the words "no less than $——— (basic rental) nor more than" from the last sentence of the above statement.

2. Lease clauses which fall within the classification listed below shall not be included in any lease.

a. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

b. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

c. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

d. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

e. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

f. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

g. *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

h. *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant, as a part to a lawsuit, may not be obligated to pay attorney's fees or other costs if he loses the suit.)

3. A copy of a completed Exhibit F-5A of this Subpart and a copy of the established rules and regulations for the project will be provided to the tenant as attachments to the lease.

VIII. *Handling Utility Allowances and Determining the Amount of Rent.*

A. *Payment of Utilities.* All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly. In an existing project which is not individually metered, the project will be converted to individual meters if feasible and an energy savings can be achieved. In every case, the approved rents for the projects must include the cost of utilities (except telephone and charges for cable TV) paid by the owner. In a project where the tenant is billed directly for the utilities, the tenant receiving the benefit of rental assitance will pay the owner as rent the difference between the established allowance for utilities which the tenant pays and 25 percent of the family's adjusted monthly income. If, however, 25 percent of the family's adjusted monthly income is less than the monthly allowance for utilities, the owner will pay the tenant that difference as prescribed in paragraph VII A. In a project where the owner pays all the utilities, the tenant will pay the owner the full 25 percent of his adjusted monthly income toward the approved rent for the unit being occupied.

B. *Determining the Allowance.* The utility allowance will be determined and recorded by the use of Exhibit F-5A of this Subpart (FmHA Instruction 444.5) and submitted to FmHA for approval. The data will be analyzed by the FmHA State Office to determine the allowances that will be permitted. The utility allowance is to be approved on a project-by-project basis. If the allowances are reasonable for the project, the Exhibit F-5A will be approved. The allowable amounts will be indicated in each lease agreement between the owner and tenant.

C. *Changes in Allowances:* The utility allowance may be adjusted to reflect substantial changes in utility and public service rates. Normally, allowances will be adjusted on an annual basis if necessary when the owner submits a new budget for approval. Changes in utility allowance which will result in increasing the amount of the rent paid by tenants will be processed in accordance with Part 1802 Subpart G (FmHA Instruction 430.2).

IX. *Terms of the Rental Assistance Agreement.*

A. *Effective Date.* The effective date of the Agreement will be the 1st day of the month it is executed unless assistance is granted under appeal in accordance with paragraph XII of this Exhibit; then, the effective date will be retroactive to the first of the month in which assistance was denied.

B. *Term.*

1. *For New Construction.* The term of the agreement shall be for a period of twenty (20) years from the effective date of the agreement. (A new construction project is one in which no unit has been occupied.) Upon expiration of the twenty year period, a new agreement may be executed. If a new agreement is considered, it will be made for a period not to exceed five (5) years.

2. *For Existing.* The term of the agreement shall be for a period of five (5) years from the effective date of the agreement. (An existing project is one in which one or more units have been occupied.) Prior to the termination date of any agreement a new Form FmHA 444-25, "Request for Rental Assistance," may be submitted. (Exhibit R-1 of this Subpart will be used until the Form FmHA 444-25 is available.) If a new agreement is consummated, it will be made for a period not to exceed five (5) years.

X. *Processing of Rental Assistance Applications.* All requests for rental assistance will be processed in accordance with this paragraph and may be approved by the State Director.

A. *Existing Projects.*

1. A borrower with an eligible project in which there are tenants paying in excess of 25 percent of their adjusted income for rent is encouraged to file Form FmHA 444-25, "Request for Rental Assistance," with the County Supervisor. A separate Form FmHA 444-25 will be submitted for each project. (Exhibit R-1, of this Subpart will be used until the Form FmHA 444-25 is available.) The borrower should include the following with each request.

a. Form FmHA 444-29, "Project Worksheet for Interest Credit and Rental Assistance" with columns 1 through 12 completed for each tenant in the project. (Exhibit J-2 of this Subpart will be used until the Form FmHA 444-29 is available.)

b. Approved or proposed budget for the year with Exhibit F-5A of this Subpart attached.

2. The County Supervisor will review the budget, Exhibit F-5A, and Form FmHA 444-25 submitted by the borrower to assure that the items are complete and accurate. The County Supervisor will complete Form FmHA 444-25 and submit all data provided by the borrower to the State Director.

B. *Projects to be Funded.*

1. Applicants requesting funding under the RRH or LH programs planning to utilize the rental assistance program should submit a completed Form FmHA 444-25, "Request for Rental Assistance," to the County Supervisor when submitting a preapplication or application for funding.

2. The number of units of rental assistance requested should be based on the market data for the area, the proposed rental rates as reflected in a budget for the project, and the income levels of the prospective tenants.

C. *State Director Action on Requests for Rental Assistance.*

1. If the State director determines that rental assistance can be granted, Form FmHA 444-26, "Request for Obligation of Rental Assistance," will be prepared. Exhibit R-4 of this Subpart may be used until Form FmHA 444-26, "Request for Obligation of Rental Assistance," is available. Form FmHA 444-26 will be prepared and distributed in accordance with the Forms Manual Insert. *The Form-FmHA 444-27, "Rental Assistance Agreement," will not be executed until the Request for Obligation of Rental Assistance has been returned from the Finance Office indicating that the requested number of units have been obligated for the project.*

2. Once rental assistance has been obligated by the Finance Office, the State Director will prepare an original and three copies of Form FmHA 444-7, "Interest Credit and Rental Assistance Agreement," and an original and two copies of Form FmHA 444-27. The State Director will keep one copy of the Forms in the State Office borrower file. The original and two copies of Form FmHA 444-7 and the original and one copy of Form FmHA 444-27 will be sent to the County Office with a covering memorandum authorizing the County Supervisor to execute the agreements. Both originals and copies will be executed by the borrower and County Supervisor. The County Supervisor will retain the original of Form FmHA 444-27 in the borrower file and the executed copy will be given to the borrower. The County Supervisor will send the original of Form FmHA 444-7 to the Finance Office, retain a copy in the borrowers file and an executed copy will be given to the borrower.

3. If rental assistance cannot be provided, the State Director will by letter, through the County Supervisor, inform the borrower in writing of the reasons.

XI. *Method of Payment of Rental Assistance to Borrower.* The borrower will prepare a separate report for the project using Form FmHA 444-29. (Exhibit J-2 of this Subpart may be used until Form FmHA 444-29 is available.) The worksheet will be prepared and distributed in accordance with the instructions for preparation or the Forms Manual Insert. This information will be used by the County Supervisor in preparation of Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal." The form must be completed in accordance with the FMI. The required payment will be transmitted with the form to the Finance Office. The rental assistance payment will be mailed by the Finance Office directly to the borrower within 15 working days of receipt of a properly completed Form FmHA 444-9. Since the check will be sent directly to the borrower, the County Supervisor must be sure that the borrower's address on Forms FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request," and 450-14, "Annual Statement of Loan Account," are correct. If the address shown on these forms is not correct, the County Supervisor will complete Form FmHA 450-10, "Advise of Borrower's Change of Address or Name," prior to any request for payment of rental assistance. However, when a borrower has more than one project within a county, all checks must be sent to the same address.

XXI. *Rights for Appeal if Rental Assistance is not Granted by Farmers Home Administration.*

A. Families who have requested rental assistance in writing but have been denied such assistance (whether in whole or in part) either by the borrower or County Supervisor are to be notified in writing of the specific reasons why they have been denied rental assistance. If a family has requested rental assistance directly to the borrower in writing, the borrower is responsible for notifying the family in writing of the reasons why rental assistance was not made available.

B. Borrowers who have requested rental assistance and are denied such assistance, in whole or in part by the Farmers Home Administration, will be notified in writing of the specific reasons why such assistance was denied. The letter informing the borrower of the denial will advise the borrower that it may appeal the decision by writing to the Administrator.

C. The letter informing the family or borrower of the denial of assistance and the reasons therefor must include:

1. In case the determination was made by the borrower, that the decision is subject to appeal to the FmHA County Supervisor giving name and address.

2. In case the decision was made by the County Supervisor, that an appeal may be made to the State Director giving name and address.

3. In case the decision was made by the State Director, that an appeal may be made to the Administrator giving name and address.

4. A statement that "any appeal must be filed within 45 days of the date of this notice of denial of assistance."

D. If the State Director denies an appeal for assistance, the borrower or family may appeal that decision to the Administrator, Farmers Home Administration, Washington, D.C. 20250. The Administrator upon review of the appeal shall either affirm or reverse the decision.

E. If at any time, it is determined that a borrower or a family was eligible to receive assistance after the effective date of this exhibit and assistance could have been made available in accordance with this exhibit, the provision of the assistance will be retroactive to the first of the month in which assistance was initially denied.

F. All actions by FmHA officials must be within 30 days of receipt of an appeal.

XIII. *Forms and Exhibits.* Incorporated as a part of this regulation are Exhibits R-1, R-2, R-4, F-5A, J-2, and Form FmHA 444-7.

(42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Secretary for Rural Development 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 6, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-5067 Filed 2-24-78; 8:45 am]





[3410-07]

SUBCHAPTER H—GENERAL

[FmHA Instruction 1901-E]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Civil Rights Compliance Requirements; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule which appeared at 41 FR 40112 in the FEDERAL REGISTER of September 17, 1976, regarding bid conditions-reports.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Ras L. Smith, 202-447-6572.

SUPPLEMENTARY INFORMATION:

In FR Doc. 76-27253, on page 40115, in paragraph (f)(1) of § 1901.205, the form number and title shown as "Optional Form 66, Monthly Manpower Utilization Report," should be "Standard Form 257, Monthly Employment Utilization Report."

Dated: January 23, 1978.

JAMES E. THORNTON,
*Associate Administrator,*
*Farmers Home Administration.*

[FR DOC 78-5037 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1921-C]

PART 1921—APPROVAL AND CLOSING (INDIVIDUAL)

Subpart C—Closing Chattel Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to permit deferment of interest installments on insured operating and emergency loans secured by chattels and crops to farmers, ranchers, and

rural youths. This action is intended to provide more flexibility in loan terms to borrowers.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Reid E. Robison, 202-447-2288.

SUPPLEMENTARY INFORMATION: Section 1921.104(b) of Subpart C of Part 1921, Chapter XVIII, Title 7 of the Code of Federal Regulations (42 FR 44693) is amended. The purpose of this amendment is to provide flexibility in loan terms to borrowers by delaying payment of interest installments in those cases when the borrower may not have present repayment ability. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of this change is to provide flexibility in loan terms to borrowers and any delay would be contrary to the public interest.

Accordingly, §1921.104(b) is amended to read as follows:

**§1921.104 Promissory note.**

* * * * *

(b) One note will be prepared showing the full amount of the loan regardless of the number of advances involved. No installment will be made payable later than seven years from the date of the note.

* * * * *

(7 U.S.C. 1989, sec. 10 Pub. L. 93-357, 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 16, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-5082 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Programs

AMENDMENT

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to clarify the provisions for independent appraisal reports on collateral securing the loan and deletes a 10-point narrative report used for administrative purposes. The intended effect of these changes is to provide a reduction in costs for the applicant and lender and to remove extraneous internal loan processing reports.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Darryl H. Evans, Loan Specialist, telephone 202-447-4150.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) is revising §§ 1980.444 and 1980.451, paragraph B under the heading "Administrative" of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 12145).

Section 1980.444 is revised to provide for independent appraisals by qualified fee appraisers on loans in excess of $350,000 or where there is a specialized facility or specialized machinery and equipment or if loan funds are used to refinance lender's debts to the applicant. On loans of $350,000 or less, the lender has the option to appraise the property or it may request an independent fee appraiser to do the appraisal. This will provide a greater degree of flexibility on appraising property for smaller loans with a resultant reduction in costs for the applicant and lender. The revision eliminates the provision for FmHA appraising loans of $100,000 or less.

Section 1980.451, under paragraph B "Administrative," is revised to delete the 10-point narrative report used by FmHA for internal processing purposes. Other minor cross references within this subparagraph are corrected.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the amendments are procedural in nature and make no substantive change.

Accordingly, as revised, §§ 1980.444 and 1980.451, paragraph B under "Administrative," read as follows:

1. Section 1980.444 is revised to read as follows:

**§ 1980.444 Appraisal of property serving as collateral.**

(a) Appraisal reports prepared by independent qualified fee appraisers will be required on all property that will serve as collateral on loans in excess of $350,000 or where there is a specialized facility or specialized machinery and equipment or if loan funds are to be used to refinance lender's existing debts to the applicant. On loans of $350,000 or less, the lender will be responsible for assuring that appropriate appraisals are made by either independent fee appraisers or qualified appraisers on the lender's staff. The appraisers will give their opinion regarding the current market value of the collateral and the purpose for which the appraisal will be used.

(b) The lender will be responsible for determining that appraisers have the necessary qualifications and experience to make the appraisals. The lender will consult with FmHA for its recommendation before having the appraisal made.

(c) The lender will determine that the fees or charges of appraisers are reasonable.

(d) Independent appraisals will be made in accordance with the accepted format of the industry and those prepared by the lender in accordance with its policy and procedures. All appraisals will become part of the application. (See § 1980.451(i)(6)).

(e) If a subsequent loan request is made within 3 years from the date of the most recent borrower's appraisal report, and there is no significant change in collateral, then the FmHA State Director in his discretion and if the lender agrees may use the existing appraisal report in lieu of having a new appraisal prepared.

**§ 1980.451 [Amended]**

2. In § 1980.451, paragraph B under "Administrative" is amended as follows:

(a) In the first sentence of subparagraph 2, change the reference of "440.9" to "2033-F."

(b) Subparagraph 4 is deleted.

(c) Subparagraphs 5, 6, and 7 are redesignated 4, 5 and 6 respectively.

(d) Subparagraph 8 is redesignated 7 and in the first sentence, change the reference of "151.1, Exhibit B," to "2033-A, Exhibit A."

(e) Subparagraph 9 is redesignated 8 and in the first sentence, change the reference "6(b)" to "5(b)."

(7 U.S.C. 1989; order of Secretary of Agriculture, 7 CFR 2.23; order of Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 6, 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-5083 Filed 2-24-78; 8:45 am]





[1505-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket Nos. R-0087, R-0093]

PART 226—TRUTH IN LENDING

Amendment to Regulation Z Concerning Descriptive Billing Requirements

*Correction*

In FR Doc. 78-2955 appearing on page 4419 in the issue of Thursday, February 2, 1978, in the 3rd column, § 226.7(k)(3)(ii), in the 6th line, after the word "transaction" insert the footnote reference "9e".

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-WE-37-AD; Amdt. 39-3145]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-1, -2, -3, -5, and -6 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the propeller pitch control sleeve assembly on certain AiResearch engines to prevent an unanticipated asymmetric thrust during landing roll of twin engine aircraft.

DATES: Effective date—April 1, 1978.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: The applicable AiResearch Service Bulletin TPE331-72-0115, Revision 1, dated September 26, 1977, and AiResearch Operating Information Letter No. OI331-9, dated August 30, 1977, may be obtained from:

AiResearch Manufacturing Co. of Arizona, P.O. Box 5217, Phoenix, Ariz. 85010, telephone, 602-267-3011.

Also, a copy of this service bulletin amendment may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA, Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone, 213-536-6351.

SUPPLEMENTARY INFORMATION:

On November 10, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to AiResearch TPE331-1, -2, -3, -5, and -6 engines to remove from service an older design propeller pitch control sleeve assembly and replace it with a sleeve assembly of strengthened design, (42 FR 58538). The proposal was prompted by three reported occurrences of a propeller pitch control sleeve assembly cam follower pin failure on the TPE331 Series engine which resulted in the pilot being unable to maintain directional control of the aircraft during landing roll.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking. Except for improved clarity and editorial changes, and as specifically discussed, this amendment and the reasons for it are the same as those contained in the notice.

One commuter air carrier operator contends that since their aircraft experience a higher than normal utilization, they would be penalized by the proposed 500 hour compliance time. The FAA disagrees. The compliance time reflects the FAA's appreciation of an aviation safety problem which must be corrected, notwithstanding the incidental inconvenience which may result. Furthermore, the FAA believes that this operator will not experience a significant hardship due to this AD since the majority of his engines have already been modified to the new configuration.

One aircraft manufacturer which produces twin engine aircraft using the subject TPE331 engines has commented that they do not concur with the operational procedures recommended in the referenced AiResearch Operating Instruction, OI331-9. It was not the intention of this AD to make these procedures mandatory but merely to advise operators of their availability.

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

AIRESEARCH MANUFACTURING CO. OF ARIZONA: Applies to AiResearch Model TPE331-1, -2, -3, -5, and -6 Series engines.

Compliance required as indicated.

To prevent failure of the propeller pitch control cam follower pin accomplish the following:

(1) Within the next 500 hours time in service after the effective date of this airworthiness directive, or prior to April 1, 1979, or at next engine overhaul, whichever comes first, unless already accomplished, remove propeller pitch control sleeve assembly Part Number 869647-1, -2, or -3 from the engine and replace it with a servicable propeller pitch control sleeve assembly Part Number 869647-4 or other later FAA approved sleeve assembly in accordance with AiResearch Service Bulletin TPE331-72-0115, Revision 1, dated September 26, 1977, or later FAA approved revisions, or by equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize operation of aircraft to a base where this modification required by this AD may be performed.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, Calif., on February 15, 1978.

ROBERT H. STANTON,
*Director, FAA Western Region.*

[FR Doc. 78-5043 Filed 2-24-78; 8:45 am]

[4910-13]

[Docket No. 77-NE-22, Amdt. 39-3146]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S-58T Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD)





for Sikorsky Model S-58T series helicopters that would require relocation of the upstream connection of the im-



Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec 6(c), Department

2. The FAA Regional Office of the region in which the affected airport is

for Sikorsky Model S-58T series helicopters that would require relocation of the upstream connection of the impending fuel bypass indicator to denote a differential pressure drop across both the fuel heater and filter. This would detect impending fuel heater and/or fuel filter clogging. Heater clogging could result in fuel starvation with engine power loss.

DATES: Effective date, March 31, 1978. Compliance required prior to May 25, 1978

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602. A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel (ANE-7), Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Martin Buckman, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring relocation of the upstream connection of the impending fuel bypass indicator on both power sections of the PT6T-3 and PT6T-6 engines in Sikorsky Model S-58T series helicopters was published in the FEDERAL REGISTER at 42 FR 62014. The connection would be relocated from the inlet side of the fuel pump filter to the inlet side of the oil-to-fuel heater, in accordance with Sikorsky Service Bulletin No. 58B30-12C. This would indicate a differential pressure drop across both the fuel heater and filter indicating possible fuel heater and/or fuel filter clogging. The proposal was prompted by several reports of engine power loss during flight operations on Sikorsky Model S-58T series helicopters. This was attributed to oil-to-fuel heater clogging from foreign matter. It also has been determined that the condition is likely to exist or develop on other helicopters of the same type design.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, the Agency has determined to extend the compliance date to May 25, 1978, to provide sufficient time for operators to make the required alteration. Except for this modification, which is relieving in nature, the proposal is adopted without change.

The principal authors of this document are Martin Buckman, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT: Applies to all Model S-58T series helicopters.

Compliance required prior to May 25, 1978.

To preclude possible fuel starvation of the PT6T-3 and PT6T-8 engines resulting from oil-to-fuel heater contamination, relocate the impending fuel bypass sensor lines on both engine power sections in accordance with the instructions set forth in Part II, Paragraph A, of Sikorsky Service Bulletin No. 58B30-12C, dated January 12, 1976.

This amendment becomes effective March 31, 1978.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Conn. 06602. These documents may also be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on February 15, 1978.

ALBERT E. HOUCK,
*Acting Director,*
*New England Region.*

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-5044 Filed 2-24-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-45]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of December 15, 1977, 42 FR 63167, the Stonewall, Tex., 113° radial was incorrectly stated as 112° in the amendatory paragraphs numbered 5 and 6. This action corrects the radial of Stonewall, Tex., to read 113°. Additionally, the Waco, Tex., 249° radial was incorrectly stated as 248° in the amendatory paragraph numbered 7. This action also corrects the radial of Waco, Tex., to read 249°.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: FR Doc. 77-35555 was published on December 15, 1977, (42 FR 63167) with an effective date of January 26, 1978, and designated segments of V-198 and V-222 via the Stonewall, Tex., 112° radial. This 112° radial was inadvertently published incorrectly and should have been published as 113°. Additionally, a segment of V-358 was designated via the Waco, Tex., 248° radial. This 248° radial was also published incorrectly and should have been published as 249°. Action is taken herein to correct these errors.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 77-35555 as published on December 15, 1977, 42 FR 63167, is amended in the description of the segments of V-198, V-222 and V-358 by deleting "Stonewall 112°" in the amendatory paragraphs numbered 5 and 6 and substituting "Stonewall 113°" therefor, and by deleting "Waco 248°" in the amendatory paragraph numbered 7 and substituting "Waco 249°" therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 21, 1978.

WILLIAM E. BROADWATER,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 78-5042 Filed 2-24-78; 8:45 am]





[4910-13]

[Airspace Docket No. 77-SW-64]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area: Lampasas, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Final Rule.

SUMMARY: This document corrects a final rule on the alteration of the transition area at Lampasas, Tex., which appears at page 3552 of the FEDERAL REGISTER of January 26, 1978. Conversion from magnetic to true variation was incorrect in defining the area extension.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 78-1961 was published on January 26, 1978, (43 FR 3552) with an effective date of March 23, 1978, and altered the transition area at Lampasas, Tex. Conversion from magnetic to true variation was incorrect in defining the area extension. Action is taken herein to correct this error.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-1961, appearing at page 3552 in the FEDERAL REGISTER of January 26, 1978, in the amendment paragraph, line 2, on page 3553, is amended by deleting "197° R" and substituting "211° R" therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on February 13, 1978.

PAUL J. BAKER,
*Acting Director,*
*Southwest Region.*

[FR Doc. 78-4946 Filed 2-24-78; 8:45 am]

[4910-13]

[Docket No. 17580; Amdt. No. 1105]

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficent use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430). FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulation (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effec-

tive in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAP's identified as follows:

• • • *effective May 18, 1978.*

Smithville, NJ—Smithville Airfield, VOR-A, Amdt. 1

• • • *effective April 20, 1978.*

Tallassee, AL—Tallassee Municipal, VOR Rwy 27, Amdt. 1
Ormond Beach, FL—Ormond Beach Municipal, VOR Rwy 8, Amdt. 6
Mt. Carmel, IL—Mount Carmel Municipal, VOR Rwy 22, Amdt. 3
Campbellsville, KY—Taylor County, VOR/DME-A, Original
Midland, MI—Jack Barstow, VOR-A, Amdt. 3
Holly Springs, MS—Holly Springs Marshall Co., VOR/DME Rwy 18, Amdt. 3
Liberty, NC—Causey, VOR Rwy 2, Amdt. 2

• • • *effective April 6, 1978.*

Mena, AR—Mena Municipal, VOR/DME-A, Amdt. 2
Danielson, CT—Danielson, VOR-A, Amdt. 1
Willimantic, CT—Windham, VOR-A, Amdt. 4
Georgetown, DE—Sussex County, VOR Rwy 22, Amdt. 2
Vero Beach, FL—Vero Beach Muni, VOR Rwy 11, Amdt. 9
Burlington, IA—Burlington Muni, VOR Rwy 30, Amdt. 6
International Falls, MN—Falls International, VOR Rwy 13, Amdt. 9
International Falls, MN—Falls International, VOR Rwy 31, Amdt. 11
Las Vegas, NV—McCarran Int'l, VOR Rwy 25, Amdt. 8
Las Vegas, NV—McCarran Int'l, VOR-A, Amdt. 5
Wells, NV—Harriet Field, VOR Rwy 8, Original
Wells, NV—Harriet Field, VOR-A, Amdt. 1, cancelled
Hammonton, NJ—Hammonton Muni, VOR-A, Amdt. 3
Vineland, NJ—Rudy's, VOR-A, Amdt. 5
Saranac Lake, NY—Adirondack, VOR Rwys 5 and 9, Amdt. 8
Akron, OH—Akron-Canton Regional, VOR Rwy 23, Amdt. 2
Pottstown, PA—Pottstown-Limerick, VOR-A, Amdt. 2
Pottstown, PA—Pottstown Muni, VOR-B, Amdt. 1
State College, PA—State College Air Depot, VOR-A, Amdt. 6
State College, PA—University Park, VOR-B, Amdt. 5
Toughkenamon, PA—The New Garden Flying Field, VOR Rwy 24, Amdt. 2

• • • *effective March 23, 1978.*

Alpena, MI—Phelps-Collins, VOR Rwy 12 (TAC), Amdt. 7
Alpena, MI—Phelps-Collins, VOR Rwy 18 (TAC), Amdt. 8
Harrison, OH—Harrison, VOR Rwy 18, Original
Houston, TX—William P. Hobby, VOR/DME 1 Rwy 31 (TAC), Amdt. 7
Houston, TX—William P. Hobby, VOR/DME 2 Rwy 31, Original

• • • *effective February 2, 1978.*

Sault Ste. Marie, MI—Sault Ste. Marie City-County, VOR Rwy 32, Amdt. 12, cancelled

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

• • • *effective April 6, 1978.*

Augusta, ME—Augusta State, LOC Rwy 17, Amdt. 1
International Falls, MN—Falls International, LOC/DME BC Rwy 13, Amdt. 3
Akron, OH—Akron-Canton Regional, LOC BC Rwy 19, Amdt. 7

• • • *effective February 3, 1978.*

Tucson, AZ—Tucson Int'l, LOC/DME (BC) Rwy 29R, Amdt. 1

NOTE.—The FAA published an amendment in docket No. 17412, Amdt. No. 1100 to Part 97 of the Federal Aviation Regulations (Vol. 42, FR No. 243, page 63639, dated December 19, 1977) under section 97.25 effective February 23, 1978, which is hereby amended as follows: Anderson, in Anderson Municipal LOC (BC) Rwy 12 Orig is hereby recinded.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

• • • *effective May 18, 1978.*

Taos, NM—Taos Municipal, NDB Rwy 4, Original, cancelled
Taos, NM—Taos Municipal, NDB-A, Original

• • • *effective April 20, 1978.*

Naples, FL—Naples Muni, NDB Rwy 4, Amdt. 2
Naples, FL—Naples Muni, NDB Rwy 22, Amdt. 2
Paris, TN—Henry County, NDB Rwy 1, Amdt. 7
Paris, TN—Henry County, NDB Rwy 19, Amdt. 6

• • • *effective April 6, 1978.*

Mena, AR—Mena Municipal, NDB-B, Original
Burlington, IA—Burlington Muni, NDB Rwy 36, Amdt. 3
De Quincy, LA—De Quincy Industrial Airpark, NDB Rwy 15, Original
International Falls, MN—Falls International, NDB Rwy 31, Amdt. 5
Mesquite, TX—Phil L. Hudson Field, NDB-A, Original
Mexia, TX—Mexia-Limestone County, NDB-A, Original
Orange, TX—Orange County, NDB-A, Original

• • • *effective February 9, 1978.*

Orlando, FL—Herndon, NDB Rwy 7, Amdt. 10
Titusville, FL—Titusville-Cocoa, NDB Rwy 18, Amdt. 7

• • • *effective February 2, 1978.*

Sault Ste. Marie, MI—Sault Ste. Marie City-County, NDB Rwy 32, Amdt. 7, cancelled

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

• • • effective May 18, 1978.

Greensboro, NC—Greensboro-High Point-Winston Salem Regional, ILS Rwy 23, Amdt. 2

• • • effective April 20, 1978.

Crossville, TN—Crossville Memorial, ILS Rwy 25, Amdt. 3

• • • effective April 6, 1978.

Gainesville, FL—Gainesville Regional, ILS Rwy 28, Amdt. 5
Burlington, IA—Burlington Muni, ILS Rwy 36, Amdt. 3
International Falls, MN—Falls International, ILS Rwy 31, Amdt. 5
Las Vegas, NV—McCarran Int'l, ILS Rwy 25, Amdt. 8
Akron, OH—Akron-Canton Regional, ILS Rwy 1, Amdt. 28
Akron, OH—Akron-Canton Regional, ILS Rwy 23, Amdt. 1

• • • effective February 23, 1978.

Columbia, SC—Columbia Metropolitan, ILS Rwy 11, Amdt. 9

• • • effective February 9, 1978.

Orlando, FL—Herndon, ILS Rwy 7, Amdt. 14
Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

• • • effective April 20, 1978.

Miami, FL—Miami International, RADAR-1, Amdt. 18

• • • effective April 6, 1978.

Sarasota (Bradenton), FL—Sarasota-Bradenton, Radar-1, Original
Las Vegas, NV—McCarren Int'l, RADAR-1, Amdt. 8
Akron, OH—Akron-Canton Regional, Radar-1, Amdt. 12

• • • effective March 23, 1978.

Shreveport, LA—Shreveport Regional, Radar-1, Amdt. 1

6. By amending 97.33 RNAV SIAPs identified as follows:

• • • effective April 6, 1978.

Burlington, IA—Burlington Muni, RNAV Rwy 18, Amdt. 2
Wichita, KS—Cessna Aircraft Field, RNAV Rwy 17L, Original
Wichita, KS—Cessna Aircraft Field, RNAW Rwy 35R, Original
Princeton (Rocky Hill), NJ—Princeton, RNAW Rwy 10, Original
State College, PA—University Park, RNAV Rwy 6, Amdt. 1
Houston, TX—Houston Intercontinental, RNAV Rwy 14, Amdt. 4

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on February 17, 1978.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-4887 Filed 2-24-78; 8:45 am]





[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1401—SELF-PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS: REQUIREMENTS TO PROVIDE THE COMMISSION WITH PERFORMANCE AND TECHNICAL DATA; REQUIREMENTS TO NOTIFY CONSUMERS AT POINT OF PURCHASE OF PERFORMANCE AND TECHNICAL DATA

Approval of Data Submission Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the approval by the General Accounting Office of the CPSC requirement that manufacturers of self-pressurized consumer products containing certain chlorofluorocarbon propellants submit to the Commission an identification of such products by type, brand, and identifying features. This document makes a technical amendment to the regulations to refer to the approval.

EFFECTIVE DATE: This amendment becomes effective February 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone 202-634-7770.

SUPPLEMENTARY INFORMATION: On August 24, 1977 (42 FR 42780), the Commission issued 16 CFR Part 1401, which requires manufacturers and importers of self-pressurized consumer products that use a chlorofluorocarbon propellant to label such products with a warning that they contain chlorofluorocarbons that may harm the public health and environment by reducing ozone in the upper atmosphere. This requirement was issued in order to help reduce unreasonable risks of injury associated with these propellants and to assist consumers in evaluating the comparative safety of such products. The rule also requires manufacturers and importers to submit to the Commission certain identifying information about aerosol products that contain chlorofluorocarbon propellants.

Pursuant to 44 U.S.C. 3501-3512 and 4 CFR Part 10 (the Federal Reports Act of 1942, as amended, and its implementing regulations), the Commission applied to the U.S. General Accounting Office (GAO) for approval of the requirement to submit identifying data to the Commission. On January 24, 1978, GAO informed the Commission that the requirement had been approved, stating that "the information requested does not unnecessarily duplicate information already available from other Federal sources, the burden on respondents has been minimized consistent with (the Commission's) stated objectives and needs, and the reporting requirement is otherwise consistent with the provisions of the law."

Therefore, the Commission amends Title 16, Chapter II, Subchapter B, Part 1401, of the Code of Federal Regulations to refer to the relevant clearance information by adding the following statement at the end of § 1401.4 (the last line of § 1401.4(c), although unchanged, is set forth below to show the location of the additional statement):

§ 1401.4 Submission of performance and technical data to the Commission.

• • • • • •

(c) • • • the event that requires the report.

(Approved by GAO B-180232 (R0492).)

(Sec. 27(e), 86 Stat. 1228 (15 U.S.C. 1076(e)).)

Effective date: This amendment becomes effective on February 20, 1978.

Dated: February 17, 1978.

SHELDON D. BUTTS,
*Assistant Secretary, Consumer Product Safety Commission.*

[FR Doc. 78-5058 Filed 2-24-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 858-4]

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Calculation and Test Procedures for 1980 and Later Model Year Nonpassenger Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period on interim-final rule.

SUMMARY: This rule extends the comment period on the rule published on September 13, 1977 (42 FR 45921), as that rule applies to 1980 and subsequent model years. The rule establishes fuel economy testing and calculation procedures for determining a manufacturer's average fuel economy for nonpassenger automobiles. The extension of the comment period has been provided to permit interested parties to comment on the rule in view of the possibility that the rule will apply to an additional group of vehicles should the proposal to expand the nonpassenger automobile class published by the National Highway Traffic Safety Administration (NHTSA) on December 15, 1977 (42 FR 63184), be adopted.

DATES: Comments must be received on or before March 31, 1978.

ADDRESS: Send comments to: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Paula R. Machlin, Staff Analyst, Regulatory Management Staff, AW-455, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0596.

SUPPLEMENTARY INFORMATION: By this notice, EPA is extending the period for comments on the interim-final rule published on September 13, 1977 (42 FR 45921), regarding fuel economy testing and calculation procedures for 1980 and later model year nonpassenger automobiles (light trucks). These rules would provide the procedures by which corporate average fuel economies will be calculated for the manufacturers of these vehicles. The calculated values would be used by the National Highway Traffic Safety Administration (NHTSA) for determining compliance with the fuel economy standards established under § 502 of the Motor Vehicle Informa-

tion and Cost Savings Act (15 U.S.C. § 2002).

When initially published (together with an interim-final rule establishing procedures for 1979 model year nonpassenger automobiles), these procedures would have applied only to vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. However, NHTSA has proposed extension of the nonpassenger automobile class to vehicles with a GVWR up to 8,500 lbs. (42 FR 63184 (December 15, 1977)). Should NHTSA promulgate the extension of the class, the scope of the EPA rulemaking would automatically be extended to the heavier vehicles as well since the definition of nonpassenger automobile in the EPA proposal references the NHTSA regulations.

Therefore, EPA is providing this additional comment period so that interested parties may submit comments on the rule in the context of the extended class rather than the more limited rule that was proposed.

The comment period on the rule as it applies to 1980 and subsequent model years is hereby extended to March 31, 1978. This extension of the comment period does not affect the applicability of the rule in the model year 1979.

Dated: February 14, 1978.

DAVID G. HAWKINS,
*Assistant Administrator.*

[FR Doc. 78-5060 Filed 2-24-78; 8:45 am]

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[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND THE DISABLED

**Quality Control and Proficiency Testing Standards for Laboratories in Medicare Hospitals**

AGENCY: Health Care Financing Administration (HCFA), HEW. (As a result of the Secretary's reorganization order of March 8, 1977, promulgation of regulations is now the responsibility of the Health Care Financing Administration rather than the Social Security Administration.)

ACTION: Final rule.

SUMMARY: These regulations require clinical laboratories located in Medicare hospitals to practice specific quality control procedures and to participate in a proficiency testing program. These standards are needed to ensure that quality clinical testing is performed by hospital laboratories. The regulations will not only enhance the quality of laboratory testing but will also provide uniform requirements for hospital laboratories and independent laboratories.

EFFECTIVE DATE: The amendments are effective November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Martha Chestem, 301-594-7930.

SUPPLEMENTARY INFORMATION: On April 12, 1977, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 19155), proposing that the Medicare health and safety regulation for hospital laboratories (§ 405.1028) be amended. The amendments modify the existing regulation by specifying that hospitals be required to practice specific quality control procedures and that they enlist in an approved proficiency testing program. The quality control and proficiency testing amendments are identical to the provisions which are currently required of Medicare independent laboratories (42 CFR 405.1317 and 405.1314(a) respectively (formerly 20 CFR 405.1317 and 405.1314(a))). However, to conform with the present structure of hospital regulations, these requirements will constitute hospital standards, whereas in independent laboratories they are conditions. This will not affect the enforcement of these regulations.

REASONS FOR AMENDMENTS

The major reason these changes were proposed was to ensure the quality of clinical tests which are performed by hospital laboratories. The current hospital laboratory standards contain few specific quality control requirements and no requirements concerning proficiency testing. Both of these practices have for some time been recognized as needed laboratory procedures to ensure that clinical tests are performed accurately. The need for accurate laboratory testing is acute since hospital physicians frequently base diagnoses and courses of treatment upon the results of clinical tests. The quality control and proficiency testing standards now being enacted will augment this goal of accurate laboratory testing.

A second reason for these amendments is the need to achieve uniformity of Federal laboratory requirements. At the present time the Medicare program has one set of health and safety standards for hospital laboratories and a different set of standards for independent laboratories (those laboratories not located in hospitals or physicians' offices.)

This double set of standards is unsupportable because both of these setting perform the same types of tests and utilize the same types of equipment and methodologies. Additionally, current regulations permit hospital laboratories to perform services for independent laboratories and vice versa (42 CFR 405.1028(b) and 405.1316(g)(7) (formerly 20 CFR 405.1028(b) and 405.1316(g)(7))). Therefore, the need for identical standards for independent and hospital-based laboratories has become extremely important. These regulations will provide uniform standards between independent and hospital laboratories for quality control and proficiency testing requirements.

COMMENTS RECEIVED

There were 53 responses to the NPRM. Although a range of topics and issues were discussed, several recurrent comments were presented. Below is a categorization of the major comments received and the number of each.

1. Objection to the standards of the basis of added costs for rural hospitals and the need for exceptions for rural hospitals (25 comments).

2. Support for continuing the deemed to meet provision currently granted to hospitals accredited by the Joint Commission on the Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) (16 comments). Currently, hospitals accredited by these organizations are deemed to meet most of the Medicare conditions of participation, including the laboratory requirements.

3. Support for the proposed rules as published (9 comments).

4. Objection to continuing the deemed to meet provision currently granted to hospitals accredited by JCAH and AOA (6 comments).

Although the majority of those commenting objected to the regulations on the basis of adverse cost impact and asked that exceptions be granted for rural facilities, it is felt that rural hospitals can meet these provisions with a minimum increase in costs. For example, many of these facilities perform only a limited number of tests and therefore would be required to enlist in a proficiency testing program in only those areas. Also these facilities will be required to meet only those quality control provisions which are applicable to those areas in which the hospital is performing tests. Meeting only the applicable quality control and proficiency testing provisions should not cause any serious financial hardships on smaller hospital laboratories.

Subsequent to the NPRM the Secretary decided that the standards used by the JCAH and the AOA are not equivalent to the standards used by the Federal/State survey and certification program. Language to this effect has been incorporated in the final regulation.

With respect to the impact on rural hospitals and the issue of JCAH/AOA equivalency with these new requirements, the Secretary realizes that accredited and non-accredited hospital laboratories will need time to enroll in acceptable proficiency testing programs as well as to institute acceptable quality control systems. Therefore, these regulations will become effective 9 months from the date of final publication. During this 9-month period, Medicare State survey agency laboratory surveyors will provide consultation and assistance to all facilities which need and request help in meeting these revised requirements. Prior to the end of this 9-month period, the Secretary will re-evaluate the JCAH/AOA hospital laboratory accreditation processes to determine if these organizations have upgraded their quality control and proficiency testing standards to equivalency with Federal requirements. Several of those responding asked that the existing quality control provisions be modified. Although the existing standards are considered adequate to satisfy the intended purpose, and will not be changed at this time, these suggestions will be considered as the requirements are re-evaluated in the future. Accordingly, the amendments are adopted as revised.

Part 405 of Subchapter B of Chapter IV of Title 42 of the Code of Federal Regulations is amended by adding paragraphs (k) and (l) to § 405.1028 to read as follows:

**§ 405.1028 Condition of Participation—Laboratories.**

* * * * *

(k) *Standard; Proficiency Testing.* The laboratory meets the proficiency testing provisions of § 405.1314(a). The definition of "proficiency testing program", as stated in § 405.1310(c), is also applicable. Hospitals which are accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) are not deemed to meet the requirements of this paragraph.

"(l) *Standard; Quality Control.* The laboratory meets the quality control provisions of § 405.1317. Hospitals which are accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) are not deemed to meet the requirements of this paragraph.

(Secs. 1102, 1861(e)(9), and 1871; 49 Stat. 647 as amended and 79 Stat. 321; 42 U.S.C. 1302, 1395x(e)(9), and 1395hh.)

(Catalog of Federal Domestic Assistance Programs No. 13.800 Health Insurance for the Aged and Disabled Program—Hospital Insurance.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Dated: December 7, 1977.

ROBERT A. DERZON,
*Administrator, Health Care Financing Administration.*

Approved: February 17, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*

[FR Doc. 78-5119 Filed 2-24-78; 8:45 am]

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[4110-35]

**MEDICAL ASSISTANCE PROGRAMS**

**Inpatient Psychiatric Facility/Program Certification for Individuals Under 21**

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation clarifies the Federal requirements for psychiatric facility accreditation by the Joint Commission on the Accreditation of Hospitals (JCAH) for participation in one part of the Medicaid program. In response to numerous inquiries, the amendment specifies that psychiatric programs, as well as facilities, accredited by JCAH qualify for Medicaid funds.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Emily J. Nichols, 202-245-0701.

SUPPLEMENTARY INFORMATION: This technical amendment clarifies that the requirement at 42 CFR 449.10(b)(16)(ii), regarding JCAH certification for providing psychiatric services to certain individuals, includes inpatient psychiatric "programs" accredited by JCAH. The present language refers only to psychiatric "facilities". The basis of this amendment is the changed focus of the JCAH accreditation program.

BACKGROUND

Section 1905(h)(i)(A) of the Social Security Act specifies that Federal financial participation (FFP) is available for inpatient psychiatric care for individuals under 21 provided in an institution accredited by the Joint Commission on Accreditation of Hospitals (JCAH) as a psychiatric hospital. The Federal regulations use the word "facility" instead of "hospital" in order to include the other types of establishments providing inpatient psychiatric care to individuals under 21. The Department determined when the regulations implementing the statute were published that it was not the legislative intent to exclude facilities other than psychiatric hospitals. (Preamble, 41 FR 2198, January 14, 1976).

In the past, JCAH accredited total facilities, i.e., for accreditation, all of the programs within the facility had to meet applicable JCAH standards. However, JCAH presently surveys and accredits separately each program in a facility for which they have standards, (i.e., adult, children and adolescents, alcoholism). Thus a facility may operate some programs that are JCAH-accredited and others that are not. After a specified period, however, the accredited programs in such a facility will lose this status unless all the programs in the facility qualify.

CLARIFICATION

The literal words of section 1905(h)(i)(A) do not refer to Federal funding of the JCAH accredited "programs". However, Congress' choice of language was not designed to preclude such funding as it could not have foreseen that JCAH in the future would accredit "programs". In the absence of any indication to the contrary, one might fairly infer that Congress' underlying intent was simply to require some assurance that FFP would be provided only for quality psychiatric care for eligible individuals. JCAH accreditation provides such assurance. Also, one might infer that this intent would be satisfied if FFP were provided in a particular program accredited by JCAH, even if other programs in the same facility (for which FFP is clearly unavailable) were unaccredited. The case law is clear that "a statute may be interpreted to include circumstances or situations which were unknown or did not exist at the time when it was enacted." 2A Sutherland, Statutory Construction 228, section 49.01 (4th ed. 1973).

Section 1905(h)(i)(A) is therefore interpreted to permit FFP for care provided in an accredited program of an unaccredited facility. Accordingly, the regulation is amended to clarify this point. The Department has determined that good cause exists for dispensing with Notice of Proposed Rule Making procedures because it would be contrary to public interest to delay providing FFP for services under this regulation and contrary to the interest of eligible individuals who need inpatient psychiatric services.

Because of the change in terminology to include "program" as well as "facility," corresponding technical changes are being made in other affected regulations.

Parts 448, 449, and 450, Chapter IV, Title 42, of the Code of Federal Regulations are amended as set forth below.

**PART 448—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE**

1. Section 448.1(c)(4) is revised to read as follows:

§448.1 State plan requirements and options for coverage under the medical assistance program.

• • • • •

(c) *Options for coverage of categorically needy.* A State may at its option also cover additional groups of individuals as categorically needy provided they are so specified in the plan. These groups may include any of the following:

• • • • •

(4) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan: or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities or programs also constitute a reasonable classification.

• • • • •

2. Section 448.10(b)(2)(iv) is revised to read as follows:

§448.10 Coverage and conditions of eligibility for medical assistance.

• • • • •

(b) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

• • • • •

(2) Specify any other groups of "categorically needy" individuals (not covered by subparagraph (1) of this paragraph), that will be included in the program. These may include:

• • • • •

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities or programs also constitute a reasonable classification.

• • • • •

3. Section 448.60(a) (2) and (3)(iv) are revised to read as follows:

§448.40 Institutional status.

(a) *Federal financial participation.*

• • • • •

(2) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases, except for an individual under age 22 who is receiving inpatient psychiatric services pursuant to §449.10(b)(16) of this chapter.

(3) For the purpose of this paragraph:

• • • • •

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution except that such an individual under age 22 who was previously receiving inpatient pyschiatric services pursuant to §449.10(b)(16) of this chapter may be considered to be a patient in such institution until he is unconditionally released or, if earlier, the date such individual attains age 22.

• • • • •

## PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

4. Section 449.10 (a)(6)(iii) and (b)(16)(ii) are revised to read as follows:

§449.10 Amount, duration, and scope of medical assistance.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

• • • • •

(6) Provide that the medical and remedial care and services made available to any categorically needy individual included under the plan will not be less in amount, duration, or scope than those made available to other individuals included under the program except that:

• • • • •

(iii) Inpatient psychiatric services as provided in section 1905(a)(16) of the act may be limited to individuals under age 21 (or under age 22 for individuals receiving such services immediately prior to attaining age 21), as specified in section 1905(a)(16) of the act and paragraph (b)(16) of this section;

• • • • •

(b) *Federal financial participation.* Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions:

• • • • •

(16) *Inpatient psychiatric services for individuals under the age of 21.* For purposes of this paragraph "inpatient psychiatric services" include those items and services provided under the direction of a physician which meet the following conditions:

• • • • •

(ii) Such services are provided by a psychiatric facility or by an inpatient program within such a facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals.

• • • • •

(iii) • • •

(A) For individuals admitted to a psychiatric facility or program in accordance with §450.23 of this chapter after the effective date of these regulations and for whom claims are made from the date of admission such certification must be made by an independent team which must: Include a physician, have competence in the diagnosis and treatment of mental illness, preferably in the area of child psychiatry, and have knowledge of the individual patient situation.

• • • • •

(C) For individuals who subsequently make application while in the facility or program a certification by the team responsible for the plan of care must be provided and cover any period prior to application for which claims are to be made.

• • • • •

## PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

§450.23 [Amended]

6. Paragraphs 450.23 (a)(1), (a)(1)(i), and (a)(1)(iv) are amended by adding the words "or program" to the term "psychiatric facility" and the words "or programs" to the term "psychiatric facilities" wherever those terms appear.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)





(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: December 23, 1977.

ROBERT A. DERZON,
*Administrator, Health Care Financing Administration.*

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary.*

[FR Doc. 78-5120 Filed 2-24-78; 8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-1]

### AIRWORTHINESS DIRECTIVES

### Pratt & Whitney Aircraft JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of public comment period.

SUMMARY: This action extends the closing date for the submission of comments on Docket No. 78-NE-1 to March 27, 1978. The original closing date of February 16, 1978, provided insufficient time for interested parties to gather and submit data in support of their comments on the proposed airworthiness directive (AD).

DATE: Comments must now be received on or before March 27, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn.: Rules Docket No. 78-NE-1, 12 New England Executive Park, Burlington, Mass. 01803.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) proposing to adopt an AD requiring a Blue Etch-Anodize inspection of first stage fan blades on Pratt & Whitney JT3D turbofan engines by October 1, 1979, was published in the FEDERAL REGISTER on January 12, 1978 (43 FR 2733). The closing date for the submission of comments by interested parties was February 16, 1978.

On January 31, 1978, the Air Transport Association of America, on behalf of ATA member JT3D operators, filed a petition for extension of the comment period to March 27, 1978. According to the petition:

> The result of the proposed AD would be massive removal of engines and aircraft from service by October 1, 1979. Detailed logistic and cost data related to the proposed AD will require substantial effort and time for the airlines to prepare. It is not feasible for this to be accomplished by February 16, 1978.

The FAA believes the extension of the closing date for the submission of comments on the proposed AD would be in the public interest, and would not adversely affect air safety. Such an extension, to March 27, 1978, would permit interested parties to assemble and prepare meaningful data in support of their respective positions. It will not adversely affect air safety as this extension has no effect on the proposed compliance date.

### EXTENSION OF COMMENT PERIOD

Accordingly, pursuant to the authority delegated to me by the Administrator, the closing date for the submission of comments on Docket No. 78-NE-1 is hereby extended from February 16, 1978, to March 27, 1978.

(Secs. 313(a), and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular 107.

Issued in Burlington, Mass., on February 14, 1978.

ALBERT E. HOUCK,
*Acting Director,*
*New England Region.*

[FR Doc. 78-4882 Filed 2-24-78; 8:45 am]

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[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-28]

### TRANSITION AREA, WAHOO, NEBR.

### Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Wahoo, Nebr., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Wahoo Municipal Airport which is based on a non-directional radio beacon (NDB) navigational aid being installed on the airport.

DATE: Comments must be received on or before April 2, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

### COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 2, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

### AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.





### THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Wahoo, Nebr. To enhance airport usage by providing instrument approach capability to the Wahoo Municipal Airport, the city of Wahoo, Nebr., is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at Wahoo, Nebr., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

### WAHOO, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wahoo Municipal Airport (Latitude 41°14'27" N., Longitude 96°35'15" W.) and within 3 miles of each side of the 032° bearing from the Wahoo Municipal Airport extending from the 5-mile radius 8.5 miles northeast of the airport excluding that portion which lies in the Freemont, Nebr. transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on February 17, 1978.

C. R. MELUGIN, JR.,
*Director, Central Region.*

[FR Doc. 78-5041 Filed 2-24-78; 8:45 am]

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[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 861-3]

[40 CFR Part 257]

### PROPOSED CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES

### Notice of Meetings and Hearings

AGENCY: Environmental Protection Agency.

ACTION: Announcement of meetings and hearings on proposed regulations.

SUMMARY: The Environmental Protection Agency announces a series of meetings and hearings to be held regarding the proposed criteria for the classification of solid waste disposal facilities. The purpose of these meetings and hearings is to gather information and data relevant to the regulation of these facilities.

DATES: See supplementary information.

ADDRESSES: See supplementary information.

SUPPLEMENTARY INFORMATION: On February 6, 1978, the Environmental Protection Agency published in the FEDERAL REGISTER the proposed regulation "Criteria for Classification of Solid Waste Disposal Facilities" (43 FR 4942).

The proposed regulation contains minimum criteria for determining which solid waste disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment. The regulation is required by sections 1008(a)(3) and 4004(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580). Under sections 4005(c) and 4003 (2) and (3) of this Act, all facilities which do not meet these Criteria are prohibited. Any existing facility not meeting these Criteria must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance.

Since the regulation covers the disposal and utilization of sludges on land, it was also proposed as partial fulfillment of section 405(d) of the Federal Water Pollution Control Act (FWPCA), as amended by the Clean Water Act of 1977 (Pub. L. 95-217). Under section 405(e) of FWPCA, the owner or operator of any publicly owned wastewater treatment works must use or dispose of sludge in accordance with these Criteria, if the owner or operator chooses to use or dispose of sludge on land.

The proposed regulation has been published in order to allow opportunity for the public to review it and submit comments to the Agency. All comments received which are postmarked on or before May 8, 1978, will be considered by the Agency in the final promulgation of the regulation.

In order to provide further opportunity for the public to make its views known, the Agency will hold a series of meetings and hearings on the proposed regulation.

### MEETINGS

The Agency desires to meet with representatives of organizations that it believes have a special interest in the regulation or special expertise to offer. Due to resource and time limitations and the large number of organizations involved, it is necessary that the Agency structure its meeting schedule. Dates and locations have been selected at which the Agency will be available to meet with representatives of organizations likely to have similar concerns and interests regarding the regulation.

The public is invited to attend each of the meetings. The schedule for the meetings appears below and identifies the organizations specifically invited to participate in the meetings. At each meeting Agency representatives will present a brief overview of the proposed regulation, to be followed by open discussion. A summary of the discussion from each of the meetings will be placed in the rulemaking docket. The docket is identified as Docket No. 4004 and is available for review by the public as discussed in the preamble of the proposed regulation (43 FR 4942).

### HEARINGS

The Agency is holding four public hearings on the proposed regulation. The public is invited to attend the hearings and present testimony on the regulation. Transcripts of the hearings will be placed in Docket No. 4004 and will be available for review by the public as discussed in the preamble of the proposed regulation (43 FR 4942).

The first hearing, scheduled for March 1 in San Diego, Calif., was announced in the FEDERAL REGISTER on February 6, 1978 (43 FR 4942). The dates and locations of the remaining three hearings are provided below. Further details on the locations and times of these hearings will be announced later in the FEDERAL REGISTER.

Witnesses at the hearings may submit written testimony and/or deliver an oral statement of up to 10 minutes in length. Additional time will be reserved for questions and comments from a panel of experts and written questions from the audience.

Requests to participate in the hearings should be directed to the address provided below. Such requests must be received prior to the close of business (4:30 p.m.) five working days preceding

the date of the hearing. Requests must include the names, addresses, and phone numbers of individuals or organizations seeking to make a public statement; the choice of public hearing location; and an estimate of the time required to make the statement. At least one legible copy of the prepared statement must be provided to the Agency at the time of the public hearing.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gerri Wyer, Public Participation Officer, Office of Solid Waste, U.S. EPA (WH-562), Washington, D.C. 20460, phone 202-755-9157.

Dated: February 22, 1978.

THOMAS C. JORLING,
*Assistant Administrator for Water and Hazardous Materials.*

SCHEDULE

| Date and time | Location | Organizations |
|---|---|---|
| Meetings: | | |
| Feb. 28, 1978, 7 p.m. to 11 p.m | Executive Hotel, 1055 1st Avenue, San Diego, Calif. | Government Refuse Collection and Disposal Association. |
| Mar. 8, 1978, 9 a.m. to 1 p.m. | EPA—Waterside Mall, room 3305-07, 401 M St. SW., Washington, D.C. | National Association of Regional Councils, National Association ties, National League of Cities/U.S. Conference of Mayors, International City Management Association. |
| Mar. 15, 1978, 9 a.m. to 1 p.m | EPA—Waterside Mall, room 3305-07, 401 M St. SW., Washington, D.C. | National Solid Wastes Management Association. |
| Mar. 20, 1978, 9 a.m. to 1 p.m | EPA—Waterside Mall, room 3906, 401 M St. SW., Washington, D.C. | Department of Interior, Department of Defense, Department of Agriculture, Department of Health, Education and Welfare, Deparement of Commerce, Department of Energy, Department of Labor, Tennessee Valley Authority, Appalachian Regional Commission, National Science Foundation, National Academy of Sciences, General Accounting Office, and Oakridge National Laboratory. |
| Mar. 22, 1978, 9 a.m. to 1 p.m | EPA—Waterside Mall, room 3305, 401 M St. SW., Washington, D.C. | Sierra Club, Environmental Action, Inc., Environmental Action Foundation, Environmental Defense Fund, Natural Resources Defense Council, National Wildlife Federation, League of Women Voters, Izaak Walton League. |
| Mar. 30, 1978, 1 p.m. to 5 p.m | Downtown Library Auditorium, 1954 Commerce, Dallas, Tex. | American Public Works Association. |
| Apr 3, 1978, 9 a.m. to 1 p.m | EPA—Regional Office, room 1-102, 26 Federal Plaza, New York, N.Y. | American Society of Civil Engineers, American Consulting Engineers' Council, National Environmental Health Association, American Public Health Association. |
| Apr 4, 1978, 9 a.m. to 1 p.m | EPA—Waterside Mall, room 3906, 401 M St. SW., Washington, D.C. | This date held in abeyance for any other groups requesting meetings with the Agency to discuss the proposed regulation. |
| Apr. 13, 1978, 9 a.m. to 1 p.m | Sheraton Atlanta, Georgia Ballroom, East 590 West Peachtree NW., Atlanta, Ga. | National Governors' Association Task Force on Land Disposal. |
| Apr. 17, 1978, 1 p.m to 5 p.m | Continental Plaza Hotel, Mayfair Room, 909 North Michigan Ave., Chicago, Ill. | Association of Metropolitan Sewage Authorities, Water Pollution Control Federation, American Water Works Association, National Water Well Association, National Food Processors Association, U.S. Department of Agriculture W-124 Committee. |
| Apr 19, 1978, 9 a.m. to 5 p.m | EPA—Waterside Mall, room 3906, 401 M St., SW., Washington, D.C. | This date held in abeyance for any other groups requesting meetings with the agency to discuss the proposed regulation. |
| Apr. 28, 1978, 9 a.m to 5 p.m | Stouffer's Riverfront Towers, Eugene Field Room, 200 South 4th St., St. Louis, Mo. | State agency representatives, National Governors' Association, National Association of Attorneys General, National Conference of State Legislators, Conference of State Sanitary Engineers. |
| Hearings: | | |
| Apr 21, 1978 | Washington, D.C. | |
| Apr. 24, 1978 | Kansas City, Mo. | |
| Apr. 26, 1978 | Portland, Oreg | |

[FR Doc. 78-5278 Filed 2-24-78; 9:57 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR-Part 87]

[Docket No. 21495]

### MONITORING OF EMERGENCY LOCATOR TRANSMITTER SIGNALS TO IMPROVE SAFETY COMMUNICATIONS ON THE AERONAUTICAL EMERGENCY FREQUENCIES

**Order Extending Time for Filing Comments and Reply Comments**

AGENCY: Federal Communications Commission.

ACTION: Order extending time for comments.

SUMMARY: This order extends the comment period on the above captioned item for an additional 45 days. The Commission has received a request from the Civil Air Patrol stating that they need the extended period of time to solicit comments from their field units. Inasmuch as the CAP is a major search and rescue participant their comments in this matter are considered necessary.

DATES: Comments must be received on or before March 27, 1978 and reply comments must be received on or before April 24, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert C. McIntyre, Safety and Special Radio Services Bureau, 202-632-7197.

Robert C. McIntyre, Safety and Special Radio Services Bureau, 202-632-7197.





SUPPLEMENTARY INFORMATION:

ORDER

Adopted: Feb. 16, 1978

Released: (42 FR 62508).

In the matter of monitoring of emergency locator transmitter signals to improve safety communications on the aeronautical emergency frequencies.[1]

1. The Civil Air Patrol (CAP) Headquarters, Maxwell Air Force Base, has requested that the time for filing comments in this Docket be extended for a period of 45 days. The request for extension was received on February 14, 1978, after the comment period closed.

2. The CAP states that they require this additional time to solicit comments from their field units which participate in a majority of inland search and rescue operations.

3. For good cause shown, we find the public interest will be served by the reopening and extension of the comment and reply comment periods from February 9, 1978 and March 13, 1978, to March 27 and April 24, 1978 respectively.

[1] See 62508, Dec. 13, 1977.

4. Accordingly, pursuant to the authority contained in Sections 0.331 and 1.46 of the Commission's rules, the request of the CAP is granted and the dates for filing comments and reply comments in this proceeding are extended to March 27 and April 24, 1978.

ARLAN K. VAN DOORN,
*Acting Chief, Safety and Special Radio Services Bureau.*

[FR Doc. 78-4957 Filed 2-24-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1206]

[Docket No. 36767]

### ACCOUNTING FOR CERTAIN GOVERNMENT TRANSFERS BY RAILROADS AND MOTOR CARRIERS OF PASSENGERS

**Extension of Comment Period**

AGENCY: Interstate Commerce Commission.

ACTION: Extension of public comment period.

SUMMARY: Upon consideration of the record in the above-entitled proceeding, including the request of the Association of American Railroads for an extension of time for filing public comment, the comment period has been extended until February 28, 1978.

DATE: Written comments must be received by February 28, 1978.

ADDRESS: Send comments (with 15 copies, if possible) to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone No. 202-275-7448.

SUPPLEMENTARY INFORMATION: The proposed rule would provide accounting and reporting regulations for certain transfers of cash and other assets to railroads and bus companies from Federal, State, or local governments. The notice of proposed rulemaking was published in Volume No. 43, page 1371 of the FEDERAL REGISTER on January 9, 1978.

H. G. HOMME, JR.,
*Acting Secretary.*

[FR Doc. 78-5059 Filed 2-24-78; 8:45 am]





# notices



such comments should be submitted no later than March 15, 1978.

Delta Air Lines, Inc., for amendment of its certificate of public convenience count in determining whether the public convenience and necessity re-

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

[Notice of Designation No. A572]

### MISSISSIPPI

### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Mississippi counties as a result of various adverse weather conditions shown in the following chart:

MISSISSIPPI—14 COUNTIES

| County | Dates of disaster | Nature of disaster |
|---|---|---|
| Carroll | Nov. 1, 1977, through Nov. 30, 1977. | Excessive rainfall. |
| Claiborne | May 10, 1977, through July 15, 1977. | Drought. |
| Copiah | Apr. 23, 1977, through July 8, 1977. | Do. |
| | Oct. 1, 1977, thro[illegible] Dec. 31, 19[illegible]. | Excessive rainfall. |
| Covington | Apr. 21, 1977, through Aug. 15, 1977. | Drought. |
| | Aug. 15, 1977, through Dec. 31, 1977. | Excessive rainfall. |
| DeSoto | Jan. 1, 1977, through Oct. 31, 1977. | Drought. |
| Hinds | May 2, 1977, through June 14, 1977. | Do. |
| | Aug. 1, 1977, through Sept. 30, 1977. | Excessive rainfall. |
| Leflore | June 15, 1977, through Aug. 15, 1977. | Drought. |
| | Aug. 16, 1977, through Dec. 31, 1977. | Excessive rainfall. |
| Panola | May 8, 1977, through June 13, 1977. | Drought. |
| | Aug. 1, 1977, through Aug. 31, 1977. | Do. |
| Perry | May 10, 1977, through July 20, 1977. | Do. |
| | Aug. 1, 1977, through Dec. 31, 1977. | Excessive rainfall. |
| Rankin | May 2, 1977, through June 14, 1977. | Drought. |
| | Sept. 1, 1977, through Nov. 30, 1977. | Excessive rainfall. |
| Scott | Apr. 15, 1977, through July 8, 1977. | Drought. |

MISSISSIPPI—14 COUNTIES—Continued

| County | Dates of disaster | Nature of disaster |
|---|---|---|
| | Sept. 15, 1977, through Dec. 15, 1977. | Excessive rainfall. |
| Simpson | May 1, 1977, through July 31, 1977. | Drought. |
| | Sept. 15, 1977, through Nov. 30, 1977. | Excessive rainfall. |
| Tate | Jan. 1, 1977, through July 31, 1977. | Drought. |
| Tunica | July 1, 1977, through Aug. 31, 1977. | Do. |
| | Nov. 1, 1977, through Dec. 20, 1977. | Excessive rainfall. |

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, exhibit B, paragraph V B, including the recommendation of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than August 11, 1978, for physical losses and February 12, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impractical and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 18th day of February 1978.

GORDON CAVANAUGH,
*Administrator,*
*Farmers Home Administration.*

[FR Doc. 78-5084 Filed 2-24-78; 8:45 am]

[3410-90]

### Office of the Secretary

### COMPREHENSIVE REVIEW OF USDA ADVISORY COMMITTEES

Pursuant to OMB Circular A-63, transmittal memorandum No. 5, notice is hereby given that the Department of Agriculture is conducting its annual comprehensive review of all USDA advisory committees. This review is required by Pub. L. 92-463, the Federal Advisory Committee Act.

The results of this review will be used as the basis for determining which advisory committees should be continued. The committees being reviewed are:

National Advisory Council on Child Nutrition
Committee of Nine
Cooperative Forestry Research Advisory Board
Cooperative Forestry Research Advisory Committee
Advisory Committee on Foreign Animal Diseases
General Conference Committee of the National Poultry Improvement Plan
National Arboretum Advisory Council
Plant Variety Protection Board
Pacific Crest National Scenic Trail Advisory Committee
Advisory Committee on State and Private Forestry
Agricultural Technical Advisory Committee for Trade Negotiations on Cotton
Agricultural Technical Advisory Committee for Trade Negotiations on Fruits and Vegetables
Agricultural Technical Advisory Committee for Trade Negotiations on Diary
Agricultural Technical Advisory Committee for Trade Negotiations on Livestock and Livestock Products
Agricultural Technical Advisory Committee for Trade Negotiations on Oilseeds and Products
Agricultural Technical Advisory Committee for Trade Negotiations on Poultry and Eggs
Agricultural Technical Advisory Committee for Trade Negotiations on Tobacco
Agricultural Policy Advisory Committee for Trade Negotiations
Cascade Head Scenic-Research Area Advisory Council
Flue-Cured Tobacco Advisory Committee
Hop Marketing Advisory Board
National Advisory Council on Maternal, Infant, and Fetal Nutrition
National Forest Management Act Committee of Scientists
National Forest System Advisory Committee
Grain Standards Act Advisory Committee

Comments on the continuation or termination of any of these advisory committees may be directed to C. R. Hanna, Jr., Assistant Director, Management, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250.

The public is invited to comment on any of the advisory committees of USDA at any time. However, to insure that comments submitted pursuant to this notice are received in time for consideration during this review, all such comments should be submitted no later than March 15, 1978.

All written submissions made pursuant to this notice shall be made available for public inspection at the office of the Assistant Director, Management, during regular business hours.

HOWARD W. HJORT,
*Director, Economics,*
*Policy Analysis and Budget.*

FEBRUARY 22, 1978.

[FR Doc. 78-5038 Filed 2-24-78; 8:45 am]





[6320-01]

## CIVIL AERONAUTICS BOARD

[Order 78-2-42;[1] Dockets 29827, 30034, 32097]

### ALLEGHENY AIRLINES, INC. AND UNITED AIR LINES, INC.

### Pittsburgh-Orlando-Daytona Beach Route Proceeding; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of February, 1978.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for an amendment of its certificate of public convenience and necessity for Route 97; application of United Air Lines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended. Pittsburgh-Orlando-Daytona Beach Route Proceeding.

On page 6, first full paragraph, in Order 78-2-42, February 9, 1978, the Board referred to Northwest's application in Docket 30034 which should have read Docket 30094. Accordingly, the order should be corrected to show the docket number as 30094.

By the Civil Aeronautics Board:

Dated: February 15, 1978.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-5086 Filed 2-24-78; 8:45 am]

[6320-01]

[Order 78-2-97; Docket Nos. 31199, 31236, 31242, 32143]

### CITY AND CHAMBER OF COMMERCE, AUSTIN, TEX., ET AL.

### Austin/San Antonio—Atlanta Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of February, 1978.

In the matter of Austin/San Antonio-Atlanta service investigation, Docket 32143; petition of city and Chamber of Commerce of Austin, Texas, Docket 31236; application of Delta Air Lines, Inc., for amendment of its certificate of public convenience and necessity or for a new certificate; Docket 31242; application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity for Route 10, Docket 31199.

On August 4, 1978, the city and Chamber of Commerce of Austin (Austin) filed a petition asking the Board to institute an investigation to determine the need for first single-carrier service between Austin, Tex., and Atlanta, Ga., and for one-stop San Antonio/Austin-Atlanta service. A motion for hearing was filed on November 23, 1977. Delta Air Lines has filed an application for San Antonio-Austin-Atlanta authority and a motion to consolidate in Docket 31242, and Eastern Air Lines has filed an application for Austin-Atlanta nonstop authority and a motion to consolidate in Docket 31199.

In support of its motion for hearing, Austin states that there is no single-carrier authority in the Austin-Atlanta market; that its economy and population are growing at a faster than normal rate; that it is a hub of an important and large service area; that all its traffic to Atlanta or beyond must make connections at Dallas-Ft. Worth or Houston; and that it estimates that more than 200,000 annual passengers would benefit from the new service.

Braniff Airways, Delta, Eastern, the city of San Antonio and the San Antonio Chamber of Commerce, and the city of Atlanta and the Atlanta Chamber of Commerce have filed in support of the motion and petition. Braniff, which already has Austin-San Antonio authority, said it would provide Austin-Atlanta service whether or not San Antonio is included, and that it will file an application if the motion for hearing is granted. Eastern states that, while it does not believe additional authority in the San Antonio-Atlanta market is needed, it will not object to including that market, and it will present evidence at the hearing to support its position.[1] Both Eastern and Delta request the consolidation of their applications into the proceeding.

We have decided to institute the Austin/San Antonio-Atlanta Service Investigation, Docket 32143, to consider the need for first single-carrier Austin-Atlanta service, and for Austin-San Antonio-Atlanta and San Antonio-Austin-Atlanta one-stop service. We have decided to grant Delta's and Eastern's motions to consolidate.

In accordance with policy announced in our order instituting the Chicago-Albany/Syracuse-Boston Com- petitive Service Investigation, Order 77-12-50, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for the feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of first single-carrier service and city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, *it is ordered*, That: 1. The motion for hearing of the city and Chamber of Commerce of Austin, Tex. in Docket 31236 be granted;

2. An investigation to be known as the Austin/San Antonio-Atlanta Service Investigation, Docket 32143, be instituted pursuant to section 204 of the Act and be set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. The issues in the proceeding instituted in paragraph 2, above, shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in air transportation between Austin and Atlanta, either nonstop or one-stop via San Antonio, and between San Antonio and Atlanta, either nonstop or one-stop via Austin;

(b) If the answer to (a) is affirmative, which carrier(s) should be authorized to engage in such transportation; and

(c) What terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

4. Any authority awarded in this proceeding shall be ineligible for subsidy;

5. The applications of Delta Air Lines in Docket 31242 and Eastern Air Lines in Docket 31199 be consolidated into the proceeding instituted by paragraph 2, above;

6. The motions to consolidate of Delta Air Lines and Eastern Air Lines be granted;

7. Eastern Air Lines, Delta Air Lines, Braniff Airways, city and Chamber of Commerce of Austin, Tex., city and Chamber of Commerce of San Antonio, Tex., and city and Chamber of Commerce of Atlanta, Ga., be made parties to this proceeding;

8. All carriers filing applications in this proceeding shall file environmen-

[1] Published at 43 FR (6976) 2-17-78.

[1] Eastern currently holds nonstop San Antonio-Atlanta authority.





tal evaluations pursuant to § 312.12 of the Board's Procedural Regulations,

the Chamber of Commerce of the New Orleans Area, and the city of Phoenix,

tion and that promise greater public benefits. This market generated 83,720



Docket 29554, be granted to the extent indicated in this order and denied in

This order has been approved by the Civil Aeronautics Board:[1]

in characteristics of various types of these devices.

The Subcommittee will meet only in

tal evaluations pursuant to § 312.12 of the Board's Procedural Regulations, within 30 days from the date of service of this order; and

9. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order, and answers to these pleadings shall be due 15 days later.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:*

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-5087 Filed 2-24-78; 8:45 am]

[6320-01]

[Order 78-2-100; Docket Nos. 29554 and 32152]

## HUGHES AIRWEST

### Las Vegas-Houston Competitive Service Investigation; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February 1978.

In the matter of Las Vegas-Houston competitive service investigation, Docket 32152; application of Hughes Air Corp., d.b.a. Hughes Airwest, for amendment of its certificate of public convenience and necessity, Docket 29554.

On July 26, 1976, Hughes Airwest filed an application in Docket 29554 for a certificate amendment to extend its route system via the Las Vegas, Phoenix, and Tucson gateways to seven cities in Texas, Louisiana, and New Mexico.[1] On July 28, 1976, Hughes Airwest filed a motion for hearing together with exhibits in support of its motion.[2]

On October 7, 1976, the Tucson Airport Authority filed a similar motion requesting expedited treatment of the application of Hughes Airwest. No answers to the Tucson motion have been received.

The cities and Chambers of Commerce of Midland and Odessa, Tex., the city of San Antonio and the Greater San Antonio Chamber of Commerce, the city of New Orleans and the Chamber of Commerce of the New Orleans Area, and the city of Phoenix, Ariz., have all filed in support of the Airwest motion.[3]

Continental Air Lines, Frontier Airlines, Texas International Airlines (TXI), and Trans World Airlines have filed answers in opposition. American and Delta each filed a consolidated answer to petitions for reconsideration of Order 76-6-161 (*Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*) and Airwest's motion for immediate hearing. American opposes the Airwest motion; Delta does not oppose it, but urges that if the application is to be heard it be consolidated into the *Las Vegas-Dallas/Fort Worth* proceeding. Delta's request was rejected in Order 76-10-61, October 15, 1976. The other carriers generally oppose the institution of the area investigation which would be triggered by grant of the Airwest motion. Continental and TXI recommend, as an alternative, that the Airwest application be divided into smaller segments and heard in separate proceedings.

In support of its motion, Airwest argues that, due to deficiencies in route authority between the western and southern cities, air travelers are often forced to rely on circuitous, time-consuming connecting service. The carrier also alleges that the route expansion which it seeks will significantly improve its economic strength and serve as a needed antidote to the concentration of route authority in the large trunk carriers.[4]

We have decided to institute an investigation to consider the air service needs of the Las Vegas-Houston market and to otherwise deny the motions of Hughes Airwest and the Tucson Airport Authority. The Airwest application contemplates a massive area proceeding to consider thirteen primary markets and several times that number of beyond markets. We are not prepared to embark upon an undertaking of this magnitude absent some unusual circumstances or clear public need for a service investigation of this type. Only the Las Vegas-Houston market appears to warrant a hearing at this time when weighed against other matters that are competing for the Board's attention and that promise greater public benefits. This market generated 83,720 true O&D plus interline connecting passengers in the year ended December 31, 1976, and is the largest monopoly market included in the Airwest application.

The other markets in which Airwest proposes competitive service are small and/or relatively well-served. The three largest of the remaining markets are Houston-San Antonio with 111,410 true O&D and interline connecting passengers in calendar year 1976, Albuquerque-Las Vegas with 70,050, and Houston-Phoenix with 55,970. Four certificated carriers, however, provide at least 15 daily nonstop round trips between Houston and San Antonio; TWA and Frontier offer a combined total of three and a half daily nonstop round trips between Albuquerque and Las Vegas; and Continental daily provides one nonstop, one one-stop and several multistop round trips between Houston and Phoenix (American Airlines holds unused nonstop authority in this market).

Airwest has not submitterd sufficient information for us to determine the environmental consequences of a certificate amendment limited to improved Las Vegas-Houston authority. Therefore, we will require Airwest to file the information set forth in Part 312 of the Board's procedural regulations. We will allow Airwest and all other carriers filing applications in this proceeding 30 days from the date of service of this order to file their environmental evaluations.

In accordance with the policy announced in our order instituting the *Chicago-Albany/Syracuse-Boston Com- petitive Service Investigation*, Order 77-12-50, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted investigation to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, *it is ordered*, That:

1. The motion of Hughes Airwest for immediate hearing of its application in Docket 29554, be granted to the extent indicated in this order and denied in all other respects;

2. The motion of the Tucson Airport Authority for immediate hearing of the application of Hughes Airwest be granted to the extent indicated in this order and denied in all other respects;

3. An investigation to be known as the *Las Vegas-Houston Competitive Service Investigation*, Docket 32152, be instituted pursuant to section 204 of the Act and shall be set for hearing before an administrative law judge of the Board, at a time and place to be designated later;

4. The investigation set for hearing in paragraph 3, above, shall consider whether the public convenience and necessity require that new authority be granted in the Law Vegas-Houston market;

5. If the answer to the issue in paragraph 4, above, is affirmative, the investigation shall consider which air carrier or carriers should be authorized and whether the new or existing authority should be subject to any terms, conditions, or limitations;

6. Any authority awarded in this investigation shall be ineligible for subsidy;

7. The application of Hughes Airwest in Docket 29554 be consolidated into the investigation instituted by paragraph 3, above, to the extent that it conforms to the scope of the investigation as described in paragraph 4, above; to the extent not consolidated, it be dismissed;

8. The motions for leave to file of the city of San Antonio and the Greater San Antonio Chamber of Commerce, of the city of New Orleans and the Chamber of Commerce of the New Orleans Area, of the city of Phoenix, and of the County of Sacramento be granted;

9. The petition of Hughes Airwest which requests a ruling on its motion for hearing be dismissed as moot;

10. National Airlines and the city of Houston be made parties to this investigation;

11. Hughes Airwest and all other carriers filing applications in this investigation shall file environmental evaluations pursuant to section 312.12 of the Board's procedural regulations within 30 days of the service date of this order; and

12. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of the service date of this order and answers to such pleadings shal be filed no later than 10 days thereafter; Petitions for reconsideration may be filed by any interested person.

This order shall be published in the FEDERAL REGISTER.

This order has been approved by the Civil Aeronautics Board:[5]

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 78-5088 Filed 2-24-78; 8:45 am]

* All Members concurred.

[1] Houston, San Antonio, Corpus Christi, Midland/Odessa, El Paso, New Orleans, and Albuquerque.

[2] Hughes Airwest had earlier filed a motion requesting that its application be consolidated in the *Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*, Docket 29445. This request was denied in Order 76-10-61, October 15, 1976. Airwest again requested consolidation of this same application in the *Phoenix-Las Vegas-Reno Competitive Nonstop Service Proceeding*, Docket 30055. This request was also denied. Order 77-5-112, May 20, 1977.

[3] The answers of the city of Phoenix and the city of New Orleans and an amendment to the answer of the city of San Antonio were attached to motions for leave to file otherwise unauthorized documents. We will grant these motions.

[4] On July 11, 1977, Airwest filed a petition requesting a ruling on its motion for hearing, and numerous parties filed responses to that petition. The response of the county of Sacramento was received late and attached to a motion for leave to file. We will grant this motion. Since the Airwest request is mooted by our action taken here, the petition will be dismissed.

[5] All Members concurred.





[3510-25]

## DEPARTMENT OF COMMERCE

### Industry and Trade Administration

### HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, March 15, 1978, at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230 telephone A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: February 22, 1978.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of Trade Regulation, U. S. Department of Commerce.*

[FR Doc. 78-5102 Filed 2-24-78; 8:45 am]

[3510-03]

### Maritime Administration

[Docket No. S-596]

## SUN TRANSPORT, INC.

### Application

Notice is hereby given that Sun Transport, Inc., has filed an applica-





tion under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy to engage in the carriage of bulk cargoes between ports or places in the United States or its possessions, and ports or places in foreign countries.

The vessel proposed to be operated is the *Aquila* (formerly the *Notre Dame Victory*), an 80,000-ton tanker built in 1973.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)



section 302(g), of the Fishery Conservation and Management Act of 1976

The closed session of the Scientific and Statistical Committee is planned

p.m. on March 8. The proposed agenda for the Subpanel is as follows:

tion under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy to engage in bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1978, unless extended.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the maritime Administration under section 805(a) of the Act will be required if the application for operating-differential subsidy is to be granted.

The following vessels are operated by Sun Transport, Inc., and may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between U.S. Pacific Coast ports and ports of the State of Hawaii:

| | |
|---|---|
| America Sun. | Western Sun. |
| Pennsylvania Sun. | New Jersey Sun. |
| Texas Sun. | Delaware Sun. |
| New England Sun | Toledo Sun. |
| Hartford Sun. | Corpus Christi Sun. |
| Albany Sun. | Seminole Sun. |
| Chesapeake Sun. | Providence Sun. |
| Newark Sun. | Revere Sun. |
| Eastern Sun. | |

The following vessels are owned or operated by a related party of Sun Transport, Inc., and may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between U.S. Pacific Coast ports and ports in the State of Hawaii:

| Vessel | Owner and/or charterer |
|---|---|
| Joseph D. Potts | Kee Leasing Co. |
| Ponce de Leon | Sun Leasing Co. |
| Great Land | Totem Ocean Trailer Express, Inc. |
| Eric Holzer | 650 Leasing Co. |
| Sohio Intrepid | 652 Leasing Co |
| Sohio Resolute | 653 Leasing Co. |
| Aquila | 660 Leasing Co. |
| Fortaleza | 663 Leasing Co. |
| El Taino | 666 Leasing Co. |
| Puerto Rico | 670 Leasing Co. |
| Caribe Sun | Puerto Rico Sun. |
| Island Sun | Do. |
| Puerto Rico Sun | Do. |
| Prince William Sound | Sound Shipping, Inc. |

In addition, Sun Shipbuilding & Dry Dock Co. holds a 100-percent stock interest in GTS Venture Corp. which is a 50-percent participant with Export Venture Corp. in Sunexport Co., a joint venture which is bareboat charterer of the vessel, *Admiral William M. Callaghan*, subchartered to the Military Sealift Command. Sun Shipbuilding & Dry Dock Co. also holds a 95-percent stock interest in TTT, Inc., which bareboat charters-in the Vessel, *El Taino*, and bareboat subcharters the vessel, *Fortaleza*, and a small minority stock interest in Ecological Shipping Corp. (Ecological), which bareboat subcharters the vessel, *Aquila* (formerly the *Notre Dame Victory*), an 80,000-ton tanker built in 1973.

A management agreement has been entered into between Ecological and Aquila Shipping Co., Inc. (Aquila), for the management of the *Aquila*. Aquila is affiliated with the Berger Group of companies (namely, Aeron Marine Shipping Co.; American Shipping, Inc.; Aquarius Marine Co.; Atlas Marine Co.; Pacific Shipping, Inc.; and Worth Oil Transport Co.) which are principally owned by Mr. Leo V. Berger and Mr. Peter Constas. As a result of this relationship between the Berger Group and Sun Transport, Inc., it is necessary to extend the following written permissions which have been granted to the Berger Group to Sun Transport, Inc.:

1. Judge Oil Transport, an affiliate of the Berger Group, to operate an oil barge in the coastwise trade.

2. The *Aquila* to operate in the coastwise or intercoastal trade of the United States.

3. The *Aries* (formerly *Hess Trader*) and the *Capricorn* (formerly *Hess Bunker*), owned respectively by Amherst Shipping Co., Inc., and Kingston Shipping Co., Inc., affiliates of the Berger Group, to operate in the U.S. coastwise or intercoastal trade.

4. The SS's *Pisces* and *Virgo* for operation in the domestic coastwise and intercoastal trade of the United States by Bolton Shipping Co. and Colby Shipping Co., respectively, affiliates of the Berger Group.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on March 3, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations: (a) Could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: February 21, 1978.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc. 78-5034 Filed 2-24-78; 8:45 am]

[3510-22]

**National Oceanic and Atmospheric Administration**

**CARIBBEAN FISHERY MANAGEMENT COUNCIL**

**Public Meeting**

The Caribbean Fishery Management Council, established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet March 21-23, 1978, at Windward Passage Hotel, St. Thomas, V.I. The meeting starts at 9 a.m. on March 21, and will adjourn at about 12 noon on March 23.

PROPOSED AGENDA

(1) Consideration of the first draft fishery management plan (FMP) for shallow-water reef fish; (2) status report on the revision of second draft FMP for spiny lobster; (3) status report on the FMP for migratory coastal pelagics; (4) marine sanctuaries: the concept, the application to fishing grounds, and present status in the Caribbean area; (5) the concept and commercial feasibility of artificial reefs; (6) administrative matters; (7) other business.

Meeting is open to public. For information on seating, changes to the agenda, or written comments, contact Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, P.R. 00919, telephone 809-753-4926.

Dated: February 21, 1978.

WINFRED H. MEIBOHM,
*Associate Director,*
*National Marine Fisheries Service.*

[FR Doc. 78-5054 Filed 2-24-78; 8:45 am]

[3510-22]

**GULF OF MEXICO FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL SELECTION AND ADVISORY PANEL SELECTION COMMITTEES**

**Public Meeting With Partially Closed Session**

Pursuant to section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C., Appendix I, notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council, established by section 302, and its Scientific and Statistical Selection and Advisory Panel Selection Committees, established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Council meeting will take place Tuesday, Wednesday, and Thursday, March 7-9, 1978, at the Bienville House Motor Hotel located at 302 Decatur Street, New Orleans, La.

The Scientific and Statistical Selection Committee and the Advisory Panel Selection Committee will meet on Tuesday, March 7, 1978, also at the Bienville House Motor Hotel in New Orleans.

The Scientific and Statistical Selection Committee will meet at 8 a.m. and adjourn about 9 a.m. on March 7. The proposed agenda for the committee is as follows:

MARCH 7

1. Consideration of new Scientific and Statistical Committee members.

The Advisory Panel Selection Committee will meet at 9 a.m. and adjourn about 10 a.m. on March 7. The proposed agenda for the committee is as follows:

MARCH 7

1. Consideration of new Advisory Panel Committee members.

The Gulf of Mexico Fishery Management Council will convene at 1:30 p.m. and adjourn about 5 p.m. on March 7. The Council will reconvene at 8:30 a.m. and adjourn about 5 p.m. on March 8. The Council will reconvene at 8:30 a.m. and adjourn about 12 noon on March 9. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

MARCH 7

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.

MARCH 8

1. Closed 3½ hours session (8:30 a.m. to 12:00 noon) to discuss personnel matters in regard to Scientific and Statistical Selection and Advisory Panel Selection membership.
2. Other fishery management business.

MARCH 9

1. Other fishery management business.

The Gulf of Mexico Fishery Management Council meeting will be open to the public with the exception of the first agenda item on March 8, and the Scientific and Statistical Selection and Advisory Panel Selection Committees on March 7. For more information on seating arrangements, changes to the agenda, and/or written comments contact: Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. 33609; telephone 813-228-2815.

The closed session of the Scientific and Statistical Committee is planned for the early morning of the first day, March 7, from 8 a.m. through 9 a.m. to consider appointment or reappointment of members. The closed session of the Advisory Panel Selection Committee is planned for the morning of March 7, from 9 a.m. through 10 a.m. to consider appointment or reappointment of members.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on February 21, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters that are within the purvue of 5 U.S.C. 552b(c)(6). (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: February 22, 1978.

WINFRED H. MEIBOHM,
*Associate Director,*
*National Marine Fisheries Service.*

[FR Doc. 78-5040 Filed 2-24-78; 8:45 am]

[3510-22]

**PACIFIC FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE; SALMON ADVISORY SUBPANEL; AND ANCHOVY ADVISORY SUBPANEL**

**Public Meeting With Partially Closed Session**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given of a meeting of the Pacific Fishery Management Council, established by section 302 of the Fishery Management and Conservation Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee, Salmon Advisory Subpanel, and Anchovy Advisory Subpanel, established under section 302(g), of the Act.

The Pacific Fishery Management Council meeting will take place Thursday and Friday, March 9-10, 1978, at the Red Lion Motor Inn located at 2001 Point West Way, Sacramento, Calif.

The Scientific and Statistical Committee will meet on Wednesday and Thursday, March 8-9, 1978, and the Salmon Advisory Subpanel and the Anchovy Advisory Subpanel will meet on Wednesday, March 8, 1978, also at the Red Lion Motor Inn in Sacramento, Calif.

The Anchovy Advisory Subpanel will meet at 9 a.m. and adjourn about 5 p.m. on March 8. The proposed agenda for the Subpanel is as follows:

MARCH 8

1. Consideration of the anchory management plan.

The Salmon Advisory Subpanel will meet at 9 a.m. and adjourn about 5 p.m. on March 8. The proposed agenda for the Subpanel is as follows:

MARCH 8

1. Consideration of the comprehensive salmon management plan.

The Scientific and Statistical Committee will meet at 1 p.m. and adjourn about 10 p.m. on March 8. The Committee will tentatively reconvene, dependent on Council developments, at 8 a.m. and adjourn about 5 p.m. on March 9. The proposed agenda for the Committee is as follows:

MARCH 8-9

1. Consideration of development of fishery management plans.
2. Organization of the Council, including fishery advisory panel and management development teams, and operational and procedural matters.
3. Other Committee business.

The Pacific Fishery Management Council will convene at 10 a.m. and adjourn about 5 p.m. on March 9. The Council will reconvene at 8 a.m. and adjourn about 5 p.m. on March 10. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

MARCH 9

1. Closed 2-hour session (8 a.m. to 10 a.m.) to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada.
2. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
3. Consideration of reports from ad hoc committees.
4. Review of communications from other agencies and organizations.
5. Consideration of fishery management plans under development.

MARCH 10

1. Organization of the Council, including its staff, advisory panels and committees, and operational and procedural matters.
2. Consideration of reports from ad hoc committees.
3. Review of communications from other agencies and organizations.
4. Consideration of fishery management plans under development.

The Anchovy Subpanel, Salmon Advisory Subpanel and Scientific and Statistical Committee meetings will be open to the public, as will all but the





first agenda item on March 9, of the Council meeting. For more information agenda and location remain unchanged.

Development are also members. The Committee will meet to discuss its role



REGISTER on May 4, 1977 (42 FR 22556) and becomes effective May 4,

Furthermore, of the 491 match-related in-depth investigations on file

partment of Defense and other Federal agencies with responsibilities for

first agenda item on March 9, of the Council meeting. For more information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone 503-221-6352.

The closed session of the Council is planned for the early morning of the first day, March 9, from 8:00 a.m. through 10:00 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiations between the United States and Canada. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined, on February 21, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: February 22, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-5039 Filed 2-24-78; 8:45 am]

[3510-22]

## PACIFIC FISHERY MANAGEMENT COUNCIL'S GROUNDFISH ADVISORY SUBPANEL AND PLAN DEVELOPMENT TEAM

### Rescheduled Meeting

Notice is hereby given of a change in the meeting date and time as published in the FEDERAL REGISTER, February 13, 1978, 43 FR 6127, for the Pacific Fishery Management Council's Groundfish Advisory Subpanel and Plan Development Team.

The meeting scheduled for March 2 and 3, 1978, at the Oregon Department of Fish and Wildlife Headquarters office, 6th and Mill Street, Portland, Oreg., will now be held on April 13, convening at 10 a.m. and adjourning at 5 p.m., and April 14, convening at 8 a.m. and adjourning at 5 p.m. The agenda and location remain unchanged.

Dated: February 21, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4967 Filed 2-24-78; 8:45 am]

[3510-22]

## WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

### Public Meeting

The Western Pacific Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will hold its tenth regular meeting on March 15 and 16, 1978, in the Destination Disco Room of the Kauai Surf Hotel, Nawiliwili, Kauai, Hawaii, from 9 a.m. to 5 p.m.

The proposed agenda includes: (1) Administrative and financial reports, (2) objectives and options in billfish management, (3) consideration of recommended measures for precious coral management, (4) definition of Council and Federal responsibilities in fishery management, (5) management problems of Kauai fisheries.

The meeting is open to the public. For information on seating, changes to the agenda, or written comments, contact Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808-523-1368.

Dated: February 21, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc. 78-4968 Filed 2-24-78; 8:45 am]

[3510-17]

## WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

### Advisory Committee Meeting

The Advisory Committee to the White House Conference on Balanced National Growth and Economic Development will meet from 2 p.m. to 5 p.m. on Monday, March 13, 1978, in Room 2010 of the New Executive Office Building, at 726 Jackson Place, NW., Washington, D.C.

The Committee was authorized under section 204 of the Public Works and Economic Development Act of 1976, Pub. L. 94-487 (90 Stat 2339) and appointed by the President in 1977. It consists of fifteen members representing State and local government, business, labor, institutions, and consumer and environmental and other interests. The Secretaries of Agriculture, Commerce, and Housing and Urban Development are also members. The Committee will meet to discuss its role in furnishing advice in the preparation of the final Conference report to the President.

The agenda for the meeting is:

2 p.m.-3:30 p.m.—Review of Conference proceedings.
3:30 p.m.-5 p.m.—Discussion of future role of Advisory Committee and schedule for report completion.
5 p.m.—Meeting adjourns.

The meeting will be open to public observation. Approximately 50 seats will be available for the public on a first-come-first-served basis. Copies of the minutes will be available on request thirty days after the meeting.

Inquiries may be addressed to Mr. James Childress, White House Conference on Balanced National Growth and Economic Development, 2001 S Street NW., Washington, D.C. 20009, telephone 202-673-7925.

Dated: February 21, 1978.

MICHAEL S. KOLEDA,
*Director, White House Conference on Balanced National Growth and Economic Development.*

[FR Doc. 78-4971 Filed 2-24-78; 8:45 am]

[6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION

### MATCHBOOKS WITH FRONT FRICTION

### Statement of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of enforcement policy.

SUMMARY: In this document the Commission grants a Universal Match request for permission to assemble, for a period of 10 months after the Commission's matchbook standard's effective date, a limited number of matchbooks with front friction in violation of the reverse friction requirement of the standard. The Commission grants the request and declines to enforce the reverse friction requirement against these matchbooks because the Commission believes granting the waiver will not expose consumers to an increased risk of injury. The Commission notes that other manufacturers in a similar position to the requester may apply for the same enforcement relief.

FOR FURTHER INFORMATION CONTACT:

Elizabeth H. Jones, Directorate of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C., 301-492-6617.

SUPPLEMENTARY INFORMATION: The Commission's final safety standard for matchbooks (16 CFR Part 1202) was published in the FEDERAL REGISTER on May 4, 1977 (42 FR 22556) and becomes effective May 4, 1978. The standard includes 14 requirements for matchbooks, one of which is the requirement for reverse friction or friction on the outside back cover of the book (see § 1202.4(a)).

This statement of enforcement policy is issued as a result of a letter to the Commission dated September 2, 1977 from the Universal Match division of UMC Industries, Inc., requesting permission to assemble, for a period of 10 months after the matchbook standard's effective date, certain matchbooks with front friction. The company states that these match books will be limited to those ordered by customers prior to May 4, 1977, that is, those ordered 1 year or more before the standard's effective date, and will not exceed, in total quantity, 6,000 cases of 2,500 matchbooks per case.

In the letter the company explains that the request was prompted because continued effects of the 1974-75 recession, and other reasons, caused Universal Match customers to request delays in shipment of matchbooks to them. In addition, the company states that Universal accepted no orders from new customers for front friction matchbooks for a period of over 1 year prior to the May 1977 publication of the standard. However, during the latter 6 months of that period, Universal was unable to produce the volume of new plates necessary for reverse friction matchbooks that would be required to satisfy all of its customers. Therefore, Universal accepted certain repeat orders from existing customers after the effective date of the standard. The company further maintains that, although the matchbook standard at § 1202.9 permits preeffective date stockpiling that would appear to alleviate its burden, Universal has virtually no controlled-environment storage at its production plant to accommodate storage of the special reproduction matches Universal produces.

After a careful consideration of the request and the circumstances which prompted it, the Commission has decided to grant the limited relief requested by Universal and to decline to bring an enforcement action for the 10-month requested period against these matchbooks based on noncompliance with § 1202.4(a) of the standard.

Commission staff have documented the business and economic conditions described in the Universal request. In addition the Commission believes that granting the exemption will not substantially increase the risk of injury to consumers. The matchbook standard itself permits the distribution after the date of publication of a limited amount of stockpiled matchbooks which do not comply with its requirements.

Furthermore, of the 491 match-related in-depth investigations on file with the Commission, only 16 cases involved the friction strip as a factor in injury. The Commission notes that in all 16 cases the victims sustained relatively minor burn injuries.

### SIMILARLY SITUATED MANUFACTURERS

The Commission points out that generally when a request for an exemption is made, any relief granted by the Commission is extended to all similarly situated parties. Because, the request here is so specific and the relief is limited to the terms of the request, this statement of enforcement policy only affects Universal Match. The Commission emphasizes, however, that other manufacturers who believe they are in a similar position to the requester may apply to the Commission through the Office of the Secretary for the same enforcement relief.

Because this document is a Commission policy statement involving enforcement of a regulation, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delayed effective date are inapplicable.

Dated: February 21, 1978.

SADYE DUNN,
*Acting Secretary, Consumer Product Safety Commission.*

[FR Doc. 78-4985 Filed 2-24-78; 8:45 am]

[3810-70]

## DEPARTMENT OF DEFENSE

### Department of the Army

### SCIENTIFIC ADVISORY BOARD OF THE ARMED FORCES INSTITUTE OF PATHOLOGY

### Establishment, Organization, and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Board of the Armed Forces Institute of Pathology has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this Advisory Committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Board of the Armed Forces Institute of Pathology is to serve in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, providing scientific and professional advice and guidance in matters pertaining to operational programs, policies, and procedures of the Armed Forces Institute of pathology central laboratory of pathology for the Department of Defense and other Federal agencies with responsibilities for consultation, education, and research in pathology.

Specifically, the advisory board will serve in the public interest by advising the Director, Armed Forces Institute of Pathology, on matters pertaining to:

(a) The character, scope, and adequacy of educational and experimental, statistical, and morphological research programs undertaken by the Institute, to include their correlation with other medical specialties.

(b) The correlation of education and research conducted in the institute with that of other institutions to avoid unnecessary duplication and to facilitate the work of the Institute.

(c) The utilization for education and research purposes of the vast accumulation of pathologic material in the Institute to include their use in the Medical Museum.

(d) The character, scope, and adequacy of the technical and professional training programs of the Institute for Medical Department personnel and others.

(e) The use of new techniques, equipment, and scientific apparatus in consultation, education, and research.

(f) The character, size, and adequacy of consultation services to include the development and evaluation of new pathologic tests and diagnostic procedures.

(g) The continuation of review for quality control of pathologic diagnoses for governmental medical services.

In view of the foregoing, the renewal of the Scientific Advisory Board of the Armed Forces Institute of Pathology is in the public interest. There is no existing committee, agency, or activity within the Federal Government that can perform the functions of the advisory board.

The Board shall report to the Director, Armed Forces Institute of Pathology. The Executive Officer, Armed Forces Institute of pathology, who is a full-time salaried Federal officer, shall serve as the agency representative and as Executive Secretary of the Board with full authority to adjourn any meeting not considered to be in the public interest.

The Scientific Advisory Board of the Armed Forces Institute of pathology will terminate 2 years from this date unless rechartered for an additional period prior to termination.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.*

FEBRUARY 3, 1978.

[FR Doc. 78-3392 Filed 2-24-78; 8:45 am]

[3810-70]

**Office of the Secretary**

**DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE**

**Advisory Committee Meeting**

The Defense Science Board Task Force on National/Tactical Interface will meet in closed session on 30-31 March 1978 in Sunnyvale, Calif.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is analyzing the major issues concerning the interface between national and tactical intelligence systems and the potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be close to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directive, Washington Headquarters Service, Department of Defense.*

FEBRUARY 22, 1978.

[FR Doc. 78-5085 Filed 2-24-78; 8:45 am]

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[3810-70]

**DISCHARGE REVIEW BOARDS (DRB'S)**

**Interim Guidance to the Military Departments Regarding the Impact of Pub. L. 95-126**

To meet the requirements of Pub. L. 95-126 enacted on October 8, 1977, notice is hereby given that the Department of Defense is drafting a directive to establish uniform standards and procedures for discharge review. An initial proposal, FR Doc. 77-35794, published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), has been superseded by a supplemental notice to the public, FR Doc. 78-5169, published in the FEDERAL REGISTER on February 24, 1978. On December 21, 1977, the Deputy Secretary of Defense issued a memorandum to the Military Departments to guide them in their internal management with respect to Pub. L. 95-126, pending adoption of the proposed rule. His memorandum follows as a matter of general information. The first sample letter, modified to meet specific cases, will be used by the Military Departments on a continuing basis to provide appropriate notificaton to individuals who may be barred from receiving veterans' benefits, regardless of the action taken by a DRB. Sample letters 2 and 3 attached to the memorandum are no longer applicable, since individuals concerned have already appropriately been notified.

Moreover, the Military Departments have tailored these samples to meet the specific cases of the individuals involved. Accordingly, the letters actually distributed often contain additional information not included in these samples.

THE SECRETARY OF DEFENSE,
*Washington, D.C., December 21, 1977.*

Memorandum For Secretaries of the Military Departments, Assistant Secretary of Defense (MRA&L), Assistant Secretary of Defense (PA).

Subject Implementation of Public Law 95-126.

Public Law 95-126 made amendments to Title 38 USC 101 and 3103 which impact on the performance of the discharge review function by the Military Departments and requires promulgation of a directive containing uniform standards and procedures to be followed by the Discharge Review Boards (DRBs). Upon publication of that directive, the Military Departments are to implement its provisions immediately. Although the Secretaries of the Military Departments retain final decision authority and responsibility for the operation of their respective discharge review programs, the guidance contained in Attachment 1 is provided in order to insure uniformity of interpretation and application now required by the law.

In order to maintain the requisite degree of uniformity in the future, the Secretary of the Army is designated the Department of Defense administrative focal point for initiating and/or processing all matters affecting DRBs. Specific responsibilities will be detailed in the forthcoming directive. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to resolve all issues concerning DRBs which cannot be resolved among the Military Departments.

C. W. DUNCAN, Jr.,
*Deputy.*

ANALYSIS AND GUIDANCE FOR IMPLEMENTATION OF PUBLIC LAW 95-126

1. PRINCIPAL FEATURES

a. Addition of 180 days of continuous unauthorized absence to other reasons (e.g., conscientious objector, deserter) for discharge which act as a specific bar to eligibility for Veterans Administration (VA) benefits.

b. Requirement for publication of uniform standards (which are historically consistent with criteria for determining honorable service and do not include any criterion for automatically granting or denying such change or issuance) and procedures for Discharge Review Boards (DRBs) generally applicable to all persons administratively discharged or released from active duty under other than honorable conditions.

c. Prospective disqualification for receipt of VA benefits for those originally qualifying due to upgrade by Presidential Memorandum (P.M.) of 19 January 1977 or the Special Discharge Review Program (SDRP), unless an eligibility determination is made under the published uniform standards and procedures.

d. Reconsideration before 7 October 1978 of all cases on DRB initiative of those upgraded from other than honorable to Honorable or General Discharges under the P.M. of 19 January 1977 or the SDRP.

e. From date of publication of uniform DRB standards and procedures—for a period of at least one year—all former service-members (and heirs) with other than honorable discharges may apply for a discharge review/upgrade based on the new published rules.

2. DISCHARGE REVIEW BOARD (DRB) NOTIFICATIONS[1]

a. Written notification is required by the DRB commencing 8 October 1977 to each applicant whose record indicates he/she was discharged for a reason that would bar him/her from receipt of benefits under section 3103(a) of Title 38 U.S. Code, that separate action by the Board for the Correction of Military/Naval Records (BCM/NR) and/or the VA (in case of 180-day unauthorized absence disqualification) may confer eligibility for VA benefits. A sample notification letter is attached at enclosure 1.

As regards the 180 days consecutive unauthorized absence:

(1) Such absence must have been included as part of the basis for the applicant's discharge under other than honorable conditions.

(2) Such absence is computed without regard to the applicant's normal or adjusted ETS.

b. Written notification is required by the DRB concerned to individuals who received an upgrade to an Honorable or General Discharge from a Discharge Under Other Than Honorable Conditions (DUOTHC) (formerly Undesirable Discharge) under P.M. of 19 January 1977 or the SDRP when the DRB is advised by the VA that individuals have received, are in receipt of, or have applied for VA benefits (enclosure 2). (Notification is not required to individuals who received an upgrade to an Honorable Discharge from a General Discharge under the P.M. of 19 January 1977 or the SDRP.)

c. Written notification is required by the DRB concerned to individuals whose cases, upon "preliminary" determination by the DRB are found not to qualify for upgrade under published uniform standards and procedures. (See 3.b. below.)

NOTE.—An individual will be given a total of 45 days to respond to the notification letter regarding an adverse preliminiary determination. If he does not respond within that period, the discharge review board will proceed to make its final determination.

3. DISCHARGE REVIEW BOARD DETERMINATIONS

a. Both a preliminary and final determination are required by 7 October 1978, except in those cases where a personal appearance is requested, as to whether an individual who was originally discharged under other than honorable conditions and was upgraded to General or Honorable under the P.M. of 19 January 1977 or the SDRP would be entitled to an upgrade under published uniform standards and procedures. Even if the DRB concerned simultaneously considered the case under its historically consistent discharge review criteria at the time of the SDRP determination and the decisional document specifically enunciated that the individual was upgraded under those normal criteria, another review is required. However, an abbreviated procedure should be considered in cases where the historically consistent discharge review criteria were applied and those criteria became published as "uniform standards."

b. The determination process is as follows:

(1) Preliminary—that is, an on-the-record review under the published uniform standards and procedures in the following order:

(a) Expedited basis—by 7 April 1978—upon notification by VA that an individual is receiving or has applied for benefits,

(b) DRB initiative—on all other cases where upgrade was based on P.M. of 19 January 1977 or SDRP, in time to meet 7 October 1978 deadline for final determination of these cases.

(c) DRB initiative—cases upgraded after 8 October 1977 prior to publication of uniform standards and procedures.

(2) Favorable preliminary determination:

(a) Enter into service record as a final determination (see 3.b.(4) (a) below).

(b) Notify VA in appropriate cases and individual concerned if that person has inquired.

(3) Unfavorable preliminary determination—notify individual concerned of adverse preliminary determination and of right to appear before the DRB under 10 USC 1553(c) (sample letter at enclosure 3).

(4) Final determination:

(a) A favorable preliminary determination.

(b) An unfavorable preliminary determination when individual does not reply to notification (enclosure 3) within 45 days.

(c) Action by the DRB after complete review of case in accordance with the published uniform standards and procedures.

(5) Special situations:

(a) Cases where no changes were made under P.M. of 19 January 1977 or the SDRP do not require redetermination.

(b) Determinations made prior to 8 October 1977 by a DRB which include both consideration of historical discharge review criteria and P.M. of 19 January 1977 or SDRP criteria, with a determination that no relief was warranted except under special program criteria, does *not* satisfy the preliminary determination requirements.

(c) The "de novo" hearings under the SDRP do not satisfy the requirement for advising an applicant of the right to a DRB hearing after an adverse preliminary determination has been made.

(d) Government counsel is not furnished under the provisions of Pub. L. 95-126

4. RECORDS

Upon a final determination by a DRB as to an applicant's entitlement to an upgrade of his/her discharge under published uniform standards and procedures and he/she has been given an upgraded discharge earlier under P.M. of 19 January 1977 or SDRP criteria, he/she will be issued a DD Form 215, stating, as applicable:

Discharge reviewed under P.L. 95-126 and a determination that change in characterization of service was warranted under provisions of (P.M. of 19 January 1977 or SDRP, as applicable).

Discharge reviewed under P.L. 95-126 and a determination that change in characterization of service is warranted by DOD Directive 1332.28.

(NOTE.—The DOD requirement for written request for a copy of DD Form 215 is suspended in these cases.)

5. ADDITIONAL REQUIREMENTS

Each DRB will consider written requests for a review of a Discharge Under Other Than Honorable Conditions postmarked before 1 January 1980 from any former service member regardless of the date of his/her discharge.

6. INFORMATION PROGRAM

Assistant Secretary of Defense (Public Affairs) will initiate action to:

a. Develop a public affairs plan to provide for appropriate media releases and responses to media, public and Congressional inquiries concerning:

(1) The DOD directive on uniform discharge review standards and procedures.

(2) The rights of individuals who received an upgrade of their discharges under other than honorable conditions under either the P.M. of 19 January 1977 or the SDRP to obtain a hearing under the published uniform standards and procedures. Emphasis is to be placed on the fact that the Military Departments will take action to do this on the initiative of the respective DRB.

b. Coordinate an educational program with the Military Departments to advise present service members that under P.L. 95-126 a discharge under other than honorable conditions resulting from a period of unauthorized absence in excess of 180 days is a conditional bar to the receipt of benefits administered by the VA.

SAMPLE LETTER No. 1

DEAR ————: Your request for review of your discharge has been received. An initial review of your military records reveals that the discharge was awarded under circumstances that may make you ineligible for the receipt of Veterans Administration (VA) benefits regardless of any action taken by the Discharge Review Board. Specifically, these circumstances are that your discharge was based (on a continuous unauthorized absence of at least 180 days or one of the other prohibitions set forth in title 38 USC 3103).

There are agencies which can take action on your case. The courses of action available to you are:

1. You may request that the Board for the Correction of Military Records act to change your records to remove the circumstances which constitute this bar to benefits. That Board can take such action when you provide it with proof that there was an error or injustice done in your case. An application form (DD Form 149) is enclosed to aid you if you decide to initiate such a request.

2. You may request the VA to consider your case. If you believe you have a basis for such a request, you should contact the nearest VA office for assistance in starting the request.

3. You may follow either or both of the above courses of action, as well as continuing your request for a discharge review if you desire, or you may do nothing at all. You are in the best position to evaluate what course or courses of action are most advantageous to you.

Please complete the enclosed attachment within 45 days from the date of this letter indicating your desires in this matter; otherwise, we will complete action on your discharge review application as it presently stands.

Sincerely,

————.

SAMPLE LETTER

DATE ————.

Appropriate DRB.
Address

I have received your letter pointing out that regardless of the action taken on my request for a review of my discharge I may be ineligible for any VA benefits.

I have decided that:

( ) I wish to have my discharge review request processed.
( ) I do not wish to pursue my request for a review of my discharge by the Discharge Review Board at this time.

Name ————
Street ————
City ———— State ——ZIP——
Phone number ————

SAMPLE LETTER No. 2

DEAR ————: On 8 October 1977 Public Law 95-126 was enacted. The law bars the Veterans' Administration from providing benefits to an individual whose, under other than honorable conditions, discharge (formerly Undesirable Discharge) was upgraded under discharge review criteria under any special discharge review programs. The law also provides that upon the request of the VA, the Discharge Review Board will again review your case to determine whether you would be entitled to an upgrade of your discharge under published uniform standards and procedures.

Since your present upgraded discharge does not entitle you to VA benefits under Public Law 95-126, your file will be expeditiously reviewed again to determine if you qualify for such an upgrade and you will be so advised. If you do not qualify for such an upgrade after the preliminary review by the Discharge Review Board, you will be told and given an opportunity to appear in person before the Board. No action is required by you at this time to initiate the additional review of your case.

The new law provides that if you are in receipt of benefits from the VA, these benefits may be terminated not later than 7 April 1978. The United States shall not make any claim to recover any benefits received by you prior to notification to you of termination of 7 April 1978. If you continue to receive benefits after this time, you may be required to repay the government.

If you have applied for VA benefits but have not yet begun to receive benefits, none will be given to you until a determination is made by the Discharge Review Board as to whether you would have been entitled to an upgrade of your discharge under published uniform standards and procedures. The VA will be notified of this decision and they will make the final determination as to your eligibility for VA benefits.

Please remember that no action is required of you at this time. If any action is required, you will be advised by a subsequent letter.

I hope this information is helpful to you in understanding how this new law affects you.

Sincerely,

[1] Or an activity so designated by the board to effect notifications.









SAMPLE LETTER No. 3

Suspense (date)

DEAR ————: Your request for review of your discharge has been received. An initial review of your military records reveals that the discharge was awarded under circumstances that may make you ineligible for the receipt of Veterans Administration (VA) benefits regardless of any action taken by the Discharge Review Board. Specifically, these circumstances are that your discharge was based (on a continuous unauthorized absence of at least 180 days or one of the other prohibitions set forth in title 38 USC 3103).

There are agencies which can take action on your case. The courses of action available to you are:

1. You may request that the Board for the Correction of Military Records act to change your records to remove the circumstances which constitute this bar to benefits. That Board can take such action when you provide it with proof that there was an error or injustice done in your case. An application form (DD Form 149) is enclosed to aid you if you decide to initiate such a request.

2. You may request the VA to consider your case. If you believe you have a basis for such a request, you should contact the nearest VA office for assistance in starting the request.

3. You may follow either or both of the above courses of action, as well as continuing your request for a discharge review if you desire, or you may do nothing at all. You are in the best position to evaluate what course or courses of action are most advantageous to you.

Please complete the enclosed attachment within 45 days from the date of this letter indicating your desires in this matter; otherwise, we will complete action on your discharge review application as it presently stands.

Sincerely,

————.

SAMPLE LETTER

DATE ————.

Appropriate DRB.
Address

I have received your letter pointing out that regardless of the action taken on my request for a review of my discharge I may be ineligible for any VA benefits.

I have decided that:

( ) I wish to have my discharge review request processed.
( ) I do not wish to pursue my request for a review of my discharge by the Discharge Review Board at this time.

Name ————
Street ————
City ———— State ——ZIP——
Phone number ————

SAMPLE LETTER No. 4

DEAR ————: On 8 October 1977 Public Law 95-126 was enacted. The law bars the Veterans' Administration from providing benefits to an individual whose, under other than honorable conditions, discharge (formerly Undesirable Discharge) was upgraded under discharge review criteria under any special discharge review programs. The law also provides that upon the request of the VA, the Discharge Review Board will again review your case to determine whether you would be entitled to an upgrade of your discharge under published uniform standards and procedures.

Since your present upgraded discharge does not entitle you to VA benefits under Public Law 95-126, your file will be expeditiously reviewed again to determine if you qualify for such an upgrade and you will be so advised. If you do not qualify for such an upgrade after the preliminary review by the Discharge Review Board, you will be told and given an opportunity to appear in person before the Board. No action is required by you at this time to initiate the additional review of your case.

The new law provides that if you are in receipt of benefits from the VA, these benefits may be terminated not later than 7 April 1978. The United States shall not make any claim to recover any benefits received by you prior to notification to you of termination of 7 April 1978. If you continue to receive benefits after this time, you may be required to repay the government.

If you have applied for VA benefits but have not yet begun to receive benefits, none will be given to you until a determination is made by the Discharge Review Board as to whether you would have been entitled to an upgrade of your discharge under published uniform standards and procedures. The VA will be notified of this decision and they will make the final determination as to your eligibility for VA benefits.

Please remember that no action is required of you at this time. If any action is required, you will be advised by a subsequent letter.

I hope this information is helpful to you in understanding how this new law affects you.

Sincerely,

[3810-70]

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Privacy Act of 1974; Proposed Amendments to Systems of Records**

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed amendments to systems of records.

SUMMARY: The Office of the Secretary proposes to amend two systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a). The amendments are set forth below.

DATES: The proposed amendments will be effective as proposed without further notice on March 29, 1978, unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to Mr. Dan C. Cragg, Room 3C-267, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Dan C. Cragg, Room 3C-267, The Pentagon, Washington, D.C. 20301, Telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-34423 (42 FR 61854) December 7, 1977.
FR Doc. 77-34424 (42 FR 61858) December 7, 1977.
FR Doc. 77-34425 (42 FR 61862) December 7, 1977.
FR Doc. 77-34426 (42 FR 61866) December 7, 1977.
FR Doc.

SAMPLE LETTER No. 3

Suspense (date).

DEAR ————: A preliminary review of your discharge has been completed by the Discharge Review Board as required by Public Law 95-126. As a result of this preliminary review, it has been determined that you do not appear to qualify for VA benefits based on the upgrade of your discharge under published uniform standards and procedures.

You are entitled to an opportunity to appear in person before the Discharge Review Board, if you so desire, before this preliminary determination becomes final. If you wish to appear personally, you are also entitled to present evidence on your own behalf or be represented by appropriate counsel. Please complete the enclosed DD Form 293 and mail it to the address shown, prior to the date shown as suspense in the heading of this letter. If you do not apply by that date, the Discharge Review Board will proceed to make a final determination on your case.

An adverse final determination may be a bar to receipt of benefits administered by the VA, based on the period of service covered by the discharge. This bar may exist despite the fact that you have received or do receive an upgraded discharge based on special discharge review criteria for the same period of service. The VA will be responsible for making the final decision as to eligibility for any benefits you have claimed or may wish to apply for in the future.

Sincerely,

————.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.*

FEBRUARY 23, 1978.

[FR Doc. 78-5171 Filed 2-24-78; 8:45 am]

[3810-70]

## PRIVACY ACT OF 1974

### New System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notification of a New System of Records.

SUMMARY: The Office of the Secretary of Defense (OSD), Department of Defense, proposes a new record system identified as DOCHA 08, entitled: "DoD Health Services Enrollment/Eligibility System." The purpose of this new system is to create a central automated file of all personnel who are legally eligible (e.g., active duty and retired military, plus dependents and annuitants) to receive health care benefits from the Uniformed Health Services Delivery System. The information will be used to determine eligibility to receive care in the system or through OCHAMPUS. The record system notice is published in its entirety below.

DATES: This system shall become effective as proposed without further notice in 30 calendar days from the date of this publication (March 29, 1978) unless comments are received on or before March 29, 1978, which would result in a contrary determination requiring republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. James S. Nash, Chief, Records Management Branch, ODASD(A), The Pentagon, Washington, D.C. 20301, telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The OSD systems of records notices as prescribed by the Privacy Act have been published in the FEDERAL REGISTER as follows:

FR Doc 77-28255 on September 28, 1977 at 42 FR 50730
FR Doc 77-36255 on December 22, 1977 at 42 FR 64334
FR Doc 78-1485 on January 19, 1978 at 43 FR 2751

The OSD has submitted this proposed new system of records on January 27, 1978 pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal Agencies regarding the preparations and submissions of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 5 U.S.C. 552a(o) (Pub. L. 93-579). This OMB Guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 23, 1978.

### DOCHA 08

**System name:**

DoD Health Services Enrollment/Eligibility System.

**System location:**

Tri-Service Medical Information System (TRIMIS) Project Office, Pentagon, Washington, D.C. 20301, and various contractural facilities.

**Categories of individuals covered by the system:**

Active duty Armed Forces personnel and their dependents; retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty or retired personnel; Coast Guard personnel and their dependents; Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents.

**Categories of records in the system:**

File contains beneficiary's name, Service Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address if beneficiary (includes zip code), date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of eligibility, marital status and dates of beneficiary, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor.

**Authority for maintenance of the system:**

Chapter IV, Title 10, United States Code, Section 136: 1969 Pub. L. 91-121, section 404(A)(2), "Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975); Memorandum, "Establishment of DoD Health Council," dated December 28, 1976, and the DoD Appropriations Bill for FY 1976.

**Routine uses of records maintained in the system, including categories of users and the purposes of such users:**

Offices of the Surgeons General of the Army, Navy and Air Force for determination of eligibility to receive health care benefits from the Uniformed Health Services Delivery System.

Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), for determination, of eligibility to receive health care benefits and to receive reimbursement for health care services claimed under CHAMPUS.

Office of the Assistant Secretary of Defense (Health Affairs) and the Offices of the Surgeons General of the Army, Navy, and Air Force, for the conduct of health care studies and research on a longitudinal basis, and for planning, management and allocation of medical resources.

Offices of the Surgeons General of the Army, Navy, and Air Force, and OCHAMPUS for dissemination of health care information.

Department of Health, Education and Welfare; Veterans Administration; Federal Preparedness Agency and Commerce Department for the conduct of health care studies and for the planning and allocation of medical resources. Data will be provided to State and local government health planning agencies to assist in the determination and allocation of health resources. The data will include summary data on ages, sex, residence, and other demographic parameters.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Records are maintained on magnetic tapes and discs housed in a controlled computer media library.

**Retrievability:**

Records about individuals are retrieved by an algorithm to be determined by contractor which uses name, enrollment number, which is not Social Security Number, date of birth, rank and duty location as possible inputs.

Retrievals are made on a summary basis by geographic location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals.

Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

**Safeguards:**

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas shall be restricted to those personnel with a valid requirement and authorization to enter. Physican entry shall be restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations shall be secured to pervent unauthorized intursion.

Personal data stored at a separate location for backup purposes shall be afforded protection at least comparable to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representatives and are subject to the following minimum standards:

(a) Restrict access to personal information to those who require the records in the performance of their official duties, and to the individual who is the subject of the record or authorized representative. Access to personal information shall be restricted by the use of passwords which are changed periodically.

(b) Insure that all whose official duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of such information.

**Retention and disposal:**

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Services Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed only in accordance with DoD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301-3314. Nonrecord material containing personal information and other material of similar temporary nature, shall be destroyed as soon as its intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, buring, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

**System manager(s) and address:**

Director, Health Systems Planning, Office of the Assistant Secretary of Defense (Health Affairs), Room 3D200, Pentagon Washington, D.C. 20301.

**Notification procedure:**

Information may be obtained from Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

**Record access procedures:**

Requests from individuals should be addressed to: Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

Written requests for the information should contain full name of individual and sponsor if applicable and other attributes required by previously mentioned search algorithm.

Visits are limited to: Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

**Contesting record procedures:**

The Agency's rules for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

**Record source categories:**

Military Department's personnel and financial pay systems.

**Systems exempted from certain provisions of the act:**

None.

[FR Doc. 78-5170 Filed 2-24-78; 8:45 am]

[3128-01]

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

### ALLEN & SHUMATE, INC.

### Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.199J, the Ecomonic Regulatory Administration (ERA) of the Department of Energy (DOE), as successor to the Federal Energy Administration (FEA), hereby gives notice of a Consent Order which was executed between Allen & Schumate, Inc. (Allen & Shumate), and the FEA on September 19, 1977. In accordance with that section, the ERA will receive comments with respect to this Consent Order. Although the Consent Order has been signed and tentatively accepted by FEA, the ERA may, after consideration of comments received, withdraw its acceptance and if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

Allen & Shumate, with its home office located at 1315 E. Main, P.O. Box 98, Alice, Tex. 78332, is a firm engaged in production and sale of crude oil and is, therefore, subject to ERA (FEA) regulations. FEA audited Allen & Shumate's sales of crude oil for the period September 1, 1973, through December 31, 1975. The audit disclosed that Allen & Shumate had apparently made sales of crude petroleum at prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR § 150.353 and the FEA price rule in 10 CFR § 212.73. FEA maintained that the overcharges occurred because Allen & Shumate disregarded the definition of property and treated separate reservoirs underlying two leases as separate properties. The company, as a result, sold "old" crude oil produced from those leases as "stripper well" crude oil at free market prices to the Sun Oil Co. (Sun).

In resolution of the issues raised by the audit results, FEA and Allen &

Shumate executed a Consent Order on September 19, 1977, the significant terms of which are as follows:

1. Allen & Shumate shall refund the amount charged Sun in excess of maximum lawful prices together with appropriate interest. FEA computed the total overcharge (extending interest) at $804,741.19.

2. All refunds and interest payments will be made over an 18 month period.

3. Pursuant to the provisions of Subpart P of Part 205, Allen & Shumate and the FEA agreed to compromise potential civil penalties arising out of the actions described in the Consent Order at $10,000.00.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on the Consent Order by Submitting such comments in writing to James C. Easterday, Acting Director of Enforcement, Region VI, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Tex. 75235.

Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Allen & Shumate, Inc., Consent Order." All comments received by 4:30 p.m. c.s.t., on or before March 29, 1978, will be considered by the ERA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., on the 21st day of February 1978.

Richard B. Herzog,
*Assistant Administrator for Enforcement, Economic Regulatory Administration.*

[FR Doc. 78-5076 Filed 2-24-78; 8:45 am]

[3128-01]

ASPHALT & PETROLEUM INDUSTRIES

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy, as successor to the Federal Energy Administration, hereby gives notice of a Consent Order which was executed between Asphalt & Petroleum Industries (Asphalt) and FEA on August 23, 1977.

Although this Consent Order has been signed and tentatively accepted by the ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternate Consent Order.

II. Consent Order

Asphalt, whose home office was formerly located in Tulsa, Okla., was a reseller-retailer of middle distillates and residual fuel oil and was thus subject to FEA regulations. On November 1976 the board of directors of Asphalt voted to cease all Asphalt's operations and liquidate its assets, which action was subsequently carried out by Asphalt. As a result of an audit conducted by FEA of Asphalt's pricing practices for the period November 1, 1973 through May 31, 1975, FEA advised Asphalt that it had apparently overcharged several of its purchasers of middle distillates and residual fuel oil by $251,817 through charging prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR § 150.35 and the FEA price rule in 10 CFR § 212.93. FEA contended that those overcharges resulted from Asphalt's disregard of applicable price regulations. In resolution of the issues raised by the audit results, FEA and Asphalt executed a Consent Order on August 23, 1977, the significant terms of which are as follows:

1. Asphalt currently has $38,000 cash on hand from the proceeds of its liquidation. Asphalt agrees that after deducting necessary legal and accounting fees, it will disburse the remainder to each overcharged purchaser in the proportion that the overcharge sustained by that purchaser bears to the total amount of all overcharges, in accordance with a schedule annexed to the Consent Order.

2. ERA believes that Asphalt's decision to terminate its business activities and to liquidate its holdings was made solely for legitimate business purposes and was not made, in whole or part, to frustrate or avoid the compliance action.

3. ERA believes that an equitable resolution of this matter requires a balancing of the public interest in having Asphalt refund all alleged overcharges with the financial resources that Asphalt has available to apply against such liabilities. ERA concluded that the limited financial resources which appear available to Asphalt raise considerable doubt as to whether a formal enforcement action would generate a greater amount of refunds than provided by this Order. In addition, ERA preliminarily determined that the management and stockholders of Asphalt have no personal liability for the alleged violations of FEA regulations and that the public interest appears to best be served by requiring Asphalt to apply the full amount of the remaining proceeds from liquidation to providing proportionate refunds to all overcharged customers.

4. All refunds will be made within 30 days from the effective date of the Consent Order.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to James C. Easterday, Acting Director of Enforcement, Region VI, Department of Energy.

Copies of this Consent Order may be received free of charge by written request to the same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Asphalt Consent Order." All comments received by 4:30 p.m. CST on March 29, 1978, will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C. on this 21st day of February, 1978.

Richard B. Herzog,
*Assistant Administrator for Enforcement, Economic Regulatory Administration.*

[FR Doc. 78-5080 Filed 2-24-78; 8:45 am]

[3128-01]

HOWARD OIL CO., INC.

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR section 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Consent Order which was executed between Howard Oil Co., Inc. (Howard) and the ERA on November 3, 1977. In accordance with that section, ERA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Howard, located in Maspeth, N.Y., is a firm engaged in the purchase and resale of petroleum products and, therefore, subject to ERA's price regulations.

As a result of an audit conducted by DOE's predecessor, the Federal Energy Administration (FEA), of Howard's pricing practices for the period November 1, 1973 through December 31, 1974, FEA, advised Howard that Howard had apparently charged one customer of No. 6 residual fuel oil, Orange and Rockland Utilities, Inc. (O and R), prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR section 150.354 and the FEA price rule in 10 CFR section 212.93. FEA contended that those overcharges were the result of Howard's misinterpretation of FEA regulations when computing the valuation of its May 15, 1973 weight average unit cost of No. 6 residual fuel oil in inventory.

In an effort to conclude this compliance proceeding and to resolve the issues raised by the audit results, ERA and Howard entered into a Consent Order, the significant terms of which are:

(1) Howard shall refund, and has already refunded, to O and R all amounts charged in excess of maximum lawful prices together with appropriate interest. ERA computed the total overcharge at $1,084,697 and the total interest charge at $204,451.

(2) Howard shall calculate its maximum lawful selling prices consistent with ERA's rules and regulations.

(3) The provisions of 10 CFR section 205.199J including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Nicholas M. Zacchea, Acting Director of Enforcement, Region II, Department of Energy, 26 Federal Plaza, Room 3400, New York, N.Y. 10007. Copies of this Consent Order may be received free of charge by written request at this same address or by calling, 212-264-1896.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Howard Consent Order." All comments received by 4:30 p.m. EST on March 29, 1978, will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR section 205.9(f).

Issued in Washington, D.C. on this 21st day of February 1978.

Richard B. Herzog,
*Assistant Administrator for Enforcement, Economic Regulatory Administration.*

[FR Doc. 78-5075 Filed 2-24-78; 8:45 am]





[3128-01]

McALESTER FUEL CO.

Action Taken on Consent Order

Pursuant to 10 CFR § 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice to final action taken on a Consent Order. Under the terms of 10 CFR § 205.197(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms. On August 11, 1977, FEA published notice of a Consent Order which was executed between McAlester Fuel Co. (McAlester) and FEA (42 FR 155, August 11, 1977). With that notice, and in accordance with 10 CFR § 205.197(c), FEA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR § 205.197(c) was issued simultaneously.

One comment was received on the Consent Order. That comment suggested that each refund should be made through a single lump sum payment rather than spaced throughout 36 month period provided in the Consent Order. It was suggested that this would grant any overcharged party an immediate refund and would forestall problems with the entitlement program and the monitoring of the statutory composite price. 10 CFR § 205.195(a) empowers the FEA (ERA) to provide such remedies as it determines are necessary to eliminate or to compensate for any violations. Accordingly, after giving due consideration to that comment, it is the determination of the ERA that the refund method directed in the proposed Consent Order is the most appropriate one under the circumstances of this case.

ERA has concluded that the Consent Order as executed between FEA and McAlester is an appropriate resolution of the compliance proceedings described in the Notice published on August 11, 1977 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on February 27, 1978.

Issued in Washington, D.C. on the 21st day of February, 1978.

Richard B. Herzog,
*Assistant Administrator for Enforcement, Economic Regulatory Administration.*

[FR Doc. 78-5081 Filed 2-24-78; 8:45 am]

[3128-01]

WOOD OIL CO.

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor of the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which was executed between Wood Oil Co. (Wood) and the FEA on September 27, 1977. In accordance with that section, ERA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Wood, with its home office located in Tulsa, Okla., is a firm engaged in the production and sale of crude oil and, therefore, subject to ERA and FEA regulations.

As a result of an audit conducted by FEA of Wood's pricing practices for the period September 1, 1973 through December 31, 1976, FEA advised Wood that Wood had apparently charged two of its purchasers of crude oil prices in excess of those permitted under Cost of Living Council price rule in 6 CFR § 150.354 and the FEA price rule in 10 CFR § 212.73. FEA contended that those overcharges were the result of (1) Wood's error when computing the base production control level for one property in accordance with 10 CFR § 212.72, (2) Wood's errors when computing its average daily production pursuant to 10 CFR § 212.54 and 10 CFR § 210.32 and (3) Wood's errors when determining the highest posted price for old oil pursuant to 10 CFR § 212.73.

In resolution of the issues raised by the audit results, FEA and Wood entered into a Consent Order, the significant terms of which are:

(1) Wood shall refund the amounts charged to its crude oil purchasers in excess of maximum lawful prices together with appropriate interest. FEA computed the total overcharge (excluding interest) at $1,158,290.96. Refunds shall be made in the form of price reductions on sales of crude oil.

(2) All refunds and interest payments will be made within 24 months of the effective date of the Consent Order.

(3) Wood shall notify refund recipients that the refunds were made pursuant to a Consent Order between Wood and the FEA and that the amount refunded constitutes a de-





crease in that purchaser's increased product costs for purposes of ERA

ing publication of the Notice in the Federal Register will be considered

listed in the appendix to this notice were filed with the Office of Admini-



Appendix.—*List of cases received by the Office of Administrative Review*—Continued

crease in that purchaser's increased product costs for purposes of ERA price regulations.

(4) Wood shall calculate maximum lawful selling prices consistent with ERA's rules and regulations.

(5) The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. James C. Easterday, Acting Director of Enforcement, Region VI, Department of Energy, P.O. Box 35228, Dallas, Tex. 75235. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Wood Consent Order." All comments received by 4:30 CST on the 30th calendar day following publication of the Notice in the FEDERAL REGISTER will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C. on the 21st day of February 1978.

RICHARD B. HERZOG,
*Assistant Administrator for Enforcement, Economic Regulatory Administration.*

[FR Doc. 78-5074 Filed 2-24-78; 8:45 am]

[3128-01]

## CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

**Week of January 27 through February 3, 1978**

Notice is hereby given that during the week of January 27 through February 3, 1978, the appeals and applications for exception or other relief listed in the appendix to this notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
*Director, Office of Administrative Review.*

APPENDIX.—*List of cases received by the Office of Administrative Review*

(Week of Jan. 27 through Feb. 3, 1978)

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Jan. 26, 1978 | Wickland Oil Co., Sacramento, Calif. If granted: the DOE's Jan. 5, 1978, decision and order would be rescinded and the Office of Administrative Review would reconsider the denial by region IX of Wickland Oil Co.'s application to quash a subpoena which was issued to the firm on Nov. 30, 1977. | DMR 0015 | Modification/Rescission of Wickland Oil Co., 1 DOE par. (Jan. 5, 1978). |
| Jan. 27 1978 | Gasco Inc., San Francisco, Calif. If granted: The proceedings regarding Oahu Gas Service, Inc., case No. FEA 1469, would be stayed pending a final determination on Gasco, Inc.'s Freedom of Information Act request dated Jan. 26, 1978. | DES 0036 | Stay request. |
| Do | General Motors Corp., Detroit, Mich. If granted: The Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co., Inc., would be rescinded and Indiana Gas Co., Inc.'s application for a permanent assignment of SNG feedstocks would be denied. | DEA-0125 | Appeal of the Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co., Inc. |
| Do | Indiana Gas Co., Inc., Washington, D.C. If granted The DOE's Nov. 10, 1977 assignment order would be rescinded and Indiana Gas Co., Inc., would be assigned a base period use of naphtha for synthetic natural gas (SNG) feedstock use at the Indianapolis plant. | DEA 0122 | Appeal of DOE's Nov. 10, 1977, assignment order. |
| Do | Petrochemical Energy Group, Washington, D.C. If granted. The Nov. 10, 1977, assignment order would be rescinded and Indiana Gas Co.'s petition for permanent allocations of SNG feedstock would be denied. | DEA-0124 | Appeal of Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co. |
| Jan. 30, 1978 | Backer's Oil Co., Courtenay, N. Dak. If granted: Backer's Oil Co. would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0500 | Exception to the reporting requirements. |
| Do | Bighorn Standard, Colorado Springs, Colo. If granted: Bighorn Standard would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0503 | Do. |
| Do | DePalma's Garage, West Haven, Conn. If granted: DePalma's Garage would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0504 | Do. |
| Do | Destin Exxon Station & Gift Shop, Destin, Fla. If granted: Destin Exxon Station & Gift Shop would not be required to file form EIA-8 (retail motor fuels service station survey) and form CB-55D. | DEE-0505 | Do. |
| Do | Roy F. Hagedorn, Manchester, Conn. If granted: Roy F. Hagedorn would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0506 | Do. |
| Do | Illinois Petroleum Marketers Association, Alexandria, Va. If granted: The Illinois Petroleum Marketers Association would receive a stay of the mandatory petroleum price regulations pending a determination of the proposed application for exception regarding the treatment of increased costs associated with purchasing the alcohol portion of the gasahol which they sell.. | DES-0035 | Price exception. |





APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Jan. 30, 1978 | Bill's Auto Service, Lyons Falls, N.Y. If granted: Bill's Auto Service would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0501 | Exception to the reporting requirements. |
| Do | Brussells Street Texaco, St. Marys, Pa. If granted: Brussells St. Texaco would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0498 | Do. |
| Do | Buck's Butane and Propane Service, Inc., San Jose, Calif. If granted: The Nov. 15, 1977, decision and order issued to Buck's Butane and Propane Service, Inc. would be modified to provide an additional period of time for the issuance of further orders in the matter.. | DRX-0031 | Supplemental to Buck's Butane and Propane Service, Inc., 1 DOE par. —— (Nov. 15, 1977). |
| Do | Dale Cannon, Kimball, Nebr. If granted: The Nov. 17, 1977, remedial order issued by DOE region VII would be rescinded and Dale Cannon would not be required to refund overcharges made on its sales of crude oil produced from the Eichenbeger No. 1, the Schneider No. 1 and Koch No. 2 properties. | DRA-0128 and DRS-0128 | Appeal of the Nov. 17, 1977, remedial order issued by DOE region VII. Stay request. |
| Do | Jay Oil Co., Tulsa, Okla. If granted: The Jan. 16, 1978, remedial order issued by DOE region VI would be rescinded and Jay Oil Co. would not be required to refund overcharges made in its sales of motor gasoline and diesel fuel. | DRA-0123 and DRS-0123 | Appeal of the Jan. 16, 1978, remedial order issued by DOE region VI. |
| Do | Robert C. Jones, Fort Dodge, Iowa. If granted: Robert C. Jones would not be required to file form EIA-8 (retail motor fuels service station survey). | DEE-0507 | Exception to the reporting requirements. |
| Do | Kahn, Mike, Seminole, Okla. If granted: The Sept. 7, 1977, remedial order issued by DOE region VI would be rescinded and Mike Kahn would not be required to refund overcharges made in its sales of crude oil. | DRA-0126 and DRS-0126 | Appeal of the Sept. 7, 1977, remedial order issued by DOE region VI. Stay request. |
| Do | L. Berry Gin Co. (Saveon Gas Co.), Holland, Mo. If granted: L. Berry Gin Co. (Saveon) would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0499 | Exception to the reporting requirements. |
| Do | Little America Refining Co., Washington, D.C. If granted: Little America Refining Co. would receive an extension of the relief from its entitlement purchase obligations proposed in Doe's Sept. 19, 1977, proposed decision and order. | DXE-0495 | Extension of the entitlement relief in DOE Sept. 19, 1977, proposed decision and order. |
| Jan. 31, 1978 | Crystal Oil Co., Washington, D.C. If granted: The June 17, 1977, order issued by FEA would be rescinded and Crystal Oil Co. would not be required to include the crude oil runs to stills of the Adobe refinery in the reports which it files for purposes of the entitlements program. | DEA-0127 | Appeal of June 17, 1977, order issued by FEA. |
| Feb. 1, 1978 | Bassett Oil & Equipment Co., Bassett, Va. If granted: Bassett Oil & Equipment Co. would receive a stay of an order requiring the disbursement of an escrow account established by Bassett pending a determination on the appeal which the firm intends to file. | DRS-0139 | Stay request. |
| Do | Leslie Ray Billingsley, Camarillo, Calif. If granted: Leslie Ray Billingsley would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0508 | Exception to the reporting requirements. |
| Do | Caldo Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Inc.; Olympian Oil Co.; Ramco Oil Co., Inc., Red Triangle Oil Co., Inc.; Rinehart Oil, Inc., San Francisco, Calif. If granted: The assignment order issued to Gulf Oil Corp. on Dec. 21, 1977, would be rescinded and Gulf Oil Corp. would continue to supply Caldo Oil Co.; Major Oil Co., Miles Oil Co., Olympian Oil Co., Ramco Oil Co., Red Triangle Oil Co., and Rinehart Oil, Inc., with their base period use of petroleum products. | DEA-0132 through DEA-0138 | Appeals of DOE's Dec. 21, 1977, assignment order. |
| Do | Damon Service Station Houston, Tex. If granted: Damon Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0509 | Exception to the reporting requirements. |
| Do | Duquesne Light Co., Pittsburgh, Pa. If granted: The DOE's Dec. 27, 1977, information request denial would be rescinded and Duquesne Light Co. would receive access to additional DOE data regarding the NOPV issued to Saber Petroleum Corp. | DFA-0130 | Appeal of the DOE's information request denial dated Dec. 27, 1977. |
| Do | FS Services, Inc. and affiliated companies, Bloomington, Ill. If granted: FS Services, Inc. and affiliated companies would receive a stay of the mandatory petroleum price regulations pending a determination of the proposed application for exception regarding the treatment of increased costs of the alcohol portion of the gasahol which they sell. | DES-0037 | Stay request. |
| Do | Hanover Management Co., Dallas, Tex. If granted; Hanover Management Co. would be permitted to sell the crude oil produced from the Dolly Cain No. 1 Well, Coyle Field, Payne County, Okla., at prices in excess of the lower tier ceiling prices. | DEE-0496 | Price exception (sec. 212.73). |
| Do | Herbell Oil Exploration Co., Corona, Calif. If granted: Herbell Oil Exploration Co. would be permitted to sell the crude oil produced from Recreation Park lease, well No. 2, located in Los Angeles, County, Calif., at upper tier ceiling prices. | DEE-0497 | Do. |

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 1, 1978 | Laketon Asphalt Refining, Inc., Evansville, Ind. If granted: The DOE would stay a portion of Laketon Asphalt Refining Inc.'s entitlement purchase obligation resulting from the provisions of 10 CFR 211.67 pending a final determination on its application for exception. | DXE-0032 | Stay request. |
| Do | Meridian Oil Corp., San Antonio, Tex. If granted: The DOE's interpretation 1977-46 issued on Dec. 19, 1977 would be rescinded and Meridian Oil Corp. would be permitted to classify the oil, gas and mineral lease dated Dec. 1, 1976, as "new" property and sell the crude oil produced from the property at upper tier ceiling prices. | DIA-0131 | Appeal of DOE's interpretation 1977-46. |
| Do | Newhall Refining Company, Inc., Dallas, Tex. If granted: The DOE would stay a portion of Newhall Refining Co. Inc.'s entitlement purchase obligation resulting from the provisions of 10 CFR 211.67 pending a final determination on its application for exception. | DXE-0033 | Stay request. |
| Do | Shank, Irwin, Conant, Williamson & Grevelle, Dallas, Tex. If granted: The DOE's Dec. 27, 1977, information request denial would be rescinded and Shank, Irwin, Conant, Williamson & Grevelle would receive access to additional DOE data regarding Interpretation 1975-24. | DFA-0129 | Appeal of DOE information request denial dated Dec. 27, 1977. |
| Feb. 2, 1978 | Brown's Gulf Service, Santa Paula, Calif. If granted: Brown's Gulf Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0510 | Exception to the reporting requirements. |
| Do | Su-Ren Associates, Newark, N.J. If granted: Su-Ren Associates would not be required to file form FEA-P314-M-0 (Monthly Survey of Distillate and Residual Fuel Oil Sales). | DEE-0502 | Do. |
| Feb. 2, 1978 | Sunbeam Service Center, Inc., New Haven, Conn. If granted: Sunbeam Service Center, Inc., would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0511 | Do. |

NOTICES OF OBJECTION RECEIVED

[Week of Jan. 27 through Feb. 3, 1978]

| Date | Name and location of applicant | Case No. |
|---|---|---|
| Jan. 30, 1978 | Pennzoil Producing Co., Houston, Tex | FXE-4776 |
| Do | Don Sheetz Oil Co., Carlton, Minn | DRC-0011 |
| Do | H & K Oil Co., Yankton, S. Dak | DRC-0012 |
| Feb. 1, 1978 | Getty Oil Co., Los Angeles, Calif | DXE-0222 |
| Do | R. W. Tyson Producing Co., Jackson, Miss | FEE-4440 |

[FR Doc. 78-50792 Filed 2-24-78; 8:45 am]





[3128-01]

## CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

**Week of February 3 Through February 10, 1978**

Notice is hereby given that during the week of February 3 through February 10, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
*Director, Office of Administrative Review.*

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Feb. 3 through Feb. 10, 1978]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 6, 1978 | Caido Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Inc.; Olympian Oil Co.; Ramco Oil Co., Inc.; Red Triangle Oil Co., Inc.; Rinehart Oil, Inc., San Francisco, Calif. If granted: The assignment order issued to Gulf Oil Corp. on Dec. 21, 1977, would be stayed pending consideration of the appeals of the assignment order filed by Caido Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Olympian Oil Co.; Ramco Oil Co., Inc.; Red Triangle Oil Co., Inc.; Rinehart Oil, Inc. | DES-0132 and DES-0138 | Stay requests of DOE's Dec. 21, 1977, assignment order. |
| Do | T-C Oil Co., Houston, Tex. If granted: The Jan. 6, 1978 remedial order issued by DOE region VI would be rescinded and T-C Oil Co. would not be required to refund overcharges made in its sales of crude oil produced from the Dennis O'Connor, et al. "L" lease. | DRA-0140 | Appeal of the Jan. 6, 1978, remedial order issued by DOE region VI. |
| Feb. 7, 1978 | Golden Eagle Refining Co., Inc. Carson, Calif. If granted: Golden Eagle Refining Co., Inc. would receive an exception from 10 CFR 211.67(a)(4) with respect to the calculation of its entitlement obligations. | DEE-0513 | Exception from the entitlements program (sec. 211.67). |
| Do | Lunday-Thagard Oil Co., South Gate, Calif. If granted: The stay relief granted in DOE's decision and order of Jan. 13, 1978, would remain in effect.. | DEX-0035 | Supplemental *Lunday-Thagard Oil* Co., 1 DOE Par. ——— (Jan. 13, 1978). |
| Do | National Helium Corp., Liberal, Kans. If granted: National Helium Corp. would received an extension of the exception relief granted in the Mar. 29, 1977, decision and order to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon incurred in the production of natural gas liquid products. | DXE-0515 | Extension of the relief granted in *National Helium Corp.*, Case No. FXE-3891, (decided Mar. 21, 1977) (unreported decision). |
| Do | Neighborhood Gulf, Hazlet, N.J. If granted: Neighborhood Gulf would not be required to file Form EIA-6 (retail Motor Fuels Service Station Survey). | DEE-0512 | Exception to the reporting requirements. |
| Do | Peninsular Gas Co., Omaha, Nebr. If granted: Peninsular Gas Co. would receive an extension of the exception relief granted in DOE's Dec. 16, 1977, decision and order to permit an adjustment to the firms base period use of propane. | DEE-0514 | Extension of the relief granted in *Peninsular Gas Co., 1 DOE Par.* ——— (*Dec. 16, 1977*). |
| Do | Shell Oil Co., Houston, Tex. If granted: The Dec. 23, 1977, assignment order issued by FOE region I to Cheshire Airways, Inc. would be rescinded and Shell Oil Co. would not be required to supply Cheshire Airways, Inc. with kerosene-base jet fuel. | DEA-0141 | Appeal of the Dec. 23, 1977, assignment order issued by DOE region I. |
| Feb. 8, 1978 | Arrow Fuel Oil Co., Philadelphia, Pa. If granted: Arrow Fuel Oil Co. would not be required to file Form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report). | DEE-0521 | Exception to the reporting requirements. |
| Do | Atlantic Richfield Co., Los Angeles, Calif. If granted: The Dec. 21, 1977 remedial order issued by DOE region IX would be rescinded and Atlantic Richfield Co. would not be required to refund overcharges made in its sales of gasoline to Waterbury Petroleum Products, Inc. | DRA-0106 | Appeal of the Dec. 21, 1977, remedial order issued by DOE region IX. |
| Do | Augie's Exxon Service, Lee Vining, Calif. If granted: Augie's Exxon Service would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0517 | Exception to the reporting requirements. |
| Do | B & E Service Center, Ellendale, Del. If granted: B & E Service Center would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0518 | Exception to the reporting requirements. |

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 3 through Feb. 10, 1978]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 8, 1978 | Cardon Oil Co., Phoenix, Ariz. If granted: Carbon Oil Co. would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0520 | Exception to the reporting requirements. |
| Do | Coline Gasoline Corp., Washington, D.C. If granted: Coline Gasoline Corp. would receive an extention of the exception relief granted in the DOE's Nov. 2, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Rincon plant. | DXE-0516 | Extension of the relief granted in *Coline Gasoline Corp.*, Case No. FXE-4483 (decided Nov. 2, 1977) (unreported decision). |
| Do | Eason Oil Co., Oklahoma City, Okla. If granted: Eason Oil Co. would be permitted to sell the crude oil produced from the Weiner property located at Madison County, Miss., at upper tier ceiling prices. | DEE-0522 | Price exception (sec. 212.73). |
| Do | Great Southern Oil & Gas Co., Inc., Lafayette, La. If granted: Great Southern Oil & Gas Co., Inc. would receive an extension of the relief granted in the DOE's Nov. 2, 1977, decision and order which would permit the firm to sell the crude oil produced from the Castille Ra Sua, Breaux No. 1 located at St. Martin Parish, La., at upper tier ceiling prices. | DXE-0523 | Extension of the relief granted in *Great Southern Oil & Gas Co., 1 DOE Par. 83,051 (Nov. 2, 1977).* |
| Do | Independent Oil Compounders Assocation. If granted: The DOE's interpretation 1977-50 regarding the application of the regulations to the sales of all finished lubricants by independent oil compounders prior to the exemption of finished lubricants and lubricant base oil stocks on Sept. 1, 1978, would be rescinded. | DIA-0142 | Appeal of DOE's Interpretation 1977-50. |
| Do | LA Verne Blum Garage, Lee Vining, Calif. If granted: La Verne Blum Garage would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey). | DEE-0519 | Exception to the reporting requirements. |
| Do | Oceanic Petroleum Exploration Co., Los Angeles, Calif. IF GRANTED: Oceanic Petroleum Exploration Co.'s "Debbie 42" lease would be considered a stripper well property. | DEE-0524 | Price exception (pt. 212, subpt. D). |
| Do | Prentice-hall, Inc. Washington, D.C. If granted: DOE's Jan. 9, 1978, information request denial would be rescinded and Prentice-Hall, Inc. would receive access to additional DOE data regarding a contract and contract offer by Commerce Clearinghouse, Inc. | DFA-0143 | Appeal of DOE information request denial. |
| Do | Union Pacific Corp., (Champlin Petroleum) Fort Worth, Tex. If granted: The DOE's license No. 24 006782 would be rescinded and Champlin Petroleum Corp. would be permitted to import additional crude and unfinished oils in a license fee-exempt basis during the current allocation period, May 1, 1977, through Apr. 30, 1978. | DPI-0004 | Appeal of DOE's license No. 24-006782. |
| Feb. 9, 1978 | Jay Oil Co., Tulsa, Okla. If granted: Jay Oil Co. would receive a stay of the requirements of remedial order issued to the firm by FEA region VI on May 20, 1977, pending judicial review. | DRS-0029 | Stay request. |
| Do | Triad Oil & Gas Co., Inc., Jackson, Miss. If granted: Triad Oil & Gas Co., Inc. would be permitted to sell the crude oil produced from the Henderson 17-8 No. 1 well located at Scott County, Miss., at prices in excess of the lower tier ceiling price. | DEE-0525 | Price exception (sec. 212.73). |
| Do | Victory Oil Co., Long Beach, Calif. If granted: Victory Oil Co., would receive a stay of the requirements of a remedial order issued to it by DOE region IX on Nov. 15, 1977, pending a final determination on the firm's appeal of that order. | DRS-0085 | Stay request. |





APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 3 through Feb. 10, 1978]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 10, 1978 | Mustang Fuel Corp., Oklahoma City, Okla. If granted: Mustang Fuel Corp. would receive an extension of the exception relief granted in the DOE's Nov. 2, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Calumt plant. | DEE-0526 | Extension of the relief granted in *Mustang Fuel Corp.*, Case No. FXE-4511 (decided Nov. 2, 1977) (unreported decision). |

NOTICE OF OBJECTION RECEIVED

[Week of Feb. 3 through Feb. 10, 1978]

| Date | Name and location of applicant | Case No. |
|---|---|---|
| Feb. 7, 1978 | Grenier Gas Service, Waterbury, Vt | DRC-0013 |
| Do | Tri-City Gas, Inc., Wilmont, Minn. | DRC-0014 |
| Feb. 8, 1978 | Fords Brook, Inc., Bolivar, N.Y. | FEE-4834 |
| Do | Marshall R. Young Oil co., Midland, Tex | FEE-4803 |
| Feb. 9, 1978 | Maurice L. Brown Co., Kansas City, Mo. | FEE-4455 |
| Do | Gulf Oil Corp., Tulsa, Okla. | DXE-0251 |

PROPOSED REMEDIAL ORDERS, NOTICES OF OBJECTION RECEIVED

| Date | Name and location of applicant | Case No. |
|---|---|---|
| Feb. 8, 1978 | Austin Drilling Co., Seminole, Okla. Proposed Remedial Order: Jan. 23, 1978 | DRO-0001 |
| Do | Carter Brothers, Inc., Alexandria, Va. Proposed Remedial Order: Jan. 27, 1978 | DRO-0002 |
| Do | Drew Cornell, Inc., Lafayette, La. Proposed Remedial Order: Jan. 30, 1978 | DRO-0003 |

[FR Doc. 78-5078 Filed 2-24-78; 8:45 am]

[3128-01]

## ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

**January 30 Through January 31, 1978**

Notice is hereby given that during the period January 30 through January 31, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wished to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
*Director, Office of Administrative Review.*

### PROPOSED DECISIONS AND ORDERS

*Independent Fuel Terminal Operators Association; Independent Terminal Operators Association; Mid-American Petroleum Marketers Association, Washington, D.C., FEE-4456, refined petroleum products*

The Independent Fuel Terminal Operators Association, the Independent Terminal Operators Association, and the Mid-American Petroleum Marketers Association (the Associations) filed an Application for Exception from the provisions of 10 CFR 212.92. The application, if granted, would result in the certification of the Associations as representatives of a properly formed class for purposes of requesting retroactive exception relief from the requirement that retailers and resellers calculate their cost of product in inventory, prior to May 1, 1976, on a firm-wide basis. On January 30, 1978, the Department of Energy issued a proposed Decision and Order which determined that the exception request be denied.

*Kewanee Oil Co., Tulsa, OKLA., DXE-0407, crude oil*

Kewanee Oil Co. filed an Application for Exception from the provisions of 10 CFR 212.73. The exception request, if granted, would result in the extension of the exception which the Federal Energy Administration previously granted to Kewanee and would permit the firm to sell the crude oil produced from the South Stanley Field at upper tier ceiling prices as specified in 10 CFR 212.74. On January 30, 1978, the DOE issued a Proposed Decision and Order which

determined that the exception request be granted.

*Robert W. O'Meara, New Orleans, LA., DXE-0439, crude oil*

Robert W. O'Meara filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to O'Meara on three occasions and would permit him to sell the crude oil produced from the Louisiana Fruit No. 2 well, located in the Tiger Pass Field of Plaquemines parish, La; at upper tier ceiling prices. On January 30, 1978, the Department of Energy issued a Proposed Decision and Order which determined that the O'Meara exception request should be granted.

*Pearland Oil Co., Pearland, Tex., DEE-0058, crude oil*

Pearland Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Pearland to sell the crude oil produced from the C. H. Alexander Lease which is located on the West Hastings Field in Brazoria County, Tex., at upper tier ceiling prices. On January 30, 1978, the DOE issued a Proposed Decision and Order granting in part Pearland's exception application which permits the firm to sell 39.75 percent of the crude oil produced from the Alexander Lease for the benefit of the working interest owners at upper tier ceiling prices.

*Rebholtz Gas & Electric, Inc., Edgerton, Wis., FEE-4801, Propane*

Rebholtz Gas & Electric, Inc. (Rebholtz) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the assignment to Rebholtz of a new, lower priced supplier of propane. On January 30, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

*Union Oil Co. of California, Los Angeles, Calif., FEE-4411, crude oil*

On July 12, 1978, Union Oil Co. of California (Union) filed an Application for Exception from the provisions of 10 CFR 211. 67 (a)(3) and (d)(4) and Special Rule No. 8. The request, if granted, would provide Union with retroactive and prospective relief from entitlement purchase obligations arising as a result of the above provisions. On January 30, 1978, the Department of Energy issued a Proposed Decision and Order which denied Union's Application for Exception.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases.

| Company | Case No. | Plant | Location | Amount of price increase (per gallon) |
|---|---|---|---|---|
| Continental Oil Co. | Dee-0065 | Nueces River | Live Oak County, Tex | $0.0099 |
| | Dee-0174 | Hennessee | Kingfisher County Okla | .0095 |
| Doric Petroleum, Inc. | DXE-0457 | Enid | Garfield County, Okla | .0060 |
| Dougherty Group | DEE-0061 | Normanna | Bee County, Tex | .0328 |
| Mobil Oil Corp | DEE-0260 | Dewey County Complex | Dewey County, Okla | .0071 |
| | DEE-0261 | Old Ocean | Brazoria County, Tex | .0065 |
| Shell Oil | DEE-0157 | Calumet | St. Mary Parish, La | .0253 |
| | DEE-0158 | Conley | Hardeman, County, Tex | .0237 |
| | DEE-0159 | Cow Island | Caddo Parish, La | .0071 |
| | DEE-0160 | Grand Chenier | Cameron Parish, La | .0058 |
| | DEE-0161 | Houston Central | Colorado County, Tex | .0092 |
| | DEE-0162 | Lake Washington | Plaquemines Parish, La | .0127 |
| | DEE-0163 | North Terrebonne | Terrebonne Parish, La | .0088 |
| Sun Co., Inc. | DEE-0066 | Fairway | Henderson County, Tex | .0054 |
| | DEE-0067 | Fullerton | Andrews County, Tex | .0114 |
| | DEE-0068 | Putnam-Oswego | Dewey County, Okla | .0068 |
| | DEE-0380 | Burnell | Bee County, Tex | .0258 |
| | DEE-0381 | Dragon Trail | Rio Blanco County, Colo | .0174 |
| | DEE-0382 | Okarche | Kingfisher County, Okla | .0167 |
| | DEE-0383 | Van | Van Zandt County, Tex | .0113 |

[FR Doc. 78-5077 Filed 2-24-78; 8:45 am]

[3128-01]

**NOTICE OF PETITIONS FILED PURSUANT TO SECTION 202(c) OF THE FEDERAL POWER ACT**

The purpose of this notice is to advise the public that the below listed petitions, requesting that the Economic Regulatory Administration exercise its authorities under section 202(c) of the Federal Power Act, 16 U.S. C. section 824a(c), have been filed:

EC 78-1—Petition of the municipalities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill.

EC 78-2—Petition of Manufactures Association of Beaver County, Pa.

EC 78-3—Petition of the Public Utilities Commission of Ohio.

ERA has these applications under consideration and may exercise its statutory responsibilities with or without further hearing but invites comments thereon. Copies of these above listed petitions and responses, if any, thereto are available for inspection at the following locations:

Office of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20461.

Public Information Reading Room, Department of Energy, 12th and Pennsylvania Avenues NW., Washington, D.C. 20461.

Additional information may be obtained from:

Douglas C. Bauer, Assistant Administrator for Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Vanguard Building, Room 538, Washington, D.C. 20461, 202-254-9782.

Written comments may be filed with:

Public Hearing Management, Economic Regulatory Administration, Box SG, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C., February 23, 1978.

DOUGLAS C. BAUER,
*Assistant Administrator, Utility Systems, Economic Regulatory Administration, Department of Energy.*

[FR Doc. 78-5317 Filed 2-24-78; 11:40 am]





[6740-02]

**Federal Energy Regulatory Commission**

[Docket Nos. CI78-394, et al.]

**Amoco Production Co., et al.**

**Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates[1]**

FEBRUARY 17, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| CI78-394(A) Feb. 2, 1978 | Amoco Production Co., Security Life Building, Denver, Co. 80202. | El Paso Natural Gas Co., Choza Mesa Field, Rio Arriba County, N. Mex. | (1) | 14.65 |
| CI78-395(A) Feb. 2, 1978 | Cabot Corp., P.O. Box 1101, Pampa, Tex. 79065. | Northern Natural Gas Co., block 143, South Marsh Island, south addition, offshore, La. | (2) | 14.73 |
| CI78-396(A) Feb. 3, 1978 | Texas Eastern Exploration Co. P.O. Box 2521, Houston, Tex. 77001. | Texas Eastern Transmission Corp., block 606 field, West Cameron Area, south addition, offshore, La. | (3) | 15.025 |
| CI78-397(A) Feb. 3, 1978 | Texas Eastern Exploration Co.. | Texas Eastern Transmission Corp., block 620 field, West Cameron Area, south addition, offshore, La. | (3) | 15.025 |
| CI78-398(A) Jan. 30, 1978 | Supron Energy Corp., Suite 1700, Campbell Centre, 8350 North Central Expressway, Dallas, Tex 75206. | Transcontinental Gas Pipe Line Corp., certain acreage in the Henry Dome Area, McMullen County, Tex. | (4) | 14.65 |
| CI78-399(A) Jan. 30, 1978 | Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101. | Cities Service Gas Co., NW/4 of sec. 35-T34S-R9E, Chautauqua County, Kans. | (5) | 14.65 |
| CI78-400(A) Feb. 2, 1978 | Amoco Production Co. | El Paso Natural Gas Co., certain acreage in San Juan County, N. Mex. | (1) | 15.025 |
| CI78-401(A) Feb. 3, 1978 | Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001. | Natural Gas Pipeline, Co. of America, Missouri Granite Wash B Zone found in the Whitehurst No. 1 from 10, 744 ft. to 10,852 ft and in the Austin No. 1 from 10,624 ft to 10,714 ft, both in the Mills Ranch Field, in Wheeler County, Tex. | (3) | 14.65 |
| CI78-402(A) Feb. 3, 1978 | The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001. | United Gas Pipe Line Co., Kelly No. 2, Bayou Rambio Field, Terrebonne Parish, La. | (3) | 15.025 |
| CI78-403(A) Feb. 3, 1978 | Pacific Lighting Gas Development Co., 720 West Eight Street, Los Angeles, Calif. 90017. | Pacific Interstate Transmission Co., Rodgers No. 1 well, in sec. 95, Block F, G&MMB&A survey, Ward County, Tex. | (3) | 14.73 |
| CI78-404(A) Feb. 3, 1978 | Natresco Inc., P.O. Box 1521, Houston, Tex. 77001. | Transcontinental Gas Pipe Line Corp., block 111, High Island Area, offshore, Tex. | (3) | 14.65 |
| CI78-405(A) Feb. 3, 1978 | Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001. | Transcontinental Gas Pipe Line Corp., block 111, High Island Area, offshore, Tex. | (3) | 14.65 |
| CI78-406(A) Feb. 3, 1978 | Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001. | do | (3) | 14.65 |
| CI78-407(G-9924)(B) Jan. 30, 1978 | Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101. | Texas Gas Pipe Line Corp., Bauer Ranch Field, Jefferson County, Tex. | Ceased production. | |
| CI78-408(A) Feb. 6, 1978 | Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101. | Kansas-Nebraska Natural Gas Co. Inc., sec. 27, T1N-R18E CM, Texas County, Okla. | (3) | 14.65 |
| CI78-409(A) Feb. 6, 1978 | Cities Service Co. successor to Cities Service Oil Co.) P.O. Box 300, Tulsa, Okla. 74102. | Michigan Wisconsin Pipe Line Co., Harmon No. 1 well, sec. 11023N-16W, Major County, Okla. | (4) | 14.65 |





| Docket No and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|



purposes an Index of Requirements attached as of January 1, 1978.

ally, 1,000 feet of wood stave pipe would be replaced with steel due to

to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| C178-410(A) Feb. 6, 1978 | Hunt Oil Co. (operator), et al., 2900 First National Bank Building, 1401 Elm Street, Dallas, Tex. 75202. | El Paso Natural Gas Co., northwest quarter, sec. 82, block Y, GC & SF Ry. Co. survey, Amacker Tippett, SW. (Wolfcamp) field, Upton County, Tex. | (1) | 14.73 |
| C178-411(G-7057)(B) Feb. 6, 1978 | Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401. | Texas Eastern Transmission Corp., South Cottonwood Creek Field, DeWitt County, Tex. | Depleted. | |
| C178-412(G-4820)(B) Feb. 6, 1978 | Texaco Inc | do | Depleted, lease released, plugged and abandoned. | |
| C178-413(A) Feb. 7, 1978 | Terra Resources, Inc., 5416 South Yale, Tulsa, Okla. 74135. | Southern Natural Gas Co., block 35, Breton Sound Area, block 30 field, Plaquemines Parish, offshore, La. | (1) | 15.025 |
| C178-414(A) Feb. 7, 1978 | Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150. | Texas Eastern Transmission Corp., certain acreage in West Cameron, block 513, offshore, La. | (1) | 15.025 |
| C178-415(A) Feb. 7, 1978 | Amoco Production Co | Texas Eastern Transmission Corp., certain acreage in East Cameron, block 222, offshore, La. | (1) | 15.025 |
| C178-416(A) Jan. 16, 1978 | Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221. | El Paso Natural Gas Co., Purvis Unit No. 1, located in sec. 18, T13N, R24W, SW Cheyenne Field, Roger Mills County, Okla., limited to Cherokee formation. | (1) | 14.65 |
| C178-417(A) Feb. 7, 1978 | Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150. | Texas Eastern Transmission Corp., certain acreage in Vermilion block 201, offshore, La. | (1) | 15.025 |
| C178-418(A) Feb. 7, 1978 | Amoco Production Co | Texas Eastern Transmission Corp., certain acreage in Vermilion block 147, offshore La. | (1) | 15.025 |
| C178-419(C162-143)(B) Feb. 6, 1978 | C. E. Richner & R. E. Riley, P.O. Drawer 310, Pineville, W. Va. 24874. | Hope Natural Gas Co., Baileysville District, Wyoming, W. Va. | Plugged and abandoned. | |

¹ Applicant is filing under gas sales contract dated Jan. 6, 1978.
² Applicant is filing under gas purchase contract dated Dec. 15, 1977.
³ Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
⁴ Applicant is filing under Gas Sales Contract dated Apr. 5, 1977, amended by amendment dated June 13, 1977 and ratified Nov. 18, 1977.
⁵ Not used.
⁶ Applicant is filing under gas purchase contract dated May 12, 1977.
⁷ Applicant is filing under gas purchase contract dated June 28, 1977.
⁸ Applicant is filing under gas purchase agreement dated Dec. 22, 1977.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4916 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP75-62]

**CITIES SERVICE GAS CO.**

**Extention of Time**

FEBRUARY 17, 1978.

On January 24, 1978, Cities Service Gas Co. filed in the above referenced proceeding a motion to clarify the Commission's Order Clarifying Prior Order issued December 12, 1977, or in the alternative, to extend from February 15, 1978, to March 31, 1978, the date for filing for informational purposes an Index of Requirements attached as of January 1, 1978.

On February 7, 1978, General Motors Corp. filed a timely response to the Cities Service motion. The response states that the Cities Service request for relief from filing an Index of Requirements should be rejected. The General Motors response also asserts that if a new filing date for the Index of Requirements is granted, that date should not extend beyond March 17, 1978, at which time Cities Service is scheduled to file rebuttal testimony and exhibits. General Motors concludes that a prospective filing date of March 31, 1978, as requested by Cities Service, is too close to the April 4, 1978 commencement of hearings to permit any meaningful review of the Index of Requirements prior to the hearings' commencement.

In its Order Clarifying Prior Order issued December 12, 1977, the Commission stated that their intention in this proceeding is "to make every effort to conclude the proceeding on remand as soon as is practicable."

In accordance with the Commission's directive and upon consideration of the instant motion and response, notice is hereby given that an extension of time is granted to an including March 17, 1978, within which Cities Service shall file for informational





purposes an Index of Requirements attached as of January 1, 1978.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5023 Filed 2-24-78; 8:45 am]

[6740-02]

[Project No. 2829]

**CITY OF LOVELAND, COLO.**

**Application for Minor Unconstructed License**

FEBRUARY 21, 1978.

Public notice is hereby given that application for a minor unconstructed hydroelectric license was filed on December 6, 1977, by the City of Loveland, Colo. (correspondence to: Don W. Hataway, City Manager, City of Loveland, P.O. Box 419, Loveland, Colo. 80537).

Applicant proposes to reconstruct and operate the City of Loveland Municipal Power Project, located in Larimer County, Colo., about 13 miles west of the City of Loveland.

On July 31, and August 1, 1976, torrential rainfalls caused severe flash flooding in the Big Thompson River and Canyon. The dam, hydroelectric plant, pipeline and appurtenances which formed the City of Loveland Municipal Power Plant were either destroyed or damaged.

The flooding destroyed the 27 foot high reinforced concrete slab and buttress diversion dam having a 105 foot long overflow section, one 36" inlet gate and two 48" sluice gates, located approximately 1.5 miles east of Drake, Colo.

The new dam would be built on the same site occupied by the destroyed dam and would impound a reservoir of the same general dimensions as existed prior to the flood.

The project as reconstructed would consist of: (1) A concrete gravity dam approximately 196 feet long capable of diverting up to 74 cfs of water to the hydroelectric plant 1.6 miles downstream. The dam would comprise two non-overflow sections, each 42.5 feet high and 43 feet long separated by an ogee spillway section 26 feet high and 110 feet long; (2) a reservoir containing 45 acre-feet of water; (3) a 36-inch diameter aqueduct, 9,534 feet long, located along the river bank east of the dam; (4) a powerhouse located adjacent to the existing aqueduct in the Viestanz-Smith Mountain Park and containing two 450 kW vertical generating units; and (5) appurtenant facilities. Total capacity will equal 900 kW, the same as existed prior to the flood.

The aqueduct originally consisted of steel, wood stave, and concrete pipe segments. Of the total length, 300 lineal feet of concrete pipe and 1,400 lineal feet of steel pipe would be replaced due to flood damage. Additionally, 1,000 feet of wood stave pipe would be replaced with steel due to the deteriorated condition of the wood stave segments. 7,134 lineal feet of existing undamaged steel pipe would be reutilized in the proposed project.

The dam and approximately 50 percent of the aqueduct would be located on Federal land within the Roosevelt National Forest. The remainder of the pipeline, and the power plant would be located on lands owned by the County of Larimer, State of Colo., City of Loveland, and private owners.

The project would produce power and energy for transmission and sale to City of Loveland customers.

The Applicant is seeking funds to finance this reconstruction through the Federal Disaster Policy Act of 1974, Pub. L. 93-288.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before May 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5024 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-182]

**COLORADO INTERSTATE GAS CO.**

**Application**

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-182 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 2,400 horsepower compressor station at the point of interconnection between Applicant's Desert Springs gathering system and Applicant's 22-inch Wyoming main line, in Sweetwater County, Wyo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that this new facility would be designated as the Desert Springs Compressor Station and would consist of three 800-horsepower compressor units with appurtenant equipment at a total estimated cost of $1,536,000, which cost Applicant proposes to finance from working funds on hand, funds from operations, short-term borrowings, or long-term financing.

The application states that the Desert Springs Field area, located just north of Applicant's main line in Sweetwater County, Wyo., contains 50 wells, and that the field has been a prolific producer up to and including the present time. The application further states that gas from the Desert Springs area currently enters Applicant's main line at the Desert Springs Meter Station without benefit of field line compression, and that the wellhead pressure in this area has declined an average of 70 p.s.i.a. over the last five years as the normal result of production. It is indicated that this pressure decline has already resulted in a less than maximum flow from the Desert Springs Field on peak day, and that in order to maintain flows at acceptable levels, the operating pressure of Applicant's gathering system must





-decrease in a manner corresponding to

discharge pressure of 550 and 658

[6740-02]



RP75-105 and RP75-106 (Consolidated Taxes), the Commission specifically

lated proceedings at Docket Nos. RP77-141, et al. The motion further

27, 1978, all as more fully set forth in the application on file with the Com-

decrease in a manner corresponding to the wellhead decline. Unless the compression proposed herein is installed, the gathering system pressure cannot be reduced, it is said.

Applicant indicates that with the proposed facilities a gathering system pressure of 550 p.s.i.a. would be realized and a peak day volume of 77,061 Mcf would be available from the Desert Springs Field on the 1978-79 peak day, and that without these facilities the gathering system would face the main line pressure of 658 p.s.i.a. and a volume of only 55,765 Mcf, or a reduction of 21,296 Mcf, would be available. Applicant states that corresponding annual volumes during the first year of operation are projected to be 22,500,000 Mcf and approximately 20,500,000 Mcf, respectively, with and without the proposed facilities. It is stated that peak day and annual volumes would decline markedly thereafter in the absence of the proposed compression.

The application states that consistent with Applicant's traditional design philosophy of providing adequate backup horsepower on its system, a spare compressor unit is being proposed, and that this spare unit would permit deliveries from the Desert Springs Field to be maintained at design levels if one of the compressor units is rendered inoperable because of accident or major maintenance activities. Also, the spare unit as well as still additional horsepower would be needed in the near future to provide design peak day and annual volume deliveries as well as to meet producer contract obligations, it is stated.

Applicant indicates that in addition to the reduction in peak day and annual volume to its pipeline system caused by the wellhead pressure decline, Applicant's contracts with producers in the Desert Springs Field provide that Applicant maintain a pressure in its gathering system sufficiently low that 70 percent of the wells completed in the common source of supply and connected to Buyer's (Applicant's) field gathering system are physically capable of delivering their contract quantity at the then existing delivery pressure, but in no event would Buyer be obligated to reduce the pressure at said delivery points below 50 percent of the average shut-in wellhead pressure of all such wells of 250 pounds per square inch gauge, whichever is greater, Applicant indicates that in order that 70 percent of the wells would produce at contract quantity in 1978-79, a gathering system pressure of approximately 550 p.s.i.a. would be needed. The main line pressure would be approximastely 658 p.s.i.a. at that time, it is said. It is stated that the proposed compressor installation would provide suction and discharge pressure of 550 and 658 p.s.i.a., respectively, and that it is provable that in the following year, and each year thereafter, it would be necessary to reduce the gathering system pressure to 50 percent of the average wellhead shut-in pressure. This would result in increased horsepower requirements, it is stated.

Applicant indicates that with full utilization of all proposed horsepower, the suction pressure on the Desert Springs gathering system can be reduced to 430 p.s.i.a. while maintaining the 1978-79 peak day volume. Applicant further indicates that although this peak day volume would not be maintained beyond 1978-79, this pressure would be required in the near future, which would necessitate utilization of all the compressor units proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5016 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-19, RP78-20]

**COLUMBIA GULF TRANSMISSION CO.**

**and**

**COLUMBIA GAS TRANSMISSION CORP.**

**Order Granting Rehearing and Modifying Prior Order**

FEBRUARY 21, 1978.

On January 20, 1978, the city of Charlottesville, Va. (City) petitioned for rehearing or, in the alternative, for clarification of the Commission's order issued in these dockets on December 30, 1977. City requests that the outcome of the consolidated tax issue in Docket Nos. RP75-105 and RP75-106 govern the disposition of that issue in the instant proceeding. For the reasons set forth below, City's petition shall be granted.

On November 30, 1977, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing in Docket No. RP78-19 proposed changes to its FERC Gas Tariff which would increase its jurisdictional revenues by approximately $3 million annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978.

Also on November 30, 1977, Columbia Gas Transmission Corp. (Columbia) tendered for filing in Docket No. RP78-20 proposed changes to its FERC Gas Tariff which would increase its jurisdictional revenues by approximately $67,100,000 annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978.

On December 30, 1977, the Commission issued an order in which it accepted for filing the proposed rate increases of both Columbia Gulf and Columbia, suspended their effectiveness for five months until June 1, 1978, consolidated the two dockets, denied Columbia's request for authorization to amend its PGA tariff provision, established procedures, and granted eighteen (18) petitions to intervene.

City notes in its January 20, 1978, pleading, that it made an identical request in Docket Nos. RP76-94 and RP76-95. This request was granted by the Commission's order of July 2, 1976 by including a provision which stated that "The final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate." City requests a similar provision in the instant proceeding.

By order issued on December 1, 1975 in Docket Nos. RP73-86, RP75-85 and RP75-105 and RP75-106 (Consolidated Taxes), the Commission specifically ordered, inter alia, that the issue of whether Federal income taxes should be calculated on the basis of the statutory rate or the consolidated effective tax rate was to be expeditiously tried in the consolidated RP75-105 and RP75-106 proceeding. The case has been tried, and an initial decision was rendered on July 7, 1977. It is now under consideration by the Commission on exceptions.

Since the issue of how Federal income taxes should be calculated also arises in the instant proceeding, the Commission concludes that good cause exists to grant City's petition for rehearing and to grant City's request regarding disposition of the consolidated tax issue.

*The Commission finds;* Good cause exists to grant City's petition for rehearing and to modify our December 30, 1977 order to provide that the final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate.

*The Commission orders;* (A) City's petition for rehearing is hereby granted and our December 30, 1977 order is hereby modified to provide that the final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5025 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP75-35, etc.]

**CONSOLIDATED EDISON CO. OF NEW YORK, INC., ET AL.**

**Extension of Time**

FEBRUARY 17, 1978.

On February 8, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., filed a motion for an extension of time for filing revised tariff sheets pursuant to Ordering Paragraph (C) of the Commission's January 26, 1978, Order in the captioned proceeding. The motion states that an extension is required to allow sufficient time in which to reflect in the tariff sheets results of the settlement conferences scheduled in February 1978, in the related proceedings at Docket Nos. RP77-141, et al. The motion further states that Staff Counsel does not object to the requested extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 27, 1978, for compliance with ordering paragraph (C) of the January 26, 1978 Order in this proceeding.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5026 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. EL78-8]

**INTERSTATE POWER CO.**

**Application**

FEBRUARY 21, 1978.

Take notice that Interstate Power Co., on January 31, 1978, tendered for filing an Application pursuant to section 203 of the Federal Power Act to sell certain real property subject to the jurisdiction of the Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5027 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-190]

**MICHIGAN WISCONSIN PIPE LINE CO.**

**Application**

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-190 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with El Paso Natural Gas Co. (El Paso) pursuant to a gas exchange agreement between Applicant and El Paso dated January 27, 1978, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that it and El Paso each operate large interstate pipeline transmission and gathering systems located in producing fields of the western Oklahoma and Texas panhandle area, and that from time to time, either Applicant or El Paso may acquire the right to purchase gas reserves located in proximity to the system of the other company. Consequently, Applicant proposes to exchange gas with El Paso, it is said.

It is stated that Applicant and El Paso would gather, deliver and exchange gas from the following wells:

| Well name and No. | Location | Gathering party |
|---|---|---|
| Smith No. 1 | Sec. 5, 13 N, 24 W, Roger Mills County, Okla. | El Paso. |
| Fillingim No. 1-40 | Sec. 40, block M-1, H & GN survey, Hemphill County, Tex. | Do. |
| Bronco Creek No. 1. | Sec. 31, block A-8, H & GN survey, Wheeler County, Tex. | Do. |
| Cupp "D" No. 1 | Sec. 26, 10 N, 26 W, Beckham County, Okla. | Applicant |
| Sooner Unit No. 1 | Sec. 35, 10 N, 26 W, Beckham County, Okla. | Do. |
| Lippencott No. 1 | Sec. 4, 13 N, 24 W., Roger Mills County, Okla. | Do. |
| Kouns "A" No. 1 | Sec. 18, 17 N, 17 W, Dewey County, Okla. | El Paso. |
| State No. 1-33 | Sec. 33, 14 N, 25 W, Roger Mills County, Okla. | Do. |

It is indicated, with respect to the facilities required to connect the above indicated wells to the system of either Applicant or El Paso as approriate, that the agreement provides that the gathering party would install, own, maintain and operate the lines and facilities necessary to receive and measure the gas into its system, and, with respect to the Bronco Creek No. 1 well, that the agreement provides that Applicant would install, own, and maintain the gathering and measuring facilities even though El Paso is the gathering party since El Paso has no percentage interest in the Bronco Creek well. It is stated that Applicant contemplates that the construction and operation of all facilities which it would construct to connect the Bronco Creek Well as well as facilities which it would construct as the gathering party from the wells indicated above would be accomplished under its budget certificate for gas purchase facilities authorized by the order of January 22, 1977, in Docket No. CP77-373.

The application states that in order to enable Applicant and El Paso to exchange quantities of natural gas on a substantially current basis, the agreement under its Interconnection Agreement with the city of Yazoo City









it in determining the appropriate promulgated thereunder. The func- County, Okla., and that Arkla also has

change quantities of natural gas on a substantially current basis, the agreement provides for daily balancing, if possible, and at least once during each six month period through the term thereof. The balancing points are (1) an existing interconnection between the pipeline systems of Applicant and El Paso located in Roger Mills County, Okla., and (2) an existing point of intersection at Teddy G. Woods No. 1 well located in Dewey County, Okla.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5028 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. ER78-212]

**MISSISSIPPI POWER & LIGHT CO.**

**Proposed Agreement**

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Mississippi Power & Light Co. (MP&L) tendered for filing a letter agreement under its interconnection Agreement with the city of Yazoo City dated January 31, 1978. MP&L states that said letter agreement provides for interim delivery of economy energy for a period from January 31, 1978 to March 1, 1978.

MP&L requests waiver of the Commission rules requiring 30 days notice and requests an effective date of January 31, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5017 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-181]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Application**

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of pubic convenience and necessity authorizing the limited-term transportation of up to 100,000 Mcf of natural gas per day for Trunkline Gas Co. (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Trunkline would soon have available volumes of natural gas in the South Louisiana area which it cannot transport due to a capacity restriction in its pipeline system, and that such restriction would continue until the date Trunkline has installed and placed in service expansion facilities on its Lakeside Lateral. Applicant states that it and Trunkline have entered into an agreement dated January 10, 1978, which agreement provides that Applicant would transport, on a best efforts basis, up to a maximum of 100,000 Mcf of natural gas per day commencing on or about April 1, 1978, and continuing for a period ending upon completion and in service of the expansion of the Lakeside Lateral by Trunkline expected to be November 1, 1978, or until December 31, 1978, whichever date occurs first.

The application states that Trunkline would deliver gas to Applicant at the existing point of interconnection between the facilities of Stingray Pipeline Co. and Applicant (Stingray point of receipt), and the point of interconnection between the facilities of the U-T Offshore System (UTOS) and Applicant (UTOS point of receipt) to be constructed pursuant to Applicant's filing in Docket No. CP76-320, both points being near Holly Beach in Cameron Parish, La. Applicant proposed to redeliver said gas to Trunkline at an existing point of interconnection between Trunkline and Applicant in Montgomery County, Tex. The Montgomery County delivery point was authorized as an emergency exchange point between Trunkline and Applicant in Docket No. CP75-134 and upon completion of the limited-term transportation would revert to its status as an emergency exchange point.

Applicant states that the ability of it to transport said gas for Trunkline is dependent upon timely and favorable action by the Commission on Applicant's filing in Docket No. CP77-601 to construct additional facilities on its Louisiana Line. Applicant further states that upon completion of the construction, it anticipates that it would have spare capacity on its Louisiana Line during the summer and fall of 1978 enabling Applicant to transport gas, on a best efforts basis, for the limited-term for Trunkline, it is said.

Applicant indicates that it would charge Trunkline, for the proposed transportation service in addition to 1 percent fuel reimbursement, 2.49 cents per Mcf for gas tendered to Applicant at the Stingray point of receipt that does not exceed the reserve daily capacity provided in a transportation agreement between the two parties dated December 14, 1972, as amended. Applicant states that volumes of gas in excess of the reserve daily capacity at Stingray point of receipt and all volumes from the UTOS point of receipt would be charged 3.20 cents per Mcf in addition to the fuel reimbursement.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by





it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5018 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP75-141]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Petition To Amend**

FEBRUARY 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adpted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on February 8, 1978, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP75-141 a petition to amend the order of February 12, 1975 (53 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the exchange of natural gas with Arkansas Louisiana Gas Co. (Arkla) at additional exchange points, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of February 12, 1975, Petitioner was authorized to exchange natural gas with Arkla and to construct and operate certain facilities to implemenmt such exchange. It is further indicated that pursuant to a long-term gas exchange agreement dated July 5, 1974, as amended, Petitioner and Arkla agreed to exchange up to 10,000 Mcf of gas per day on a gas-for-gas basis in Washita and Grady Counties, Okla.

Petitioner states that pursuant to an amendment dated January 16, 1978, it and Arkla have further amended the subject gas exchange agreement to provide for additional exchange points in Wheeler County, Tex., and Roger Mills County, Okla. Arkla has the preferential right to purchase gas reserves located in the proximity of Petitioner's pipeline system in Wheeler County, Tex., and the point of delivery for the subject gas would be located on Petitioner's 12-inch lateral in Wheeler County, Tex., it is stated. Petitioner states that any facilities required to effectuate receipt of gas from Arkla would be constructed under Petitioner's currently effective gas purchase facilities budget-type authorization issued in Docket No. CP77-540. Petitioner further indicates that it would redeliver equivalent volumes of gas to Arkla at the "Natural Point of Delivery", as defined in the subject gas exchange agreement, as amended.

It is indicated that Petitioner has a gas purchase contract with Napeco Inc., a subsidiary of Petitioner, to purchase gas produced from the Hickey No. 1-32 well located in Roger Mills County, Okla., and that Arkla also has an interest in the well and has connected said well to its existing pipeline system to effectuate its purchase. Arkla would accept gas for Petitioner's account for redelivery at the Arkla point of delivery, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5019 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-185]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**Application**

FEBRUARY 17, 1978.

Take notice that on February 10, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-185 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, retention in place and operation of certain gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Coquina Oil Corp., et al. (Coquina), and Pennzoil Co. (Pennzoil) commenced an emergency sale of gas to Applicant on December 14 and December 27, 1977, respectively, from reserves located in Wheeler County, Tex. Applicant states that in order to effectuate this emergency purchase it operated gas purchase facilities constructed by Perry Gas Transmission, Inc. (Perry) consisting of approximately 11,000 feet of 6-inch and 2,400 feet of 4-inch lateral, three 4-inch measuring stations and other appurtenant facilities (Perry facilities). Applicant further states that the Perry facilities were connected to Applicant's transmission system by the installation of approximately 225 feet of 4-inch lateral and a 4-inch tap connection.





Applicant indicates that it has now executed long term gas purchase con-

appear or be represented at the hearing.

program established pursuant to au-thorization issued by the Federal



natural gas reserves attributable to

First, there is no practical alterna-

tern's system, both before and after

Applicant indicates that it has now executed long term gas purchase contracts with Coquina and Cotton Petroleum Corp. (Cotton) both dated January 1, 1978, and Pennzoil dated January 15, 1978. Applicant has determined that the Perry facilities that it operated are substantially similar to facilities it would have had to construct should the Perry facilities not have been available, it is stated.

Consequently, Applicant proposes to acquire, retain and operate the Perry facilities, as well as the connecting facilities it has constructed, for the continued receipt of natural gas that Applicant would purchase from Coquina, Pennzoil and Cotton. Applicant also proposes to assume Perry's interest in a gas compression rental agreement between Perry and Compressor Systems, Inc.

Applicant states that it would pay Perry their out-of-pocket cost, estimated at approximately $200,000 for these facilities, which facilities were recently constructed and have never been utilized for the transportation of natural gas or for any other type of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5029 Filed 2-24-78; 8:45 am]

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[6740-02]

[Docket No. CP78-186]

**NATURAL GAS PIPELINE CO. OF AMERICA**

**and**

**SOUTHWESTERN GAS PIPELINE, INC.**

**Petition for Declaratory Order and Application**

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, and Southwestern Gas Pipeline, Inc. (Southwestern), 3900 One Shell Plaza, Houston, Tex. 77001, filed in Docket No. CP78-186 a joint petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order declaring that none of Southwestern's facilities other than those facilities to be utilized at the redelivery point are to be deemed jurisdictional, that no producer making any sale of natural gas to Southwestern would be deemed to be an independent producer subject to the Commission's jurisdiction, and that Southwestern be relieved from compliance with the uniform system of accounts and other accounting and reporting requirements arising out of the Commission's regulations as a result of the proposed operations, and a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Natural and Southwestern and the construction and operation of certain facilities needed to implement such exchange, all as more fully set forth in the petition and application on file with the Commission and open to public inspection.

It is stated that Natural has available for purchase by it from its affiliate, NAPECO Inc. (NAPECO) natural gas production from the Maud Graham A-2, the Hall No. 1 and the Hall No. 3 wells, located in Young County, Tex., and the Morton A-1 well, located in Palo Pinto County, Tex. The estimated quantity of natural gas reserves attributable to NAPECO's working interest in all of the aforementioned wells is 312,000 Mcf, while the estimated quantity of natural gas reserves attributable to the entire working interest in all of the aforementioned wells is 421,000 Mcf, it is said. It is stated that the discovery and development of these wells has been financed by Natural's customers through a revolving exploration fund program established pursuant to authorization issued by the Federal Power Commission in Docket No. RP73-63. It is further stated that pursuant to the FPC order of August 3, 1973, redesignated ordering paragraph (F) (12) in the order issued on August 2, 1974, in Docket No. RP73-63, all natural gas reserves discovered or acquired as a result of the exploration activities financed under the revolving exploration fund must be dedicated to service for Natural's customers and must be taken into Natural's system by the most feasible means.

It is indicated that Natural has no pipeline facilities located in either Young or Palo Pinto Counties, and that no other interstate pipeline has facilities nearer to such wells than Natural's facilities in Jack County, and that Natural cannot justify economically the extension of such facilities to such wells. It is stated that Southwestern does have pipeline facilities located in both Young and Palo Pinto Counties. Consequently, Natural and Southwestern have entered into an exchange agreement dated November 22, 1977, in order to enable Natural to get the natural gas from these wells into its system in compliance with the aforementioned order. Pursuant to the subject agreement, Southwestern would receive from Natural for exchange up to a total of 5,000 Mcf of natural gas per day through two delivery points to be respectively constructed on Southwestern's existing 8-inch pipeline in the W. McDowell A-1620 Survey, Young County, Tex., and on Southwestern's existing 6-inch pipeline in the J. Poitevent A-1057 Survey, Palo Pinto County, Tex., it is stated. Natural indicates that it would construct approximately 4.5 miles of gathering line from the wells located in Young County to the Young County Delivery Point, and approximately 0.11 mile of gathering line from the well located in Palo Pinto County to the Palo Pinto County Delivery Point. Southwest indicates that it would install, at Natural's expense, necessary facilities adequate to accept delivery and to measure the gas at the two aforementioned delivery points. It is stated that the estimated cost to Natural of all facilities proposed to be installed would be $332,000. All of the gas received by Southwestern from Natural at the delivery points would be consumed physically within the State of Texas, it is said.

It is stated that Southwestern concurrently would deliver equivalent volumes of gas produced from the D. J. Hughes No. 6 and the D. J. No. 7 wells to Natural through a redelivery point to be constructed on Natural's proposed 4-inch pipeline in Wise County, Tex., to a point on Southwestern's existing 4-inch pipeline. It is further stated that the estimated quantity of





natural gas reserves attributable to both of the aforementioned wells is 2,400,000 Mcf. Natural would construct approximately 700 feet of such 4-inch pipeline from its 20-inch gathering line in the NW/4 of the Robert Cunningham A-179 Survey to the redelivery point, and Natural would install, own, and operate a meter at the redelivery point. Natural indicates that it would enter into a gas compression agreement with Brazos Gas Compressing Co. (Brazos), pursuant to which Natural would pay 5 cents per Mcf per stage of compression for the compression of the gas received by Natural from Southwestern at the redelivery point in order to enable such gas to be at a pressure sufficient to enter Natural's 20-inch gathering line. It is stated that the gas to be redelivered by Southwestern to Natural would be gas being sold to Southwestern by various producers owning interests in the D. J. Hughes No. 6 or D. J. No. 7 wells located in Wise County. It is further stated that Southwestern purchases the natural gas produced from the two aforementioned wells pursuant to a gas contract dated May 21, 1952, originally between Miles Production Co., as seller, and Upham Gas Co., as buyer.

It is indicated that the gas and liquids delivered by Southwestern to Natural at the redelivery point would be gathered for processing in a commingled stream with other gas purchased by Natural in the Wise County Area to the Mitchell Energy Production Corp. Processing Plant situated near Bridgeport, Tex. (Plant). After processing, Southwestern would deliver exchange gas to natural for Natural's account at the tailgate of the Plant, it is stated.

It is stated that all volumes of gas delivered under the exchange arrangement would be adjusted for Btu content, and all gas balances would be calculated on a volume weighted average Btu basis. It is asserted that no monetary compensation is provided for in the exchange agreement, it being understood that the transaction is to be a straight gas-for-gas exchange, except with respect to the Btu allowance provided for in the agreement.

The petition indicates that because of the unique circumstances surrounding the exchange proposed herein, the sale of natural gas by the producers to Southwestern, who in turn would deliver such gas to Natural pursuant to the agreement, should not be viewed by the Commission as a sale for resale by such producers in interstate commerce, subjecting them to the Commission's jurisdiction, and that the activities which would be undertaken by Southern under the agreement should not result in Southwestern's becoming a natural gas company under the Natural Gas Act and subject to all of the Commission's regulations thereunder for the following reasons:

First, there is no practical alternative which can be utilized by Natural to accept the gas from the four (4) NAPECO wells, the discovery and development of which has been funded by Natural's customers, into Natural's system. The orders issued in Docket No. RP73-63 require that this gas be taken into Natural's system by the most feasible means. In the event that the contemplated exchange is not effectuated, NAPECO's lease pertaining to its Morton A-1 well would lapse on February 1, 1979, and the gas from such well would be lost forever to Natural and the interstate market. In addition, NAPECO's investment in such wells, funded by Natural's customers, also will be lost.

Second, the proposed transaction, in contemplation and effect, would be an exchange of thermally-equivalent volumes of gas between Natural and Southwestern, and would not in any way tend to drive upward the price at which new supplies might be available to interstate purchasers. Natural will make payment to NAPECO for the volumes of gas purchased by Natural from NAPECO at the applicable National rate established by the Commission for each of the four (4) NAPECO wells. Southwestern would continue to make payment to the various producers for the volumes of gas purchased by Southwestern from such producers pursuant to the terms of their existing gas contracts. In effect, Natural purchases its gas from NAPECO and Southwestern continues to purchase its gas from the producers with whom it has an existing contract. None of the producers would be performing either a gathering or a transportation function. In such circumstances, to hold that the various producers are making "sales" of gas to Natural truly would be a holding exalting form over substance.

Third, the producers sold their gas to Southwestern in part because they did not desire that the rates to be received by them for their gas be subject to Commission jurisdiction. The Agreement expressly provides that if the Commission does not waive the exercise of its jurisdiction over these producers, then Southwestern will not accept any certificate issued by the Commission.

Furthermore, with respect to Southwestern, no valid public purpose would be served by requiring that Southwestern's facilities, other than the facilities at the redelivery point which will be physically isolated from the rest of Southwestern's system, be considered jurisdictional, nor would any valid public purpose be served by requiring Southwestern to make the myriad reports required under the Commission's regulations. The volumes of gas involved are both small and isolated. The essential character of Southwestern's system, both before and after the implementation of the proposed exchange, would be that of an intrastate pipeline. In order to protect the service which Southwestern would be rendering to Natural hereunder, the Commission would have adequate jurisdiction hereunder through its certificate authority under section 7(c) of the Natural Gas Act, and its authority under section 7(b) of the Natural Gas Act.

Consequently, Natural and Southwestern request the following:

(1) A Declaratory Order determining:

(a) That none of Southwestern's facilities other than the jurisdictional portion of those facilities utilized to gather the natural gas from the D. J. Hughes No. 6 and the D. J. Hughes No. 7 Wells, and to redeliver such gas to Natural will become subject to the jurisdiction of the Commission;

(b) That none of the producers and any other producer making sales of natural gas to Southwestern, or any other supplier of natural gas to Southwestern, shall be deemed to be an "independent producer" subject to the Commission's jurisdiction under the Natural Gas Act; and

(c) That Southwestern be relieved from compliance with the Commission's Uniform System of Accounts under the Natural Gas Act and all other accounting and reporting requirements applicable to natural gas pipeline companies arising out of the Commission's regulations under the Natural Gas Act.

as a result of the implementation of the proposal herein,

(2) Issue a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of facilities, all as more fully set forth hereinabove.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene





is filed within the time required

press gas produced from 22 wells locat-

tions under the Natural Gas Act (16



count of Natural. Consequently, it is

Applicant indicates that it would

application if no petition to intervene

is filed within the time required

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5030 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-187]

**NORTHERN NATURAL GAS CO.**

**Application**

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP78-187 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon and remove certain compressor facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a new 2,100 horsepower (H.P.) compressor station (Finney County No. 4) on its existing Hugoton gathering system in Finney County, Kans. It is stated that the facilities of Finney County No. 4 compressor station would consist of one 1,320 H.P. unit and one 780 H.P. unit and approximately 0.25 mile of 10-inch discharge line at an estimate cost of $1,764,470, which cost would be financed from funds on hand.

The application states that the new 2,100 H.P. compressor station is required to provide a general reduction of gathering line pressure, and that the reduced gathering line pressure would improve production delivery capability from the field and, therefore, would assist Applicant in maintaining the present peaking capability from the Hugoton System.

Applicant asserts that the Hugoton System is its largest and most reliable single source of gas supply consisting of numerous well groups (subsystems) which produce natural gas from certain established system pools. Applicant states that the Finney County No. 4 compressor station would compress gas produced from 22 wells located in Applicant's Holcomb South subsystem.

It is stated that at the present, the Holcomb South subsystem production is being compressed by field service units located at Applicant's Holcomb compressor station, and that recent declines in flowing wellhead pressure require the lowering of the gathering line pressure in order to maintain delivery from these wells. The proposed Finney County No. 4 compressor station would lower the gathering line pressure to the level which would permit a subsystem delivery capability of 13,500 Mcf per day and thereby assist in maintenance of peaking capability of the Hugoton system, it is stated. Applicant indicates that the operation of the proposed Finney County No. 4 compressor station would increase peak day deliverability by 1,653 Mcf for the 1978-79 heating season, a volume which is not available from other sources of supply.

It is indicated that Applicant has determined that its Hooper, Nebr., compressor station, consisting of one 1,320 H.P. unit and six 850 H.P. units, is no longer required, and that Applicant can maintain required peak day deliveries of up to 293,453,000 Mcf per day at the suction of the South Sioux City Compressor Station with the full utilization of compressor horsepower at its Palmyra Compressor Station. It is indicated that due to a decline in volumes from sources behind Applicant's Hansford County, Tex., No. 1 compressor station, Applicant proposes to abandon and remove the 780 H.P. compressor unit from this location. A lower rated unit more suited to specific gathering system requirements would be installed at Hansford County No. 1 under budget-type authorization granted by the Commission order under section 157.7(g) of the Commission's regulations (18 CFR 157.7(g)).

Consequently, Applicant proposes to abandon and remove one 1,320 H.P. unit from the Hooper Compressor Station and one 780 H.P. unit from the Hansford County No. 1 compressor station. Applicant states that upon receipt of the requested authorization here, it intends to utilize the Hooper and Hansford County No. 1 compressor facilities in establishing the proposed Finney County No. 4 compressor station. The estimated cost to abandon and remove the facilities is $54,280, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5031 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-183]

**NORTHWEST PIPELINE CORP.**

**Application**

FEBRUARY 17, 1978.

Take notice that on February 9, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-183 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

The applicatin states that Natural has developed or otherwise acquired natural gas reserves in the Bar X Field in Uintah and Grand Counties, Utah, and that Natural desires to make available to its transmission system, which is remote from the Bar X Field, those volumes of natural gas to be produced from the Bar X Field for the account of Natural. Consequently, it is indicated that Applicant and Natural have entered into a gas purchase, gathering and transportation agreement dated December 20, 1977, which provides, inter alia, that Applicant would construct the necessary facilities to connect the Bar Creek No. 1 Federal to Applicant's Bar X gathering system and would transport 75 percent of the gas so gathered for delivery to El Paso Natural Gas Co. (El Paso), for the account of Natural, at an existing point of interconnection between the facilities of Applicant and El Paso in La Plata County, Colo. It is stated that the agreement provides that Natural can request Applicant to gather, transport and deliver to El Paso for Natural's account, those volumes of natural gas which Natural may develop or otherwise acquire in an area of interest encompassing approximately 40 Townships (921,600 acres) in Grand and Uintah Counties, Utah.

The application states that the implementation of the subject agreement would be on a well(s) by well(s) basis, and that Applicant would provide a gathering service for wells that become subject to the aforementioned agreement. Consequently, from time to time, as Natural has gas available in the area set forth in the agreement, the agreement would be amended to designate the source of supply, the acreage dedicated to such source of supply and the proposed gathering costs of service, it is said.

It is stated that the maximum volumes which are to be gathered and transported hereunder would be 25,000 Mcf of natural gas per day (exclusive of the quantities of gas which Applicant has a right to purchase under the agreement), and that the initial volumes available for gathering and transportation by Applicant for the account of Natural are considerably less than the maximum daily volume specified above; therefore, Applicant requests authorization to transport 5,000 Mcf per day.

Applicant states that it would receive, for transportation, such volumes as are delivered by Natural from the Bar Creek No. 1 Federal which is located in Grand County, Utah, and would redeliver equivalent volumes, subject to Applicant's option to purchase 25 percent of the volumes so delivered by Natural, to El Paso at an existing point of interconnection located in La Plata County, Colo. It is indicated that the gas so delivered to El Paso would be redelivered by displacement or otherwise to Natural, and that the volumes of gas so received for the account of Natural and delivered by Applicant to El Paso would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly.

Applicant indicates that it would pay Natural for the subject gas a price based on Natural's cost of gas purchased in the Bar X Field.

Applicant states that it would charge Natural 8 cents per Mcf for each Mcf of natural gas transported by Applicant on its mainline system to El Paso. Natural would also provide its proportionate share of compressor fuel required to operate the compressor facilities utilized to compress the gas being gathered and transported, it is said. Applicant states that it would also charge Natural a gathering charge which is based on its average cost of service for the year 1976 applicable to Applicant's gathering systems, exclusive of Applicant's San Juan, Big Piney and Piceance Creek Gathering systems, which average cost of service for these gathering systems for 1976 and 21.69 cents.

The application states that Applicant's obligation to exchange and/or transport volumes of natural gas for Natural would have priority over Applicant's future transportation agreements, with the exception of those involving certain preexisting obligations of Applicant.

Applicant proposes to construct the gathering facilities required to gather the volumes of gas proposed herein pursuant to § 157.7(b) of the Commission's regulations and pursuant to the Commission's order of September 30, 1977, in Docket No. CP77-507. Applicant estimates that it would construct approximately 1,585 feet of 4½-inch pipeline to tie in the Bar Creek No. 1 Federal Well to its A-1 lateral, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5032 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. ID-1802]

**RICHARD L. JOHNSON**

**Termination**

FEBRUARY 16, 1978.

By Order issued April 12, 1977, Mr. Johnson was authorized, pursuant to Section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Johnson no longer holds the above-mentioned interlocking positions. Since Mr. Johnson no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1802 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5020 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-184]

**TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.**

**Application**

FEBRUARY 16, 1978.

Take notice that on February 9, 1987, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed an application pursuant to section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regula-





tory Commission thereunder, for a

[6740-02]

mission by Sections 7 and 15 of the



carrying charges as a reserved issue. *The Commission finds*

Any person desiring to be heard or

tory Commission thereunder, for a certificate of public convenience and necessity authorizing the rendition of a natural gas transportation service for Texas Eastern Transmission Corp. (TETCO).

Tennessee requests authorization to receive from TETCO daily volumes of natural gas produced from Vermilion Block 60, offshore Louisiana (V60), up to 10,000 Mcf, and to transport and deliver such volumes to TETCO at a point of interconnection of the facilities of Tennessee and TETCO located in Allen Parish, La. Tennessee proposes to charge TETCO 3.94 cents per Mcf and to retain 0.06 percent of the volumes received for Tennessee's fuel and use requirements.

Tennessee's ability to render presently authorized service to its customers will not be affected by its proposal.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5021 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-179]

**TEXAS EASTERN TRANSMISSION CORP. AND SOUTHERN NATURAL GAS CO.**

**Joint Pipeline Application**

FEBRUARY 16, 1978.

Take notice that on February 7, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Southern Natural Gas Co. (Southern Natural), P.O. Box 2563, Birmingham, Ala. 35202 (applicants), filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing operation of facilities for the exchange of natural gas. Applicants request authorization for the construction of facilities and the exchange of natural gas pursuant to the agreement dated July 21, 1977. Southern Natural has the right to purchase certain gas supplies to be produced in Breton Sound Block 53, offshore Louisiana, and such gas may be delivered into Texas Eastern's existing pipeline traversing the block and terminating at the Gulf Venice Plant near Venice, La., where both parties are currently receiving gas from Gulf Oil Co. and deliveries can be made to Southern Natural for the account of Texas Eastern. Pursuant to the agreement, Texas Eastern shall receive approximately 5,000 Mcf of natural gas per day tendered for delivery by Southern Natural to Texas Eastern at the intersection of Southern's lateral and Texas Eastern's pipeline No. 40-B-1 in Breton Sound Block 53, through the tap for which authorization is requested herein, and Southern Natural shall receive a like quantity of natural gas delivered by Gulf for the account of Texas Eastern at the tailgate of the Gulf Venice Plant near Venice, La. The cost of the facilities will be approximately $184,500.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to interevene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5022 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP78-25 (DCA78-1)]

**TRANSCONTINENTAL GAS PIPE LINE CORP.**

**Order Denying Rehearing**

FEBRUARY 17, 1978.

On January 18, 1978, Transcontinental Gas Pipe Line Corp. (Transco) filed in Docket No. RP78-25 (DCA78-1) an application for rehearing of the Commission's letter order of December 30, 1977. By that letter order, we rejected certain tariff sheets which provided a change in Transco's method of collecting demand charge adjustments from the presently effective deferred method to a current method of collection. Our rejection was based upon the fact that the sheets would have allowed Transco to collect carrying charges on the unrecovered curtailment credits during the period over which Transco is eliminating the unrecovered balance accumulated under the present procedure.

In its application for rehearing, Transco submits that the Commission's rejection of the proposed tariff sheets is improper since it is contrary to a provision of the proposed settlement agreement which is pending in Docket Nos. RP76-136 and RP77-26. Transco asserts that the rejected tariff sheets were filed pursuant to Article VI of that settlement agreement, which provides for a separate filing to be made immediately to change the collection of curtailment credits to a current basis. Transco states that the associated compliance tariff sheets proposed by the settlement agreement and attached thereto provided for carrying charges, and that no party objected to the settlement provision requiring the filing of such tariff sheets, although Staff and possibly other parties were contesting the allowance of carrying charges as a reserved issue. Finally, Transco urges in its application for rehearing that our rejection of its tariffs was unwarranted since Transco's customers will as a result be required to pay an additional $1 million annually due to rate base treatment of the deferred demand charge credits, which treatment Transco will continue to claim due to our denial of carrying charges.

After due consideration of the arguments presented in Transco's application for rehearing, we find that they fail to warrant modification of our December 30, 1977 order rejecting Transco's compliance tariff filing. We shall accordingly deny the application for rehearing.

The Commission's December 30, 1977, letter order, by rejecting the tariff sheets reflecting the revised demand charge adjustment clause with the carrying charge provision, in effect denied Transco's request to implement the proposed settlement agreement in Docket Nos. RP76-136 and RP77-26 in a two step manner. The Commission's decision was without prejudice to final Commission action on the issues of carrying charges on deferred demand charge amounts and on the proposed revised demand charge adjustment clause at such time as the Commission acted upon the entire settlement agreement in Docket Nos. RP76-136 and RP77-26. In view of the Commission's consistent past policy of disallowing carrying charges on deferred demand charge adjustment amounts, the Commission quite properly refused to implement a revised demand charge adjustment clause which provided for accrual and collection of carrying charges on deferred amounts (albeit subject to refund) until the carrying charge issue is resolved on the merits. Accordingly, the Commission shall deny Transco's application for rehearing of the December 30, 1977, letter order.



*The Commission finds*

Transco's January 18, 1978, application for rehearing of the Commission's December 30, 1977, letter order in this docket presents no new facts or principles of law which require modification of that letter order.

*The Commission orders*

(A) Transco's January 18, 1978, application for rehearing of the Commission's December 30, 1977, letter order in Docket No. RP78-25 (DCA78-1) is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5033 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket Nos. G-5045, et al.]

**SHELL OIL CO., et al.**

**Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]**

FEBRUARY 16, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| G-5045(D) Feb. 2, 1978 | Shell Oil Co., P.O. Box 2099, Houston, Tex 77001. | United Gas Pipe Line Co., Weeks Island Field, Iberia Parish, La. | Depleted. | |
| G-12639(D) Feb. 6, 1978 | Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex 77056. | Northern Natural Gas Co., Fincham Field, Meade County, Kansas and Beaver County, Okla. | Leases expired. | |
| CI64-1547(D) Feb. 6, 1978 | Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex 75250. | Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw unit area, Wind River Basin, Fremont and Natrona Counties, Wyo. | Leases were undeveloped and were outside the bounds of the Frenchie Draw unit and have expired. | |
| CI76-334(C) Feb. 6, 1978 | Cities Service Co., P.O. Box 300, Tulsa, Okla 74102. | Panhandle Eastern Pipe Line Co. Certain acreage in Weston County Wyo, limited to the interval between the surface and the base of the Muddy formation. | () | 15.025 |
| CI-77-110(C) Feb. 6, 1978 | Cities Service Co | Panhandle Eastern Pipe Line Co., Certain acreage in Campbell County, Wyo, limited to casinghead gas produced from the interval between the surface and the base of the Shannon formation. | (²) | 15.025 |
| CI77-467(B)² Feb. 2, 1978 | Gas Producing Enterprises Inc., 5 Greenway Plaza East, Houston, Tex 77046. | Florida Gas Transmission Co., State tract 120, offshore, Tex. | | |
| CI78-25(C) Jan. 30, 1978 | Amoco Production Co., Security Life Bldg., Denver, Colo 80202. | Cities Service Gas Co., certain acreage in Sweetwater and Carbon Counties, Wyo. | (²) | 15.025 |

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| CI78-302(A) Jan. 13, 1978 | Texaco Inc., P.O. Box 60252, New Orleans, La 70160. | Transcontinental Gas Pipe Line Corp., Pausse Point Field, onshore, St. Martin and Iberia Parishes, La. | (¹) | 15.025 |
| CI78-372(B) Jan. 23. 1978 | R. J. A. deSelfe, trustee and Gibbs L. Baker, c/o Gibbs L. Baker, 630 Sandy Nook St., Sarasota, Fla. 33581. | Consolidated Gas Supply Corp., Harris Well No. 1, on 47 acres belonging to Ocea Hoover, in Union District, Ritchie County, W. Va. | Line disconnected. | |
| CI78-373(B) Jan. 23, 1978 | Coleary Petroleum Corp. P.O. Box 284 Okeene. Okla 73763. | Cities Service, Sargent 1-36, NW. SE. sec. 36-6N-26ECM, Knowles Field, Beaver County, Okla. | Depleted, plugged and abandoned. | |
| CI78-374(B) Jan. 23, 1978 | Cleary Petroleum Corp | Cities Service, Sargent 1-35, C, SW., NE. sec. 35-6N-26ECM, Knowles Field, Beaver County, Okla. | Do. | |
| CI78-375(B) Jan. 23, 1978 | Cleary Petroleum Corp., P.O. Box 284 Okeene, Okla. 73763. | Cities Service, Otto Barby 2-2, NE., NW., sec. 2-5N-26ECM, Knowles Field, Beaver County, Okla. | Depleted, plugged and abandoned. | |
| CI78-376(CI68-1314)(B) Jan. 23 1978 | G. F. Abendroth, Lyons Petroleum Inc., 1500 Beck Bldg., Shreveport, La. 71101. | Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La. | Depleted, lease expired, plugged and abandoned. | |
| CI78-377(B) Jan. 23, 1978 | G. F. Abendroth | Natural Gas Pipeline Co. of, America, Balderas Field, Jim Hogg County, Tex. | Do. | |
| CI78-378,(CI67-1565)(B) Jan. 23, 1978 | do | Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La. | Do. | |
| CI78-379(B) Jan. 23, 1978 | do | Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La. | Do. | |
| CI78-380,(CI67-1565)(B) Jan. 25, 1978 | William O. Watson, Jr., Lyons Petroleum Inc., 1500 Breck Bldg., Shreveport, La 71101. | Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La. | Do. | |
| CI78-381,(B) Jan. 25, 1978 | William O. Watson, Jr. | Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La. | Do. | |
| CI78-382, (B) Jan. 25, 1978 | do | Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.. | Do. | |
| CI78-383, (CI68-1314)(B) Jan. 25, 1978 | do | Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La. | Do. | |
| CI78-384 (A) Jan. 26, 1978 | Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102. | United Gas Pipe Line Co., No. 2 J. P. Duhe well, in sec. 41-12S-8E, Iberia Parish, La. | (¹) | 15.025 |
| CI78-385 (A) Jan. 27, 1978 | Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. | Texas Gas Transmission Corp. "A" platform block A-334, east addition, south extension, High Island area, offshore, Tex. | (¹) | 14.65 |
| CI78-386 (A) Jan. 27, 1978 | Texas Gas Exploration Corp. | Texas Gas Transmission Corp. "B" platform block A-334, east addition, south extension, High Island area, offshore, Tex. | (¹) | 14.65 |
| CI78-387 (G-290) (B) Jan. 30, 1978 | Lock 3 Oil, Coal & Dock Co., 200 Union Carbide Bld., Pittsburgh, Pa. 15220. | Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.. | Uneconomical, insufficient pressure and water problem. | |
| CI78-388 (CI65-621) (B) Jan. 30, 1978 | Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221. | United Gas Pipe Line Co., Deer Island Field, Terrebonne Parish, La. | Leases expired, plugged and abandoned. | |
| CI78-389 (A) Jan. 30, 1978 | Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001. | Southern Natural Gas Co., Grand Isle block 75 Field, offshore, La. | (¹) | 15.025 |
| CI78-390 (A) Jan. 30, 1978 | Cabot Corp., P.O. Box 1101, Pampa, Tex. 79065. | Northern Natural Gas Co., certain acreage in block 34, East Cameron area, offshore, La. | (¹) | 14.73 |
| CI78-391 (A) Jan. 31, 1978 | Tenneco Oil Co., P.O. Box 2511, Houston, Tex 77001. | El Paso Natural Gas Co., San Juan 29-7 Dakota unit well Nos. 109, 110, and 112, basin Dakota Field, Rio Arriba County, N. Mex. | (¹) | 14.65 |
| CI78-392 (A) Jan. 31, 1978 | Cities Service Co. (Successor in interest to Cities Service Oil Co.), P.O. Box 300, Tulsa, Okla. 74102. | Michigan Wisconsin Pipe Line Co., Blackburn "A" No. 1 well, sec. 2-10N-10W, Caddo County, Okla. | (¹) | 14.65 |





| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| CI78-393 (A) Feb. 2, 1978 | Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101. | Consolidated Gas Supply Corp., Reed Deemer Field, Indiana and Clearfield Counties, Pa. | (¹) | 14.73 |

¹Applicant is filing under Gas Purchase and Sales Agreement dated Jan. 5, 1976, amended by addendum to the gas purchase and sales agreement dated Dec. 2, 1977.
²Applicant is filing under gas purchase and sales agreement dated Oct. 11, 1976, amended by addendums to the gas purchase and sales agreement dated Sept. 14, 1977 and Nov. 10, 1977.
³Amendment to abandonment. Application filed in Docket No. CI77-467 is amended to include request for authorization to abandon service from interests acquired from Getty Oil Co. and Mission Corp.
⁴Applicant is filing under gas sales contract dated Aug. 1, 1977, amended by amendment dated Jan. 13, 1978.
⁵Applicant is filing under gas purchase contract dated Jan. 6, 1978.
⁶Applicant is filing under gas purchase contract dated June 6, 1977.
⁷Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
⁸Applicant is filing under gas purchase contract dated Dec. 15, 1977.
⁹Applicant is filing under gas purchase contrfact dated July 15, 1977.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4917 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-1]

## IDAHO DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

### Approval of State Application

In accordance with the provisions of section 1413 of the Safe Drinking Water Act (Pub. L. 93-523, December 16, 1974), and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Milton G. Klein, Director of the Idaho Department of Health and Welfare, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water systems in the State of Idaho.

Notice is hereby given that the Regional Administrator, EPA Region X, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the State's public water system supervision program in relation to the requirements of the Safe Drinking Water Act. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

This evaluation has shown that the Idaho program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing regarding the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Request for hearing shall be addressed to:

Donald P. Dubois, Regional Administrator, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Idaho application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Idaho:

Idaho Department of Health and Welfare, Division of the Environment, 700 West State Street, Fifth Floor, Boise, Idaho 83720.

Dated: February 21, 1978.

DONALD P. DUBOIS,
*Regional Administrator,*
*Region X.*

[FR Doc. 78-5115 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-3]

## KANSAS DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

### Approval of State Application

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Mr. Jack Burris, Director, Bureau of Water Supply, Kansas Department of Health and Environment, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water supply systems in the State of Kansas.

Notice is hereby given that the Regional Administrator, EPA, Region VII, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the state's public water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of: (1) State primary drinking water regulations; (2) An inventory of public water supply systems; (3) A systematic program of sanitary surveys; (4) A state program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) A public water supply system plan review program; (7) Adequate statutory or regulatory enforcement authority; (8) Record-keeping and reporting proce-





dures; (9) A program for issuing variances under the SDWA to the Environmen-

3. The signature of the individual



safe drinking water under emergency conditions.

on the raw agricultural commodities cottonseed at 0.05 part per million

tion of primary enforcement authority

dures; (9) A program for issuing variances and exemptions; and (10) A plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the Kansas program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

Kathleen Q. Camin, Ph. D., Regional Administrator, U.S. Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108

and shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Kansas application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Kansas:

The Kansas Department of Health and Environment, Forbes Air Force Base, Building No. 740, Topeka, Kansas 66620.

Dated: February 21, 1978.

KATHLEEN Q. CAMIN,
*Regional Administrator,*
*Region VII.*

[FR Doc. 78-5117 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 859-8]

## MONTANA DRINKING WATER PROGRAM

### Determination of Primary Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act of 1974 (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et. seq) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Dr. A.C. Knight, Director of the Montana Department of Health and Environmental Sciences, has submitted an application for assumption of primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administratior of EPA Region VIII has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action was based upon a thorough evaluation of Montana's water supply supervision program in relation to the requirements of 40 CFR 142.10. Specifically, the State has adopted and implemented:

1. Primary drinking water regulations which are as stringent as the National Interim Primary Drinking Water Regulations;
2. An inventory of public drinking water systems;
3. A systematic program for conducting sanitary surveys of public drinking water systems;
4. A State program for certification of laboratories performing analyses of drinking water samples;
5. State laboratory procedures for drinking water analyses approved by EPA:
6. A plan and construction review program;
7. Statutory and regulatory enforcement authority and procedures;
8. Requirements for suppliers of drinking water to keep appropriate records and make appropriate reports to the State;
9. Requirements for suppliers of drinking water to give public notice for violation of State drinking water regulations;
10. A system for required State recordkeeping and reporting;
11. A program for issuing variances and exemptions; and
12. A plan for providing safe drinking water under emergency circumstances.

On or before March 29, 1978, any person may request a public hearing to consider the Regional Administrator's determination. If a public hearing is requested and granted, this determination will not become effective until such time, following the hearing, as the Regional Administrator issued an order affirming or rescinding the determination.

Requests for a public hearing shall be addressed to:

Mr. Alan Merson, Regional Administrator, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo, 80295.

and shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing;
2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting individual intends to submit at such hearing; and
3. The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of Montana's application for primary enforcement responsibility is available for public inspection, during normal business hours, at the Office of the EPA Regional Administrator, and at the following location in Montana:

Dated: February 21, 1978.

Montana Department of Health and Environmental Sciences, Water Quality Bureau, Cogswell Building, Helena, Mont. 59601.

ALAN MERSON,
*Regional Administrator Environmental Protection Agency,*
*Region VIII.*

[FR Doc. 78-5114 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-2]

## WASHINGTON DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

### Approval of State Application

In accordance with the provisions of section 1413 of the Safe Drinking Water Act (Pub. L. 93-523, December 16, 1974), and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Dr. John A. Beare, Director of the Health Services Division, Washington State Department of Social and Health Services, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water systems in the State of Washington.

Notice is hereby given that the Regional Administrator, EPA Region X, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the State's public water system supervision program in relation to the requirements of the Safe Drinking Water Act. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

This evaluation has shown that the Washington program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing regarding the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

Donald P. Dubois, Regional Administrator, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Washington application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location:

Department of Social and Health Services, Water Supply and Waste Section, Building Number 4, Airdustrial Center, Olympia Airport, Tumwater, Wash.

Dated: February 21, 1978.

DONALD P. DUBOIS,
*Regional Administrator,*
*Region X.*

[FR Doc. 78-5116 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 881-1; PF-91]

## PESTICIDE PROGRAMS

### Filing of Pesticide Petition

Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006, has submitted a petition (PP 8F2043) to the Environmental Protection Agency (EPA) which proposes that 40 CFR Part 180 be amended by establishing a tolerance for residues of the insecticide/nematocide 2-methyl-2-(methylsulfonyl) propanal *O*-[(methylamino)carbonyl] oxime in or on the raw agricultural commodities cottonseed at 0.05 part per million, cottonseed hulls at 0.1 part per million and soapstock from cottonseed oil refining at 0.8 part per million. The proposed analytical method for determining residues is by gas chroma- tography utilizing a flame photometric detector and incorporating a filter specific for sulfur-containing compounds. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
*Acting Director,*
*Registration Division.*

[FR Doc. 78-5111 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 861-2]

## REGION IX

### Approval of State Application for California Drinking Water Primacy Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Mr. Henry Ongerth, California Department of Health, Public Health Division, has submitted an application to assume primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region IX has determined that the California Department of Health, Public Health Division, has meet all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement authority for public water systems in the State of California. This determination is to become effective following public hearings to be held on April 4 and 6, 1978. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the proposed adoption and implementation of: (1) State primary drinking water regulations; (2) An inventory of public water systems; (3) A systematic program of sanitary surveys; (4) A State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) A plan review program; (7) Adequate statutory or regulatory enforcement authority; (8) Record-keeping and reporting procedures; (9) A program for issuing variances and exemptions; (10) A plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the State Health Department's Public Health Division fulfills all requirements for obtaining primary enforcement authority.

Public hearings will be held at:

U.S. Environmental Protection Agency, Region IX Office, 6th Floor, 215 Fremont Street, San Francisco, Calif. 94105, April 4, 1978, 7-9 pm and State of California Building, 107 South Broadway, Los Angeles, CA 90012, April 6, 1978, 7-9 pm.

The determination of primacy shall not become effective until such time, following the hearings, as the Regional Administrator issues an order affirming or rescinding the determination. Notice to intent to address a hearing shall be mailed to:

Paul De Falco, Jr., Regional Administrator, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting to address a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and summary of the information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the State Health Department's application for primary enforcement responsibility is available for public inspection during normal business hours at the office of the Regional Administrator and at the following locations in California:





State of California, Department of Health, East King Street, Room 103, Carson City, Nev. 89710

Dated: February 21, 1978.



(a) Intelsat capital contributions (Comsat payments for Intelsat's con- ly stated, this agreement is subject to period through December 31, 1977, assum-

State of California, Department of Health, Sanitary Engineering Section, 2151 Berkeley Way, Berkeley, CA 94704.

and all County Health Departments.

Dated: February 21, 1978.

CLYDE B. ELLER,
*Acting Regional Administrator, Region IX.*

[FR Doc. 78-5112 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 859-7]

REGION IX

**Approval of State Application for Nevada Drinking Water Primary Enforcement Responsibility**

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and § 142.10 of the National Interim Primary Drinking Water Regulations Implementation, published in the FEDERAL REGISTER on January 20, 1976.

An application has been received from the Nevada State Health Officer, dated December 28, 1977, requesting that the Nevada State Division of Health be granted primary enforcement responsibility for public water systems in the State of Nevada, in accordance with the Provisions of this Act.

In response, I have determined that the Nevada State Division of Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Nevada. The State:

1. Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

2. Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

3. Will keep such records and make such reports as required;

4. If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

5. Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All documents relating to this determination are available for public inspection between the hours 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Bureau of Consumer Health Protection Services, Nevada Division of Health, 505 East King Street, Room 103, Carson City, Nev. 89710.

Regional Administrator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before March 29, 1978. A request for a public hearing shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing.

2. A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such hearing.

3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before March 29, 1978, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Nevada of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication, as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After reviewing the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of such order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective March 29, 1978.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: February 21, 1978.

SHEILA M. PRINDIVILLE,
*Acting Regional Administrator, Region IX, Environmental Protection Agency.*

[FR Doc. 78-5113 Filed 2-24-78; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070]

**COMSAT RATE CASE**

**Proposed Settlement**

On February 17, 1978, representatives of the Common Carrier Bureau and General Counsel's Office and the Communications Satellite Corp. (COMSAT) reached agreement on a proposed settlement of FCC Docket 16070, the Comsat rate case. The proposal is subject to Commission approval and a finding that a settlement is in the public interest. The Comsat Board of Directors must also act upon the settlement. The proposed settlement is a result of negotiations announced by a letter of General Counsel Robert Bruce to parties of record in the proceeding. All parties were invited to attend and participate in the negotiations. In order to afford the widest possible consideration, the attached proposed "Settlement Agreement" is presented for public comment.

The proposed settlement agreement covers the issues remanded to the Commission by the U.S. Court of Appeals for the District of Columbia Circuit in its October 14, 1977 decision, which generally affirmed the Commission's rate order. Other outstanding questions in Docket 16070 are addressed, particularly those related to the funds subject to refund held by Comsat in escrow. The major points of the settlement follow:

(1) Comsat will refund to the public approximately $92.2 million plus interest (the sum of the monies already in escrow) plus approximately an additional $5.2 million called for in the proposed settlement agreement.

(2) Comsat will file new tariffs which will yield approximately a 48 percent reduction in the charges which would have been paid by Comsat customers in 1978, if Comsat's 1975 rates had remained in effect.

(3) Comsat will withdraw its further petitions for rehearing pending before the U.S. Court of Appeals for the District of Columbia Circuit and refrain from further rate case related litigation.

(4) These new tariffs for Comsat's services through the Intelsat system will be based on revenue requirement calculations which feature a number of modifications:





(a) Intelsat capital contributions (Comsat payments for Intelsat's construction program) will be allowed in the rate base.

(b) Other plant construction work will be allowed in the rate based when it is placed in service. While under construction, this plant will accrue "interest during construction".

(c) Comsat will include 75 percent of the investment in its laboratories in its rate base.

(d) Comsat's allowed return on equity will be restated, consonant with current market conditions to 12.2 percent.

(e) Until such time as Comsat acquires debt equal to 45 percent of its rate base, Comsat's overall allowed rate of return on rate base will be 11.48 percent. This is an average over a six year period of the imputation of debt beginning January 1, 1979 and continuing over the next five years at the rate of 9 percent per year. If Comsat acquires debt equal to 45 percent of its rate base, its overall rate of return would reflect a return on equity of 13.2 percent with the cost of debt being the cost of an A-rated public utility at the time Comsat acquires debt. The efficiency incentive allowed in the Commission's decision of an additional one per cent will be retained.

(5) For refund purposes, Comsat's new tariffs will be treated as if they were in effect September 9, 1977. This will result in the additional refunds to customers of approximately $5.2 million referred to above.

(6) The Commission will confirm its intention to require flow through by Comsat's carrier customers, to ultimate users both of funds in escrow and reductions in Comsat's tariffs. Any international common carrier which has not agreed to "flow through" by the time Comsat's new tariffs become effective will not have its escrow money refunded, nor will it be billed at the new rates until the flow through matter has been resolved in separate proceedings. Instead, Comsat will continue to hold the carrier's funds currently in escrow and continue to charge the rates in effect before the settlement. The difference between the presettlement rates and the new Comsat rates will also be held in escrow until the flow through issue is resolved. The international common carrier will bear the administrative costs of the escrow fund in the future.

(7) The proposed settlement also contains a variety of procedural provisions.

Accordingly, the Chief, Common Carrier Bureau hereby gives public notice of the terms of the proposed settlement agreement in Docket No. 16070 reached by representatives of the Common Carrier Bureau, the General Counsel and Comsat. As previously stated, this agreement is subject to approval by the Commission. Any individual or organization wishing to file comments concerning the proposed settlement agreement shall do so by March 30, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

SETTLEMENT AGREEMENT

FEBRUARY 17, 1978.

1. Comsat will file revised tariffs for its jurisdictional international satellite communications services in full compliance with the Commission's December 4, 1975 Rate Decision (56 FCC 2d 1101) with the following adjustments to be made as of September 9, 1977:

(a) Comsat will include in rate base 75 percent of its net investment in its Laboratories;

(b) Comsat will include in rate base its capital contributions to Intelsat for space segment plant and related equipment in lieu of interest during construction, and it will be allowed compounded interest during construction on other construction work in progress computed at 9 percent, which represents approximately the present rate for A-rated public utility bonds;

(c) Based on the methodology used in the Rate Decision of a riskless rate of return (pegged to the current long-term government bond yield—presently 8.2 percent) plus a 4 percent risk premium, Comsat's allowed rate of return on equity will be 12.2 percent;

(d) When Comsat actually incurs debt equal to 45 percent of its rate base, Comsat's allowed rate of return on equity will be 13.2 percent to reflect the added risk of debt in accordance with the Rate Decision and the Court of Appeals Opinion. For purposes of computing Comsat's overall allowed rate of return on rate base, Comsat's cost of debt shall be calculated as the prevailing interest rate for a public utility with 45 percent debt engaged only in Comsat's jurisdictional business (presently assumed to be the rate for an A-rated public utility). Thus, for example, if, when Comsat actually acquires debt equal to 45 percent of its rate base, the prevailing interest rate for such a public utility is 9 percent, Comsat's overall rate of return would be 13.2 percent × 55 percent equity plus 9 percent × 45 percent debt or 11.31 percent (with an additional 1 percent allowed in the Rate Decision for efficiency).

(e) Until such time as Comsat actually incurs debt equal to 45 percent of its rate base, Comsat's overall allowed rate of return on rate base will be 11.48 percent to reflect the imputation of 45 percent debt (with an additional 1 percent for efficiency allowed in the Rate Decision). The 11.48 percent is the average rate of return over a six-year period beginning January 1, 1978, assuming a 12.2 percent rate of return on equity and the imputation of 45 percent debt at the rate of 9 percent per year for five years beginning January 1, 1979, with cost of debt calculated at the present interest rate for A-rated public utility bonds (9 percent).

2. A retrospective analysis of Comsat's informational tariffs of August 2, 1976, filed in accordance with the Commission's July 22, 1978 Escrow Order (FCC 76-688), indicates that the escrow accounts contain sufficient funds for an equitable refund for the period through December 31, 1977, assuming (1) that Comsat was entitled to a return of 11.3 percent on rate base (plus the 1 percent allowed for efficiency in the Rate Decision); and (2) that rate base might properly include intelsat capital contributions, provided that Comsat makes an additional payment of not less than $5.2 million into the escrow fund. The additional payment would be calculated on the assumption that Comsat had voluntarily filed new informational tariffs on September 9, 1977 (the date of the Commission's letter of inquiry) calculated in accordance with paragraph 1 above. Pursuant to Commission order as described in paragraph 3 below, Comsat will distribute all funds (including interest thereon) that are properly in the escrow accounts for the period through December 31, 1977. Deposits placed in the escrow accounts for the period from January 1, 1978 to the date of final settlement will be divided between Comsat and its customers as if the revised tariffs calculated in accordance with paragraph 1 above had been in effect on January 1, 1978. Comsat will bear all administrative costs associated with the escrow accounts as provided in the Commission's Escrow Order.

3. The Commission will confirm its intention to require flow-through to the ultimate users both of the funds in escrow and of the cost savings to Comsat's carrier customers of reductions in Comsat's tariffs. With respect to funds in escrow subject to refund (with accrued interest) through the effective date of Comsat's revised tariffs, Comsat will not distribute such funds to any international communications common carrier until the flow-through issue has been finally resolved or until such earlier time as any carrier agrees to flow through any portion thereof, in which case such portion of the escrow shall be released for flow-through as approved by the Commission. Comsat will file its revised tariffs within seven business days after entry of a final order approving this Settlement Agreement. After such notice to the public as the Commission deems appropriate, the revised tariffs shall be the lawful governing tariffs for the provision by Comsat of international communications satellite services. If, at that time, the flow-through issue has not been finally resolved, Comsat will, upon request of the Commission, continue to bill at the rates in effect before the date of the Settlement Agreement those common carrier customers that do not agree to flow-through the cost savings resulting from the reductions in Comsat's tariffs or agree to place in escrow amounts equal to the difference between Comsat's revised tariffs and the tariffs in effect before the date of final settlement (the administrative cost of such escrow account to be borne by the carrier customer). In the event Comsat continues to bill any carrier customer at the rates in effect before the date of final settlement, Comsat will establish a separate escrow account into which it will place the difference between the amounts billed the carrier customer and Comsat's revised tariffs (the administrative costs of such escrow account to be borne by the carrier customer).

4. Upon entry of a final order approving this Settlement Agreement, Comsat will withdraw its petitions for further review of the Commission's December 5, 1975 Rate Decision, and the Commission will vacate its December 7, 1977 Order (FCC 77-802).

5. A Commission Order approving this Settlement Agreement will have the same prescriptive effect as if the provisions of the





Settlement Agreement had been incorporat-



the schedule of future Radio Techni- Switzerland, January 1978.

[6712-01]

Settlement Agreement had been incorporated in the Commission's 1975 Rate Decision.

6. Comsat will conform its books of account with the provisions of the Rate Decision and this Settlement Agreement as if the Decision and this Agreement had become effective June 16, 1976 (the effective date of the informational tariffs filed pursuant to the Commission's Escrow Order of July 22, 1976). Comsat will meet with the Commission staff to revise FCC Form 901 consistent with the Rate Decision and this Settlement Agreement.

7. Nothing in this Settlement Agreement precludes any party in Docket No. 16070 from adopting a different position in any future rate case.

This Settlement Agreement is subject to approval by the Board of Directors of Comsat and by the Commission, after notice to the public and opportunity for comment.

[FR Doc. 78-5072 Filed 2-24-78; 8:45 am]

[6712-01]

## RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

### Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

[SC-72]

NUMERICAL IDENTIFICATION OF STATIONS IN MARITIME TELECOMMUNICATIONS SYSTEMS

WEDNESDAY, MARCH 15, 1978

TO: Special Committee No. 72—"Numerical Identification of Stations in Maritime Telecommunications Systems."

SUBJECT: Notice of 6th meeting.

DATE AND TIME: Wednesday, March 15, 1978, 10 a.m.

LOCATION: Conference Room 7327, 2025 M Street NW., Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Introduction of attendees; confirmation of Secretary.
3. Adoption of agenda.
4. Approval of SC-72 summary records.
5. Chairman's report on interim working party deliberations, Geneva, Switzerland, January, 1978.
6. Discussion of work assignments preparatory to CCIR special preparatory meeting.
7. Other business.
8. Establishment of next meeting date.

Francis K. Williams, Chairman, SC-72
Federal Communications Commission
Washington, D.C. 20554
Phone: 202-632-7054 for approval at this meeting.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1974. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat, phone 202-632-6490.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-5071 Filed 2-24-78; 8:45 am]

[6712-01]

[Report No. 1104]

## TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

### Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

FEBRUARY 21, 1978.

| Docket or RM No | Rule No. | Subject | Date received |
|---|---|---|---|
| 20422 | Sec. 73.202(b) | Amendment of sec. 73.202(b), Table of Assignments, FM Broadcast Stations. (Fort Walton Beach, Crestview, and Destin, Fla.). | |
| | | Filed by John J. Duffy, attorney for Gulfcoast Broadcasting, Inc | Feb. 2, 1978. |
| | | Filed by Daryal A. Myse and Dean George Hill, attorneys for Crestview Broadcasting Co., | Feb. 9, 1978. |

NOTE.—Oppositions to petitions for reconsideration must be filed on or before March 14, 1978. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-4962 Filed 2-24-78; 8:45 am]





[6712-01]

[Report No. 1103]

## PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

FEBRUARY 22, 1978.

| Docket or RM No. | Rule No. | Subject | Date received |
|---|---|---|---|
| 20539 | Pts. 74 and 78. | Amendment of Subpts. F and G of Pt. 74 and Subpt. B of Pt. 78 to provide for the use of FM microwave by television translator relay stations, and to provide for the operation of television translator stations using modulation of a direct video and audio feed. | |
| | | Filed by Stephen R. Effros, executive director for Community Antenna Television Association, Inc. | Feb. 10, 1978. |
| | | Filed by Roger E. Zylstra and Margaret E. Rolnick, attorneys for 67 CATV companies. | Feb. 13, 1978. |
| | | Filed by Robert A. Luff, V.P./Engineering and Stuart F. Feldstein, Frederick W. Finn & Arthur H. Harding, attorneys for National Cable Television Association, Inc. | Feb. 14, 1978. |

NOTE.—Oppositions to petitions for reconsideration must be filed on or before March 14, 1978. Replies to an opposition must be filed within 10 days after time for filing opposition has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-5118 Filed 2-24-78; 8:45 am]

## FEDERAL MARITIME COMMISSION

[6730-01]

[Independent Ocean Freight Forwarder License No. 1777]

### TERCO, INC., D.B.A. BOSCO SERVICES FREIGHT FORWARDING CO.

#### Order of Revocation

The bond issued in favor of Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co., 1121 Walker Street, Houston, Tex. 77002, FMC No. 1777, was canceled effective February 15, 1978.

By letter dated January 18, 1978, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1777 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 15, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), section 6.01(d), dated August 8, 1977;

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1777 be and is hereby revoked effective February 15, 1978.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1777 issued to Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co., be returned to the Commission for cancellation.

*It is further ordered*, That a copy of this order be published in the FEDERAL REGISTER and served upon Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co.

LEROY F. FULLER,
*Director, Bureau of Certification and Licensing.*

[FR Doc. 78-5066 Filed 2-24-78; 8:45 am]

[6730-01]

### FAR EAST AND PACIFIC WESTBOUND CONFERENCES

#### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10135-5 (Far East and Pacific Westbound Conferences' Member Lines Discussion Agreement).

Filing party: R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

Summary: Agreement 10135-5 would permit the members of the Far East and Pacific Westbound Conferences' Member Lines Discussion Agreement to communicate amongst themselves by mail, telex, telecopier, or by tele-

phone between regular meetings of the lines in order to discuss, consider, and possibly to agree upon recommendations to the Pacific Westbound and Far East Conferences upon various matters of mutual interest specified in Agreement 10135.

Agreement No. T-2640-10.

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-2640-10, between Port of Seattle (Port) and American President Lines, Ltd. (APL), modifies the parties' basic agreement which provides for the 20-year lease to APL of Terminal 25 in Seattle, Wash. The purpose of the modification is to provide for proposed additions to the Administration Building, consisting of an additional 1,520 square feet. After completion of the additions, Port will reimburse APL for the costs up to $82,500. Total monthly rent for land, cranes, and other improvements is increased to $115,161.04 per month and the lease bond will increase to $1,424,000.00.

Agreement No. T-3587.

Filing party: Joseph D. Patello, Port Attorney, Port of San Diego, P.O. Box 488, San Diego, Calif. 92112.

Summary: Agreement No. T-3587, between the San Diego Unified Port District (Port) and Marine Terminals Corp. (MTC), is a terminal operator agreement whereby MTC will provide for the handling, storing and delivering of merchandise and cargo, and perform additional accessorial services. MTC will set forth in a tariff, rates, rules and regulations relating to its services. In consideration for the collection of wharf storage and wharf demurrage in accordance with the Port's tariff, MTC is allowed to retain a percentage of revenues as set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 22, 1978.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-5063 Filed 2-24-78; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION

### INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

#### Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573.

Airguide Freight Forwarders, Inc., 7795 Northwest 32nd Street, P.O. Box 52-2243, Miami, FL 33152. Officers: John V. McGauran, president director and Jerome Richman, director/secretary.

James R. Linnehan, 5140 West 104th Street, Inglewood, CA 90304.

Pacific Outbound Service Co. (Lin-Sing Huang, d.b.a.), 1835 South Purdue Avenue, No. 10, Los Angeles, CA 90025.

Abbe International (Herbert W. Abbe, d.b.a.), 160-07 79th Street, Howard Beach, NY 11414.

Dey Freight Forwarding, Inc., 717 Ponce de Leon Boulevard, Suite 320, Coral Gables, FL 33134. Officers: Denis Seiglie, president and Eysa Rojas, vice president.

Aero Sea Shipping Co., Inc., 155-06 South Conduit Avenue, P.O. Box 30296, JFK Airport, Jamaica, NY 11430. Officers: John Suazo, president and Ceara, secretary.

R. G. Hobelmann & Co., Inc., 900 First National Bank Building, Light and Redwood Streets, Baltimore, MD 21202. Officers: Rolf Graage, president, Raymond E. Hemerich, vice president, Nicholas A. Ciaccio, vice president, James A. Gardner, secretary/treasurer, and Zelig Robinson, assistant secretary.

International Services Corp., 1776 K Street NW., Suite 605, Washington, DC 20006. Officers: Milton G. Nottingham, president and Mariano Echevarria, vice president.

Hanson Forwarding Co. (Charles Augustus Hanson, d.b.a.), 211 East Water Street, Rockland, MA 02370.

By the Federal Maritime Commission.

Dated: February 21, 1978.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-5065 Filed 2-24-78; 8:45 am]

[6730-01]

[Docket No. 78-3]

### ORGANIC CHEMICALS (GLIDDEN-DURKEE) DIVISION OF SCM CORP. v. FARRELL LINES, INC.

#### Filing of Complaint

Notice is hereby given that a complaint filed by Organic Chemicals (Glidden-Durkee), Division of SCM Corp. against Farrell Lines, Inc., was served February 17, 1978. The complaint alleges that respondent assessed rates on ocean freight which are unjust and unrcasonable and are in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before July 16, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc. 78-5064 Filed 2-24-78; 8:45 am]

[6210-01]

## FEDERAL RESERVE SYSTEM

### ASSOCIATED BANC-CORP.

#### Acquisition of Bank

Associated Banc-Corp., Green Bay, Wis., has applied for the Board's approval under sec. 3(a)(3), of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Associated Bank of Appleton, Appleton, Wis., a proposed new bank. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 14, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5047 Filed 2-24-78; 8:45 am]

[6210-01]

### BYRON BANCSHARES, INC.

#### Formation of Bank Holding Company

Byron Bancshares, Inc., Byron, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in Byron, Byron, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5048 Filed 2-24-78; 8:45 am]





[6210-01]

### CHEMICAL NEW YORK CORP.

#### Proposed Acquisition of Citizens Mortgage Co.

Chemical New York Corporation, New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through its subsidiary, the Galbreath Mortgage Co., the mortgage servicing portfolio of Citizens Mortgage Co., Houston, Tex. Notice of the application was published on December 13, 1977, in the Houston Chronicle, a newspaper circulated in Houston, Tex.

Applicant states that Galbreath Mortgage Co. is engaged in servicing mortgage loans and will add the portfolio of Citizens Mortgage Co. to its own. Servicing mortgage loans has been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 21, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5049 Filed 2-24-78; 8:45 am]

[6210-01]

### COMMERCE BANCSHARES, INC.

#### Order for oral Presentation

Commerce Bancshares, Inc., Kansas City, Mo. ("Commerce"), a bank holding company within the meaning of the Bank Holding Company Act ("the Act"), has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Manchester Financial Corp., St. Louis, Mo. ("MFC"), a bank holding company within the meaning of the Act.

On September 19, 1977, notice of the application was given to the Comptroller of the Currency ("Comptroller") and the Missouri Commissioner of Finance ("Commissioner"), as required by section 3(b) of the Act, and to the Federal Deposit Insurance Corporation and the U.S. Department of Justice. Notice of the application also was published in the FEDERAL REGISTER on October 4, 1977, to afford opportunity for interested persons to submit comments and views (42 F.R. 53999 (1977)).

On October 19, 1977, the Board received a letter dated October 10, 1977, from Manchester-Tower Grove Community Organization, Missouri Association of Community Organizations for Reform Now ("ACORN"), and on October 26, 1977, a letter dated October 21, 1977, from Plaza Bank of West Port, St. Louis, Mo. ("Plaza Bank"). Both ACORN and Plaza Bank have requested that a hearing, either formal or informal, be held on the subject application.

Plaza Bank raises three issues in connection with the application. Plaza Bank alleges that the proposal is anticompetitive, that because of the alleged anticompetitive effects of the merger the convenience and needs of the community, both Statewide and within Plaza Bank's primary service area ("PSA"), would not be served by consummation of the proposal, and that, in a suit before the Eighth Circuit Court of Appeals, Plaza Bank contends that "a bank holding company arrangement is disfavored under the laws of the State of Missouri."[1] Plaza Bank requests "a formal or informal hearing" at which Plaza Bank could "extra-polate and more thoroughly present" the above issues to the Board. Commerce contends that a hearing would serve no purpose since "no facts are presented in support of the protest" by Plaza Bank. To date, the Board has not received a response to staff's letter of October 28, 1977, to Plaza Bank requesting a statement of reasons why a written presentation would not suffice in lieu of a formal oral hearing, identifying, with specificity, any questions of fact that Plaza Bank feels are in dispute and generally summarizing the evidence that Plaza Bank would present at such a hearing. In fact, the Board has not received any further communication from Plaza Bank concerning the subject application subsequent to Plaza Bank's initial letter to the Board. In view of Plaza Bank's lack of diligence in pursuing its request for a hearing and for other reasons, the Board hereby denies Plaza Bank's request for a hearing, either formal or informal.[2]

Turning to the protest by ACORN, it appears its opposition to the proposed merger is based upon the belief of ACORN, that upon merger with MFC, Commerce intends to move MFC's largest bank, the Manchester Bank of St. Louis, St. Louis, Mo. ("MBStL"), from its present location to a new location in downtown St. Louis, thereby depriving residents of the neighborhood surrounding MBStL of the only source of commercial banking services presently located within the neighborhood. Second, ACORN asserts that the proposed merger "would significantly limit" the amount of competition between banks serving the area, since the next closest bank to MBStL is Commerce Bank of Mound City, St. Louis, Mo. ("CBMC"), a subsidiary bank of Commerce. Third, ACORN maintains that both Commerce's and MFC's subsidiary banks located within the city of St. Louis[3] do not adequately serve the convenience and needs of the communities to be served because of their alleged failure to make "mortgage, home improvement and small business loans" avail-

[1] On August 15, 1977, the Board approved the application of MFC to acquire Manchester Bank West County, Maryland Heights, Mo. ("MBWC"), a de novo bank. Both ACORN and Plaza Bank had submitted comments in opposition to that acquisition and Plaza Bank subsequently petitioned the Board for reconsideration and a stay of its Order, both of which were denied by the Board by Order dated December 7, 1977. Plaza Bank has petitioned for review of the Board's August 15 approval Order in the Eighth Circuit Court of Appeals and requested that the Court stay the Board's August 15 Order. On December 13, 1977, the Court of Appeals denied Plaza Bank's motion to stay the Board's Order.

[2] The Act does not require a hearing on an application under section 3 unless within a specified time period the Comptroller of the Currency (if the transaction involves a national bank) or the appropriate State banking supervisor (if the transaction involves a State-chartered bank) recommends to the Board disapproval of the application. (12 U.S.C. 1842(b)). No such recommendation for disapproval was filed in this case and, therefore, no hearing is required. *Northwest Bancorporation* v. *Board of Governors*, 303 F. 2d 832, 843 (8th Cir. 1962), *Farmers and Merchants Bank of Las Cruces, New Mexico* v. *Board of Governors* (D.C. Cir. No. 76-1367, November 7, 1977). Of course, under its Rules of Procedure (12 CFR 262.3(g)), the Board may grant a hearing, either formal or informal, if the Board determines that such action is desirable.

[3] MFC's subsidiary bank in St. Louis is MBStL, and Commerce's subsidiary banks in St. Louis are Commerce Bank of St. Louis and CBMC. In addition, Commerce urges that Commerce Bank of University City, University City, Mo., be considered a St. Louis bank although it is located immediately adjacent thereto.

able to residents of St. Louis and that Commerce has "an obligation to show that the merger will positively aid the neighborhood" of which MBStL is now a part.[4] Fourth, ACORN argues that its protest has been strengthened by the recent enactment of the Community Reinvestment Act of 1977, ("CRA") which provides that the "convenience and needs of communities include the need for credit services as well as deposit services," and that the Board, in deciding whether a merger is to take place, shall "* * * assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods * * *."[5]

[4]By Order dated August 15, 1977, the Board, in approving the application of MFC to acquire a de novo bank, addressed the view expressed by ACORN that MFC's subsidiary bank, MBStL, follows a practice of disinvestment in the city of St. Louis, as evidenced by the distribution of its mortgage and home improvement loans between St. Louis and the surrounding suburban area. The Board stated that ACORN's comments focused "primarily upon the origination of residential real estate loans, and ignores the many other types of services and loans" offered by MBStL. Citing figures indicating that MBStL emphasized loans to businesses rather than residential mortgages, the Board indicated that to "evaluate a bank's performance with respect to serving the convenience and needs of the community solely on the basis of only one of the services a bank may offer overlooks entirely the interests of the many other customers a bank may serve through a broad range of services denominated as 'commercial banking'." Indicating that the Board would look "to the aggregate of all the commercial banking services provided by a bank in evaluating what weight should be accorded the convenience and needs considerations in connection with a particular application," the Board found that the data submitted to the Board by ACORN, "when considered in the context" of MBStL's "aggregate investment and loan portfolio and the variety of other services offered by that institution, do not, in the Board's judgment, establish probable cause to believe" that MBStL "has failed to serve the needs of the community in which it operates." 63 Fed. Res. Bull. 848, 849-50 (1977). See footnote 1.

[5]Pub. L. 95-128, 91 Stat. 1147, enacted October 12, 1977. Under the provisions of the CRA, regulations are to be promulgated to carry out its purpose "and shall take effect no later than 390 days after the date of enactment." Although the CRA is not required to be implemented until November 6, 1978, pursuant to section 3 of the Bank Holding Company Act, the Board has considered the issue of whether the credit needs of a bank's community will be served by the consummation of a proposal as part of the Board's determination of whether a proposal would meet the convenience and needs of the community to be served. See the Board's Orders of November 19, 1975, approving the acquisition and merger applications of Marine Midland Bank, Inc., Buffalo, N.Y., 61 Fed. Res. Bull. 890 (1975); February 19, 1976, approving the application of American Security and Trust Corp., to acquire the successor by merger to American Security & Trust Co., both of Washington, D.C., 62 Fed. Res. Bull. 255 (1976); and August 15, 1977, approving the application of Manchester Financial Corp., St. Louis, Mo., to acquire Manchester Bank West County, 63 Fed. Res. Bull. 848 (1977).

ACORN has requested a "public" hearing, indicating a preference for a "formal hearing that allowed for a full public presentation of the issues involved in this merger," but noting that should such a formal hearing not be possible, it "would be satisfied with a less formalized public hearing," to be held in St. Louis, "preferably in the evening since many neighborhood residents work during the day." ACORN has requested that its members "and other concerned citizens be allowed to present evidence and arguments regarding the merger, and that responsible representatives of Commerce Bancshares be present to answer questions relevant to the merger." In support of its request for a hearing, ACORN has argued that a public hearing is needed to provide an opportunity for Commerce to describe its plans and answer questions from community residents; that the hearing would enable ACORN members and others to raise questions about and give their reactions to Commerce's plans; that the public hearing would provide the neighborhood residents a chance to "present more evidence based on their own experience, and on some research currently being done"; and that should the Board choose to rely only upon written submissions to the record concerning the application, "the input of many people of the neighborhood will be effectively stifled." Commerce contends that no "worthwhile purpose" would be served by a formal or informal hearing on the issues raised by ACORN, "since there has been no challenge to facts presented" in Commerce's application.

According to the figures submitted to the Board, it appears that the subsidiary banks of both Commerce and MFC located within the city of St. Louis extend a smaller number and total dollar amount of their mortgage loans within the city of St. Louis than to the surrounding suburban areas. Commerce contends that this is primarily due to a relative lack of demand from St. Louis residents and provides figures indicating the high rate of accepted applications from the residents of St. Louis. ACORN responds that applications reflect only those who have been encouraged to apply by a bank interested in extending a loan. ACORN points to the higher rate of mortgage loans made to the residents of St. Louis by some of the other banks located in St. Louis as an indication that the demand for loans exists. In addition, ACORN contends that residents of St. Louis are receiving more mortgage loans from nonbanking sources than are residents of the surrounding suburban area and argues that this is another indication of an existing demand by residents of St. Louis for loans.

To date, the Board has not received any comments on the subject application from the Comptroller of the Currency. On September 29, 1977, the Missouri Commissioner of Finance advised the Board that the Commissioner had no objection to the merger of Commerce and MFC under section 3 of the Bank Holding Company Act, nor under Missouri statutes relating to bank holding companies. On December 15, 1977, Governor Joseph P. Teasdale of Missouri wrote to the Federal Reserve Bank of St. Louis and to the Board, urging that "serious consideration" be given to the request for a hearing, "particularly in light of the recently passed Community Reinvestment Act."

The Board has given careful consideration to the facts alleged and to all arguments and comments presented by the parties and by others interested in this matter. Under section 3(b) of the Act, the Board is required to hold a formal hearing on section 3 applications only if the appropriate bank supervisory authority (in this case the Comptroller of the Currency and the Missouri Commissioner of Finance) recommends disapproval of the application. No such recommendation for disapproval was received in this case, and therefore, the Board is not statutorily required to hold a formal hearing. However, under the Board's rules of procedure (12 CFR 262.3(g)), the Board may, if it deems it "desirable," order a formal hearing or an oral presentation before the Board or its designated representatives.[6] The Board has on several prior occasions considered allegations of community disinvestment relating to a bank holding company application in the context of the Board's inquiry into considerations relating to the convenience and needs of the community to be served pursuant to section 3 of the Act.[7] In light of the interest in this issue as evidenced by the submissions to the Board to date, the Board believes that a public oral presentation on the issue of alleged community disinvestment raised by ACORN would be desirable.

The Board intends that the members of ACORN and other interested members of the community shall have an opportunity to present orally their positions and arguments and to provide relevant facts with respect to this issue. At the same time, the Board recognizes that Commerce is entitled to a prompt decision on its application and the Board intends the oral presentation shall proceed in an expeditious

[6]See footnote 2.

[7]See footnote 5.





and orderly fashion without undue delay. The submissions already provided to the Board by ACORN and Commerce, together with the opportunity that will be afforded at an oral presentation to supplement the record with additional facts and argument, should provide a fully adequate record for Board consideration and decision on the issue raised by ACORN.

*Accordingly, it is hereby ordered,* That, pursuant to §262.3(g)(3) of the Board's rules of procedure (12 CFR 262.3(g)(3)), a public oral presentation be held.

The presentation shall be held before Robert E. Mannion, Associate General Counsel, representing the Board, commencing at 10 a.m. on March 9, 1978, at the Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Mo. 63102, in the Assembly Room. If it appears to the Board's representative that additional time will be necessary, the Board's representative may continue the hearing past the normal close of business. Such presentation shall consist of presentation of statements in either oral or written form, together with supporting or supplemental written submissions.

*It is further ordered,* That the issue upon which evidence and argument will be received at the oral presentation ordered herein is whether consummation of the proposed transaction would serve the convenience and needs of the St. Louis, Mo. community including the so-called Manchester-Tower Grove community, and more particularly, whether banking subsidiaries of Commerce and MFC have been, are, and will be, in the event of consummation, responsive to the credit needs of the communities to be served by the subsidiary banks of Commerce and MFC, including the so-called Manchester-Tower Grove community.

The name of any person wishing to present testimony in either oral or written form or to present evidence, argument, or otherwise participate in the proceeding must be submitted, together with a request containing a statement of the extent of participation desired and the general nature and subject matter of the testimony to be presented together with any supporting or supplementary statements, on or before March 3, 1978, to the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. A copy of all such information and material should also be provided on or before March 3, 1978, to the Senior Vice President, Bank Supervision and Structure, Federal Reserve Bank of Kansas City, Mo. 64198, Commerce, ACORN, and Plaza Bank. A transcription of the hearing will be made and will become part of the record to be considered by the Board in connection with the subject application. The transcript and all material submitted at the oral presentation will be made publicly available, pursuant to the Board's Rules Regarding Availability of Information (12 CFR Part 261).

To the extent testimony is anticipated to be duplicative of other testimony, it should be submitted in written, preferably affidavit form. The representative of the Board conducting the oral presentation will schedule the time and duration of all testimony. The Board's representative may rule that a statement be submitted in written form in lieu of testimony the Board's representative concludes is repetitious or duplicative of other testimony. Only the Board's representative will be permitted to conduct examination of witnesses at the oral presentation.

By Order of the Board of Governors,[8] effective February 16, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5050 Filed 2-24-78; 8:45 am]

[6210-01]

## CORYDON BANCORPORATION

### Formation of Banking Holding Company

Corydon Bancorporation, Corydon, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.87 percent of the voting shares of Corydon State Bank, Corydon, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5051 Filed 2-24-78; 8:45 am]

[6210-01]

## HAWKEYE BANCORPORATION

### Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the National Bank of Washington, Washington, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 16, 1978.

Board of Governors of the Federal Reserve System, February 17, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5055 Filed 2-24-78; 8:45 am]

[6210-01]

## JEFCO, INC.

### Formation of Bank Holding Company

JEFCO, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 55 percent or more of the voting shares of City National Bank of Cedar Rapids, Cedar Rapids, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

JEFCO, Inc., Cedar Rapids, Iowa, has also applied, pursuant to 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of LTD Leasing Co., Cedar Rapids, Iowa. Notice of the application was published on January 30, 1978, in The Cedar Rapids Gazette, a newspaper circulated in Cedar Rapids, Iowa.

Applicant states that the proposed subsidiary would engage in the activity of leasing of equipment and vehicles used in the operation of banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased

[8]Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governors Wallich and Lilly.

or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 16, 1978.

Board of Governors of the Federal Reserve System, February 17, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5052 filed 2-24-78; 8:45am]

[6210-01]

**K-4 BANCO CORP.**

**Formation of Bank Holding Company**

K-4 Banco Corp., Latimer, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.1 percent or more of the voting shares of Latimer State Bank, Latimer, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5099 Filed 2-24-78; 8:45 am]

[6210-01]

**QUANAH BANCSHARES, INC.**

**Formation of Bank Holding Company**

Quanah Bancshares, Inc., Quanah, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Quanah, Quanah, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5053 Filed 2-24-78; 8:45 am]

[6210-01]

**UNITED MICHIGAN CORP.**

**Acquisition of Bank**

United Michigan Corp., Flint, Mich., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 66.6 percent or more of the voting shares of Community State Bank of Fowlerville, Fowlerville, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5101 Filed 2-24-78; 8:45 am]

[1610-01]

## GENERAL ACCOUNTING OFFICE

**REGULATORY REPORTS REVIEW**

**Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO on February 21, 1978 (ICC), and February 22, 1978 (FTC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 17, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new Premerger Notification Report Form. The FTC and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice will conduct a premerger notification program pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. § 18A). The Act requires that certain persons contemplating significant mergers and acquisitions file notification with the Commission and Assistant Attorney General, Prior to consummation, and provide such documentary and other information that will support a meaningful evaluation of the possible antitrust consequences of the acquisition. In order to complete the Form, a filing person must identify the parties and describe the transaction in some detail, provide its dollar revenues for 1972 by industry and by manufactured product and for the most recent year by industry and by manufactured product class, and identify its significant stockholders and stockholdings. In certain cases, the person must also describe the geographic areas within which it does business, the purchases it has made from another party to the same transaction, and its previous acquisitions. Documents prepared in anticipation of, or in connection with, the acquisition, or indices thereof, must be submitted with the Form, as well as specified annual reports, financial statements, and certain recent filings made with the United States Securities and Exchange Commission. The FTC estimates that as many as 1,000 respondents will have to file this report and that reporting time will average 50 hours per report.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of revisions to the reporting regulations for Form BOp-108, Carrier Performance Report, which is filed by Household Goods Carriers with the ICC and furnished each prospective customer. The purpose of the report is to provide information to prospective customers which will permit them to intelligently compare the services of competing carriers. The requirement and data to be included in the report are specified in 49 CFR 1056.7. By docket Ex Parte MC 19 (Sub-No. 19a) served January 12, 1976, 49 CFR 1056.7 was amended to eliminate approximately 500 household goods carriers engaged solely in the transportation of "used household goods, restricted to the transportation of shipments having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with the packing, crating and containerization or unpacking." Docket Ex Parte MC 19 (Sub-No. 29), service date December 1, 1976, and corrected order, service date January 25, 1977, amended the reporting date from "on or before the 45th day of each year" to "on or before March 31 of each year." In Ex Parte MC 19 (Sub-No. 29) modifications also provided for additional changes in the data required to be included in the performance report relating to the handling of claims to make this data even more meaningful when reviewed by perspective shippers. The ICC estimates that respondents will be approximately 2,500 Household Goods Motor Carriers and that reporting time will average 10 hours for each annual report.

NORMAN F. HEYL,
*Regulatory Reports, Review Officer.*

[FR Doc. 78-5069 Filed 2-24-78; 8:45 am]

[6820-24]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-461]

**SECRETARY OF DEFENSE**

**Delegation of Authority**

Subject: Delegation of authority.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Sacramento Municipal Utility District involving its proposed electric rate increase.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
*Administrator of General Services.*

FEBRUARY 13, 1978.

[FR Doc. 78-4996 Filed 2-27-78; 8:45 am]

[4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary for Housing—Federal Housing Commissioner**

[Docket No. N-78-844]

**SPECIAL ALLOCATION FOR SECTION 8 SUBSTANTIAL REHABILITATION (NEIGHBORHOOD STRATEGY AREAS)**

**Fiscal Year 1978**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of special allocation.

SUMMARY: The Secretary is announcing availability of additional new contract authority under the section 8 substantial rehabilitation program. The authority will be used in areas which are approved by HUD as neighborhood strategy areas (NSAs) on the basis of proposals by local governments for concentrated housing rehabilitation and neighborhood revitalization.

FOR FURTHER INFORMATION CONTACT:

The HUD area office for your jurisdiction. To find out the office which serves your jurisdiction, write or telephone the Office of Assisted Housing Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C., telephone 202-755-5656.

SUPPLEMENTARY INFORMATION: Eligible applicants are those local governments which are applying for or are eligible to receive assistance under the community development block grant program pursuant to 24 CFR 570.102 and 103, except as noted below. To qualify for NSA designation, a chief executive officer of a local jurisdiction must submit a request for approval of an NSA in accordance with 24 CFR 881.303. Four copies of each request must be received by the HUD field office by the close of business on May 30, 1978. Final determinations as to which application shall receive allocations will be made by the Assistant Secretary for Housing—Federal Housing Commissioner.

Section 881.302(b)(2) authorizes HUD to impose criteria to be used in selecting NSAs to receive the authority being made available. The following criteria are applicable to this allocation:

(1) Eligible applicants must also be: (a) A city of at least 25,000 population (according to the Census estimates for 1975); or (b) an urban county eligible for assistance under the community development block grant program.

(2) Ten thousand of these units must be financed by State housing finance and development agencies (HFDAs). The other 10,000 units are not restricted as to source of financing. Cities in States with active HFDAs are to take maximum advantage of opportunities for financing available from those HFDAs and to limit the number of units which would utilize alternate sources of financing. HUD's selection will reflect the requirement that the overall allocation of authority result in this division between HFDA and non-HFDA financing.

(3) The Department does not expect to fund NSA requests for more than five hundred (500) units for any local government, except where a larger proposal is clearly superior based on the applicable criteria.

Where limited availability of contract and budget authority requires the Assistant Secretary for Housing to select among local governments responding to this notice, the selection criteria to be employed are those specified in 24 CFR 881.304(e) (1) to (7) and the additional selection criteria that selections shall represent a broad cross section of local governments by size and geographical distribution.

Issued at Washington, D.C., February 16, 1978.

LAWRENCE B. SIMONS,
*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 78-4990 Filed 2-24-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

**Bureau of Land Management**

[AA-6674-A]

**ALASKA NATIVE CLAIMS SELECTION**

**Easements Reserved; Karluk Native Corp.; Temporary Suspension**

The decision to issue conveyance to Karluk Native Corp., notice of which

was published in the December 7, 1977 issue of the FEDERAL REGISTER (42 FR 61896), is hereby temporarily suspended pending the reconsideration of easements reserved pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act.

This suspension is in accordance with the agreement dated November 12, 1976, between the Secretary of the Interior, Karluk Native Corp. and Koniag Inc.

ROBERT E. SORENSON,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4989 Filed 2-24-78; 8:45 am]

[4310-84]

[NM 32759, 32879, 32880, and 32890]

NEW MEXICO

Applications

FEBRUARY 15, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 6, lot 11.
T. 28 N., R. 11 W.,
Sec. 27, S½SW¼;
Sec. 29, W½SE¼ and SE¼SE¼.
T. 31, N., R. 11 W.,
Sec. 5, E½SE¼ and SW¼SE¼.

These pipelines will convey natural gas across 0.559 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4994 Filed 2-24-78; 8:45 am]

[4310-84]

[NM 32701]

NEW MEXICO

Notice of Application

FEBRUARY 15, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 28 S½NE¼.

This pipeline will convey natural gas across 0.113 mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 78-4995 Filed 2-24-78; 8:45 am]

[4310-31]

Geological Survey

TRAINING AND QUALIFICATIONS

Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations

In the Notice to the publication of the U.S. Geological Survey (USGS) Outer Continental Shelf (OCS) standard, entitled "Training and Qualification of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65293), vol. 42, No. 251, the USGS stated that the language of finalized National OCS Order No. 2 will require that personnel employed in certain position classifications must be qualified by December 1, 1979. In addition, it was stated that the USGS would review and approve the training and qualification programs which are to be utilized in meeting these requirements. Furthermore, our stated intention was that only those personnel attending training programs after the USGS approval date would be considered qualified in accordance with the terms of this standard.

For the purpose of ensuring quality education of the personnel addressed by the training standard and as a means of recognizing the past excellent quality of training provided through various industry and university programs, the USGS has modified the stated intention of certifying only those personnel attending approved training courses after the approval date.

The following guidelines will be utilized in the determination of acceptable training:

I. Any driller, toolpusher, or operator's representative who has completed a training course in well-control operations prior to December 1, 1975, must attend and successfully complete a training course in well-control operations in a USGS-certified program by December 1, 1979.

II. Any driller, toolpusher, or operator's representative who received training between December 1, 1975, and December 1, 1978, will be credited with having completed formal well-control training in accordance with OCS Order No. 2. Such training shall be supplemented by a refresher course as described in GSS-OCS-T 1 prior to December 1, 1979, and comply with the provisions of GSS-OCS-T 1 thereafter. In order to maintain his qualification, the employee must successfully complete a USGS-approved program within 4 years of the anniversary date of completion of his previous training. Records must be maintained at the jobsite indicating the specific well-control course successfully completed, the date of completion, and the names and dates of satisfactory completion of the annual refresher requirements.

III. After December 1, 1978, only successful completion at USGS-approved schools shall be recognized as meeting the training requirements set forth in GSS-OCS-T 1. Records must be maintained at the jobsite indicating the specific well-control course successfully completed, the date of completion, and the names and dates of the satisfactory completion of the annual refresher requirements.

The following guidelines are provided by the USGS for those organizations submitting well-control programs for review by the USGS to be utilized in meeting the requirements of GSS-OCS-T 1 for drillers, toolpushers, and operator's representatives:

I. General Well-Control Program Requirements.

A. An organization which submits a program for approval will:

1. Mail the program to: Chief, Conservation Division, U.S. Geological Survey, MS620, National Center, 12201 Sunrise Valley Drive, Reston, Va. 22092.
2. Provide the Chief with 6 copies of the information requested in FEDERAL REGISTER, vol. 42, No. 251, Friday, December 30, 1977, page 65292, except item (h) (Handouts or materials to be furnished students).
3. Provide the Chief with 1 copy of the information requested in (h) (see above FEDERAL REGISTER reference) and 6 copies of a listing of the materials contained therein.

B. The USGS will make an onsite review of the school and facility during a training session.

C. A program must include *all* the aspects of training specified in GSS-OCS-T 1 for a particular job classification before the school will be considered for approval. No partial or conditional approvals will be granted.

II. Specific well-control program guidelines. An organization which submits a program for review by the USGS is encouraged to utilize the following guidelines:

A. In addressing item (a) published in the December 30, 1977, FEDERAL REGISTER Notice, the curriculum outline should be submitted in a format similar to the following:

Job Classification—Driller:
First Day—10 hours:
Subject X—5 hours:
Detail A, Detail B, Detail C.
Subject Y—3 hours:
Detail D, Detail E.
Subject Z—2 hours:
Detail F, Detail G.
Second day—10 hours:
Subject M—5 hours:
Detail H, Detail I, Detail J.
Subject N—5 hours:
Detail K, Detail L.

B. In addressing item (b), qualifying credentials of instructors shall include education and experience (both work experience and teaching experience).

C. In addressing item (c), the maximum class size shall be: 1. Lecture—20 students; 2. Lab (hands-on)—4 students per exercise.

D. The organization shall also identify the means to be utilized to instruct and test those individuals believed to be qualified but nonresponsive to conventional educational and testing techniques.

In addition to addressing the subject of training for any driller, toolpusher, or operator's representative, the Geological Survey Standard GSS-OCS-T 1, also sets criteria for the training of personnel employed as a rotary helper or derrickman on rigs operating on the OCS. Any program to be utilized in meeting these criteria, whether conducted under the auspices of the employer or other organizations, is also to be submitted for USGS review and approval. The program description must state the means to be utilized to provide the pertinent instructions to the employee, the means to measure his understanding of the instructions, and the means to provide the required "hands-on" experience as set forth in the Standard.

Although it is recognized that such programs shall tend to be less structured than those for a driller, toolpusher, or operator's representative, the program descriptions submitted for USGS review shall be similar to those outlined for well-control schools as set forth in the December 30, 1977, FEDERAL REGISTER Notice, with the following exceptions:

I. The personnel responsible for providing the instructions should be identified in item (b) instead of instructor qualifications.
II. The description of classroom and lab facilities item (d) is not required if the majority of the training is on the rig.
III. Item (j), copies of proposed certificates of completion, may be deleted.
IV. Item (k) may be deleted since instructions should pertain to specific equipment on the rig where employed.
V. Item (n) may be deleted.
VI. Item (o) may be deleted.
VII. Item (p) may be deleted.

Any organization intending to submit a program description for USGS review and approval, under the criteria specified in GSS-OCS-T 1, is encouraged to discuss preliminary details of the submittal with any of the following U.S. Geological Survey personnel:

Mr. Jerry Richard—Reston, Va. 703-860-7540
Mr. Larry Ake—Washington, D.C. 202-254-7870
Mr. Jack Hendricks—Metairie, La. 504-837-4720
Mr. Glenn Shackell—Los Angeles, Calif. 213-688-2846
Mr. Brian Schoof—Anchorage, Alaska 907-278-3571

Other questions pertaining to the content of the training Standard should be addressed to the primary authors, Richard B. Krahl and Paul E. Martin, Branch of Marine Oil and Gas Operations, Conservation Division, Mail Stop 620, U.S. Geological Survey, Reston, Va. 22092, telephone 703-860-7531.

J. R. BALSLEY,
*Acting Director.*

[FR Doc. 78-4997 Filed 2-24-78; 8:45 am]

[4310-09]

Office of the Secretary

GARRISON DIVERSION UNIT

Public Hearing on Draft Comprehensive Supplementary Environmental Statement

In compliance with the May 11, 1977, stipulation and order entered into and approved by the Court in the case of *National Audubon Society, Inc. v. Andrus*, Civil No. 76-0943 in the U.S. District Court for the District of Columbia, and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft comprehensive supplementary environmental statement for the Garrison diversion unit, North Dakota. This statement (INT DES 78-2, dated February 1, 1978) was made available to the public on February 1, 1978, and supplements the final environmental statement for the project (INT FES 74-3) and supplement (INT FES 74-21) filed with the Council on Environmental Quality January 10, 1974, and May 3, 1974. This statement analyzes the impacts of six primary alternate plans, which range from foregoing additional construction and providing about 20,000 acres of irrigation, to development of the unit with 250,000 acres of irrigation as authorized by Congress in 1965.

A draft report describing a proposed plan for modification of the authorized project that would irrigate 96,300 acres as well as serving other functions was also released with the environmental statement for review. This plan is a synthesis of features of the primary alternatives in the draft statement and is based on and derived from analysis of those plans and their environmental impacts.

Copies of the environmental statement and report are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3007.
Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Mont. 59103, telephone 406-657-6214.
Missouri-Souris Project Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, N. Dak. 58501, telephone 701-255-4011.

Single copies of the environmental statement and report may be obtained on request to the Commissioner of Reclamation, the regional director, or the project office. Please refer to the statement number above.

Public hearings will be held in Minot, Devils Lake, and Jamestown, N. Dak., on March 28, 29, and 30, 1978, to receive views and comments concerning the environmental impacts of the proposed plan and alternatives described in the environmental statement and report. All three hearings will start at 12 noon, recess by 5 p.m., begin again at 6 p.m., and continue until all interested parties have had an opportunity to be heard. The hearings will be held:

Tuesday, March 28, 1978, at the Ramada Inn in Minot.
Wednesday, March 29, 1978, at the Art Claire Motel in Devils Lake.
Thursday, March 30, 1978, at the Holiday Inn in Jamestown, N. Dak.

Organizations or individuals desiring to present statements at the hearing should contact the Project Manager, Bureau of Reclamation, Room 232, 304











p.m.; and March 15, 1978, from 9 a.m.-

section (c)(4), (6), and 9(B) of section

Standards Development, U.S. Nuclear

East Broadway, Bismarck, N. Dak. 58501, telephone 701-255-4011, extension 4242, and express their intention to participate. Requests for scheduled presentation will be accepted up to 5 p.m. on March 22, 1978. Any requests received later will be handled on a first-come-first-served basis following the scheduled presentations. Oral statements at the hearings will be limited to 15 minutes each. Speakers will not be allowed to trade their time to make a longer oral presentation. However, the person authorized to conduct the hearing may allow any speaker additional time after all persons wishing to comment have been heard. Whenever possible, speakers will be scheduled according to the time requested in their letter or telephone request. Any scheduled speaker not present when called will be recalled at the end of the scheduled presentations.

Those unable to attend, and those wishing to supplement their oral presentation at the hearing may submit written comments to be included in the hearing record. Comments should be sent on or before March 31, 1978, directly to:

Chairman, Garrison Diversion Unit Oversight and Management Group, Room 7543, Department of the Interior, Washington, D.C. 20240.

Dated: February 21, 1978.

DANIEL P. BEARD,
*Deputy Assistant Secretary of the Interior.*

[FR Doc. 78-4966 Filed 2-24-78; 8:45 am]

[7536-01]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment on the Arts

### DANCE ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will take place March 12, 1978, from 9 a.m.-7 p.m.; March 13, 1978, from 9 a.m.-10 p.m.; on March 14, 1978, from 9 a.m.-6 p.m.; and March 15, 1978, from 9 a.m.-6 p.m. in Room 1422, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 13, 1978, from 5:30 p.m.-10 p.m. The topic of discussion will be guidelines.

The remaining sessions of this meeting on March 12, 1978, from 9 a.m.-7 p.m.; March 13, 1978, from 9 a.m.-5:30 p.m.; March 14, 1978, from 9 a.m.-6 p.m.; and March 15, 1978, from 9 a.m.-6 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 19-7, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation On the Arts and the Humanities.*

FEBRUARY 21, 1978.

[FR Doc. 78-4976 Filed 2-24-78; 8:45 am]

[7536-01]

### FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will take place on March 15, 1978, from 9 a.m.-5:30 p.m.; March 16, 1978, from 9 a.m.-5:30 p.m.; and March 17, 1978, from 9 a.m.-5 p.m.; in Room 1340, Columbia Plaza, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 15, 1978, from 9 a.m.-5:30 p.m.; and March 16, 1978, from 9 a.m.-5:30 p.m.; for the purpose of preliminary application review of the basic State agency applications.

The remaining sessions of this meeting on March 17, 1978, from 9 a.m.-5 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

FEBRUARY 21, 1978.

[FR Doc. 78-4973 Filed 2-24-78; 8:45 am]

[7536-01]

### MEDIA ARTS ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (General Programs) to the National Council on the Arts will take place March 13, 1978, from 9 a.m.-5:30 p.m.; March 14, 1978, from 9 a.m.-5:30 p.m.; and March 15, 1978, from 9 a.m.-5:30 p.m., in Room 1219, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1967, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

FEBRUARY 21, 1978.

[FR Doc. 78-4974 Filed 2-24-78; 8:45 am]

[7536-01]

### MUSEUM ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will take place March 14, 1978, from 9 a.m.-5 p.m.; and March 15, 1978, from 9 a.m.-5 p.m. in the Shoreham Building, first floor conference room, 806 15th Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 14, 1978, from 2 p.m.-5 p.m. and March 15, 1978, from 9 a.m.-1:30 p.m. The topics for discussion will be guidelines and policy.

The remaining sessions of this meeting on March 14, 1978, from 9 a.m.-2 p.m., and March 15, 1978, from 1:30 p.m.-5 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts, and the Humanities.*

FEBRUARY 21, 1978.

[FR Doc. 78-4975 Filed 2-24-78; 8:45 am]

[7536-01]

### VISUAL ARTS ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Craftsmen's Fellowships) to the National Council on the Arts will take place March 15, 1978, from 9:30 a.m.-5:30 p.m.; March 16, 1978, from 9:30 a.m.-5:30 p.m.; and March 17, 1978, from 9:30 a.m.-5:30 p.m. in Room 1115, 2401 E Street NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and 9(B) of section 552 of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

FEBRUARY 21, 1978.

[FR Doc. 78-4977 Filed 2-24-78; 8:45 am]

[7590-01]

## NUCLEAR REGULATORY COMMISSION

### AMERICAN NATIONAL STANDARDS INSTITUTE, DRAFT ANSI STANDARD N18.10, "GENERIC REQUIREMENTS FOR LIGHT WATER NUCLEAR POWERPLANT FIRE PROTECTION"

#### Summary of Public Meeting

The Nuclear Regulatory Commission staff met publicly with representatives of the ANSI-N18.10 Work Group to discuss staff comments on the draft ANSI Standard N18.10, "Generic Requirements for Light Water Nuclear Power Plant Fire Protection." The meeting was held on January 26, 1978, in Room 6507 of the Commission's offices at 7735 Old Georgetown Road, Bethesda, Md., and began at 9:15 a.m.

The following is a list of the major topics covered at the meeting:

(1) Quality assurance program for fire protection.

(2) The use of analysis to justify spatial separation of redundant safety-related cable systems.

(3) The use of analysis to justify fire barriers with less than a 3-hour rating separating the redundant safety divisions.

(4) The use of water as a fire extinguishing agent.

(5) The use of fire stops in vertical and horizontal cable trays.

(6) The use of fixed self-contained battery powered emergency lighting.

(7) The need for fixed emergency communications independent of the normal plant communications.

The meeting was adjourned at 12:45 p.m.

The items discussed at this meeting will be evaluated by the full membership of the ANSI-N18.10 Standards Writing Group. The Writing Group will determine how these items are resolved within the N18.10 document. The NRC staff will review the resolution of these and other outstanding items to determine their acceptability.

Persons desiring additional information regarding the meeting should contact Mr. Eugene V. Imbro, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5420.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 21st day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of Standards Development.*

[FR Doc. 78-5001 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

### COMMONWEALTH EDISON CO.

#### Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 34 and 31 to facility operating licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised technical specifications for operation of the Zion station units Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments establish: (1) Surveillance requirements for steam generator tubes, and (2) maximum reactor coolant to secondary side steam generator leak rate limits.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated August 16, 1977, (2) amendments Nos. 34 and 31 to licenses Nos. DPR-39 and DPR-48, and (3) the Commission's revised safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Waukegan Public Library, 128 North County Street, Wau-

kegan, Ill. 60685. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5002 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 24 to facility operating license No. DPR-61 issued to Connecticut Yankee Atomic Power Co. which revise technical specifications for operation of the Haddam Neck plant located in Middlesex County, Conn. The amendment is effective as of the date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This section is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 25, 1977, as supplemented December 15, 1977, (2) amendment No. 24 to license No. DPR-61, and (3) the Commission's related safety evaluation dated November 25, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Conn. 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5003 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 55, 55, and 52 to facility operating licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Co. for operation of the Oconee nuclear station, Unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective as of the date of issuance.

These amendments revise the technical specifications to: (1) Delete the requirements for annual reports, (2) require written confirmation for prompt reportable occurrences, and (3) delete the technical specification section on respiratory protection program.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see: (1) The applications for amendments dated October 31, 1977, and December 2, 1977, (2) amendments Nos. 55, 55, and 52 to licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5004 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-316]

INDIANA & MICHIGAN ELECTRIC CO., AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 1 to facility operating license No. DPR-74, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co., which revised technical specifications for operation of the Donald C. Cook nuclear plant, unit No. 2 (the facility) located in Berrien County, Mich. The amendment is effective as of its date of issuance.

These amendments reflects installation of a main steam/feedwater isolation trip on low steamline pressure with no coincidence signal and changes the delay time on the containment air recirculation system return air fan auto start signal. In addition, this amendment revised ice condenser surveillance requirements to be identical with those of D. C. Cook unit 1 with increased surveillance frequency.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.





The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Part 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The applications for amendment dated February 3, 1978, and February 16, 1978, (2) amendment No. 1 to license No. DPR-74, and (3) the Commission's related safety evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 17th day of February 1978.

For the Nuclear Regulatory Commission.

KARL KNIEL,
*Chief, Light Water Reactors Branch No. 2, Division of Project Management.*

[FR Doc. 78-5005 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 38 to facility operating license No. DPR-56 issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co., which revised technical specifications for operation of the Peach Bottom atomic power station unit No. 3. The amendment is effective as of its date of issuance.

The amendment will revise the technical specifications related to safety related snubbers by deleting two of the HPCI snubbers (which have been replaced by rigid support struts) from the list of snubbers requiring periodic surveillance to assure their operability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 3, 1977, (2) amendment No. 38 to license No. DPR-56, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 16th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-5006 Filed 2-24-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the standard review plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977); the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 9.1.1 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the standard review plan for the review of safety analysis reports for nuclear powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 9.1.1. is $4. Foreign price information is available from NTIS. A copy of the standard review plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 16th day of February 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
*Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.*

[FR Doc. 78-5007 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-312]

SACREMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 18 to facility operating license No. DPR-54 issued to Sacremento Municipal Utility District (the licensee), which revised technical specifications for operation of the Rancho Seco nuclear generating station (the facility), located in Sacramento County, Calif. The amendment becomes effective 30 days after its date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and

the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendments.

For further details with respect to this action, see: (1) The application for amendment dated August 1, 1977, as supplemented December 16, 1977, (2) the Commission's letter to the licensee dated November 25, 1977, (3) amendment No. 18 to license No. DPR-54, and (4) the Commission's related safety evaluation issued November 25, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, Calif. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.*

[FR Doc. 78-5008 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 30 to provisional operating license No. DPR-13, issued to Southern California Edison Co. and San Diego Gas & Electric Co. (the licensee), which revised technical specifications for operation of the San Onofre nuclear generating station, unit No. 1 (SO-1) located in San Diego County, Calif. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the technical specifications by deleting the requirement for submittal of an annual operating report while retaining the requirement to submit occupational exposure data on an annual basis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 1, 1977 (proposed change No. 66), (2) amendment No. 30 to license No. DPR-13, (3) the Commission's related safety evaluation, and (4) the Commission's letter to the licensee dated September 16, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5009 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-57]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 16 to facility operating license No. R-77, issued to the State University of New York at Buffalo, which revised the license and technical specifications for operation of the nuclear science and technology facility (the facility) located in Buffalo, N.Y. The amendment is effective as of its date of issuance.

This amendment modifies the primary piping carrying reactor coolant in the PULSTAR type research reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of proposed issuance of amendment to facility operating license in connection with this action was published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22211). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated March 14, 1977, (as supplemented by letters dated May 16, and June 8, 1977), (2) amendment No. 16 to license No. R-77, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, New York City Department of Health, 125 Worth Street, New York, N.Y. 10013. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 16th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-5010 Filed 2-24-78; 8:45 am]





[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective within 30 days of the date of issuance.

The amendment to the Technical Specification establishes, (1) Provisions for steam generator tube inspection that are consistent with the guidance contained in Regulatory Guide 1.83, Revision 1, dated July 1975, with the exception of deviations determined by the staff to enhance the overall inspection program, (2) provisions for monitoring secondary water chemistry, and (3) a new limit on reactor coolant to secondary leakage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1976, as supplemented September 6, 1977, (2) Amendment No. 18 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5012 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (the licensee) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to: (1) provide updated organizational charts of the licensee's corporate nuclear staff and the Kewaunee plant, (2) redefine the composition of the Nuclear Safety Review and Audit Committee, (3) delete the requirements for an Annual Operating Report, (4) make minor changes to reporting requirements for radioactive effluent releases and (5) delete section 6.12 of the Technical Specifications titled Respiratory Protection Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 28, 1977, (2) Amendment No. 19 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc. 78-5011 Filed 2-24-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.122, Revision 1, "Development of Floor Design Response Spectra for Seismic Design of Floor-Supported Equipment or Components," describes methods acceptable to the NRC staff for developing two horizontal and one vertical floor design response spectra at various floors or other equipment-support locations of interest from the time-history motions resulting from the dynamic analysis of the supporting structure. This guide, the last in a series of guides that delineate current procedures for applying the vibratory ground motion to design, was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public

Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Director, Office of Standards Development.*

[FR Doc. 78-5013 Filed 2-24-78; 8:45 am]

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[3160-01]

## OFFICE OF TELECOMMUNICATIONS POLICY

### U.S. INMARSAT PREPARATORY COMMITTEE WORKING GROUP

### Meetings

Notice is hereby given that the U.S. INMARSAT Preparatory Committee Working Group will meet at 9:30 a.m., in Room 712A, Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C., on March 28, April 11, May 9, and June 6, 1978.

The principal agenda items will be development of national positions relating to the technical, economic and organizational aspects of the INMARSAT system which will be addressed in meetings of the INMARSAT Preparatory Committee and its Technical, Economic and Organizational Panels in June and July, 1978.

The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Working Group before or after the meetings.

The names of the members of the Working Group, copies of the agendas, summaries of the meetings and other information pertaining to these meetings may be obtained from William T. Adams, Office of Telecommunications Policy, Washington, D.C. 20504, telephone 202-395-3782.

L. DANIEL O'NEILL,
*Advisory Committee Management Officer.*

[FR Doc. 78-4990 Filed 2-24-78; 8:45 am]

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[3160-01]

### FREQUENCY MANAGEMENT ADVISORY COUNCIL

### Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 9:30 a.m., at the Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C., in Room 712 on March 10, 1978.

The principal agenda items will be (1) Progress report on World Administrative Radio Conference preparatory work including discussions by Government sub-committee conveners; (2) consideration of results of 1978 Aeronautical ITU Conference; (3) an overview of recently concluded CCIR meetings; (4) discussion of OTP research paper, "Performance of Telecommunication Systems in the Spectral-Use Environment, IV Statistical Criteria, EMI Environments, and Scenarios," September 15, 1977.

The meeting will be open to the public. Any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

Information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. telephone 395-5?23

Dated: February 15, 1977.

L. D. O'NEILL,
*Advisory Committee Management Officer.*

[FR Doc. 78-4992 Filed 2-24-78; 8:45 am]

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[4710-01]

## DEPARTMENT OF STATE

[Public Notice 4710-01]

### ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

### Meeting

The Department of State will hold a meeting on March 13 for the Working Group on OECD Investment Undertakings of the Advisory Committee on Transnational Enterprises. The Working Group will meet from 2 p.m. to 5 p.m. The meeting will be held in Room 1205 of the State Department, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss issues relating to the three parts of the OECD investment package, i.e. the Guidelines for Multinational Enterprises, the decision on national treatment, and the decision on incentives and disincentives. At the March 13 meeting, the Working Group will also review the status of negotiations in the United Nations leading toward a code of conduct relating to transnational corporations.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: February 21, 1978.

RICHARD D. KAUZLARICH,
*Executive Secretary.*

[FR Doc. 78-5036 Filed 2-24-78; 8:45 am]

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[4710-02]

### Agency for International Development

### JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

### Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eighth meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on March 13-15, 1978.

The purpose of this meeting is to receive a progress report on the development of criteria for university inclusion on the roster; to receive a progress report on baseline studies of research, education and extension; to review the status of Title XII projects in Asia, Africa, Latin America, and the Near East; to work out operating procedures for the Regional Work Groups of the Committee and to consider other business brought before the Committee.

The meeting on March 13, 1978, will convene in Regional Work Groups (RWGs): Africa RWG at 9:30 a.m. in Room 2497, New State Department Building, Asia RWG at 10 a.m. in Room 609, Rosslyn Plaza Building, 1601 North Kent Street, Rosslyn, Va.; Latin America RWG at 10 a.m. in Room 2242, New State Department Building; and Near East RWG at 2 p.m. in Room 6484, New State Department Building. The meeting on March 14 and 15, 1978, will convene from 9 a.m. to 5 p.m. at the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. Room designation will be posted in the lobby of the Quality Inn. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy to the Associate Assistant Administrator, Development Support Bureau is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: February 22, 1978.

FLETCHER E. RIGGS,
*AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.*

[FR Doc. 78-5261 Filed 2-24-78; 8:45 am]

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[4710-02]

### JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

### Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given to the ninth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on March 14 and 15, 1978.

The purpose of this meeting is to continue development of a schedule of research priorities to be undertaken under the Collaborative Research Support Program.

The meeting will begin at 9 a.m. and will adjourn at 4:30 p.m. on both days. The meeting on March 14, 1978, will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va., and on March 15, 1978 the meeting will be held in Room 206, Rosslyn Plaza Building C, 1601 North Kent Street, Rosslyn, Arlington, Va. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, Development Support Bureau, is designated as AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20524, or telephone him at 703-235-2243.

Dated: February 22, 1978.

ERVEN J. LONG,
*AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.*

[FR Doc. 78-5262 Filed 2-24-78; 8:45 am]

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[4910-14]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD-78-019]

### MARINE SANITATION DEVICES (MSD's)

### Recertification

On Monday, 28 November 1977 (42 FR 60619) the Coast Guard published a notice of waiver of the Type I MSD installation date. Included in that notice was a list of Coast Guard certified Type I MSD's. This list showed the International Water Saving Systems, Inc. Marine Sanitation Device Models 1000 and 1000A as having their certifications suspended. This notice is published to advise all interested parties that on 6 December 1977 the certifications for these devices were reinstated. These devices along with the Nautromatic 350 are listed below as they not appear in the list of Coast Guard certified Type I MSD's. The six column list follows:

| Manufacturer | Device | Model No. |
|---|---|---|
| International Water Saving Systems, Inc., P.O. Box 366, 587 Granite St., Braintree, Mass. 02184. | Nautromatic ..... | 350 |
| | IWSS System 1000. | 1000 |
| | IWSS System 1000A. | 1000A |

| Certification No. | System description | Capacity |
|---|---|---|
| 159.15/1009/1/I..... | Small vessel physical/ chemical. | 4 uses/hr. |
| 159.15/1009/2/I..... | | 4 persons. |
| 159.15/1009/3/I..... | | Do. |

Dated: February 13, 1978.

H. G. LYONS,
*Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.*

[FR Doc. 78-5068 Filed 2-24-78; 8:45 am]

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[4910-13]

### Federal Aviation Administration

### AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held March 15, 1978, from 9 a.m. to 1 p.m., in conference room 312A at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

The agenda for this meeting is a discussion on a proposed amendment to Agency Order 7110.75, "Simultaneous Use of Intersecting Runways for Arriving and Departing Aircraft."

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 21, 1978.

F. L. CUNNINGHAM,
*Executive Director, Air Traffic Procedures Advisory Committee.*

[FR Doc. 78-4941 Filed 2-24-78; 8:45 am]

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[4910-13]

### RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held March 21, 1978, Ball Room, Fort Myer Officers Club, Arlington, Va., commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Approval of minutes of meetings held October 28, 1977, November 16, 1977, and January 27, 1978; (2) special committee activities report for January and February 1978; (3) Chairman's report of RTCA administration and activities; (4) consideration of proposed revision to terms of reference for Special Com-

mittee 134 on General Purpose Electronic Test Equipment; (5) consideration of establishing new special committees to: (a) Address emergency locator transmitter installation problems, (b) prepare minimum operational performance standards for airborne area navigation equipment, and (c) assess the application of satellites for navigation and communication; and (6) other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on February 21, 1978.

KARL F. BIERACH,
*Designated Officer.*

[FR Doc. 78-4880 Filed 2-24-78; 8:45 am]

[4910-59]

**National Highway Traffic Safety Administration**

**NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE**

**Public Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held March 20, 21, 22, and 23, 1978 in Washington, D.C.

The agenda for this meeting is as follows:

On March 20, from 9 a.m. to 4 p.m. the Adjudication and Alcohol Subcommittee will meet to prepare their Report on Adjudication of Traffic Offenses on Indian Reservations in room 4234 of the DOT Headquarters Building.

On March 21, from 8:30 a.m. to 12 noon the full Committee will meet in a General Session in room 2230 of the DOT Headquarters Building to hear an update on National Center for Statistics and Analysis, an overview of the MAST (Military Assistance for Safety and Traffic) Program, a briefing on the Federal-Aid Highway Program and its relationship to the Construction Program and the 3½ Standards, a briefing on research priorities, and old or new business.

On March 21, from 1 p.m. to 4 p.m. the Adjudication and Alcohol Subcommittee will meet in room 4234 of the DOT Headquarters Building to hear a status report on White House Conference on Alcoholism, a briefing on the New Mexico site visits to the Indian reservations, preparation of Report on Adjudication of Traffic Offenses on Indian Reservations, and old or new business.

On March 21, from 1 p.m. to 5 p.m. the Vehicle Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a discussion of NHTSA's proposed rulemaking on Vehicle Identification Numbers (Standard 115), an overview of DOT's experience with various speed control devices, the impact of fuel economy standards on vehicle speed capability, and old or new business.

On March 22, from 9 a.m. to 12 noon the State-Federal Relations Subcommittee will meet in room 4234 of the DOT Headquarters Building to hear a discussion on the Highway Safety Act of 1966 and details of the amendments proposed in the Highway Safety Act of 1978, an overview of highway safety program management envisioned under the proposed amendments in the Highway Safety Act of 1978 (changes and resources required), developments in highway safety program management, planning for subcommittee site visits, and old or new business.

On March 22, from 9 a.m. to 12 noon the Driver Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear an introduction and overview of FHWA's Bureau of Motor Carrier Safety (BMCS): Vehicle and Driver Regulatory Responsibilities, and old or new business.

On March 22, from 1 p.m. to 4:30 p.m. the Highway Environment Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear an update on the RRR Standards program, a briefing on safety in construction zones, a presentation on Illinois "Expedient" standards for reconstruction type projects, an update on the railroad grade crossing situation, and old or new business.

On March 22, from 5 p.m. to 6:30 p.m. the Executive Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a discussion of future agenda items, a discussion of resolution format as presented for voting, determination of priority issues for Committee consideration, and old or new business.

On March 23, from 9 a.m. to 1 p.m. the full Committee will meet in a General Session in room 2230 of the DOT Headquarters Building to hear an introduction and overview of driver licensing, reports of the subcommittee chairpersons, and old or new business.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT official.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 22, 1978.

WM. H. MARSH,
*Executive Secretary.*

[FR Doc. 78-5122 Filed 2-24-78; 8:45 am]

[4910-59]

**NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL**

**Availability of Report**

Published herewith is a report on the National Motor Vehicle Safety Advisory Council's Awards Subcommittee closed meeting. This report is required by section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) and DOT Order 1120.3A, paragraph 9c (Committee Management Policy and Procedures). These directives state that a report summarizing the activities of closed meetings be made available to the public. The report follows:

The National Motor Vehicle Safety Advisory Council's Awards Subcommittee held a closed meeting on April 13, 1977, at the Sheraton National Motor Hotel in Arlington, Va. The meeting was closed in accordance with exemption 6 of the Freedom of Information Act and was approved by the Secretary of Transportation. Members of the subcommittee present at the meeting were: Mrs. Julie Candler, Dr. Don Ivey, Dr. Basil Scott, Dr. Julian Waller, and Dr. Ruth Winkler.

The purpose of the meeting was to review the nominations submitted for the Excalibur Award. The Excalibur Award is presented to outstanding contributors in the field of motor vehicle and highway safety at the Council-Sponsored International Congress on Automotive Safety. Nominations received during 1977 and those from previous years were reviewed by the subcommittee. In accordance with the Council Bylaws, five names were chosen. The five were: Kenneth Roberts, Dr. John D. States, Dr. George Snively, Roy Haeusler, Ernst Fiala.

Dr. Waller, Chairman of the Awards Subcommittee, presented the five names to the full Council at its meeting on April 14. The Council members then voted on the names. The winner, Dr. John D. States, was announced at the Council-Sponsored Fifth International Congress on Automotive Safety held July 11-13, 1977 in Cambridge, Mass.





Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 22, 1978.

WM. H. MARSH,
*Executive Secretary.*

[FR Doc. 78-5121 Filed 2-24-78; 8:45 am]

[7035-01]

**INTERSTATE COMMERCE COMMISSION**

[Notice No. 597]

**ASSIGNMENT OF HEARINGS**

FEBRUARY 22, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134477 Sub 167, Schanno Transportation, Inc., is now assigned for hearing April 18, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 124692 Sub 179, Sammons Trucking, Inc., is now assigned for hearing April 19, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 133330 Sub 10, Halvor Lines, Inc., is now assigned for hearing April 20, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 115331 Sub 429, Truck Transport, Inc., is now assigned for hearing April 21, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 106120 Sub 4, Badger Coaches, Inc., is now assigned for hearing April 24, 1978 (1 week) at Milwaukee, WI, at a hearing room to be later designated.

MC 4405 Sub 567, Dealers Transit, Inc., is now assigned for hearing April 13, 1978 (2 days) at Dallas, TX, at a hearing room to be later designated.

MC 67121 (Sub-No. 10), Harp Transportation Lines, now being assigned March 21, 1978 (2 days), at Denver, CO, in a hearing room to be later designated.

MC 124211 (Sub-No. 294), Hilt Truck Line, Inc., now being assigned April 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 108119 (Sub-No. 68), E. L. Murphy Trucking Co., now assigned March 22, 1978, at Los Angeles, CA, is cancelled and application dismissed.

MC 125433 Sub 122, F-B Truck Line Co., is now assigned for hearing April 5, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 124211 Sub 299, Hilt Truck Line, Inc., is now assigned for hearing April 6, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 119789 Sub 352, Caravan Refrigerated Cargo, Inc., is now assigned for hearing April, 7, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 128273 Sub 256, Midwestern Distribution, Inc. and MC 115826 Sub 267, W. J. Digby, Inc., are now assigned for hearing April 10, 1978 (10 days) at San Francisco, CA, at a hearing room to be later designated.

MC 116763 Sub 392, Carl Subler Trucking, Inc. now being assigned April 5, 1978 (3 days) at Boston, MA, in a hearing room to be later designated.

MC 126667 Sub 3, Brush Hill Transportation Co. now being assigned April 10, 1978 (1 week) at Boston, MA, in a hearing room to be later designated.

MC 111625 Sub 24, Berman's Motor Express, Inc. now being assigned April 24, 1978 (1 week) at Binghamton, NY, in a hearing room to be later designated.

MC 99610 Sub 17, Ross Neely Express, Inc. now being assigned April 25, 1978 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, DC.

MC-F 13210, System 99—Purchase (portion)—O.N.C. Freight Systems now assigned February 28, 1978, at San Francisco, CA is postponed to March 6, 1978 (1 day) at San Francisco, CA and will be held in Room 510, 211 Main Street.

MCC-9855, *Presley Tours, Inc.* v. *National Mehl Tours, Inc., et al.*, now assigned March 20, 1978 at Chicago, IL, will be held in Room 280, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 121598 Sub 2, Shelbyville Express, Inc., is now assigned for hearing April 25, 1978 (4 days) at Memphis, TN, and will be held at the Executive Plaza Inn, 1471 East Brooks Road; and will continue May 1, 1978 (5 days) at Monroe, LA, at the Ramada Inn, 1311 U.S. Hwy 165.

MC 9812 Sub 6, C. F. Kolb Trucking Co., Inc. is now assigned for hearing March 24, 1978, at St. Louis, MO and will be held at Court Room No. 3, 15th floor, U.S. Court and Customs House, 1114 Market Street.

MC 107496 Sub 1114, Ruan Transport Corp. is now assigned for hearing March 22, 1978, at St. Louis, MO, and will be held at Court Room No. 3, U.S. Court and Customs House, 1114 Market Street.

MC 60014 Sub 57, Aero Trucking, Inc. is now assigned for hearing March 23, 1978, at St Louis, Mo., and will be held at Court Room No. 3, U.S. Court and Customs House, 1114 Market Street.

MC 113678 Sub 692, Curtis, Inc. is now assigned for hearing March 7, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 82492 Sub 153, Michigan & Nebraska Transit Co., Inc. is now assigned for hearing March 8, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 138562 Sub 1, Cates Trucking, Inc. is now assigned for hearing March 9, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 117068 Sub 76, Midwest Specialized Transportation Inc., is now assigned for hearing March 7, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 32882 Sub 80, Mitchell Bros. Truck Lines, is now assigned for hearing March 9, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 115826 Sub 270, is now assigned for hearing March 13, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 139482 Sub 16, New Ulm Freight Lines, Inc. is now assigned for hearing March 7, 1978 at St. Paul, MN, and will be held at Court Room No. 2, 7th floor, Federal Building, 316 N. Robert Street.

MC 129903 Sub 7, Emporia Motor Freight, Inc., is now assigned for hearing March 27, 1978, at Emporia, KS, and will be held at Room 209, U.S. Post Office Building, 625 Merchant.

MCF 13172 C. P. Brown & Hemmings Control Chicago Express Co. Inc., MC 68656 Sub 3, Chicago Express Co., Inc., is now assigned for hearing March 9, 1978 at Chicago, Il, and will be held at Room 280, Everett McKinley Dirksen Building, 219 South Dearborn Street.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5103 Filed 2-24-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte 241; Exemption No. 12]

**ATLANTIC AND WESTERN RAILWAY ET AL.**

**Exemption Under Provision of the Mandatory Car Service Rules**

*To All Railroads:*

*It appearing,* That the railroads named herein own numerous plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

*It is ordered,* That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

• • • • •

Atlantic and Western Railway, Reporting Marks: ATW.
Chicago & Illinois Midland Railway Co., Reporting Marks: CIM.
Fonda, Johnstown and Gloversville Railroad Co., Reporting Marks: FJG.
Hartford and Slocomb Railroad Co., Reporting Marks: HS.
Lackawaxen and Stourbridge Railroad Corp., Reporting Marks: LASB.

Louisiana Midland Railway Co., Reporting Marks: LOAM.
Manufacturers Railway Co., Reporting Marks: MRS.
Maryland and Pennsylvania Railroad Co., Reporting Marks: MPA.
Pickens Railroad Co., Reporting Marks: PICK.
Roscoe, Snyder and Pacific Railway Co., Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corp., Reporting Marks: WAG.

*Effective February 15, 1978*, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
*Agent.*

• • • Atlanta & Saint Andrews Bay Railway Company deleted.

[FR Doc. 78-5105 Filed 2-24-78; 8:45 am]

[7035-01]

[Docket Nos. AB-18 (Sub-No. 25); AB-19 (Sub-No. 37)]

## CHESAPEAKE AND OHIO RAILWAY CO., ET AL.

### Notice of Findings

In the matter of the Chesapeake & Ohio Railway Co.—Abandonment in the vicinity of Indiana Harbor, Lake County, IN and the Baltimore & Ohio Railroad Co., and the Baltimore & Ohio Chicago Terminal Railroad Co.—Abandonment in the vicinity of Indiana Harbor, Lake County, IN.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 3, 1977, and the order of the Commission, Division 1, served January 31, 1978, adopted the order of the Commission, Commissioner Brown, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit by the Baltimore & Ohio Railroad Co., the Baltimore & Ohio Chicago Terminal Railroad Co., and the Chesapeake & Ohio Railway Co. of a line of railroad between Valuation Station 13184+30 and Valuation Station 13289+10 in the vicinity of Indiana Harbor, IN, a total distance of approximately 1.98 miles in Lake County, IN. A certificate of abandonment will be issued to the Baltimore & Ohio Railroad Co., the Baltimore & Ohio Chicago Terminal Railroad Co., and the Chesapeake & Ohio Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.
*Acting Secretary.*

[FR Doc. 78-5104 Filed 2-24-78; 8:45 am]

[7035-01]

[Docket No. AB-2 (Sub-No. 18)]

## LOUISVILLE AND NASHVILLE RAILROAD CO.

### Abandonment Between Fayetteville and the Coosa River, in Talladega and Shelby Counties, Ala. Notice of Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated February 6, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977), the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Co. of an unconnected or broken line of railroad extending from milepost LE-448, at Fayetteville, AL, in a southwesterly direction to the east bank of the Coosa River, to milepost LE-444.9 a distance of 3.1 miles in Talladega County, AL, and extending from the west bank of the Coosa River, from milepost AM-441.8 in a westerly direction to Shelby, AL, milepost 436, a distance of approximately 5.8 miles in Shelby County, AL. The total abandonment of 8.9 miles includes the stations of Talladega Springs, milepost LE-445, and Avery, milepost 437. A certificate of public convenience and necessity permitting abandonment was issued to the Louisville and Nashville Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective April 13, 1978.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5106 Filed 2-24-78; 8:45 am]

[7035-01]

[AB 102 (SDM)]

## MISSOURI-KANSAS-TEXAS RAILROAD CO.

### Revised System Diagram Map

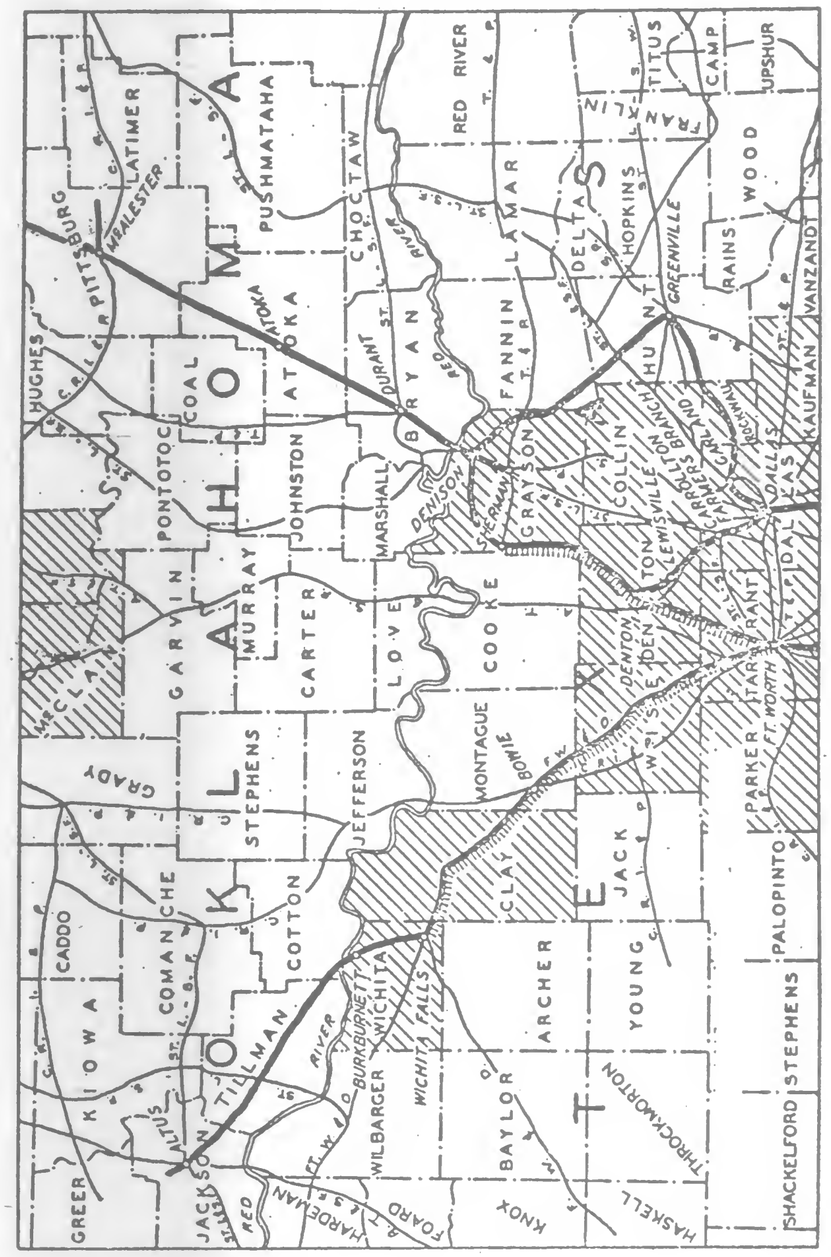
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Missouri-Kansas-Texas Railroad Co., has filed with the Commission its revised color-coded system diagram map in Docket No. AB 102 (SDM). The maps reproduced here in black and white are reasonable reproductions of that revised system diagram map and the Commission on January 23, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the revised system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 102 (SDM).

H. G. HOMME, Jr.,
*Acting Secretary.*














[7035-01]

Fredericksburg and Owens, VA, and Washington, DC and serving the off- terioration of certain streets and highways in the San Diego/Tijuana area

LINE DESCRIPTION

(a) Portion of Western Subdivision.

(b) States of Texas and Oklahoma.

(c) Counties of Wichita (Texas) and Cotton, Tillman, and Jackson (Oklahoma).

(d) MP B-14.0 at Burkburnett, Texas, to MP B-78.56 at Altus, Oklahoma.

(e) MP 27.1 at Grandfield, Oklahoma; MP 50.7 at Frederick, Oklahoma; and MP 75.6 at Altus, Oklahoma (Mobile Agent).

[FR Doc. 78-5110 Filed 2-24-78; 8:45 am]





[7035-01]

[Notice No. 298]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 29, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC 77527, filed January 25, 1978. Transferee: BRENNAN EXPRESS, INC., 5872 Marbury Rd., Bethesda, MD 20034. Transferor: VIRGINIA FREIGHT LINES, N. Main Street, Kilmarnock, VA 22482. Applicants' representative: James W. Lawson, 1511 K Street NW., Washington, DC 20005. Authority sought for purchase by transferee of a portion of the operating rights of transferor, set forth in Certificate No. MC 99213 (Sub-No. 1), issued December 23, 1968, and all of the operating rights of transferor, as set forth in Certificate No. MC 99213 (Sub-No. 6), issued December 16, 1964, as follows: General commodities, with certain exceptions, over specified regular routes, between Tappahannock, VA, and Baltimore, MD, serving the intermediate points of Fredericksburg and Owens, VA, and Washington, DC, and serving the off-route point of Dahlgren, VA; and general commodities, with certain exceptions, over specified regular routes, between Office Hall, VA, and Port Royal Cross Roads, VA, as an alternate route for operating convenience only, serving no intermediate points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC 77531, filed February 8, 1978. Transferee: EMRICK'S VAN & STORAGE CO., P.O. Box 1106, Enid, OK 73701. Transferor: EMRICK'S VAN & STORAGE CO., INC., Same address as transferee. Applicants' representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135250 (Sub-No. 1), issued May 24, 1972, as follows: Used household goods, between Garfield County, OK, on the one hand, and, on the other, points in Grant, Alfalfa, Kay, Garfield, Noble, Major, Pawnee, Woodward, Harper, Osage, Woods, and Washington Counties, OK. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5107 Filed 2-24-78; 8:45 am]

[7035-01]

[AB 16]

## SAN DIEGO AND ARIZONA EASTERN RAILWAY CO.

### Abandonment in San Diego and Imperial Counties, Calif.

FEBRUARY 21, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment by the San Diego and Arizona Eastern Railway Co. of its lines of railroad between (1) San Diego and El Cajon, (2) San Diego and San Ysidro, (3) National City and the end of the Coronado Branch, and (4) Division and Plaster City (a total distance of 108.17 miles in San Diego and Imperial Counties, Calif.), if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that diversion of rail traffic to motor carrier will not cause significant increases in energy consumption, air pollution, or noise intrusions. Diversion of rail traffic could accelerate deterioration of certain streets and highways in the San Diego/Tijuana area. However, these impacts are not environmentally significant as the future condition of the roads will primarily be a matter of repair costs. Ths remaining impacts on the area road system are expected to be minimal.

There are indications of definite plans to develop certain rail-served industrial sites. Abandonment would probably preclude the location at the sites of rail-requiring industries presently considering locating there. However, the potential employment loss is not of sufficiently large scope to be significant. In addition, abandonment would not preclude the location at the sites of industries geared to motor carrier transportation. Therefore, abandonment should not have a serious adverse impact on rural and community development.

Finally, it was recommended that any abandonment certificate be conditioned to: (1) facilitate future public use of the right-of-way, (2) mitigate potentially negative effects on two endangered species, and (3) mitigate or avoid the potential adverse effect on the Campo railroad station, which is eligible for inclusion in the National Register of Historic Places.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before March 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5109 Filed 2-24-78; 8:45 am]

[7035-01]

[No. AB-12 (Sub-No. 47)]

## SOUTHERN PACIFIC TRANSPORTATION CO.

### Abandonment—San Bruno Branch Between Daly City and Baden in San Mateo County, Calif.; Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order of the Commission, Division





1, acting as an Appellate Division, cation, the Commission further finds the continued operation of rail ser-

1, acting as an Appellate Division, served February 13, 1978, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administatively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of the line of railroad beginning at milepost 7.39 near Daly City, and extending to milepost 10.80, near Baden, a distance of 3.41 miles in San Mateo County, CA. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a Government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as it necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, JR.,
*Acting Secretary.*

[FR Doc. 78-5108 Filed 2-24-78; 8:45 am]





# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

NOTICE OF ADDITION AND DELETIONS OF ITEMS OF THE FEBRUARY 23, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (addition) 16a. Docket 28778, Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case (Memo No. 7778, OGC, OEA) (deletion) 20. Docket 31737, Amendment of Part 300 on Separation of Functions (request for instructions) (OGC) (deletion) 22. Freedom of Information Act appeals from Herbert Rosenthal and Mary DeOreo for section 902(f) material (OGC, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The public target date for Board action on Item 16a is February 27, 1978. The staff's recommendation was submitted on February 17. However, the last open Board meeting before the target date is scheduled for February 23. To meet the target date, the Board's decision must be made at that meeting. The staff work for Items 20 and 22 has not been completed in time for the Board Members to review it prior to the February 23, 1978 meeting for which they were scheduled. The requesters in Item 22 have agreed to a one week's delay in the Board's determination of their appeal. Accordingly, the following Members have voted that agency business requires the addition of Item 16a and the deletion of Items 20 and 22 from the February 23, 1978 agenda on less than 7 days' notice and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-427-78 Filed 2-22-78; 4:16 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 2, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED: Briefing by Texas Instruments and FCC Laboratory on high performance TV receivers.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone number 202-632-7260.

Issued: February 23, 1978.

[S-431-78 Filed 2-23-78; 2:37 pm]

[6740-02]

3

MARCH 1, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 1, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER77-546, Dayton Power & Light Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2230, City and Borough of Sitka, Alaska.
P-2.—Project No. 2146, Alabama Power Co.

POWER AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-207, Pennsylvania Power & Light Co.
CAP-2.—Docket No. ER78-198, Public Service Co. of Okla.
CAP-3.—Docket No. ER78-201, Central Hudson Gas & Electric Co.
CAP-4.—Project No. 372, Southern California Edison Co.
CAP-5.—Project No. 2329, Central Maine Power Co.

MISCELLANEOUS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

M-1.—Docket No. RM78-2 (Formerly ex parte No. 308), Valuation of Common Carrier Pipelines.

GAS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates
RP-1.—Docket Nos. RP71-107 and RP72-127, Northern Natural Gas Co.

II. PRODUCER MATTERS

A. Producer certificates
CI-1.—Docket No. CP77-558, United Gas Pipe Line Co.
CI-2.—Docket No. CP77-577, Michigan Wisconsin Pipe Line Co.
CI-3.—Reserved.
CI-4.—Reserved.
B. Producer rates
CI-5.—Docket No. CI74-78, Rate Schedule No. 4, Freeport Oil Co.

III. PIPELINE CERTIFICATE MATTERS

A. Order No. 533 Authorizations
CP-1.—Docket No. CP76-501, Transcontinental Gas Pipe Line Corp.
CP-2.—Reserved.
CP-3.—Reserved.
B. Storage
CP-4.—Docket Nos. CP74-289, CP73-334 and CP75-360, El Paso Natural Gas Co.
CP-5.—Reserved.
CP-6.—Reserved.
C. Synthetic Natural Gas
CP-7.—Docket Nos. CP77-495, CP77-596 and CP77-598, Transcontinental Gas Pipe Line Corp.





CP-8.—Reserved.

CONTACT PERSON FOR MORE IN-



issuance of this notice at the earliest

CONTACT PERSON FOR MORE IN-

Karmel determined to hold the aforesaid meetings in closed session

pertaining to certain trading strategies in listed options known as "straddles".

CP-8.—Reserved.
CP-9.—Reserved.
D. Curtailment
CP-10.—Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

GAS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

CAG-1.—Docket No. RP75-73 (AP78-1), Texas Eastern Transmission Corp.
CAG-2.—Docket No. RP74-26 (PGA78-2), Louisiana-Nevada Transit Co.
CAG-3.—Docket Nos. RP73-97 and RP76-93 (PGA78-2), Kentucky-West Virginia Gas Co.
CAG-4.—Docket No. RP78-38, Panhandle Eastern Pipe Line Co.
CAG-5.—Docket No. RP72-149 (PGA78-4), Mississippi River Transmission Corp.
CAG-6.—Docket No. CI61-780, et al., Sohio Petroleum Co., et al
CAG-7.—Docket No. CI61-1281, et al., Mobil Oil Corp. (operator), et al.
CAG-8.—Docket No. CI64-1155, Chevron Oil Co., Western Division.
CAG-9.—Docket No. CI70-725, Mobil Oil Corp. (operator), et al.
CAG-10.—Docket No. CI76-640, Sun Oil Co.
CAG-11.—Docket No. CI72-679, Amoco Production Co.
CAG-12.—Docket No. CI77-106, et al., Patty R. Richner.
CAG-13.—Docket No. CS77-846, et al., The Tassinari Trust, et al.
CAG-14.—Docket No. CS71-560, et al., Martha B. Hilliard Sverdlow, et al.
CAG-15.—Docket No. CS67-15, et al., NE-O-TEX Corp., et al.
CAG-16.—Docket No. G-5236, et al., Cabot corp., et al.
CAG-17.—Docket No. G-12548, et al., Sun Oil Co. (operator), et al.
CAG-18.—Docket No. CP78-1, Sea Robin Pipeline Co. and Transcontinental Gas Pipe Line Corp.
CAG-19.—Docket No. CP77-580, Sea Robin Pipeline Co.
CAG-20.—Docket No. CP77-601, Natural Gas Pipeline Co. of America
CAG-21.—Docket No. CP78-156, United Gas Pipe Line Co.
CAG-22.—Docket No. CP75-158, Consolidated Gas Supply Corp.
CAG-23.—Docket No. CP77-71, Natural Gas Pipeline Co. of America
Docket No. CP77-118, Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.
Docket No. CP77-125, Texas Gas Transmission Corp.

KENNETH F. PLUMB,
*Secretary.*

[S-429-79 Filed 2-23-78; 1:07 pm]

[6740-02]

4

FEBRUARY 21, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 17, 1978 4:15 p.m.

STATUS: Open.

MATTER TO BE CONSIDERED: Matters relating to national defense or foreign policy.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary 202-275-4166.

The following members of the Commission have voted that agency business requires the holding of an open meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis
Commissioner Smith
Commissioner Sheldon
Commissioner Holden
Commissioner Hall

KENNETH F. PLUMB,
*Secretary.*

[S-430-78 Filed 2-23-78; 1:07 pm]

[1750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday March 1, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

*Nonadjudicative matters*

(1) Approval of minutes of nonadjudicative matters considered at meetings of January 24, and 26, 1978.
(2) Consideration of initiation of nonpublic investigation.

*Adjudicative matters under part 3 of the Rules of Practice*

The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-432-78 Filed 2-23-78; 3:29 pm]

6

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4d. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of March 1, 1978:

4. Financial Planning.

Board members Dunlop, Edwards, Gallamore, Head, Lorentzsen, Luna, Mills, Nathan, Quinn, and Reistrup determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

The revised agenda for the meeting follows:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION, MEETING OF THE BOARD OF DIRECTORS—MARCH 1, 1978

CLOSED SESSION, 1:30 P.M.

1. Internal personnel matters.
2. Litigation matters.
3. Fare increase strategy.
4. Financial planning.

OPEN SESSION, 3 P.M.

5. Approval of minutes of regular meeting of January 25, 1978 and special meeting of February 8, 1978.
6. DOT restructuring study.
7. Commitment approval requests: 78-61 Station improvement, Little Rock, Ark.
8. President's reports:
A. Operations: (1) National operations; (2) Operations support; (3) Northeast Corridor operations.
B. Marketing.
C. Government affairs.
D. Other.
9. Financial reports.
10. General fare increase.
11. Amendment to resolutions delegating voting authority.
12. Approval of 1978 board meeting dates.
13. New business.
14. Adjournment.

Inquiries regarding the agenda for the March 1, 1978, Board meeting should be directed to the Corporate Secretary at 202-383-3973.

Dated: February 23, 1978.

ELYSE G. WANDER,
*Corporate Secretary.*

[S-434-78 Filed 2-23-78; 3:46 pm]

[4410-01]

7

PAROLE COMMISSION.

TIMES AND DATES: Friday, February 24, 1978 starting at 11:30 a.m. Continued on Saturday, February 25, 1978, 10 a.m-4 p.m.

PLACES:

February 24, 1978—Room 500, 320 First Street NW., Washington, D.C.
February 25, 1978—the Executive Room, Quality Inn 415 New Jersey Avenue NW., Washington, D.C.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 15, 1978, Vol. 43 No. 32 p. 6716.

CHANGES IN THE MEETING: The portion of this meeting to be held on Saturday, February 25, 1978 shall be open to the public. Agency business requires that this change be effected on less than one week's notice to the public, and no earlier announcement of the change is possible.





CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117.

[S-433-78 Filed 2-23-78; 3:35 pm]

[8010-01]

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 27, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 28, 1978, at 8:30 a.m. and on Thursday, March 2, 1978, immediately following the open meeting scheduled for 10 a.m. An open meeting will be held on Thursday, March 2, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 28, 1978, at 8:30 a.m., will be:

Formal orders of investigation.
Referral of investigative files to Federal, State or Self-Regulatory authorities.
Chapter X proceeding.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Freedom of Information Act appeal.
Opinion.
Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, March 2, 1978, immediately following the open meeting, will be:

Settlement of administrative proceedings.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, March 2, 1978, at 10 a.m., will be:

1. Proposed issuance of a release to solicit public comment on revised proposed Rule 17j-1 under the Investment Company Act of 1949, which would prohibit certain activities on the part of persons affiliated with registered investment companies or their investment advisers or principal underwriters.

2. Rule proposal submitted by the New York Stock Exchange, Inc. to offer two types of annual memberships which respectively, would permit a qualified broker-dealer to (a) maintain a physical presence on the New York Stock Exchange trading floor and obtain electronic or direct wire access to the floor or (b) obtain only electronic or direct wire access to the floor.

3. Proposed adoption of amendments to Rule 15c3-1, the Uniform Net Capital Rule, pertaining to certain trading strategies in listed options known as "straddles".

4. Issuance of a release soliciting comment on revised proposed standards for the registration of clearing agencies; issuance of a notice extending the existing registration of registered clearing agencies and notice of extension of time for the conclusion of proceedings with respect to clearing agencies.

5. Request for waiver, pursuant to Rule 6(e) of the Commission's Conduct Regulation, filed by the law firm of Fulbright and Jaworski, to allow the firm to continue to represent First National Bank of Chicago in connection with that entity's request for an exemption under the Investment Company Act, arising from the association with the firm of former Commission staff member, Jean Gleason.

6. Proposed transmittal of letters from the Office of the Chief Accountant to the Auditing Standards Executive Committee of the American Institute of Certified Public Accountant and to the Financial Accounting Standards Board relating to matters concerning "subject to" qualifications in auditors' reports and uncertainties.

7. Proposed issuance of (a) an interpretative release regarding the classification by registrants of their businesses into industry segments and (b) proposed adoption of technical amendment to Regulation S-K to clarify when registrants may furnish line of business information in lieu of segment data.

8. Proposed issuance of a release listing issues for consideration at and order of small business hearings and the proposed issuance of a release concerning simplified registration statement Form S-18.

FOR FURTHER INFORMATION CONTACT:

Myrna Siegel at 202-755-1183 or John Sweeney at 202-376-7077.

FEBRUARY 23, 1978.

[S-428-78 Filed 2-23-78; 1:07 pm]

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Federal Register

MONDAY, FEBRUARY 27, 1978
PART II

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

■

# DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS, AND AIR TRAVEL CLUBS

## Flight and Duty Time Limitations and Rest Requirements for Crewmembers



[4910-13]

received on or before May 30, 1978, were given the opportunity to correct



ATA believes the current flight time proposal they are set forth in just one focuses on these changes and high-

[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [14 CFR Parts 121 and 123]

[Docket No. 17669; Notice No. 78-3, Operations Review Program Notice No. 7]

### DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES

### Flight Crewmember Flight and Duty Time Limitations and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the flight and duty time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators and air travel clubs. These proposed amendments are part of the operations review program that provided a comprehensive review of the Federal Aviation Regulations (FAR), taking into account the significant changes in the environment in which airmen and aircraft operators function by updating the regulations which apply to them.

DATE: Comments must be received on or before May 30, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17669, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

#### I. Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 30, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### II. Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

#### III. Operations Review Program

##### A. Background

The aviation industry in the United States has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Propoals, the agency prepared a number of working documents for the Operations Review Conference held in Arlington, Va., on December 1-5, 1975. It distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all of the scheduled agenda items during the conference. At the close of the discussions on each agenda item, summaries were given by the FAA Committee Chairmen. Persons present were given the opportunity to correct these oral summaries. They were then edited, combined with an attendee list for the conference and with transcripts of certain plenary session speeches, and distributed to all attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

##### B. The Proposals

In general, the proposals contained in this notice are based upon Proposal No. 552 to the Operations Review Program; however, many of the regulations proposed at that time have been revised in light of discussions conducted at the December 1975, Operations Review Conference, comments and proposals that were made in connection with the Operations Review, and further FAA study.

Three of the proposals made in the Operations Review, Nos. 553, 557, and 559, were withdrawn by the persons submitting them for reasons set forth at the Operations Review Conference and in the Conference Summary.

Proposal No. 554, which recommended a required rest period at the conclusion of a duty period, has been accommodated in this proposal.

Proposal No. 560 suggested that the calendar month concept be substituted in the rules in places where the term "30 consecutive days" now appears. This recommendation is included in this proposal.

Proposal No. 561 suggested removal of the term "in air carrier service." That term is not used in this proposal since the FAA believes that any flight time accumulated for the certificate holder should be considered in computing total flight time.

Operations Review Proposals Nos. 555, 556, and 558, which dealt with flight time limitations for flight attendants, are not included within the scope of this proposal.

A counterproposal was made to Operations Review Proposal No. 552 by the Air Line Pilots Association. The details of this proposal have been carefully reviewed and are incorporated into the proposals where appropriate.

The Air Transport Association (ATA) responded to the Operations Review flight time limitations proposals at the Operations Review Conference by the submission of comments and written materials. The ATA pointed out that airline safety per passenger mile flown has vastly improved in the years since the 1930's when flight time limitations were first introduced. The ATA contended that this correlation demonstrates the soundness of the existing regulations. Accordingly, except for providing domestic air carriers long-range capabilities now provided flag air carriers by the flight time limitations regulations, the ATA believes the current flight time limitations are adequate to ensure flight crewmembers are not unduly fatigued. The ATA also stated that labor-management agreements result in even greater limitations on pilot flight time than do the regulations.





#### IV. Background

##### A. The Need for Improvement in the Current Regulations

The flight time limitations which apply to air carriers and commercial operators have remained essentially unchanged for over 30 years. During this time, the agency has been involved in litigation over the meaning of certain phrases contained in these rules and has issued over 1,000 pages of interpretations, primarily in response to requests from air carriers and flight crewmembers. Additional requests for interpretations continue to be submitted to the agency on a regular basis, and the complexity of the current rules has generated complaints from numerous, different sources. In short, the complexity of the flight time limitations has been and continues to be a significant burden on the agency and on a large portion of the aviation community. Moreover, the agency believes this is an appropriate time to re-examine some of the current rules to determine whether they are too restrictive or ineffective from the standpoint of fatigue.

In response to this situation, the FAA has prepared this proposal. It is an example of the agency's determination and commitment to the President's goal of improving Government regulations because it: (1) Simplifies and clarifies existing material; (2) consolidates overlapping rules; and (3) eliminates conflicts and inconsistencies in the current regulations.

Since it appears that all air carrier and commercial operations conducted in large and complex modern aircraft involve the same fatigue-causing factors, this proposal treats all Part 121 operators identically by consolidating three subparts into one and by eliminating inconsistencies. Although the differences which at one time existed between these operators (such as the type of aircraft flown and the composition of flight crews) justified the differences in flight time limitations, the agency believes these distinctions may no longer be applicable.

Additionally, this proposal reduces the number of regulatory sections pertaining to flight time limitations from 24 to 8 and has decreased the amount of regulatory material by approximately 65 percent. An example of this simplication and clarification is the daily flight time limitations. Under the current rules, they are contained in almost all of the 24 sections; in the proposal they are set forth in just one section.

The proposals will clarify the concepts embodied in the flight time limitations and lessen the need for legal interpretations. One example of how this was accomplished is the addition of a definitions section in proposed § 121.473.

In light of these changes, and others, the agency believes that the proposal is presented in a clear and simple manner and represents a major improvement over the current regulations.

##### B. The Requirement for Flight Time Limitations

Some industry sources have suggested that the agency abolish flight time limitations and allow the crewmembers and carriers to establish appropriate limitations during contract negotiations. The agency is advised that these negotiations have, in the past, resulted in stricter flight time limitations than those which appear in the regulations. Obviously, the parties to these contracts are free to establish their own limitations provided they are not contrary to the FARs.

However, section 601(a)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1421(a)(5)) imposes upon the Administrator the duty to promote safety of flight in air commerce by prescribing and revising reasonable rules and regulations governing, in the interests of safety, the maximum hours or periods of service of airmen, and other employees of air carriers. In prescribing such regulations, section 601(b) of the Act requires that the Administrator give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest. Moreover, regardless of this stautory obligation, the agency does not agree with the proposition that it should allow this aspect of air safety to be left exclusively to industry.

#### V. Discussion of the Proposal

##### A. General

Due to the nature of flight time limitations in general, the agency has prepared a series of examples which it believes will provide a clearer understanding of this proposal. The examples have been set forth in a separate appendix to the preamble and should not be considered part of the proposed regulatory material. Where an example has been provided to illustrate a particular situation, a reference to the appropriate example number in the appendix will be found in the body of the preamble.

The instant proposals differ from the current regulations in many respects. The discussion which follows focuses on these changes and highlights the more salient features of the proposed amendments.

##### B. Certificate Holders Covered

The present rules are set forth in three subparts within Part 121: Subpart Q applicable to domestic air carriers, Subpart R applicable to flag air carriers and Subpart S applicable to supplemental air carriers and commercial operators. The new proposal consists only of Subpart Q and, as previously mentioned, it will apply uniformly to all Part 121 certificate holders.

Flight crewmembers of air travel clubs certificated under Part 123 are not currently required to comply with the flight time limitations of Part 121, but are governed by § 123.47 which provides for an 8-hour rest period in any 24-hour period. Flight crewmembers employed by air travel clubs would be subject to new Subpart Q. In view of the increased use of modern turbojet-powered aircraft by air travel clubs and the increased activity engaged in by these clubs, the FAA believes that these increased safety standards are warranted. The FAA received no objection to the inclusion of air travel clubs in its Proposal No. 552 at the Operations Review Conference.

##### C. Operations Covered

The proposed rules contain two different kinds of limitations; flight time and duty time. The FAA believes that both limitations are necessary since the effects of flight crewmember fatigue are not confined to the time during which an aircraft is airborne. Proposed Subpart Q places responsibility for compliance with applicable flight and duty time limitations upon the individual flight crewmember as well as the certificate holder.

The proposal would include in the computation of flight time the time spent as a flight crewmember in any operation for a certificate holder, including the time spent while engaged in ferrying and positioning aircraft and receiving and conducting proficiency checks and other training flights, notwithstanding the fact that those operations are not conducted under Part 121 or 123. Flight time accumulated while engaged in any other commercial operation would also be included in computing a crewmember's total flight and duty time.

The FAA is aware that some flight crewmembers accumulate flight time in other commercial operations, in addition to their usual employment for a Part 121 or 123 certificate holder. Under the current regulations, all commercial flying is counted in computing a crewmember's duty aloft. The proposal will not change this procedure other than to require that flight time accumulated in other commercial

operations be counted as both flight and duty time in scheduling a crewmember for operations governed by proposed Subpart Q. While the FAA believes sufficient latitude is provided in the proposed regulations to allow participation in other commercial flying, prudent scheduling will be required by individual crewmembers to avoid the effects of fatigue and to insure compliance with all flight and duty time limitations.

This proposal does not require military flight time to be added to a crewmember's total flight time accumulated in operations for a certificate holder and in other commercial operations. However, to determine whether there are adequate reasons to support such a rule, additional information is requested from interested parties concerning this subject.

Accordingly, in addition to any general comments, responses to the following questions are solicited to assist the agency in evaluating this issue. Based upon the comments received, the agency may decide that circumstances warrant the inclusion of military flight time in the computation of total flight time.

How many hours per month does a Reserve or National Guard pilot typically fly? Per year?

How are Reserve and National Guard pilots scheduled for military flight time and how many days are required for a crewmember to fulfill his monthly assignment of military flight time?

Are crewmembers who engage in both kinds of flying subject to increased fatigue? If so, why? If not, why not?

Would the failure to include military flight time in the computation of total flight time contribute to excessive crewmember fatigue? If so, how?

Other than including military flight time in the computation of total flight time, what alternatives are available to lessen the possibility that excessive fatigue could result from the accumulation of military flight time, in addition to commercial flight time.

Would the inclusion of military flight time in the computation of total flight time result in a crewmember exceeding any of the proposed flight or duty time limitations? If so, specify which limitations would be exceeded and the facts in support of your conclusion.

If military flight time was counted toward a crewmember's total flight time, would it adversely affect the scheduling process for the military, the air carrier or the flight crewmember? If so, how?

What alternatives are available to lessen the effect of including military flight time in the computation of total flight time.

Would any Reserve or National Guard pilots relinquish flying status if military flight time was included in the computation of total flight time? If so, what portions of this proposal would cause you to take such action?

### C. ACCUMULATION OF FLIGHT TIME AND DUTY TIME

For purposes of administering proposed Subpart Q, the definition of flight time as contained in proposed § 121.473 will apply rather than the definition which currently exists in Part 1. As proposed, flight time would begin when the aircraft departs the boarding gate for the purpose of flight and end when the aircraft arrives at a boarding gate, usually after a landing. However, if an aircraft departs the boarding gate and is forced to return prior to takeoff, flight time would end when the aircraft arrived back at the gate and would start again upon departure from the gate for the purpose of flight.

To accumulate flight time, a flight crewmember must be serving at a flight crewmember station either as a pilot, flight engineer, flight navigator or additional flight crewmember. Where a flight crew is augmented, flight time would be accumulated only while the crewmember is serving as a basic flight crewmember. For example, a first officer who rests in a crew bunk while being relieved by a relief officer would not accumulate flight time until returning to the cockpit and performing assigned duties. While resting in the crew bunk, however, the crewmember would still continue to accumulate duty time. In the case of a flight navigator, duty time would be accumulated for an entire flight while flight time would be accumulated only for that portion of the flight during which the navigator serves as the primary means of navigation.

As proposed in § 121.473, duty time would be accumulated whenever a flight crewmember performs any required assignment for a certificate holder. While time spent performing preflight and postflight duties would be exclusively duty time, all flight time accumulated in any operation for the certificate holder would also constitute duty time. In addition, any time spent on the ground between flights for a certificate holder in the same duty period would also constitute duty time.

While flight time accumulated in other commercial operations would be included in duty time, assignments other than flight time performed in other commercial operations would not.

In addition to the flight and duty time limitations applicable to duty periods, all flight crewmembers would be governed by flight time limitations of 30 hours in any 168 hours, 120 hours in any calendar month and 1,000 hours in any calendar year in accordance with proposed § 121.475(a).

In spite of the problems associated with revising the current rules, the agency must attempt to formulate reasonable standards which will, to the extent possible, prevent excessive crewmember fatigue from adversely affecting the safety of flight while enabling certificate holders to operate with as much flexibility as possible. Based upon the proposals and comments submitted to the Operations Review Conference, and FAA's experience and judgment, the agency believes that the proposal will accomplish these goals. However, the agency is not irrevocably committed to any specific flight or duty time limitation and especially would appreciate receiving comments in this area. These comments will be carefully evaluated before a final decision is reached as to the amount of any flight or duty time limitation.

Accordingly, in addition to general comments, particular attention is directed to the following questions:

In order of importance, what factors are most responsible for producing fatigue in flight crewmembers?

Which of these factors can be realistically included in a rule without making it overly complex and, thus, confusing and difficult to administer and enforce?

To what extent is fatigue caused by a crewmember's personal activities? Are these personal activities more responsible for producing fatigue than the factors which directly relate to the accumulation of flight and duty time?

Are the proposed daily flight and duty time limitations adequate to prevent excessive fatigue without the need for weekly, monthly and yearly flight time limitations?

With respect to any numerical limitation which you support or oppose, state the basis for your conclusion and submit or cite any studies which you believe support your conclusion.

Is the "two for one" rest period adequate to prevent crewmember fatigue in all instances? If not, specify the circumstances when such a rest period would not be adequate.

Can this rest period be excessive and therefore unnecessary in certain cases? If so, specify the circumstances when such a rest period would not be necessary.

### D. SERIES OF FLIGHTS

One of the primary problems with the current flight time limitations concerns the term "series of flights" as it is used in § 121.471(c). For many years, the FAA interpreted "series of flights" to mean a pre-determined combination of flights scheduled to be initiated and completed within a 24-hour period. The effect of this interpretation was to require a 16 hour rest period at the termination of flights scheduled within this 24-hour period.

Representatives of the air carriers voiced objections to the "series of flights" rule since they believed that many schedules, which were otherwise safe and did not result in excessive crewmember fatigue, did not meet the requirements of § 121.471(c) simply because they did not begin and end within a 24-hour period and did not provide a rest period at the end of the series. Many pilot also expressed opposition to this interpretation since it often resulted in the delay of the 16 hour rest period pending completion





of the particular series of flights involved.

As proposed, the "series of flights" problem would be eliminated and every schedule viewed in terms of the number of crewmembers assigned to particular flights and the amount of flight and duty time accumulated between successive, required rest periods. The time between successive, required rest periods during which a crewmember accumulates duty time, is termed a "duty period", and this definition also appears in proposed § 121.473. The FAA believes that the duty period concept will not only eliminate the confusion which resulted from the "series of flights" rule, but will generally provide a more equitable and workable solution to the rest period problem. (See Appendix, Example 1.)

### E. REST PERIODS

#### 1. Computation

All rest periods (except the 24-hour rest period required every 168 hours in proposed § 121.481(a), and the 8-hour rest period option as it relates to deadhead transportation in proposed § 121.477) are computed on the basis of the actual flight time accumulated by the flight crewmember, rather than the flight time for which that crewmember was scheduled. The figure obtained by doubling the total flight time accumulated since the last rest period would constitute the required rest period unless it is less than 8 hours, in which case the crewmember would be required to receive the 8-hour minimum rest period in accordance with proposed § 121.481(c). Although these rest periods are computed only on the basis of accumulated flight time, a certificate holder may not schedule a crewmember in excess of either the applicable flight time or duty time limitations. (See Appendix, Example 2.)

The FAA believes that the two for one rest period (but not less than 8 hours) proposed by § 121.481(c) provides a sound formula for preventing excessive crewmember fatigue, while eliminating those rest periods which may not have been necessary to accomplish this goal.

#### 2. When Required

The proposed rest period is based upon accumulated flight time and may be provided at any time prior to exceeding any applicable flight or duty time limitation. Accordingly, this formula should provide the necessary flexibility in scheduling, while assuring that flight crewmembers are provided with adequate rest periods, regardless of how much flight or duty time has been accumulated prior to a rest period.

The proposed regulations allow a certificate holder to provide required rest periods before the applicable flight or duty time limitation is reached. However, the crewmember must be provided with the applicable minimum rest period for this time to constitute the required rest period, thus leaving the crewmember with zero flight and duty time. (See Appendix, Example 3.)

#### 3. Deadhead Transportation

Other than the rest period which must be provided at the completion of a duty period, proposed § 121.477, pertaining to deadhead transportation, also sets forth an 8-hour rest period option under certain circumstances.

Deadhead transportation is defined as transportation that a certificate holder requires and provides to transport a crewmember between airports. Although deadhead transportation will usually be accomplished by air, ground transportation can also constitute deadhead transportation if the transportation is between airports and is required and provided by the cer- tificate holder. The time spent commuting between a crewmember's place of lodging and an airport, however, would not constitute deadhead transportation.

The definition of rest period, also included in proposed § 121.473, specifies that deadhead transportation does not constitute part of a rest period. Proposed § 121.477 additionally specifies that deadhead transportation is to be considered duty time unless it is followed immediately by a rest period. (See Appendix, Example 4.)

In addition, proposed § 121.481(a) requires a certificate holder to provide each flight crewmember with a 24-hour rest period every 168 consecutive hours. This rest period may be provided concurrently with any other rest period required by proposed Subpart Q.

#### 4. Standby or Reserve Status

Proposed § 121.481(b) provides that time spent in a standby or reserve status is considered part of a rest period, provided the crewmember is not otherwise accumulating any duty time. The FAA believes that while a flight crewmember's freedom may in some way be restricted by a requirement that the crewmember await a phone call from a certificate holder in order to receive a duty assignment, such a restriction does not have an adverse effect on safety, provided the crewmember is not otherwise performing any required assignment for the certificate holder.

### F. DETERMINATION OF APPLICABLE FLIGHT AND DUTY TIME LIMITATIONS

To determine which flight and duty time limitations govern a flight crewmember (other than a flight navigator), proposed § 121.479 specifies that the certificate holder must use the lowest flight and duty time limitations applicable to those flight crews with which the crewmember serves in line operations for the certificate holder during that duty period. A crewmember assigned to only one flight crew in a duty period would be governed by the provision in § 121.483(b) dealing with the particular crew composition involved. (See Appendix, Example 5.)

The FAA wishes to emphasize that proposed § 121.479 must be reapplied for each new duty period to determine the appropriate limitations which will govern a crewmember for that period. In addition, the rule in proposed § 121.479 does not apply to flight navigators; their flight and duty time limitations will always be those contained in proposed § 121.483(c), regardless of the fact that flight navigators may also serve with multiple flight crews during a duty period.

In determining which flight and duty time limitations apply for a duty period, the composition of other commercial flight crews with which the crewmember serves should not be considered. It is only the composition of the crews in line operations for the certificate holder which determines the appropriate limitations. In addition, the 168 hour, monthly and yearly flight time limitations contained in proposed § 121.475(a) apply to all crewmembers without regard to crew composition.

### G. DELAYS CAUSED BY CIRCUMSTANCES BEYOND THE CONTROL OF THE CERTIFICATE HOLDER

Proposed § 121.475(b) requires all certificate holders to use the time normally necessary for the performance of the flight or duty involved in scheduling crewmembers for flight and duty time. In the event circumstances occur which are beyond the control of the certificate holder (such as delays caused by adverse weather conditions, air traffic control requirements or mechanical difficulties), proposed § 121.475(c) permits a crewmember to serve up to 2 hours in excess of any flight or duty time limitation. Whenever a crewmember's total elapsed flight time, plus the additional flight time scheduled for the next flight, would cause a crewmember to exceed any flight or duty time limitation by more than 2 hours, the next flight would not be allowed. (See Appendix, Example 6.) The only justification for a crewmember serving in excess of any flight or duty time limitation by more than 2 hours would be in situations where a delay beyond the control of the certificate holder occurred after takeoff on the last flight of a duty period or 168-hour, monthly or yearly period.





The FAA believes it is desirable to

make the previous estimates inapplica-

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EXAMPLE NO. 4; DEADHEAD

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The FAA believes it is desirable to provide certificate holders with a certain amount of flexibility, in the event circumstances beyond their control cause flight time to be accumulated in excess of the scheduled flight time. While proposed § 121.475(c) provides this flexibility, it recognizes that crewmembers should not be allowed to serve if the excess flight time may adversely affect overall performance. Accordingly, the FAA is of the view that the 2 hours of additional flight or duty time authorized by proposed § 121.475(c) provides the desired flexibility in scheduling without imposing a significant burden on the individual crewmember. The FAA wishes to emphasize, however, that schedules will have to be adjusted, in accordance with proposed § 121.475(b), if certain flights routinely exceed the time allotted for them.

H. HELICOPTER OPERATIONS

The helicopter operations of supplemental air carriers and commercial operators that are conducted under Part 121 are, by virtue of current § 121.501, subject to the flight time limitations prescribed in § 127.191. As proposed, § 121.501 would be retained as new § 121.483(d) since the FAA believes that the flight time limitations in helicopter operations should remain the same until the matter is given further consideration.

## VI. Regulatory Evaluation

Although the subject of flight and duty time limitations has been controversial, primarily because of its importance in labor-management negotiations, much of the controversy has resulted from the complexity and the enforcement problems associated with the current rules. As discussed earlier, the improvements to the current regulations contained in these proposals should alleviate these problems and the resulting controversy.

The FAA does not believe that the certificate holders will be required to incur any significant additional costs, other than an initial expenditure required for implementation of the new limitations. The FAA has determined that this proposal, if adopted, would not impose a significant burden on the private sector, on consumers, or on the Federal, State or local governments.

## VII. Request for Additional Economic Data

Comments have been received concerning the anticipated economic impact on U.S. scheduled air carriers if FAA Proposal No. 552 to the Operations Review Program were adopted.

Without reaching a conclusion as to the validity of the estimates supplied, the agency believes that the substantial changes made to Proposal No. 552 make the previous estimates inapplicable to the current proposal.

While the agency does not believe that this proposal will impose a significant economic burden on affected certificate holders, it is aware that certain detailed information relating to economic impact is exclusively in the possession of the individual operators. Accordingly, comments concerning the economic impact of this proposal are strongly encouraged.

In submitting these comments, each certificate holder should specify the proposal's antici- pated effect on its particular operation. If an organization desires to submit economic data on behalf of a group of carriers, an adequate breakdown of the anticipated effect on each member of the group is requested. Additionally, operators should provide realistic comparisons of the most current costs with those costs anticipated to occur if the proposal is adopted. In many cases, therefore, current contractual provisions governing flight time limitations will have to be considered if current operating costs are based, in whole or in part, on those contracts. The agency wishes to emphasize that unsupported assertions as to the anticipated cost of this proposal will not be considered persuasive.

Certificate holders should submit a detailed cost analysis and specify the steps taken to calculate these costs as well as any assumptions made in developing the analysis. If any certificate holder believes this proposal would, if adopted, have an adverse impact upon current labor contracts, specific information to support this contention should be provided.

In addition to these general guidelines, the agency solicits responses to the following specific questions relating to the economic impact of the proposal. Although these questions have been prepared primarily for the consideration of affected certificate holders, the agency encourages all interested persons to submit appropriate information concerning the economic impact of the proposal on any segment of the aviation industry.

Do you believe that adoption of this proposal would result in significant dollar and percentage increases in annual operating costs? If so, please specify:

The nature, dollar amount and percentage of each anticipated increase in annual operating costs.

The proposed regulatory provision which accounts for each of the anticipated increases mentioned above. (When referring to proposed § 121.483, specify the particular type of flight crew under consideration and whether the comment relates to the appropriate flight time or the duty time limitation.)

The nature, dollar amount and percentage of each anticipated increase in annual operating costs if each daily flight and duty time limitation was raised, on an across the board basis, by 1 hour? By 2 hours? Lowered by 1 hour? By 2 hours?

Will any one-time costs be incurred if this proposal is adopted? If so, what is the nature and amount of those anticipated costs?

Information would also be appreciated concerning any anticipated decrease in costs due to adoption of this proposal.

## VIII. Appendix to Preamble

EXAMPLE NO. 1; DUTY PERIODS

If a flight crewmember serves with a flight crew consisting of a pilot in command and a second in command, the crewmember would be governed by proposed § 121.483(b)(1), which specifies a flight time limitation of 8 hours and a duty time limitation of 12 hours. If this crewmember accumulated 8 hours of flight time since his last rest period (and 12 or less hours of duty time), the certificate holder would be required to provide him with a rest period of 16 hours in accordance with proposed § 121.481(c). When the duty period is completed and the required rest period is provided, the flight crewmember would be left with zero hours of flight and duty time with which to begin the next duty period. In this manner, each schedule is based upon the total flight and duty time accumulated between successive, required rest periods.

EXAMPLE NO. 2; REST PERIODS

A crewmember governed by an 8-hour flight time limitation and a 12-hour duty time limitation would be required to receive a rest period after accumulating 7 hours of flight time and 12 hours of duty time. The 12 hours of accumulated duty time can only be relevant in determining when the rest period is required; it has no importance with respect to the amount of rest necessary to constitute a required rest period. In this example, the required rest period would be 14 hours in accordance with proposed § 121.481(c).

EXAMPLE NO. 3; REST PERIODS

A crewmember governed by an 8-hour flight time limitation may be rested after accumulating only 6 hours of flight time. In accordance with proposed § 121.481(c), the required rest period would be 12 hours and the crewmember would have zero flight and duty time after such a rest period was received. On the other hand, a certificate holder who instructs a crewmember to take a 10-hour rest period after 6 hours of flight time have been accumulated would not be providing the crewmember with a required rest period. Accordingly, such a rest period would not erase the flight and duty time accumulated since the last required rest period, and the crewmember would still have 6 hours of accumulated flight time.





EXAMPLE NO. 4; DEADHEAD TRANSPORTATION

A flight crewmember who is deadheaded for three hours following a required rest period, and who is scheduled to report to begin preflight duties immediately after deadheading, will already have 3 hours of duty time accumulated as a result of the deadhead transportation. A certificate holder, in accordance with proposed § 121.477, could provide the flight crewmember with an 8-hour rest period after the deadhead transportation was completed, thereby eliminating the 3 hours of duty time otherwise attributable to deadheading.

A flight crewmember who is deadheaded during the middle of a duty period, and then provided with and 8-hour rest period in accordance with proposed § 121.477, would elimnate that duty time attributable to deadheading; if the 8-hour rest period is sufficient, it also would eliminate the flight time and duty time accumulated during that duty period. For example, a flight crewmember who has accumulated 4 hours of flight time and 6 hours of duty time may be deadheaded for 2 hours, thus giving him 4 hours of flight time and 8 hours of duty time. If an 8-hour rest period is then provided, the crewmember would have zero hours of flight and duty time since the 8-hour rest period would satisfy both the requirements of proposed §§ 121.477 and 121.481(c).

As a further example, a flight crewmember governed by a 12-hour duty time and 8-hour flight time limitation, who has reached either or both of these limitations, may still be deadheaded before a rest period is provided. If 8 hours of flight time were accumulated, the required rest period would be 16 hours (8 hours of accumulated flight time multiplied by 2). This rest period would also satisfy the 8-hour rest period authorized in proposed § 121.477 to eliminate the deadheading time as duty time, since that section allows the 8-hour rest period following deadhead transportation to be provided concurrently with any other rest period required by the proposed subpart.

EXAMPLE NO. 5; CREW COMPOSITION

A crewmember who is assigned to a flight crew consisting of a pilot in command, a second in command and a flight engineer, would be governed either by proposed § 121.483(b)(2) or § 121.483(b)(3), depending upon whether that crewmember is scheduled for more than two landings or two or less landings during the duty period.

However, a flight crewmember may be assigned to a crew consisting of a pilot in command and a second in command for part of the duty period, and to a crew consisting of a pilot in command, a second in command and a flight engineer for the remainder of that duty period. Accordingly, the crewmember in this example would be governed by proposed § 121.483(b)(1), since the flight and duty time limitations for a crewmember serving with a crew consisting of a pilot in command and a second in command are lower than those for a crewmember serving with a pilot in command, a second in command, and a flight engineer.

EXAMPLE NO. 6; DELAYS

If a crewmember was governed by an 8-hour flight time limitation (and scheduled for four flights, each of 2-hours duration) and had accumulated 9 hours of flight time after the first three flights due to reasons beyond the control of the certificate holder, the crewmember would not be allowed to depart the boarding gate for his final 2-hour flight, since the crewmember would accumulate at least 11 hours of flight time before being provided a rest period, thus exceeding the 8-hour limitation by more than 2 hours. If this crewmember had accumulated 8 hours of flight time through three flights, the last 2-hour flight would be permissible in accordance with proposed § 121.475(c). The FAA wishes to emphasize that any required rest period is based on accumulated flight time, and a crewmember allowed by proposed § 121.475(c) to accumulate 10 hours of flight time rather than the normal 8 hours, would be required to receive a 20-hour rest period if the 10 hours were, in fact, accumulated. Likewise, flights which are completed ahead of schedule are treated in the same manner.

## Drafting Information

The principal authors of this document are W. J. Biron and C. A. McKay, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

## The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 123 of the Federal Aviation Regulations (14 CFR Parts 121 and 123) as follows:

### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising the contents of Subpart Q of Part 121 to read as follows:

**Subpart Q—Flight Crewmember Flight and Duty Time Limitations and Rest Requirements**

Sec.
121.471 Applicability.
121.473 Definition of terms.
121.475. Flight time and duty time limitations: weekly, monthly and yearly.
121.477 Deadhead transportation.
121.479 Determination of applicable flight time and duty time limitations: flight crewmembers other than flight navigators.
121.481 Rest requirements.
121.483 Flight time and duty time limitations: duty periods.
121.485 Augmented flight crews.

2. By revising Subpart Q of Part 121 to read as follows:

**Subpart Q—Flight Crewmember Flight and Duty Time Limitations and Rest Requirements**

§ 121.471 Applicability.

This subpart prescribes flight and duty time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, and for commercial operators certificated under this part.

§ 121.473 Definition of terms.

For the purposes of this subpart—

"Additional flight crewmember" means a flight crewmember assigned to assist a two-pilot flight crew, but not assigned to act as a relief officer, flight engineer or flight navigator.

"Augmented flight crew" means a flight crew which includes one or more relief officers in addition to the basic flight crew.

"Basic flight crew" means the minimum flight crew required by the aircraft type certificate.

"Boarding gate" means the place at which passengers, cargo or flight crewmembers are enplaned for the purpose of flight, or are deplaned after a flight.

"Deadhead transportation" means transportation that a certificate holder requires and provides to transport a crewmember between airports.

"Duty period" means the time between successive, required rest periods during which a crewmember accumulates duty time.

"Duty time" means the time during which a crewmember performs any required assignment for a certificate holder or accumulates flight time in other commercial operations. Duty time also includes time spent on the ground between flights in the same duty period.

"Flight time" means the time during which a flight crewmember serves at a flight crewmember station as either a pilot, flight engineer, flight navigator or additional flight crewmember in any operation for a certificate holder, or in other commercial operations. Flight time begins when the aircraft depart the boarding gate for the purpose of flight and ends when the aircraft arrives at a boarding gate. In the case of a flight navigator, flight time is accumulated only for that portion of a flight during which the flight navigator serves as the primary means of navigation.

"Relief officer" means a flight crewmember who is scheduled to serve

with an augmented flight crew and to accumulate flight time in relief of one or more flight crewmembers.

"Rest period" means a continuous period of time required by this subpart during which a crewmember does not accumulate any duty time. A rest period does not include time spent in deadhead transportation.

**§ 121.475 Flight time and duty time limitations: weekly, monthly and yearly.**

(a) No certificate holder may schedule a flight crewmember and, except as provided in paragraph (c) of this section, no flight crewmember may accumulate flight time in excess of:

(1) The flight or duty time limitations prescribed in § 121.483.

(2) 30 hours in any 168 consecutive hours.

(3) 120 hours in any calendar month.

(4) 1,000 hours in any calendar year.

(b) In scheduling a flight crewmember for flight and duty time under this subpart, a certificate holder shall base its computation on the time normally necessary for the performance of the flight or duty involved.

(c) A flight crewmember may serve in excess of any flight or duty time limitation of this subpart only if the excess time is due to reasons beyond the control of the certificate holder; however, a flight crewmember may not depart the boarding gate for the purpose of flight if the crewmember's actual elapsed flight time, plus the flight time scheduled for the next flight, will cause the crewmember to exceed the applicable flight or duty time limitation by more than 2 hours.

**§ 121.477 Deadhead transportation.**

Deadhead transportation shall be considered duty time unless the deadhead transportation is followed immediately by a rest period. If a rest period is provided, it must be at least 8 hours and may be provided concurrently with any other rest period required by this subpart.

**§ 121.479 Determination of applicable flight time and duty time limitations: flight crewmembers other than flight navigators.**

A flight crewmember, other than a flight navigator, who accumulates flight time with more than one flight crew during a duty period shall be governed by the lowest flight and duty time limitations applicable to those flight crews with which the crewmember serves in line operations for the certificate holder during that duty period.

**§ 121.481 Rest requirements.**

(a) A certificate holder shall provide each flight crewmember with a rest period of not less than 24 hours at least once during every 168 consecutive hours. This 24-hour rest period may be provided concurrently with any other rest period required by this subpart.

(b) That period of time during which a flight crewmember, who is otherwise in a rest period, is required by the certificate holder to be available to receive a schedule of duty time is considered part of a rest period.

(c) The rest period required by § 121.483(a), must be at least twice the number of hours of flight time accumulated since the last rest period, but not less than 8 hours.

**§ 121.483 Flight time and duty time limitations: duty periods.**

(a) No certificate holder may schedule a flight crewmember, and no flight crewmember may serve, in excess of the flight time or duty time limitations set forth in paragraphs (b) and (c) without a rest period.

(b) The limitations for flight crewmembers serving with flight crews consisting of—

(1) A pilot in command and a second in command are 8 hours of flight time and 12 hours of duty time.

(2) A pilot in command, a second in command, and a flight engineer or an additional flight crewmember, when the flight crewmember is scheduled for more than two landings during a duty period, are 8 hours of flight time and 13 hours of duty time.

(3) A pilot in command, a second in command, and a flight engineer or an additional flight crewmember, when the flight crewmember is scheduled for two or less landings during a duty period, are 10 hours of flight time and 14 hours of duty time.

(4) A pilot in command, a second in command, and a relief officer are 10 hours of flight time and 16 hours of duty time.

(5) A pilot in command, a second in command, a flight engineer, and a relief officer are 10 hours of flight time and 16 hours of duty time.

(6) A pilot in command, a second in command, a flight engineer, and two or more relief officers are 10 hours of flight time and 20 hours of duty time.

(c) The limitations for flight navigators are 10 hours of flight time and 16 hours of duty time.

(d) Flight crewmembers serving in helicopter operations subject to this part are governed by the flight time limitations prescribed in § 127.191.

**§ 121.485 Augmented flight crews.**

(a) The pilot in command, as designated in the dispatch or flight release, shall remain the pilot in command at all times during the flight.

(b) During operations involving one or more relief officers, either the pilot in command or the second in command, as designated in the dispatch or flight release, shall be at a pilot station at all times.

(c) Each certificate holder shall provide crew bunks on the airplane equal to the number of relief officers whenever an augmented flight crew is scheduled for flights in excess of 12 hours during a duty period.

**Subparts R and S—[Reserved]**

3. By revoking Subparts R and S of Part 121 of the Federal Aviation Regulations and marking them reserved.

**PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES**

4. By amending § 123.27 by redesignating paragraphs (k), (l), and (m) as paragraphs (l), (m), and (n), respectively; and by adding a new paragraph (k). As amended, paragraphs (k), (l), (m), and (n) would read as follows:

**§ 123.27 Applicable regulations of Part 121.**

* * * * *

(k) Subpart Q.

(l) Subpart T, except §§ 121.537(c), 121.548, and 121.574.

(m) Subpart U, except § 121.597(a).

(n) Sections 121.683, 121.689, 121.693, 121.697, 121.701, 121.703, and 121.705 of Subpart V, except § 121.697(a)(3).

**§ 123.47 [Reserved]**

5. By revoking § 123.47 and marking it reserved.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that the document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 16, 1978.

J. A. FERRARESE,
*Acting Director,*
*Flight Standards Service.*

[FR Doc. 78-4944 Filed 2-24-78; 8:45 am]



Federal Register

MONDAY, FEBRUARY 27, 1978
PART III

# DEPARTMENT OF THE TREASURY

## Fiscal Service, Bureau of the Public Debt

# OFFERING OF UNITED STATES SAVINGS BONDS

## SERIES H

Dept. Circular 905
Sixth Revision
First Amendment
Second Supplement



[4810-25]

A. E. Martin III, Attorney-Advisor,

(3) Table 35—bonds dated June 1,



TABLE 15-A

[4810-25]

Title 31—Money and Finance; Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The purpose of this supplement to the current offering circular for United States Savings bonds, Series H, is to show the schedule of interest payments and investment yields for bonds of various groups of issue dates, which will be applicable to their first or next extended maturity period.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin III, Attorney-Advisor, Bureau of the Public Debt, 202-376-0636.

SUPPLEMENTAL INFORMATION: The Tables contained in the offering circular for Series H savings bonds show the schedule of interest payments and investment yields for bonds of all possible issue dates. Each of the Tables covers a particular consecutive group of issue dates. When the earlier dated bonds in any of these groups reach the end of an original or extended maturity period it is necessary to publish a new Table to reflect the interest payments and investment yields that will be applicable to the first or next extended maturity period those bonds will enter. During 1978, the earlier dated bonds in each of the following groups will enter their first or next extended maturity period:

(1) Table 15—bonds dated June 1 through November 1, 1958;
(2) Table 16—bonds dated December 1, 1958, through May 1, 1959;
(3) Table 35—bonds dated June 1, through November 1, 1968; and
(4) Table 36—bonds dated December 1, 1968, through May 1, 1969.

It should be noted, however, that in some cases, later dated bonds in each of the above groups will not enter their first or next extended maturity period until after 1978. Since such extension already has been irrevocably granted to them, the supplemental Tables to be published below will be applicable to them so long as there is no intervening change in the interest rate paid on savings bonds.

Accordingly, Department of the Treasury Circular No. 905, Sixth Revision, as amended, dated March 18, 1974 (31 CFR, Part 332) is hereby supplemented by the addition of Tables 15-A, 16-A, 35-A, and 36-A.

Dated: January 17, 1978.

PAUL H. TAYLOR,
*Deputy Fiscal Assistant Secretary.*





TABLE 15-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1958

| ISSUE PRICE / REDEMPTION AND MATURITY VALUE | $500 / $500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) | | |
|---|---|---|---|---|---|---|---|
| PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 20 YEARS, 0 MONTHS | (1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * SECOND EXTENDED MATURITY PERIOD** | | | | (2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE | (3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE | (4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY |
| | | | | | PERCENT | PERCENT | PERCENT |
| .5 YEARS . . .1/ (12/1/78) | $15.00 | $30.00 | $150.00 | $300.00 | 6.00 | 6.00 | 6.00 |
| 1.0 YEARS . . . . ( 6/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 1.5 YEARS . . . . (12/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.0 YEARS . . . . ( 6/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.5 YEARS . . . . (12/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.0 YEARS . . . . ( 6/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.5 YEARS . . . . (12/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.0 YEARS . . . . ( 6/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.5 YEARS . . . . (12/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.0 YEARS . . . . ( 6/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.5 YEARS . . . . (12/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.0 YEARS . . . . ( 6/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.5 YEARS . . . . (12/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.0 YEARS . . . . ( 6/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.5 YEARS . . . . (12/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.0 YEARS . . . . ( 6/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.5 YEARS . . . . (12/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.0 YEARS . . . . ( 6/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.5 YEARS . . . . (12/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 10.0 YEARS 2/. . . ( 6/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 3/ 6.00 | 6.00 | ---- |

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1958. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY IS 4.73%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 16-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1958 THROUGH MAY 1, 1959

| ISSUE PRICE / REDEMPTION AND MATURITY VALUE | $500 / $500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) | | |
|---|---|---|---|---|---|---|---|
| PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 20 YEARS, 0 MONTHS | (1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * SECOND EXTENDED MATURITY PERIOD** | | | | (2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE | (3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE | (4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY |
| | | | | | PERCENT | PERCENT | PERCENT |
| .5 YEARS . . .1/ ( 6/1/79) | $15.00 | $30.00 | $150.00 | $300.00 | 6.00 | 6.00 | 6.00 |
| 1.0 YEARS . . . . (12/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 1.5 YEARS . . . . ( 6/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.0 YEARS . . . . (12/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.5 YEARS . . . . ( 6/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.0 YEARS . . . . (12/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.5 YEARS . . . . ( 6/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.0 YEARS . . . . (12/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.5 YEARS . . . . ( 6/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.0 YEARS . . . . (12/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.5 YEARS . . . . ( 6/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.0 YEARS . . . . (12/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.5 YEARS . . . . ( 6/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.0 YEARS . . . . (12/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.5 YEARS . . . . ( 6/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.0 YEARS . . . . (12/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.5 YEARS . . . . ( 6/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.0 YEARS . . . . (12/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.5 YEARS . . . . ( 6/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 10.0 YEARS 2/. . . (12/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 3/ 6.00 | 6.00 | ---- |

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF DEC. 1, 1958. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY IS 4.78%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.





TABLE 35-A

MONDAY, FEBRUARY 27, 1978
PART IV

TABLE 35-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1968

| ISSUE PRICE | $500 | $1,000 | $5,000 | $10,000 | APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) |
|---|---|---|---|---|---|
| REDEMPTION AND MATURITY VALUE | 500 | 1,000 | 5,000 | 10,000 | |

| PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS | (1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * EXTENDED MATURITY PERIOD** | | | | (2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE | (3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE | (4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY |
|---|---|---|---|---|---|---|---|
| | | | | | PERCENT | PERCENT | PERCENT |
| .5 YEARS . . .1/ (12/1/78) | $15.00 | $30.00 | $150.00 | $300.00 | 6.00 | 6.00 | 6.00 |
| 1.0 YEARS . . . . ( 6/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 1.5 YEARS . . . . (12/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.0 YEARS . . . . ( 6/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.5 YEARS . . . . (12/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.0 YEARS . . . . ( 6/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.5 YEARS . . . . (12/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.0 YEARS . . . . ( 6/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.5 YEARS . . . . (12/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.0 YEARS . . . . ( 6/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.5 YEARS . . . . (12/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.0 YEARS . . . . ( 6/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.5 YEARS . . . . (12/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.0 YEARS . . . . ( 6/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.5 YEARS . . . . (12/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.0 YEARS . . . . ( 6/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.5 YEARS . . . . (12/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.0 YEARS . . . . ( 6/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.5 YEARS . . . . (12/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 10.0 YEARS 2/. . . ( 6/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 3/ 6.00 | 6.00 | ---- |

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1968. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.57%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 8TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 36-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1968 THROUGH MAY 1, 1969

| ISSUE PRICE | $500 | $1,000 | $5,000 | $10,000 | APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) |
|---|---|---|---|---|---|
| REDEMPTION AND MATURITY VALUE | 500 | 1,000 | 5,000 | 10,000 | |

| PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS | (1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * EXTENDED MATURITY PERIOD** | | | | (2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE | (3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE | (4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY |
|---|---|---|---|---|---|---|---|
| | | | | | PERCENT | PERCENT | PERCENT |
| .5 YEARS . . .1/ ( 6/1/79) | $15.00 | $30.00 | $150.00 | $300.00 | 6.00 | 6.00 | 6.00 |
| 1.0 YEARS . . . . (12/1/79) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 1.5 YEARS . . . . ( 6/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.0 YEARS . . . . (12/1/80) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 2.5 YEARS . . . . ( 6/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.0 YEARS . . . . (12/1/81) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 3.5 YEARS . . . . ( 6/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.0 YEARS . . . . (12/1/82) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 4.5 YEARS . . . . ( 6/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.0 YEARS . . . . (12/1/83) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 5.5 YEARS . . . . ( 6/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.0 YEARS . . . . (12/1/84) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 6.5 YEARS . . . . ( 6/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.0 YEARS . . . . (12/1/85) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 7.5 YEARS . . . . ( 6/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.0 YEARS . . . . (12/1/86) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 8.5 YEARS . . . . ( 6/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.0 YEARS . . . . (12/1/87) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 9.5 YEARS . . . . ( 6/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 6.00 | 6.00 | 6.00 |
| 10.0 YEARS 2/. . . (12/1/88) | 15.00 | 30.00 | 150.00 | 300.00 | 3/ 6.00 | 6.00 | ---- |

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF DEC. 1, 1968. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.68%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 8TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

[FR Doc. 78-4969, Filed 2-24-78; 8:45 am]



federal register

MONDAY, FEBRUARY 27, 1978
PART IV

# DEPARTMENT OF THE TREASURY

## Fiscal Service, Bureau of the Public Debt

federal register

## OFFERING OF UNITED STATES SAVINGS BONDS

## SERIES E

Dept. Circular 653
Ninth Revision
Third Amendment

[4810-25]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Tables of Redemption Values and Investment Yields

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The purpose of this amendment to the current offering of United States Savings Bonds, Series E, is to revise the tables of redemption values and investment yields contained therein to reflect the entrance of bonds of various issue dates into their first or next extended period.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin III, Attorney-Advisor, Bureau of the Public Debt, 202-376-0636.

SUPPLEMENTAL INFORMATION: The tables contained in the offering circular for Series E savings bonds show the redemption values and investment yields for bonds of all possible issue dates. Each Table covers a particular consecutive group of issue dates. Whenever the earlier dated bonds covered by a particular Table reach the end of an original or extended maturity period, it is necessary to provide a supplemental Table to cover the extended maturity period those bonds will next enter. During 1978, earlier dated bonds in each of the following groups will begin a new extended maturity period.

(1) Table 18—bonds dated June 1 through November 1, 1948;

(2) Table 19—bonds dated December 1, 1948, through May 1, 1949;

(3) Table 59—bonds dated June 1 through August 1, 1960;

(4) Table 60—bonds dated September 1, through November 1, 1960;

(5) Table 61—bonds dated December 1, 1960 through February 1, 1961;

(6) Table 62—bonds dated March 1 through May 1, 1961;

(7) Table 94—bonds dated June 1 through November 1, 1972;

(8) Table 95—bonds dated December 1, 1972 through May 1, 1973.

Also, Table 97 covers bonds bearing issue dates of December 1 1973, through August 1, 1976. Of those bonds, only those bearing an issue date of December 1, 1973, will enter their first extended maturity period during 1978.

To reflect these new extended maturity periods, Tables 18, 19, 59, 60, 61, 62, 94, and 95 are being supplemented to show redemption values and investment yields for the first or next extended maturity period applicable thereto. It should be noted, however, that later dated bonds covered by these Tables will not enter their first or next extended maturity period until after 1978. While these bonds have already been irrevocably granted such extension, the supplemental Tables will only be applicable thereto if there is no intervening interest rate change.

With respect to Table 97, new Table 98 is being added to cover bonds dated January 1, 1974, through August 1, 1976, which will not enter their first extension until a later time. Table 97, which will now only cover bonds dated December 1, 1973, is being supplemented at this time to show redemption values and investment yields of these bonds for their first extended maturity period. These are the only bonds covered by former Table 97 that will enter an extension during 1978.

Accordingly, Department of the Treasury Circular No. 653, Ninth Revision, as amended, dated April 23, 1974 (31 CFR, Part 316), is hereby further amended by the deletion of current Table 97 and the issuance of new Tables 18-A, 19-A, 59-A, 60-A, 61-A, 62-A, 94-A, 95-A, 97, 97-A, and 98.

The foregoing amendments were affected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Notice and public procedures thereon are deemed unnecessary as the fiscal policy of the United States is involved.

Dated: January 17, 1978.

PAUL H. TAYLOR,
*Deputy Fiscal Assistant Secretary.*





TABLE 18-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1948

| Issue price / Denomination | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after second extended maturity at 30 years 0 months) | (1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 3rd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/( 6/1/78) | $24.56 | $61.40 | $122.80 | $245.60 | $491.20 | $1228.00 | $2456.00 | ---- | 5.99 | 6.00 |
| 0-6 to 1-0 . . . . (12/1/78) | 25.30 | 63.24 | 126.48 | 252.96 | 505.92 | 1264.80 | 2529.60 | 5.99 | 6.01 | 6.00 |
| 1-0 to 1-6 . . . . ( 6/1/79) | 26.06 | 65.14 | 130.28 | 260.56 | 521.12 | 1302.80 | 2605.60 | 6.00 | 5.99 | 6.00 |
| 1-6 to 2-0 . . . . (12/1/79) | 26.84 | 67.09 | 134.18 | 268.36 | 536.72 | 1341.80 | 2683.60 | 6.00 | 6.02 | 6.00 |
| 2-0 to 2-6 . . . . ( 6/1/80) | 27.64 | 69.11 | 138.22 | 276.44 | 552.88 | 1382.20 | 2764.40 | 6.00 | 5.99 | 6.00 |
| 2-6 to 3-0 . . . . (12/1/80) | 28.47 | 71.18 | 142.36 | 284.72 | 569.44 | 1423.60 | 2847.20 | 6.00 | 5.98 | 6.00 |
| 3-0 to 3-6 . . . . ( 6/1/81) | 29.32 | 73.31 | 146.62 | 293.24 | 586.48 | 1466.20 | 2932.40 | 6.00 | 6.00 | 6.00 |
| 3-6 to 4-0 . . . . (12/1/81) | 30.20 | 75.51 | 151.02 | 302.04 | 604.08 | 1510.20 | 3020.40 | 6.00 | 6.01 | 6.00 |
| 4-0 to 4-6 . . . . ( 6/1/82) | 31.11 | 77.78 | 155.56 | 311.12 | 622.24 | 1555.60 | 3111.20 | 6.00 | 5.99 | 6.00 |
| 4-6 to 5-0 . . . . (12/1/82) | 32.04 | 80.11 | 160.22 | 320.44 | 640.88 | 1602.20 | 3204.40 | 6.00 | 6.02 | 6.00 |
| 5-0 to 5-6 . . . . ( 6/1/83) | 33.01 | 82.52 | 165.04 | 330.08 | 660.16 | 1650.40 | 3300.80 | 6.00 | 5.99 | 6.00 |
| 5-6 to 6-0 . . . . (12/1/83) | 34.00 | 84.99 | 169.98 | 339.96 | 679.92 | 1699.80 | 3399.60 | 6.00 | 6.00 | 6.00 |
| 6-0 to 6-6 . . . . ( 6/1/84) | 35.02 | 87.54 | 175.08 | 350.16 | 700.32 | 1750.80 | 3501.60 | 6.00 | 6.01 | 6.00 |
| 6-6 to 7-0 . . . . (12/1/84) | 36.07 | 90.17 | 180.34 | 360.68 | 721.36 | 1803.40 | 3606.80 | 6.00 | 5.99 | 6.00 |
| 7-0 to 7-6 . . . . ( 6/1/85) | 37.15 | 92.87 | 185.74 | 371.48 | 742.96 | 1857.40 | 3714.80 | 6.00 | 6.01 | 6.00 |
| 7-6 to 8-0 . . . . (12/1/85) | 38.26 | 95.66 | 191.32 | 382.64 | 765.28 | 1913.20 | 3826.40 | 6.00 | 6.00 | 6.00 |
| 8-0 to 8-6 . . . . ( 6/1/86) | 39.41 | 98.53 | 197.06 | 394.12 | 788.24 | 1970.60 | 3941.20 | 6.00 | 5.99 | 6.00 |
| 8-6 to 9-0 . . . . (12/1/86) | 40.59 | 101.48 | 202.96 | 405.92 | 811.84 | 2029.60 | 4059.20 | 6.00 | 6.01 | 6.01 |
| 9-0 to 9-6 . . . . ( 6/1/87) | 41.81 | 104.53 | 209.06 | 418.12 | 836.24 | 2090.60 | 4181.20 | 6.00 | 6.01 | 6.00 |
| 9-6 to10-0 . . . . (12/1/87) | 43.07 | 107.67 | 215.34 | 430.68 | 861.36 | 2153.40 | 4306.80 | 6.00 | 6.00 | 6.00 |
| 10-0 2/ . . . . . ( 6/1/88) | 44.36 | 110.90 | 221.80 | 443.60 | 887.20 | 2218.00 | 4436.00 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of June 1, 1948, enter each period. For subsequent issue months add the approoriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.49 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 19-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1948, THROUGH MAY 1, 1949

| Issue price / Denomination | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after second extended maturity at 30 years 0 months) | (1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 3rd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/(12/1/78) | $24.90 | $62.24 | $124.48 | $248.96 | $497.92 | $1244.80 | $2489.60 | ---- | 6.01 | 6.00 |
| 0-6 to 1-0 . . . . ( 6/1/79) | 25.64 | 64.11 | 128.22 | 256.44 | 512.88 | 1282.20 | 2564.40 | 6.01 | 5.99 | 6.00 |
| 1-0 to 1-6 . . . . (12/1/79) | 26.41 | 66.03 | 132.06 | 264.12 | 528.24 | 1320.60 | 2641.20 | 6.00 | 6.00 | 6.00 |
| 1-6 to 2-0 . . . . ( 6/1/80) | 27.20 | 68.01 | 136.02 | 272.04 | 544.08 | 1360.20 | 2720.40 | 6.00 | 6.00 | 6.00 |
| 2-0 to 2-6 . . . . (12/1/80) | 28.02 | 70.05 | 140.10 | 280.20 | 560.40 | 1401.00 | 2802.00 | 6.00 | 6.00 | 6.00 |
| 2-6 to 3-0 . . . . ( 6/1/81) | 28.86 | 72.15 | 144.30 | 288.60 | 577.20 | 1443.00 | 2886.00 | 6.00 | 6.02 | 6.00 |
| 3-0 to 3-6 . . . . (12/1/81) | 29.73 | 74.32 | 148.64 | 297.28 | 594.56 | 1486.40 | 2972.80 | 6.00 | 6.00 | 6.00 |
| 3-6 to 4-0 . . . . ( 6/1/82) | 30.62 | 76.55 | 153.10 | 306.20 | 612.40 | 1531.00 | 3062.00 | 6.00 | 5.98 | 6.00 |
| 4-0 to 4-6 . . . . (12/1/82) | 31.54 | 78.84 | 157.68 | 315.36 | 630.72 | 1576.80 | 3153.60 | 6.00 | 6.01 | 6.00 |
| 4-6 to 5-0 . . . . ( 6/1/83) | 32.48 | 81.21 | 162.42 | 324.84 | 649.68 | 1624.20 | 3248.40 | 6.00 | 6.01 | 6.00 |
| 5-0 to 5-6 . . . . (12/1/83) | 33.46 | 83.65 | 167.30 | 334.60 | 669.20 | 1673.00 | 3346.00 | 6.00 | 5.98 | 6.00 |
| 5-6 to 6-0 . . . . ( 6/1/84) | 34.46 | 86.15 | 172.30 | 344.60 | 689.20 | 1723.00 | 3446.00 | 6.00 | 6.01 | 6.00 |
| 6-0 to 6-6 . . . . (12/1/84) | 35.50 | 88.74 | 177.48 | 354.96 | 709.92 | 1774.80 | 3549.60 | 6.00 | 6.00 | 6.00 |
| 6-6 to 7-0 . . . . ( 6/1/85) | 36.56 | 91.40 | 182.80 | 365.60 | 731.20 | 1828.00 | 3656.00 | 6.00 | 6.00 | 6.00 |
| 7-0 to 7-6 . . . . (12/1/85) | 37.66 | 94.14 | 188.28 | 376.56 | 753.12 | 1882.80 | 3765.60 | 6.00 | 6.01 | 6.00 |
| 7-6 to 8-0 . . . . ( 6/1/86) | 38.79 | 96.97 | 193.94 | 387.88 | 775.76 | 1939.40 | 3878.80 | 6.00 | 6.00 | 6.00 |
| 8-0 to 8-6 . . . . (12/1/86) | 39.95 | 99.88 | 199.76 | 399.52 | 799.04 | 1997.60 | 3995.20 | 6.00 | 5.99 | 6.00 |
| 8-6 to 9-0 . . . . ( 6/1/87) | 41.15 | 102.87 | 205.74 | 411.48 | 822.96 | 2057.40 | 4114.80 | 6.00 | 6.01 | 6.00 |
| 9-0 to 9-6 . . . . (12/1/87) | 42.38 | 105.96 | 211.92 | 423.84 | 847.68 | 2119.20 | 4238.40 | 6.00 | 6.00 | 6.00 |
| 9-6 to10-0 . . . . ( 6/1/88) | 43.66 | 109.14 | 218.28 | 436.56 | 873.12 | 2182.80 | 4365.60 | 6.00 | 5.99 | 5.99 |
| 10-0 2/ . . . . . (12/1/88) | 44.96 | 112.41 | 224.82 | 449.64 | 899.28 | 2248.20 | 4496.40 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of Dec. 1, 1948, enter each period. For subsequent issue months add the appropriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.53 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.





TABLE 59-A



TABLE 61-A

TABLE 59-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1960

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after first extended maturity at 17 years 9 months) | (1) Redemption values during each half-year period (values increase on first day of period)* — SECOND EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 2nd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/( 3/1/78) | $43.18 | $86.36 | $172.72 | $345.44 | $863.60 | $1727.20 | $17272 | ---- | 6.02 | 6.00 |
| 0-6 to 1-0 . . . ( 9/1/78) | 44.48 | 88.96 | 177.92 | 355.84 | 889.60 | 1779.20 | 17792 | 6.02 | 5.98 | 6.00 |
| 1-0 to 1-6 . . . ( 3/1/79) | 45.81 | 91.62 | 183.24 | 366.48 | 916.20 | 1832.40 | 18324 | 6.00 | 5.98 | 6.00 |
| 1-6 to 2-0 . . . ( 9/1/79) | 47.18 | 94.36 | 188.72 | 377.44 | 943.60 | 1887.20 | 18872 | 5.99 | 6.02 | 6.00 |
| 2-0 to 2-6 . . . ( 3/1/80) | 48.60 | 97.20 | 194.40 | 388.80 | 972.00 | 1944.00 | 19440 | 6.00 | 6.01 | 6.00 |
| 2-6 to 3-0 . . . ( 9/1/80) | 50.06 | 100.12 | 200.24 | 400.48 | 1001.20 | 2002.40 | 20024 | 6.00 | 5.99 | 6.00 |
| 3-0 to 3-6 . . . ( 3/1/81) | 51.56 | 103.12 | 206.24 | 412.48 | 1031.20 | 2062.40 | 20624 | 6.00 | 6.01 | 6.00 |
| 3-6 to 4-0 . . . ( 9/1/81) | 53.11 | 106.22 | 212.44 | 424.88 | 1062.20 | 2124.40 | 21244 | 6.00 | 5.99 | 6.00 |
| 4-0 to 4-6 . . . ( 3/1/82) | 54.70 | 109.40 | 218.80 | 437.60 | 1094.00 | 2188.00 | 21880 | 6.00 | 6.00 | 6.00 |
| 4-6 to 5-0 . . . ( 9/1/82) | 56.34 | 112.68 | 225.36 | 450.72 | 1126.80 | 2253.60 | 22536 | 6.00 | 6.00 | 6.00 |
| 5-0 to 5-6 . . . ( 3/1/83) | 58.03 | 116.06 | 232.12 | 464.24 | 1160.60 | 2321.20 | 23212 | 6.00 | 6.00 | 6.00 |
| 5-6 to 6-0 . . . ( 9/1/83) | 59.77 | 119.54 | 239.08 | 478.16 | 1195.40 | 2390.80 | 23908 | 6.00 | 5.99 | 6.00 |
| 6-0 to 6-6 . . . ( 3/1/84) | 61.56 | 123.12 | 246.24 | 492.48 | 1231.20 | 2462.40 | 24624 | 6.00 | 6.01 | 6.00 |
| 6-6 to 7-0 . . . ( 9/1/84) | 63.41 | 126.82 | 253.64 | 507.28 | 1268.20 | 2536.40 | 25364 | 6.00 | 5.99 | 6.00 |
| 7-0 to 7-6 . . . ( 3/1/85) | 65.31 | 130.62 | 261.24 | 522.48 | 1306.20 | 2612.40 | 26124 | 6.00 | 6.00 | 6.00 |
| 7-6 to 8-0 . . . ( 9/1/85) | 67.27 | 134.54 | 269.08 | 538.16 | 1345.40 | 2690.80 | 26908 | 6.00 | 6.01 | 6.00 |
| 8-0 to 8-6 . . . ( 3/1/86) | 69.29 | 138.58 | 277.16 | 554.32 | 1385.80 | 2771.60 | 27716 | 6.00 | 6.00 | 6.00 |
| 8-6 to 9-0 . . . ( 9/1/86) | 71.37 | 142.74 | 285.48 | 570.96 | 1427.40 | 2854.80 | 28548 | 6.00 | 6.00 | 6.00 |
| 9-0 to 9-6 . . . ( 3/1/87) | 73.51 | 147.02 | 294.04 | 588.08 | 1470.20 | 2940.40 | 29404 | 6.00 | 6.01 | 6.00 |
| 9-6 to10-0 . . . ( 9/1/87) | 75.72 | 151.44 | 302.88 | 605.76 | 1514.40 | 3028.80 | 30288 | 6.00 | 6.00 | 6.00 |
| 10-0 2/ . . . . ( 3/1/88) | 77.99 | 155.98 | 311.96 | 623.92 | 1559.80 | 3119.60 | 31196 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of June 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.20 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 60-A

BONDS BEARING ISSUE DATES FROM SEPT. 1 THROUGH NOV. 1, 1960

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after first extended maturity at 17 years 9 months) | (1) Redemption values during each half-year period (values increase on first day of period)* — SECOND EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 2nd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/( 6/1/78) | $43.57 | $87.14 | $174.28 | $348.56 | $871.40 | $1742.80 | $17428 | ---- | 6.01 | 6.00 |
| 0-6 to 1-0 . . . ( 12/1/78) | 44.88 | 89.76 | 179.52 | 359.04 | 897.60 | 1795.20 | 17952 | 6.01 | 5.97 | 6.00 |
| 1-0 to 1-6 . . . ( 6/1/79) | 46.22 | 92.44 | 184.88 | 369.76 | 924.40 | 1848.80 | 18488 | 5.99 | 6.01 | 6.00 |
| 1-6 to 2-0 . . . ( 12/1/79) | 47.61 | 95.22 | 190.44 | 380.88 | 952.20 | 1904.40 | 19044 | 6.00 | 6.01 | 6.00 |
| 2-0 to 2-6 . . . ( 6/1/80) | 49.04 | 98.08 | 196.16 | 392.32 | 980.80 | 1961.60 | 19616 | 6.00 | 6.00 | 6.00 |
| 2-6 to 3-0 . . . ( 12/1/80) | 50.51 | 101.02 | 202.04 | 404.08 | 1010.20 | 2020.40 | 20204 | 6.00 | 5.98 | 6.00 |
| 3-0 to 3-6 . . . ( 6/1/81) | 52.02 | 104.04 | 208.08 | 416.16 | 1040.40 | 2080.80 | 20808 | 6.00 | 6.04 | 6.00 |
| 3-6 to 4-0 . . . ( 12/1/81) | 53.59 | 107.18 | 214.36 | 428.72 | 1071.80 | 2143.60 | 21436 | 6.00 | 5.97 | 6.00 |
| 4-0 to 4-6 . . . ( 6/1/82) | 55.19 | 110.38 | 220.76 | 441.52 | 1103.80 | 2207.60 | 22076 | 6.00 | 6.02 | 6.00 |
| 4-6 to 5-0 . . . ( 12/1/82) | 56.85 | 113.70 | 227.40 | 454.80 | 1137.00 | 2274.00 | 22740 | 6.00 | 5.98 | 6.00 |
| 5-0 to 5-6 . . . ( 6/1/83) | 58.55 | 117.10 | 234.20 | 468.40 | 1171.00 | 2342.00 | 23420 | 6.00 | 6.01 | 6.00 |
| 5-6 to 6-0 . . . ( 12/1/83) | 60.31 | 120.62 | 241.24 | 482.48 | 1206.20 | 2412.40 | 24124 | 6.00 | 6.00 | 6.00 |
| 6-0 to 6-6 . . . ( 6/1/84) | 62.12 | 124.24 | 248.48 | 496.96 | 1242.40 | 2484.80 | 24848 | 6.00 | 5.99 | 6.00 |
| 6-6 to 7-0 . . . ( 12/1/84) | 63.98 | 127.96 | 255.92 | 511.84 | 1279.60 | 2559.20 | 25592 | 6.00 | 6.00 | 6.00 |
| 7-0 to 7-6 . . . ( 6/1/85) | 65.90 | 131.80 | 263.60 | 527.20 | 1318.00 | 2636.00 | 26360 | 6.00 | 6.01 | 6.00 |
| 7-6 to 8-0 . . . ( 12/1/85) | 67.88 | 135.76 | 271.52 | 543.04 | 1357.60 | 2715.20 | 27152 | 6.00 | 6.01 | 6.00 |
| 8-0 to 8-6 . . . ( 6/1/86) | 69.92 | 139.84 | 279.68 | 559.36 | 1398.40 | 2796.80 | 27968 | 6.00 | 5.98 | 6.00 |
| 8-6 to 9-0 . . . ( 12/1/86) | 72.01 | 144.02 | 288.04 | 576.08 | 1440.20 | 2880.40 | 28804 | 6.00 | 6.03 | 6.00 |
| 9-0 to 9-6 . . . ( 6/1/87) | 74.18 | 148.36 | 296.72 | 593.44 | 1483.60 | 2967.20 | 29672 | 6.00 | 5.99 | 5.99 |
| 9-6 to10-0 . . . ( 12/1/87) | 76.40 | 152.80 | 305.60 | 611.20 | 1528.00 | 3056.00 | 30560 | 6.00 | 5.99 | 5.99 |
| 10-0 2/ . . . . ( 6/1/88) | 78.69 | 157.38 | 314.76 | 629.52 | 1573.80 | 3147.60 | 31476 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of Sept. 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.24 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.





TABLE 61-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1960, THROUGH FEB. 1, 1961

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after first extended maturity at 17 years 9 months) | (1) Redemption values during each half-year period (values increase on first day of period)* — SECOND EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 2nd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/( 9/1/78) | $43.65 | $87.30 | $174.60 | $349.20 | $873.00 | $1746.00 | $17460 | ---- | 6.00 | 6.00 |
| 0-6 to 1-0 . . . ( 3/1/79) | 44.96 | 89.92 | 179.84 | 359.68 | 899.20 | 1798.40 | 17984 | 6.00 | 6.01 | 6.00 |
| 1-0 to 1-6 . . . ( 9/1/79) | 46.31 | 92.62 | 185.24 | 370.48 | 926.20 | 1852.40 | 18524 | 6.00 | 6.00 | 6.00 |
| 1-6 to 2-0 . . . ( 3/1/80) | 47.70 | 95.40 | 190.80 | 381.60 | 954.00 | 1908.00 | 19080 | 6.00 | 6.00 | 6.00 |
| 2-0 to 2-6 . . . ( 9/1/80) | 49.13 | 98.26 | 196.52 | 393.04 | 982.60 | 1965.20 | 19652 | 6.00 | 5.98 | 6.00 |
| 2-6 to 3-0 . . . ( 3/1/81) | 50.60 | 101.20 | 202.40 | 404.80 | 1012.00 | 2024.00 | 20240 | 6.00 | 6.01 | 6.00 |
| 3-0 to 3-6 . . . ( 9/1/81) | 52.12 | 104.24 | 208.48 | 416.96 | 1042.40 | 2084.80 | 20848 | 6.00 | 5.99 | 6.00 |
| 3-6 to 4-0 . . . ( 3/1/82) | 53.68 | 107.36 | 214.72 | 429.44 | 1073.60 | 2147.20 | 21472 | 6.00 | 6.00 | 6.00 |
| 4-0 to 4-6 . . . ( 9/1/82) | 55.29 | 110.58 | 221.16 | 442.32 | 1105.80 | 2211.60 | 22116 | 6.00 | 6.00 | 6.00 |
| 4-6 to 5-0 . . . ( 3/1/83) | 56.95 | 113.90 | 227.80 | 455.60 | 1139.00 | 2278.00 | 22780 | 6.00 | 6.01 | 6.00 |
| 5-0 to 5-6 . . . ( 9/1/83) | 58.66 | 117.32 | 234.64 | 469.28 | 1173.20 | 2346.40 | 23464 | 6.00 | 6.00 | 6.00 |
| 5-6 to 6-0 . . . ( 3/1/84) | 60.42 | 120.84 | 241.68 | 483.36 | 1208.40 | 2416.80 | 24168 | 6.00 | 5.99 | 6.00 |
| 6-0 to 6-6 . . . ( 9/1/84) | 62.23 | 124.46 | 248.92 | 497.84 | 1244.60 | 2489.20 | 24892 | 6.00 | 6.01 | 6.00 |
| 6-6 to 7-0 . . . ( 3/1/85) | 64.10 | 128.20 | 256.40 | 512.80 | 1282.00 | 2564.00 | 25640 | 6.00 | 5.99 | 6.00 |
| 7-0 to 7-6 . . . ( 9/1/85) | 66.02 | 132.04 | 264.08 | 528.16 | 1320.40 | 2640.80 | 26408 | 6.00 | 6.03 | 6.00 |
| 7-6 to 8-0 . . . ( 3/1/86) | 68.01 | 136.02 | 272.04 | 544.08 | 1360.20 | 2720.40 | 27204 | 6.00 | 6.00 | 6.00 |
| 8-0 to 8-6 . . . ( 9/1/86) | 70.05 | 140.10 | 280.20 | 560.40 | 1401.00 | 2802.00 | 28020 | 6.00 | 6.00 | 6.00 |
| 8-6 to 9-0 . . . ( 3/1/87) | 72.15 | 144.30 | 288.60 | 577.20 | 1443.00 | 2886.00 | 28860 | 6.00 | 5.99 | 6.00 |
| 9-0 to 9-6 . . . ( 9/1/87) | 74.31 | 148.62 | 297.24 | 594.48 | 1486.20 | 2972.40 | 29724 | 6.00 | 6.00 | 6.01 |
| 9-6 to10-0 . . . ( 3/1/88) | 76.54 | 153.08 | 306.16 | 612.32 | 1530.80 | 3061.60 | 30616 | 6.00 | 6.01 | 6.01 |
| 10-0 2/ . . . . ( 9/1/88) | 78.84 | 157.68 | 315.36 | 630.72 | 1576.80 | 3153.60 | 31536 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of Dec. 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.24 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 62-A

BONDS BEARING ISSUE DATES FROM MARCH 1 THROUGH MAY 1, 1961

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after first extended maturity at 17 years 9 months) | (1) Redemption values during each half-year period (values increase on first day of period)* — SECOND EXTENDED MATURITY PERIOD** | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to 2nd extended maturity |
| | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/(12/1/78) | $44.05 | $88.10 | $176.20 | $352.40 | $881.00 | $1762.00 | $17620 | ---- | 5.99 | 6.00 |
| 0-6 to 1-0 . . . ( 6/1779) | 45.37 | 90.74 | 181.48 | 362.96 | 907.40 | 1814.80 | 18148 | 5.99 | 6.00 | 6.00 |
| 1-0 to 1-6 . . . (12/1/79) | 46.73 | 93.46 | 186.92 | 373.84 | 934.60 | 1869.20 | 18692 | 5.99 | 5.99 | 6.00 |
| 1-6 to 2-0 . . . ( 6/1/80) | 48.13 | 96.26 | 192.52 | 385.04 | 962.60 | 1925.20 | 19252 | 5.99 | 6.03 | 6.00 |
| 2-0 to 2-6 . . . (12/1/80) | 49.58 | 99.16 | 198.32 | 396.64 | 991.60 | 1983.20 | 19832 | 6.00 | 6.01 | 6.00 |
| 2-6 to 3-0 . . . ( 6/1/81) | 51.07 | 102.14 | 204.28 | 408.56 | 1021.40 | 2042.80 | 20428 | 6.00 | 5.99 | 6.00 |
| 3-0 to 3-6 . . . (12/1/81) | 52.60 | 105.20 | 210.40 | 420.80 | 1052.00 | 2104.00 | 21040 | 6.00 | 6.01 | 6.00 |
| 3-6 to 4-0 . . . ( 6/1/82) | 54.18 | 108.36 | 216.72 | 433.44 | 1083.60 | 2167.20 | 21672 | 6.00 | 5.98 | 6.00 |
| 4-0 to 4-6 . . . (12/1/82) | 55.80 | 111.60 | 223.20 | 446.40 | 1116.00 | 2232.00 | 22320 | 6.00 | 6.02 | 6.00 |
| 4-6 to 5-0 . . . ( 6/1/83) | 57.48 | 114.96 | 229.92 | 459.84 | 1149.60 | 2299.20 | 22992 | 6.00 | 5.98 | 6.00 |
| 5-0 to 5-6 . . . (12/1/83) | 59.20 | 118.40 | 236.80 | 473.60 | 1184.00 | 2368.00 | 23680 | 6.00 | 6.01 | 6.00 |
| 5-6 to 6-0 . . . ( 6/1/84) | 60.98 | 121.96 | 243.92 | 487.84 | 1219.60 | 2439.20 | 24392 | 6.00 | 5.97 | 6.00 |
| 6-0 to 6-6 . . . (12/1/84) | 62.80 | 125.60 | 251.20 | 502.40 | 1256.00 | 2512.00 | 25120 | 6.00 | 6.02 | 6.00 |
| 6-6 to 7-0 . . . ( 6/1/85) | 64.69 | 129.38 | 258.76 | 517.52 | 1293.80 | 2587.60 | 25876 | 6.00 | 6.00 | 6.00 |
| 7-0 to 7-6 . . . (12/1/85) | 66.63 | 133.26 | 266.52 | 533.04 | 1332.60 | 2665.20 | 26652 | 6.00 | 6.00 | 6.00 |
| 7-6 to 8-0 . . . ( 6/1/86) | 68.63 | 137.26 | 274.52 | 549.04 | 1372.60 | 2745.20 | 27452 | 6.00 | 6.00 | 6.00 |
| 8-0 to 8-6 . . . (12/1/86) | 70.69 | 141.38 | 282.76 | 565.52 | 1413.80 | 2827.60 | 28276 | 6.00 | 6.00 | 6.00 |
| 8-6 to 9-0 . . . ( 6/1/87) | 72.81 | 145.62 | 291.24 | 582.48 | 1456.20 | 2912.40 | 29124 | 6.00 | 5.99 | 6.00 |
| 9-0 to 9-6 . . . (12/1/87) | 74.99 | 149.98 | 299.96 | 599.92 | 1499.80 | 2999.60 | 29996 | 6.00 | 6.00 | 6.00 |
| 9-6 to10-0 . . . ( 6/1/88) | 77.24 | 154.48 | 308.96 | 617.92 | 1544.80 | 3089.60 | 30896 | 6.00 | 6.01 | 6.01 |
| 10-0 2/ . . . . (12/1/88) | 79.56 | 159.12 | 318.24 | 636.48 | 1591.20 | 3182.40 | 31824 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of March 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.28 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 94-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1972

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) |
|---|---|---|---|---|---|---|---|---|---|

| Period (years and months after original maturity at 9 years 10 months) | (1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD** | | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to extended maturity |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/( 4/1/78) | $26.28 | $52.56 | $78.84 | $105.12 | $210.24 | $525.60 | $1051.20 | $10512 | ---- | 6.01 | 6.00 |
| 0-6 to 1-0 . . . (10/1/78) | 27.07 | 54.14 | 81.21 | 108.28 | 216.56 | 541.40 | 1082.80 | 10828 | 6.01 | 5.98 | 6.00 |
| 1-0 to 1-6 . . . ( 4/1/79) | 27.88 | 55.76 | 83.64 | 111.52 | 223.04 | 557.60 | 1115.20 | 11152 | 6.00 | 6.03 | 6.00 |
| 1-6 to 2-0 . . . (10/1/79) | 28.72 | 57.44 | 86.16 | 114.88 | 229.76 | 574.40 | 1148.80 | 11488 | 6.01 | 5.99 | 6.00 |
| 2-0 to 2-6 . . . ( 4/1/80) | 29.58 | 59.16 | 88.74 | 118.32 | 236.64 | 591.60 | 1183.20 | 11832 | 6.00 | 6.02 | 6.00 |
| 2-6 to 3-0 . . . (10/1/80) | 30.47 | 60.94 | 91.41 | 121.88 | 243.76 | 609.40 | 1218.80 | 12188 | 6.01 | 5.97 | 6.00 |
| 3-0 to 3-6 . . . ( 4/1/81) | 31.38 | 62.76 | 94.14 | 125.52 | 251.04 | 627.60 | 1255.20 | 12552 | 6.00 | 5.99 | 6.00 |
| 3-6 to 4-0 . . . (10/1/81) | 32.32 | 64.64 | 96.96 | 129.28 | 258.56 | 646.40 | 1292.80 | 12928 | 6.00 | 6.00 | 6.00 |
| 4-0 to 4-6 . . . ( 4/1/82) | 33.29 | 66.58 | 99.87 | 133.16 | 266.32 | 665.80 | 1331.60 | 13316 | 6.00 | 6.01 | 6.00 |
| 4-6 to 5-0 . . . (10/1/82) | 34.29 | 68.58 | 102.87 | 137.16 | 274.32 | 685.80 | 1371.60 | 13716 | 6.00 | 6.01 | 6.00 |
| 5-0 to 5-6 . . . ( 4/1/83) | 35.32 | 70.64 | 105.96 | 141.28 | 282.56 | 706.40 | 1412.80 | 14128 | 6.00 | 6.00 | 6.00 |
| 5-6 to 6-0 . . . (10/1/83) | 36.38 | 72.76 | 109.14 | 145.52 | 291.04 | 727.60 | 1455.20 | 14552 | 6.00 | 5.99 | 6.00 |
| 6-0 to 6-6 . . . ( 4/1/84) | 37.47 | 74.94 | 112.41 | 149.88 | 299.76 | 749.40 | 1498.80 | 14988 | 6.00 | 5.98 | 6.00 |
| 6-6 to 7-0 . . . (10/1/84) | 38.59 | 77.18 | 115.77 | 154.36 | 308.72 | 771.80 | 1543.60 | 15436 | 6.00 | 6.01 | 6.00 |
| 7-0 to 7-6 . . . ( 4/1/85) | 39.75 | 79.50 | 119.25 | 159.00 | 318.00 | 795.00 | 1590.00 | 15900 | 6.00 | 5.99 | 6.00 |
| 7-6 to 8-0 . . . (10/1/85) | 40.94 | 81.88 | 122.82 | 163.76 | 327.52 | 818.80 | 1637.60 | 16376 | 6.00 | 6.01 | 6.00 |
| 8-0 to 8-6 . . . ( 4/1/86) | 42.17 | 84.34 | 126.51 | 168.68 | 337.36 | 843.40 | 1686.80 | 16868 | 6.00 | 6.02 | 6.00 |
| 8-6 to 9-0 . . . (10/1/86) | 43.44 | 86.88 | 130.32 | 173.76 | 347.52 | 868.80 | 1737.60 | 17376 | 6.00 | 5.99 | 5.99 |
| 9-0 to 9-6 . . . ( 4/1/87) | 44.74 | 89.48 | 134.22 | 178.96 | 357.92 | 894.80 | 1789.60 | 17896 | 6.00 | 5.99 | 5.99 |
| 9-6 to10-0 . . . (10/1/87) | 46.08 | 92.16 | 138.24 | 184.32 | 368.64 | 921.60 | 1843.20 | 18432 | 6.00 | 5.99 | 5.99 |
| 10-0 2/ . . . . ( 4/1/88) | 47.46 | 94.92 | 142.38 | 189.84 | 379.68 | 940.20 | 1898.40 | 18984 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of June 1, 1972, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.95 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 95-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1972, THROUGH MAY 1, 1973

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) |
|---|---|---|---|---|---|---|---|---|---|

| Period (years and months after original maturity at 5 years 10 months) | (1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD** | | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to extended maturity |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/(10/1/78) | $26.34 | $52.68 | $79.02 | $105.36 | $210.72 | $526.80 | $1053.60 | $10536 | ---- | 6.00 | 6.00 |
| 0-6 to 1-0 . . . ( 4/1/79) | 27.13 | 54.26 | 81.39 | 108.52 | 217.04 | 542.60 | 1085.20 | 10852 | 6.00 | 5.97 | 6.00 |
| 1-0 to 1-6 . . . (10/1/79) | 27.94 | 55.88 | 83.82 | 111.76 | 223.52 | 558.80 | 1117.60 | 11176 | 5.98 | 6.01 | 6.00 |
| 1-6 to 2-0 . . . ( 4/1/80) | 28.78 | 57.56 | 86.34 | 115.12 | 230.24 | 575.60 | 1151.20 | 11512 | 5.99 | 6.05 | 6.00 |
| 2-0 to 2-6 . . . (10/1/80) | 29.65 | 59.30 | 88.95 | 118.60 | 237.20 | 593.00 | 1186.00 | 11860 | 6.01 | 6.00 | 6.00 |
| 2-6 to 3-0 . . . ( 4/1/81) | 30.54 | 61.08 | 91.62 | 122.16 | 244.32 | 610.80 | 1221.60 | 12216 | 6.01 | 5.96 | 6.00 |
| 3-0 to 3-6 . . . (10/1/81) | 31.45 | 62.90 | 94.35 | 125.80 | 251.60 | 629.00 | 1258.00 | 12580 | 6.00 | 5.98 | 6.00 |
| 3-6 to 4-0 . . . ( 4/1/82) | 32.39 | 64.78 | 97.17 | 129.56 | 259.12 | 647.80 | 1295.60 | 12956 | 6.00 | 6.05 | 6.00 |
| 4-0 to 4-6 . . . (10/1/82) | 33.37 | 66.74 | 100.11 | 133.48 | 266.96 | 667.40 | 1334.80 | 13348 | 6.00 | 5.99 | 6.00 |
| 4-6 to 5-0 . . . ( 4/1/83) | 34.37 | 68.74 | 103.11 | 137.48 | 274.96 | 687.40 | 1374.80 | 13748 | 6.00 | 5.99 | 6.00 |
| 5-0 to 5-6 . . . (10/1/83) | 35.40 | 70.80 | 106.20 | 141.60 | 283.20 | 708.00 | 1416.00 | 14160 | 6.00 | 5.99 | 6.00 |
| 5-6 to 6-0 . . . ( 4/1/84) | 36.46 | 72.92 | 109.38 | 145.84 | 291.68 | 729.20 | 1458.40 | 14584 | 6.00 | 5.98 | 6.00 |
| 6-0 to 6-6 . . . (10/1/84) | 37.55 | 75.10 | 112.65 | 150.20 | 300.40 | 751.00 | 1502.00 | 15020 | 6.00 | 6.02 | 6.00 |
| 6-6 to 7-0 . . . ( 4/1/85) | 38.68 | 77.36 | 116.04 | 154.72 | 309.44 | 773.60 | 1547.20 | 15472 | 6.00 | 6.00 | 6.00 |
| 7-0 to 7-6 . . . (10/1/85) | 39.84 | 79.68 | 119.52 | 159.36 | 318.72 | 796.80 | 1593.60 | 15936 | 6.00 | 6.02 | 6.00 |
| 7-6 to 8-0 . . . ( 4/1/86) | 41.04 | 82.08 | 123.12 | 164.16 | 328.32 | 820.80 | 1641.60 | 16416 | 6.00 | 5.99 | 5.99 |
| 8-0 to 8-6 . . . (10/1/86) | 42.27 | 84.54 | 126.81 | 169.08 | 338.16 | 845.40 | 1690.80 | 16908 | 6.00 | 6.01 | 5.99 |
| 8-6 to 9-0 . . . ( 4/1/87) | 43.54 | 87.08 | 130.62 | 174.16 | 348.32 | 870.80 | 1741.60 | 17416 | 6.00 | 5.97 | 5.99 |
| 9-0 to 9-6 . . . (10/1/87) | 44.84 | 89.68 | 134.52 | 179.36 | 358.72 | 896.80 | 1793.60 | 17936 | 6.00 | 6.02 | 6.00 |
| 9-6 to10-0 . . . ( 4/1/88) | 46.19 | 92.38 | 138.57 | 184.76 | 369.52 | 923.80 | 1847.60 | 18476 | 6.00 | 5.98 | 5.98 |
| 10-0 2/ . . . . (10/1/88) | 47.57 | 95.14 | 142.71 | 190.28 | 380.56 | 951.40 | 1902.80 | 19028 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of Dec. 1, 1972, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.97 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.





TABLE 97

BONDS BEARING ISSUE DATE DEC. 1, 1973

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $ 7500 / 10000 | Approximate investment yield (annual percentage rate) |
|---|---|---|---|---|---|---|---|---|---|

| Period (years and months after issue) | (1) Redemption values during each half-year period (values increase on first day of period) | | | | | | | | (2) From issue date to beginning of each ½-yr. period | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to maturity |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/(12/1/73) | $18.75 | $37.50 | $56.25 | $75.00 | $150.00 | $375.00 | $750.00 | $ 7500 | ---- | 3.73 | 6.00 |
| 0-6 to 1-0 . . . ( 6/1/74) | 19.10 | 38.20 | 57.30 | 76.40 | 152.80 | 382.00 | 764.00 | 7640 | 3.73 | 5.34 | 6.25 |
| 1-0 to 1-6 . . . (12/1/74) | 19.61 | 39.22 | 58.83 | 78.44 | 156.88 | 392.20 | 784.40 | 7844 | 4.54 | 5.00 | 6.37 |
| 1-6 to 2-0 . . . ( 6/1/75) | 20.10 | 40.20 | 60.30 | 80.40 | 160.80 | 402.00 | 804.00 | 8040 | 4.69 | 4.98 | 6.57 |
| 2-0 to 2-6 . . . (12/1/75) | 20.60 | 41.20 | 61.80 | 82.40 | 164.80 | 412.00 | 824.00 | 8240 | 4.76 | 5.24 | 6.83 |
| 2-6 to 3-0 . . . ( 6/1/76) | 21.14 | 42.28 | 63.42 | 84.56 | 169.12 | 422.80 | 845.60 | 8456 | 4.86 | 5.39 | 7.15 |
| 3-0 to 3-6 . . . (12/1/76) | 21.71 | 43.42 | 65.13 | 86.84 | 173.68 | 434.20 | 868.40 | 8684 | 4.95 | 5.53 | 7.59 |
| 3-6 to 4-0 . . . ( 6/1/77) | 22.31 | 44.62 | 66.93 | 89.24 | 178.48 | 446.20 | 892.40 | 8924 | 5.03 | 5.92 | 8.29 |
| 4-0 to 4-6 . . . (12/1/77) | 22.97 | 45.94 | 68.91 | 91.88 | 183.76 | 459.40 | 918.80 | 9188 | 5.14 | 6.09 | 9.48 |
| 4-6 to 5-0 . . . ( 6/1/78) | 23.67 | 47.34 | 71.01 | 94.68 | 189.36 | 473.40 | 946.80 | 9468 | 5.25 | 12.93 | 12.93 |
| 5-0 2/ . . . . . (12/1/78) | 25.20 | 50.40 | 75.60 | 100.80 | 201.60 | 504.00 | 1008.00 | 10080 | 6.00 | ---- | ---- |

1/ Month, day and year on which issues of December 1, 1973, enter each period.
2/ Maturity value reached at 5 years and 0 months after issue.

TABLE 97-A

BONDS BEARING ISSUE DATE DEC. 1, 1973

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $7500 / 10000 | Approximate investment yield (annual percentage rate) |
|---|---|---|---|---|---|---|---|---|---|

| Period (years and months after original maturity at 5 years 0 months) | (1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD | | | | | | | | (2) From beginning of current maturity period to beginning of each ½-yr. pd. | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to extended maturity |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/(12/1/78) | $25.20 | $50.40 | $75.60 | $100.80 | $201.60 | $504.00 | $1008.00 | $10080 | ---- | 6.03 | 6.00 |
| 0-6 to 1-0 . . . ( 6/1/79) | 25.96 | 51.92 | 77.88 | 103.84 | 207.68 | 519.20 | 1038.40 | 10384 | 6.03 | 5.93 | 6.00 |
| 1-0 to 1-6 . . . (12/1/79) | 26.73 | 53.46 | 80.19 | 106.92 | 213.84 | 534.60 | 1069.20 | 10692 | 5.98 | 6.06 | 6.00 |
| 1-6 to 2-0 . . . ( 6/1/80) | 27.54 | 55.08 | 82.62 | 110.16 | 220.32 | 550.80 | 1101.60 | 11016 | 6.01 | 5.95 | 6.00 |
| 2-0 to 2-6 . . . (12/1/80) | 28.36 | 56.72 | 85.08 | 113.44 | 226.88 | 567.20 | 1134.40 | 11344 | 5.99 | 5.99 | 6.00 |
| 2-6 to 3-0 . . . ( 6/1/81) | 29.21 | 58.42 | 87.63 | 116.84 | 233.68 | 584.20 | 1168.40 | 11684 | 5.99 | 6.03 | 6.00 |
| 3-0 to 3-6 . . . (12/1/81) | 30.09 | 60.18 | 90.27 | 120.36 | 240.72 | 601.80 | 1203.60 | 12036 | 6.00 | 5.98 | 6.00 |
| 3-6 to 4-0 . . . ( 6/1/82) | 30.99 | 61.98 | 92.97 | 123.96 | 247.92 | 619.80 | 1239.60 | 12396 | 6.00 | 6.00 | 6.00 |
| 4-0 to 4-6 . . . (12/1/82) | 31.92 | 63.84 | 95.76 | 127.68 | 255.36 | 638.40 | 1276.80 | 12768 | 6.00 | 6.02 | 6.00 |
| 4-6 to 5-0 . . . ( 6/1/83) | 32.88 | 65.76 | 98.64 | 131.52 | 263.04 | 657.60 | 1315.20 | 13152 | 6.00 | 6.02 | 6.00 |
| 5-0 to 5-6 . . . (12/1/83) | 33.87 | 67.74 | 101.61 | 135.48 | 270.96 | 677.40 | 1354.80 | 13548 | 6.00 | 5.96 | 6.00 |
| 5-6 to 6-0 . . . ( 6/1/84) | 34.88 | 69.76 | 104.64 | 139.52 | 279.04 | 697.60 | 1395.20 | 13952 | 6.00 | 6.02 | 6.00 |
| 6-0 to 6-6 . . . (12/1/84) | 35.93 | 71.86 | 107.79 | 143.72 | 287.44 | 718.60 | 1437.20 | 14372 | 6.00 | 6.01 | 6.00 |
| 6-6 to 7-0 . . . ( 6/1/85) | 37.01 | 74.02 | 111.03 | 148.04 | 296.08 | 740.20 | 1480.40 | 14804 | 6.00 | 6.00 | 6.00 |
| 7-0 to 7-6 . . . (12/1/85) | 38.12 | 76.24 | 114.36 | 152.48 | 304.96 | 762.40 | 1524.80 | 15248 | 6.00 | 5.98 | 5.99 |
| 7-6 to 8-0 . . . ( 6/1/86) | 39.26 | 78.52 | 117.78 | 157.04 | 314.08 | 785.20 | 1570.40 | 15704 | 6.00 | 6.01 | 6.00 |
| 8-0 to 8-6 . . . (12/1/86) | 40.44 | 80.88 | 121.32 | 161.76 | 323.52 | 808.80 | 1617.60 | 16176 | 6.00 | 5.98 | 5.99 |
| 8-6 to 9-0 . . . ( 6/1/87) | 41.65 | 83.30 | 124.95 | 166.60 | 333.20 | 833.00 | 1666.00 | 16660 | 6.00 | 6.00 | 6.00 |
| 9-0 to 9-6 . . . (12/1/87) | 42.90 | 85.80 | 128.70 | 171.60 | 343.20 | 858.00 | 1716.00 | 17160 | 6.00 | 6.01 | 5.99 |
| 9-6 to10-0 . . . ( 6/1/88) | 44.19 | 88.38 | 132.57 | 176.76 | 353.52 | 883.80 | 1767.60 | 17676 | 6.00 | 5.97 | 5.97 |
| 10-0 2/ . . . . (12/1/88) | 45.51 | 91.02 | 136.53 | 182.04 | 364.08 | 910.20 | 1820.40 | 18204 | 6.00 3/ | ---- | ---- |

1/ Month, day, and year on which issues of Dec. 1, 1973 enter each period.
2/ Extended maturity reached at 15 years 0 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 6.00 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.





TABLE 98

MONDAY, FEBRUARY 27, 1978

TABLE 98

BONDS BEARING ISSUE DATES FROM JAN. 1, 1974, THROUGH AUG. 1, 1976

| Issue price / Denomination | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1000.00 | $ 7500 / 10000 | Approximate investment yield (annual percentage rate) | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Period (years and months after issue) | (1) Redemption values during each half-year period (values increase on first day of period) | | | | | | | | (2) From issue date to beginning of each ½-yr. period | (3) From beginning of each ½-yr. period to beginning of next ½-yr. pd. | (4) From beginning of each ½-yr. period to maturity |
| | | | | | | | | | Percent | Percent | Percent |
| 0-0 to 0-6 . . . 1/ (1/1/74) | $18.75 | $37.50 | $56.25 | $75.00 | $150.00 | $375.00 | $750.00 | $ 7500 | —— | 3.73 | 6.00 |
| 0-6 to 1-0 . . . . (7/1/74) | 19.10 | 38.20 | 57.30 | 76.40 | 152.80 | 382.00 | 764.00 | 7640 | 3.73 | 5.34 | 6.25 |
| 1-0 to 1-6 . . . . (1/1/75) | 19.61 | 39.22 | 58.83 | 78.44 | 156.88 | 392.20 | 784.40 | 7844 | 4.54 | 5.00 | 6.37 |
| 1-6 to 2-0 . . . . (7/1/75) | 20.10 | 40.20 | 60.30 | 80.40 | 160.80 | 402.00 | 804.00 | 8040 | 4.69 | 4.98 | 6.57 |
| 2-0 to 2-6 . . . . (1/1/76) | 20.60 | 41.20 | 61.80 | 82.40 | 164.80 | 412.00 | 824.00 | 8240 | 4.76 | 5.24 | 6.83 |
| 2-6 to 3-0 . . . . (7/1/76) | 21.14 | 42.28 | 63.42 | 84.56 | 169.12 | 422.80 | 845.60 | 8456 | 4.86 | 5.39 | 7.15 |
| 3-0 to 3-6 . . . . (1/1/77) | 21.71 | 43.42 | 65.13 | 86.84 | 173.68 | 434.20 | 868.40 | 8684 | 4.95 | 5.53 | 7.59 |
| 3-6 to 4-0 . . . . (7/1/77) | 22.31 | 44.62 | 66.93 | 89.24 | 178.48 | 446.20 | 892.40 | 8924 | 5.03 | 5.92 | 8.29 |
| 4-0 to 4-6 . . . . (1/1/78) | 22.97 | 45.94 | 68.91 | 91.88 | 183.76 | 459.40 | 918.80 | 9188 | 5.14 | 6.09 | 9.48 |
| 4-6 to 5-0 . . . . (7/1/78) | 23.67 | 47.34 | 71.01 | 94.68 | 189.36 | 473.40 | 946.80 | 9468 | 5.25 | 12.93 | 12.93 |
| 5-0 2/ . . . . . (1/1/79) | 25.20 | 50.40 | 75.60 | 100.80 | 201.60 | 504.00 | 1008.00 | 10080 | 6.00 | —— | —— |

1/ Month, day and year on which issues of January 1, 1974, enter each period. These are representative dates. For subsequent issue dates, substitute the month, day and year of issue on the first line, and the appropriate six-month accrual date on each succeeding line. For example: if the issue date of the bond is October 1, 1974, the entries on succeeding lines in this column would be 10/1/74, 4/1/75, 10/1/75, 4/1/76, 10/1/76, etc., to the maturity date of 10/1/79; if the issue date of the bond is July 1, 1976, the line entries would be 7/1/76, 1/1/77, 7/1/77, 1/1/78, 7/1/78, etc., to the maturity date of 7/1/81.

2/ Maturity value reached at 5 years and 0 months after issue.

[FR Doc. 78-4970 Filed 2-24-78; 8:45 am]



federal register

MONDAY, FEBRUARY 27, 1978
PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTLE ROCK, ARK.
1934

# DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

# SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

## Interim Final Rules and Notice of Public Hearing



Title 30—Mineral Resources

had submitted written comments,

Janiak, "Purifications of Waters From



site measures to reduce detention ria to require the structure to safely Dated: February 22, 1978

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

## SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

### Interim Final Rules and Notice of Public Hearing

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Interim Final Rules and announcement of hearing.

SUMMARY: These interim final rules amend the design criteria for sedimentation ponds and temporary diversion structures for surface coal-mining operations and extend the filing deadlines for submission of schedules for the reconstruction of existing sedimentation ponds, and related pre-existing, non-conforming structures to May 3, 1978. In addition, the construction on such pre-existing, non-conforming structures must begin by June 3, 1978. Construction on all pre-existing, non-conforming structures must still be completed by November 4, 1978. These interim final rules are applicable to all surface coal mining operations during the public hearing and comment period contemplated on these rules.

DATES: Interim Final Regulations are effective February 27, 1978.

Comments on the interim final regulations must be received by March 29, 1978. The hearing will be held on March 15, 1978 at 9:30 am.

ADDRESSES: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237.

The hearing will be at the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Walter N. Heine, 202-343-4237.

SUPPLEMENTARY INFORMATION: The Surface Mining Control and Reclamation Act of 1977 (hereinafter the Act), Pub. L. 95-87, requires the Secretary of the Interior to publish initial environmental protection regulations that are applicable to all coal-mining operations on lands that are regulated by the States until a State has an approved regulatory program. Proposed rules implementing the Act were published in the FEDERAL REGISTER on September 7, 1977 (42 FR 44920). Public hearings on the proposed rules were held on September 20-22, 1977, in Washington, D.C., Charlestown, W. Va., St. Louis, Mo., and Denver, Colo. At the close of the comment period on October 7, 1977, over 300 commenters had submitted written comments, many of which were very lengthy.

On December 13, 1977, the Department promulgated final regulations as required by the Act for the initial regulatory program (42 FR 62639).

Both in the proposed regulations and the final regulations, the Department detailed requirements for sedimentation ponds to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area.

As a result of extensive comments from States and industry after publication of the final design criteria for sedimentation ponds, the Department reconsidered the design criteria for sedimentation ponds. Many States and industry commenters suggested that the final standard required unnecessarily large sedimentation ponds which could pose a hazard to the surrounding community. Commenters also felt that good management which is presently utilized in some States would preclude the need for large basins. In light of these and other comments, the Director of the Office of Surface Mining Reclamation and Enforcement, other representatives of the Department and representatives of the Environmental Protection Agency viewed a number of mining operations in West Virginia on January 31, 1978, to determine if this standard needed modification. As a result of these visits to mining sites and extensive discussions with State and industry and public interest representatives, the Department has modified the design criteria for sedimentation ponds to allow greater flexibility and accommodate diversity in terrain and other physical conditions. In large measure the modifications are supported by the transcripts of the public hearings on the proposed regulations, written comments received prior and subsequent to the final regulations, technical studies, manuals, and generally accepted engineering practice.

Primary technical literature relied upon in developing these new regulations included, Curtis, "Sediment Yield From Strip-Mined Watersheds in Eastern Kentucky," Second Research and Applied Technology Symposium on Mined Land Reclamation, 1974; Kathuria, "Effectiveness of Surface Mine Sedimentation Ponds," EPA Report EPA-660/2-76-117, August 1976; Simpson, "Interagency Evaluation Tour of West Virginia—Water Quality Committee Report," September 1977; "Erosion and Sediment Control-Surfacing Mining in the Eastern United States," Volumes 1 and 2, EPA Technology Transfer Seminar Publication, October 1976; Hill, "Sedimentation Ponds—A Criterial Review" NCA/BCR Coal Conference, October 1976; Janiak, "Purifications of Waters From Strip Lignite Mines," proceeding of the Polish-U.S. Symposium, May 1975.

The December 13, 1977, regulations (42 FR 62686) specified three principal criteria which controlled the size and design of sedimentation ponds: Pond surface area, sediment storage volume and water detention time. The Department has modified these criteria as follows:

At many mining locations, the controlling design criterion was to size sedimentation ponds to provide a surface area of at least 1 square foot of pond surface area for each 50 gallons per day of runoff entering the ponds resulting from a 10-year 24-hour precipitation event. The modifications delete the requirement that sedimentation ponds must provide at least 1 square foot for each 50 gallons per day of inflow. In lieu thereof, the new regulations require coal operators to consider sedimentation pond surface area in the design of ponds in order to achieve the effluent limitations (sec. 715.17(a)). The effect of this change is to remove a constraint on the design and size of sedimentation ponds and substitute in its place greater design flexibility, which if properly exercised, will permit the construction of smaller ponds.

The new regulations clarify the sediment storage volume requirement for sedimentation ponds. A sediment storage volume must be provided equal to 0.2-acre feet of disturbed area within the upstream drainage area, unless the operator utilizes on-site or point-of-origin activities which may be considered as credits to reduce the required 0.2-acre feet storage volume. The new regulations specify a list of on-site activities including prompt and progressive backfilling, revegetation, mulching, and check dams. These credits, if approved by the regulatory authority, can have a significant impact on reducing the size of ponds.

Section 715.17(e)(1) of the December 13, 1977, regulations required a 24-hour detention time for the design inflow or runoff entering sedimentation ponds. The new regulations require that the pond be designed to provide a 24-hour detention time for the design inflow or runoff unless a lower detention time is approved by the regulatory authority. In addition, in determining the design runoff volume, the operator can consider the characteristics of the mine site, reclamation control procedures and on-site sediment control practices. The 24-hour theoretical detention time can be reduced to 10 hours if the operator implements sediment control measures approved by the regulatory authority. The Office of Surface Mining will allow credits for sediment control measures such as pond configuration, inflow and outflow facilities and on-site measures to reduce detention time. Detention time can be reduced even below 10 hours by utilizing chemical treatment or flocculation or demonstrating to the regulatory authority that particle size, or specific gravity could warrant even a lower detention time.





The new regulations ease to a considerable degree the burden upon coal operators to bring existing sedimentation ponds into compliance. The deadline for starting reconstruction has been extended and the reconstruction burden has been significantly lessened. Therefore, the Department has decided to maintain the November 4, 1978, compliance date for existing sedimentation ponds which cannot be in compliance by May 3, 1978.

To allow adequate time for coal operators to submit schedules and statements of impossibility to regulatory authorities, the Department has extended the filing deadline for sedimentation ponds from March 1, 1978, to May 3, 1978. In addition, the filing deadline has been extended to May 3, 1978, for other pre-existing, non-conforming structures which are related to the redesign of sedimentation ponds. Related structures or facilities are those which an engineer must necessarily redesign as a result of the new sedimentation pond standard. Reconstruction must be initiated on such existing structures on or before June 3, 1978. Additional approval responsibilities have been added to assure that no schedules extend beyond November 4, 1978.

The Department has decided to make these rules effective upon publication to provide immediate guidance to State regulatory agencies and coal operators. In this way, State regulatory agencies can issue new permits incorporating these requirements and immediately approve applications to reconstruct existing sedimentation ponds. In addition, the Department believes that it is essential to assure timely compliance with section 502 of the Act. It is emphasized, however, that the Department intends to hold at least one public hearing on the interim final rules, obtain necessary concurrences and consider public comments before making the rule final.

This interim final rulemaking also includes a modification to the regulation governing temporary diversion structures. Additional State and industry comments received after promulgation of the final rules on December 13, 1977, have demonstrated that under the prior rules, construction of temporary diversions to safely pass a peak runoff from a precipitation event with a 10-year recurrence interval could result in disturbing an area in excess of the effective control provided by such structures. Therefore, the Department has reduced the design criteria to require the structure to safely pass the peak runoff from a precipitation event with a one-year recurrence interval. The Department has added an additional design criterion to adequately protect the public and the environment during the existence of temporary diversion structures.

In addition, in response to comments requesting clarification, the Department emphasizes that small depressions allowed by § 715.14(d) are not considered as temporary or permanent diversions under § 715.17(c)(1) and (2). Temporary or permanent diversions are those structures which divert water away from disturbed areas. Thus, upon approval of the regulatory authority, coal operators may leave small depressions, small ditches and swales which act to diffuse water or reduce water velocity as part of erosion control practices.

Statutory authority for interim final rules is contained in Sections 201(c)(2), 501 and 502 of the Act and 5 U.S.C. § 553.

The Department intends to entertain comments for a thirty-day period following publication of these interim final rules in the FEDERAL REGISTER. In addition, it will shortly announce the place and time of public hearings on these interim final rules.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

In accordance with the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 and 5 U.S.C. § 553, a public hearing will be held at the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. 20240 on March 15, 1978 at 9:30 a.m. The purpose of the hearing is to allow full public participation in the rulemaking process. Individuals making oral statements or submitting written comments should limit their statements to these interim final rules. Individuals are encouraged to submit statements in writing. Individuals making oral statements are limited to 10 minutes.

Further information and reservation of time for oral statements may be obtained by contacting Walter N. Heine, Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237.

### DRAFTING INFORMATION

Principal authors of these regulations are Ronald D. Hill, Environmental Protection Agency, Cincinnati, Ohio; Walter N. Heine, Director, Office of Surface Mining Reclamation and Enforcement; and Donald Crane, Consultant to the Office of Surface Mining Reclamation and Enforcement, Denver, Colo.

Dated: February 22, 1978.

JOAN M. DAVENPORT,
*Assistant Secretary*
*Energy and Minerals.*

Chapter VII of Title 30 of the Code of Federal Regulations is amended as follows:

Parts 710, 715, 717 [Amended].

## PART 710—INITIAL REGULATORY PROGRAM

In 30 CFR § 710.11, paragraph (d) is revised to read as follows:

§ 710.11 Applicability.

* * * * * * *

(d) * * *

(3) Notwithstanding paragraph (d)(2) of this section, any sedimentation pond, or related pre-existing, nonconforming structure or facility which is used in connection with or to facilitate mining after the effective date of these regulations shall comply with the requirements of the regulations unless—

(i) The permittee submits to the regulatory authority and to the Director by May 3, 1978, a statement in writing demonstrating that it is physically impossible to bring the structure or facility into compliance by May 3, 1978. The statement shall include the steps to be taken to reconstruct the structure or facility in conformance with applicable performance standards and a schedule for reconstruction including the estimated date of completion;

(ii) The regulatory authority finds in writing that it is physically impossible to bring the structure or facility into compliance by May 3, 1978;

(iii) The construction work is to be performed in accordance with plans designed by a professional engineer;

(iv) The construction work is to be started and completed as soon as possible and in no event is to be started later than June 3, 1978 and completed later than November 4, 1978; and

(v) The Director approves of any schedules which contain an estimated date of completion beyond October 3, 1978.

(4) The Director shall be deemed to have approved such schedules referred to in paragraph (d)(3)(v) of this section, unless written disapproval is received by the operator on or before June 3, 1978.

## PART 715—GENERAL PERFORMANCE STANDARDS

In 30 CFR § 715.17, paragraph (c)(1) is revised to read as follows:

§ 715.17 [Amended]

* * * * * * *

(c) * * *

(1) Temporary diversion structures shall be constructed to safely pass the







ment filters, dugout ponds, and other

tee, equal to the improvement in sedi-

as demonstrated by the permittee,

peak runoff from a precipitation event with a one year recurrence interval, or a larger event as specified by the regulatory authority. The design criteria must assure adequate protection of the environment and public during the existence of the temporary diversion structure.

• • • • •

Section 715.17 is further amended as follows:

1. Paragraphs (e), (e)(1), and (e)(2) are revised.

2. Paragraphs (e)(3)–(e)(9) are redesignated as (e)(4)–(e)(10) and a new paragraph (e)(3) is added.

• • • • •

(e) *Sediment control measures.* Appropriate sediment control measures shall be designed, constructed, and maintained to prevent additional contributions of sediment to streamflow or to runoff outside the permit area to the extent possible, using the best technology currently available.

(1) Sediment control measures include practices carried out within and adjacent to the disturbed area. The scale of downstream practices shall reflect the degree to which successful techniques are applied at the sources of the sediment. Sediment control measures consist of the utilization of proper mining, reclamation methods, and sediment control practices (singly or in combination) including but not limited to:

(i) Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading and timely revegetation;

(ii) Consistent with the requirements of § 715.14 and § 715.15 shaping the backfill material to promote a reduction of the rate and volume of runoff;

(iii) Retention of sediment within the pit and disturbed area;

(iv) Diversion of overland and channelized flow from undisturbed areas around or in protected crossings through the disturbed area;

(v) Utilization of straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume or entrap sediment;

(vi) Sedimentation ponds.

(2) Sedimentation ponds may be used individually or in series, should be located as near as possible to the disturbed area and where possible out of major stream courses, and shall (either individually or in series) meet the following criteria:

(i) Sedimentation ponds must provide 24-hour theoretical detention time for the inflow or runoff entering the ponds from a 10-year, 24-hour precipitation event. Runoff diverted, in accordance with paragraphs (c) and (d) of this section, away from the disturbed drainage areas need not be considered in sedimentation pond design. In determining the runoff volume the characteristics of the mine site, reclamation procedures, and on-site sediment control practices shall be considered.

(ii) Upon approval of the regulatory authority theoretical detention time may be reduced to not less than 10 hours, as demonstrated by the permittee, equal to the improvement in sedimentation removal efficiency as a result of pond design including but not limited to pond configuration, inflow-outflow facilities and their relative location, baffles to decrease inflow velocity and short circuiting, a surface area sufficient to achieve the sediment trap efficiency necessary to meet effluent limitations (Sec. 715.17(a)), and sediment control measures provided in § 715.17(e)(1).

(iii) The regulatory authority may approve a detention time less than the time required by paragraph (e)(2) (i) or (ii) of this section, when the permitte has demonstrated that the size distribution or the specific gravity of the suspended matter or the utilization of chemical treatment or flocculation are such that the effluent limitations can be met. The detention time shall be stipulated.

(3) An additional sediment storage volume must be provided equal to 0.2 acre-feet for each acre of disturbed area within the upstream drainage area. Upon approval of the regulatory authority, the sediment storage volume may be reduced in an amount, as demonstrated by the permittee, equal to the sediment removed by other appropriate sediment control measures such as those identified in paragraph (e)(1) of this section, or by lesser sediment yields as evidenced by empirical data for runoff characteristics.

• • • • • •

Redesignated paragraph (e)(6) is revised to read as follows:

(e) • • •

• • • • • •

(6) Sediment shall be removed from sedimentation ponds so as to assure maximum sediment removal efficiency and attainment and maintenance of effluent limitations. Sediment removal shall be done in a manner that minimizes adverse effects on surface waters due to its chemical and physical characteristics, on infiltration, on vegetation, and on surface and ground water quality. Sediment that has been removed from sedimentation ponds and that meets the requirements for topsoil may be redistributed over graded areas in accordance with § 715.16.

• • • • •

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## PART 717—UNDERGROUND MINING GENERAL PERFORMANCE STANDARDS

§ 717.17 [Amended]

In 30 CFR § 717.17, paragraph (c)(1) is revised to read as follows:

• • • • •

(c) • • •

(1) Temporary diversion structures shall be constructed to safely pass the peak runoff from a precipitation event with a one year recurrence interval, or a larger event as specified by the regulatory authority. The design criteria must assure adequate protection of the environment and public during the existence of the temporary diversion structure.

• • • • •

Paragraph (e) of § 717.7 is amended as follows:

1. Subparagraphs (1) and (2) are revised.

2. Subparagraphs (e)(3)–(e)(9) are redesignated as (e)(4)–(e)(10), and a new paragraph (e)(3) is added.

• • • • •

(e) *Sediment control measures.* Appropriate sediment control measures shall be designed, constructed, and maintained to prevent additional contributions of sediment to streamflow or to runoff outside the permit area to the extent possible, using the best technology currently available.

(1) Sediment control measures include practices carried out within and adjacent to the disturbed area. The scale of downstream practices shall reflect the degree to which successful techniques are applied at the sources of the sediment. Sediment control measures consist of the utilization of proper mining, reclamation methods, and sediment control practices (singly or in combination) including but not limited to:

(i) Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading and timely revegetation;

(ii) Consistent with the requirements of § 715.14 and § 715.15 of this chapter shaping the backfill material to promote a reduction of the rate and volume of runoff;

(iii) Retention of sediment within the pit and disturbed area;

(iv) Diversion of overland and channelized flow from undisturbed areas around or in protected crossings through the disturbed area;

(v) Utilization of straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume or entrap sediment;

(vi) Sedimentation ponds.

(2) Sedimentation ponds may be used individually or in series, should be located as near as possible to the disturbed area and where possible out of major stream courses, and shall (either individually or in series) meet the following criteria:

(i) Sedimentation ponds must provide 24 hour theoretical detention time for the inflow or runoff entering the pond(s) from a 10 year, 24-hour precipitation event. Runoff diverted, in accordance with paragraphs (c) and (d) of this section, away from the disturbed drainage areas need not be considered in sedimentation pond design. In determining the runoff volume the characteristics of the mine site, reclamation procedures, and on-site sediment control practices shall be considered.

(ii) Upon approval of the regulatory authority theoretical detention time may be reduced to not less than 10 hours, as demonstrated by the permittee, equal to the improvement in sedimentation removal efficiency as a result of pond design including but not limited to pond configuration, inflow-outflow facilities and their relative location, baffles to decrease inflow velocity and short circuiting, a surface area sufficient to achieve the sediment trap efficiency necessary to meet effluent limitations (Sec. 715.17(a)), and sediment control measures provided in § 715.17(e)(1).

(iii) The regulatory authority may approve a detention time less than the time required by paragraph (e)(2) (i) or (ii) of this section, when the permittee has demonstrated that the size distribution or the specific gravity of the suspended matter or the utilization of chemical treatment or flocculation are such that the effluent limitations can be met. The detention time shall be stipulated.

(3) An additional sediment storage volume must be provided equal to 0.2 acre-feet for each acre of disturbed area within the upstream drainage area. Upon approval of the regulatory authority, the sediment storage volume may be reduced in an amount, as demonstrated by the permittee, equal to the sediment removed by other appropriate sediment control measures such as those identified in paragraph (e)(1) of this section, or by lesser sediment yields as evidenced by empirical data for runoff characteristics.

• • • • •

In 30 CFR 717.17(e), redesignated subparagraph (6) is revised to read as follows:

• • • • •

(6) Sediment shall be removed from sedimentation ponds so as to assure maximum sediment removal efficiency and attainment and maintenance of effluent limitations. Sediment shall be disposed of in a manner that minimizes adverse effects on surface waters due to its chemical and physical characteristics, on infiltration, or surface or ground water quality.

• • • • •

[FR Doc. 78-5309 Filed 2-24-78; 11:34 am]

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

| Monday | Tuesday | Wednesday | Thursday | Friday |
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| DOT/NHTSA | USDA/APHIS | | DOT/NHTSA | USDA/APHIS |
| DOT/FAA | USDA/FNS | | DOT/FAA | USDA/FNS |
| DOT/OHMO | USDA/FSQS | | DOT/OHMO | USDA/FSQS |
| DOT/OPSO | USDA/REA | | DOT/OPSO | USDA/REA |
| | CSC | | | CSC |
| | LABOR | | | LABOR |
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| | HEW/HRA | | | HEW/HSA |
| | HEW/HSA | | | HEW/NIH |
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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[3195-01]

# Title 3—The President

**Executive Order 12039** • **February 24, 1978**

## Relating to the Transfer of Certain Science and Technology Policy Functions

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), Section 301 of Title 3 of the United States Code, and Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and as President of the United States of America, in order to provide for the transfer of certain science and technology functions, it is hereby ordered as follows:

SECTION 1. (a) The transfer, provided by Section 5A of Reorganization Plan No. 1 of 1977 (42 FR 56101), of certain functions under the National Science and Technology Policy, Organization, and Priorities Act of 1976, hereinafter referred to as the Act (90 Stat. 459, 42 U.S.C. 6601 *et seq.*), from the Office of Science and Technology Policy and its Director to the Director of the National Science Foundation is hereby effective.

(b) The abolition of the Intergovernmental Science, Engineering, and Technology Advisory Panel, the President's Committee on Science and Technology, and the Federal Coordinating Council for Science, Engineering and Technology (established in accordance with Titles II, III, and IV of the Act) and the transfer of their functions (Sections 205(b)(1), 303 (a) and (b)(1), and 401 of the Act, 42 U.S.C. 6614(b)(1), 6633 (a) and (b)(1), and 6651(e)) to the President of the United States of America, provided by Section 5A of Reorganization Plan No. 1 of 1977, are hereby effective.

SEC. 2. (a) The intergovernmental science, engineering, and technology functions under Section 205(b)(1) of the Act (42 U.S.C. 6614(b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy; *Except that,* the responsibility for fostering any policies to facilitate the transfer and utilization of research and development results is delegated to the Director of the Office of Management and Budget.

(b) The functions vested by subsection (a) of this Section in the Director of the Office of Management and Budget shall be performed in accord with the Director's responsibilities under the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 42 U.S.C. 4201 *et seq.*). The Director of the Office of Science and Technology Policy shall advise the Director of the Office of Management and Budget with respect to the needs of State, regional, and local governments which may be assisted by the utilization of science, engineering, and technology research and development results.

(c) The functions vested by subsection (a) of this Section in the Director of the Office of Science and Technology Policy shall be performed in coordination with the Director of the Office of Management and Budget and with others as designated by the President.

(d) To advise the Director of the Office of Science and Technology Policy on the performance of those functions delegated to him by subsection (a) of





this Section, he shall establish, in accord with the Federal Advisory Committee



[3195-01]

this Section, he shall establish, in accord with the Federal Advisory Committee Act (5 U.S.C. App. I), an Intergovernmental Science, Engineering, and Technology Advisory Panel. The Panel members shall include representatives of such Executive agencies and such officials of State and local governments as the Director may designate.

SEC. 3. The Federal science, engineering, and technology functions under Section 303 (a) and (b)(1) of the Act (42 U.S.C. 6633 (a) and (b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy: *Except that*, those functions concerned with reorganization, including Federal-State liaison, are delegated to the Director of the Office of Management and Budget, who shall be provided advice and assistance thereon by the Director of the Office of Science and Technology Policy.

SEC. 4. The science, engineering, and technology and related activities functions under Section 401(e) of the Act (42 U.S.C. 6651(e)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy.

SEC. 5. There is hereby established the Federal Coordinating Council for Science, Engineering, and Technology. The Council shall be composed of the Director of the Office of Science and Technology Policy, who shall be Chairman, and representatives of such other Executive agencies designated by the Chairman. The head of an agency so designated shall designate an appropriate individual to serve on the Council. The Council shall advise and assist the Director of the Office of Science and Technology Policy in the performance of those functions delegated under Section 4 of this Order.

SEC. 6. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Director of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, or the Director of the National Science Foundation, as appropriate.

SEC. 7. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 8. This Order shall be effective on February 26, 1978.

Jimmy Carter

THE WHITE HOUSE,
*February 24, 1978.*

[FR Doc. 78-5427 Filed 2-24-78; 5:12 pm]





[3195-01]

**Executive Order 12040** • **February 24, 1978**

**Relating to the Transfer of Certain Environmental Evaluation Functions**

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), and as President of the United States of America, in order to effectuate the transfer of certain environmental quality functions, it is hereby ordered as follows:

SECTION 1. The transfer, provided by Section 5E of Reorganization Plan No. 1 of 1977 (42 FR 56101), of those functions relating to the evaluation provided for by Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (88 Stat. 1878, 42 U.S.C. 5910), from the Council on Environmental Quality and the Office of Environmental Quality to the Administrator of the Environmental Protection Agency shall be effective February 26, 1978.

SEC. 2. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, property, records, and other items related to the functions transferred.

Jimmy Carter

THE WHITE HOUSE,
*February 24, 1978.*

[FR Doc. 78-5428 Filed 2-24-78; 5:13 pm]

[3195-01]

**Executive Order 12041** • **February 25, 1978**

## Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*; 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, and to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Section 503(a) and 131-134 of the Trade Act of 1974, it is hereby ordered as follows:

SECTION 1. In order to subdivide existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) are modified as provided in Annex I, attached hereto and made a part hereof.

SEC. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is further amended as provided in Annex II, attached hereto and made a part hereof.

SEC. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by substituting therefor the new Annex III, attached hereto and made a part hereof.

SEC. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is amended by substituting therefor the new Annex IV, attached hereto and made a part hereof.

SEC. 5. The amendments made by this Order shall be effective with respect to articles that are both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after March 1, 1978.

Jimmy Carter

THE WHITE HOUSE,
*February 25, 1978.*

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of the ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

1.(a) Items 147.86 and 147.87 are superseded by:

| | | | |
|---|---|---|---|
| | [Mangoes, fresh, or prepared or preserved:] | | |
| | "Fresh: | | |
| 147.88 | If entered during the period from November 1, in any year, to the following March 31, inclusive | 3.75¢ per lb. | 15¢ per lb. |
| 147.89 | If product of Cuba | 3¢ per lb.(s) | |
| 147.94 | If entered at any other time | 3.75¢ per lb. | 15¢ per lb. |
| 147.95 | If product of Cuba | 3¢ per lb.(s)." | |

(b) Conforming change: Items 147.92 and 147.93 are renumbered as items 147.96 and 147.97, respectively.

2. Items 148.15 and 148.16 are superseded by:

| | | | |
|---|---|---|---|
| | [Melons, fresh, or prepared or preserved:] | | |
| | [Fresh:] | | |
| | [Cantaloupes:] | | |
| "148.12 | If entered during the period from December 1, in any year, to the following March 31, inclusive | 35% ad val. | 35% ad val. |
| 148.13 | If product of Cuba | 14% ad val.(s) | |
| 148.17 | If entered at any other time | 35% ad val. | 35% ad val. |
| 148.18 | If product of Cuba | 14% ad val. (s)." | |

3. Item 365.82 is superseded by:

| | | | |
|---|---|---|---|
| | [Lace or net furnishings, ...:] | | |
| | [Net furnishings...:] | | |
| | [Of vegetable fibers except cotton:] | | |
| "365.81 | Curtains and drapes | 20% ad val. | 90% ad val. |
| 365.83 | Towels and washcloths | 20% ad val. | 90% ad val. |
| 365.84 | Other | 20% ad val. | 90% ad val." |





ANNEX I

-2-

4. Item 657.20 is superseded by:

| | | | |
|---|---|---|---|
| | [Articles of iron or steel...:] | | |
| | [Other articles:] | | |
| | "Other: | | |
| 657.24 | Paper clips | 9.5% ad val. | 45% ad val. |
| 657.25 | Other | 9.5% ad val. | 45% ad val." |

5.(a) Item 687.37 is superseded by:

| | | | |
|---|---|---|---|
| | [Electronic tubes...:] | | |
| | [Television picture tubes:] | | |
| | [Other:] | | |
| "687.42 | Having a straight line dimension across the faceplate greater than 11.6 inches but having no straight line dimension across the faceplate that exceeds 16.4 inches | 15% ad val. | 60% ad val." |

(b) Conforming change: Items 687.38 and 687.39 are renumbered as items 687.43 and 687.44, respectively.

6. Item 705.84 is superseded by:

| | | | |
|---|---|---|---|
| | [Gloves of rubber or plastics:] | | |
| | "Seamless: | | |
| 705.82 | Surgical and medical | 5% ad val. | 25% ad val. |
| 705.83 | Other | 5% ad val. | 25% ad val." |

7. Item 727.30 is superseded by:

| | | | |
|---|---|---|---|
| | [Furniture...:] | | |
| | [Of wood:] | | |
| | [Other:] | | |
| | "Chairs: | | |
| | Folding: | | |
| 727.31 | Director's chairs | 8.5% ad val. | 40% ad val. |
| 727.32 | Other | 8.5% ad val. | 40% ad val. |
| 727.33 | Other | 8.5% ad val. | 40% ad val." |

8. Item 737.20 is superseded by:

| | | | |
|---|---|---|---|
| | "Dolls, and parts of dolls including doll clothing: | | |
| 737.21 | Doll clothing imported separately | 17.5% ad val. | 70% ad val. |
| 737.22 | Other | 17.5% ad val. | 70% ad val." |





ANNEX II



ANNEX II

ANNEX II

-1-

Annex II to Executive Order No. 11888, as amended by Executive Orders Nos. 11906, 11934, 11974, and 12032 is amended--

(a) by deleting the following TSUS item numbers:

| | | |
|---|---|---|
| 112.94 | 417.20 | 653.70 |
| 113.50 | 419.00 | 657.20 |
| 114.05 | 420.02 | 662.18 |
| 136.92 | 426.12 | 662.35 |
| 137.40 | 427.60 | 676.23 |
| 147.92 | 445.20 | 687.37 |
| 148.35 | 446.10 | 688.20 |
| 153.08 | 460.70 | 690.15 |
| 156.40 | 466.05 | 702.15 |
| 161.75 | 470.15 | 702.25 |
| 166.30 | 473.78 | 702.40 |
| 176.70 | 473.82 | 703.20 |
| 177.72 | 490.30 | 710.34 |
| 182.10 | 514.44 | 713.17 |
| 182.90 | 515.54 | 723.32 |
| 186.20 | 517.21 | 727.30 |
| 188.34 | 520.39 | 728.20 |
| 190.68 | 545.35 | 730.25 |
| 192.70 | 545.37 | 730.77 |
| 202.40 | 545.81 | 734.40 |
| 206.45 | 545.85 | 734.42 |
| 222.44 | 547.41 | 734.60 |
| 240.16 | 602.30 | 734.75 |
| 240.19 | 612.60 | 735.20 |
| 240.40 | 612.63 | 737.25 |
| 240.58 | 613.15 | 737.30 |
| 254.63 | 622.25 | 737.50 |
| 304.44 | 624.40 | 740.38 |
| 306.53 | 626.22 | 741.50 |
| 306.71 | 628.50 | 748.20 |
| 308.50 | 629.26 | 750.05 |
| 308.51 | 644.28 | 750.32 |
| 308.80 | 646.88 | 751.10 |
| 389.61 | 648.89 | 772.51 |
| 403.40 | 649.75 | 790.61 |
| 403.58 | 649.89 | 790.62 |
| 403.79 | 651.01 | 791.70 |
| 405.45 | 651.33 | 792.30 |
| 408.75 | 652.93 | |
| 416.05 | 653.30 | |





ANNEX II

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(b) by adding, in numerical sequence, the following TSUS item numbers:

| | | |
|---|---|---|
| 106.60 | 407.08 | 649.39 |
| 107.20 | 408.40 | 650.83 |
| 107.45 | 417.90 | 651.03 |
| 107.48 | 418.78 | 652.50 |
| 107.70 | 418.80 | 652.60 |
| 111.92 | 425.00 | 653.03 |
| 121.55 | 425.86 | 656.20 |
| 130.63 | 426.46 | 657.25 |
| 132.55 | 437.00 | 657.90 |
| 135.30 | 460.60 | 687.30 |
| 136.99 | 461.05 | 687.42 |
| 140.10 | 473.46 | 702.20 |
| 140.20 | 473.48 | 705.83 |
| 140.35 | 473.58 | 713.07 |
| | 473.66 | 724.35 |
| 145.09 | 490.44 | 727.32 |
| 146.12 | 493.82 | 727.33 |
| 147.36 | 511.51 | 731.10 |
| 147.96 | 512.44 | 737.21 |
| 148.25 | 513.84 | 737.40 |
| 152.54 | 516.11 | 748.40 |
| 152.72 | 516.94 | 750.25 |
| 154.40 | 520.51 | 750.65 |
| 161.15 | 540.21 | 755.30 |
| 161.53 | 544.11 | 771.05 |
| 161.69 | 545.31 | 791.17 |
| 166.40 | 603.45 | 792.22 |
| 200.91 | 605.66 | |
| 220.50 | 610.71 | |
| 222.34 | 612.70 | |
| 240.10 | 612.72 | |
| 240.12 | 620.08 | |
| 256.80 | 622.20 | |
| 274.00 | 622.35 | |
| 304.40 | 624.02 | |
| 304.58 | 626.42 | |
| 305.20 | 628.05 | |
| 305.40 | 628.10 | |
| 316.50 | 640.10 | |
| 360.82 | 642.06 | |
| 365.84 | 646.90 | |

ANNEX III

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TSUS Item Number

| | | | |
|---|---|---|---|
| 112.94 | 156.45 | 306.52 | 493.21 |
| 113.50 | 161.75 | 306.53 | 494.40 |
| 114.05 | 166.30 | 306.71 | 511.31 |
| 121.52 | 168.15 | 308.30 | 514.11 |
| 130.35 | 176.15 | 308.50 | 514.44 |
| 130.40 | 176.33 | 308.51 | 514.54 |
| 131.35 | 176.70 | 308.80 | 515.54 |
| 135.51 | 177.72 | 319.01 | 516.24 |
| 135.80 | 182.10 | 319.03 | 516.71 |
| 135.90 | 182.90 | 319.05 | 516.73 |
| 136.00 | 184.65 | 319.07 | 516.74 |
| 136.80 | 186.20 | 335.50 | 516.76 |
| 136.92 | 186.40 | 347.30 | 517.21 |
| 136.98 | 188.34 | 355.04 | 517.24 |
| 137.40 | 190.68 | 360.35 | 518.41 |
| 137.71 | 192.85 | 366.84 | 520.35 |
| 137.75 | 202.40 | 370.17 | 520.39 |
| 138.05 | 202.62 | 389.61 | 533.26 |
| 140.09 | 203.20 | 403.40 | 535.31 |
| 140.14 | 206.45 | 403.58 | 540.47 |
| 140.21 | 206.47 | 403.79 | 545.35 |
| 140.25 | 206.60 | 405.45 | 545.37 |
| 141.35 | 206.98 | 407.12 | 545.53 |
| 141.55 | 220.10 | 408.75 | 545.65 |
| 141.70 | 220.15 | 416.05 | 545.81 |
| 141.77 | 220.20 | 417.20 | 545.85 |
| 145.52 | 220.25 | 419.00 | 546.23 |
| 145.53 | 220.35 | 420.02 | 547.41 |
| 145.60 | 220.37 | 420.82 | 602.30 |
| 146.22 | 220.41 | 422.76 | 603.50 |
| 146.44 | 220.48 | 425.84 | 612.02 |
| 147.33 | 222.10 | 426.12 | 612.03 |
| 147.80 | 222.44 | 427.60 | 612.06 |
| 147.85 | 222.62 | 437.16 | 612.15 |
| 147.88 | 240.02 | 437.64 | 612.60 |
| 148.12 | 240.16 | 445.20 | 612.63 |
| 148.35 | 240.19 | 446.10 | 613.15 |
| 148.72 | 240.38 | 460.35 | 622.25 |
| 148.77 | 240.40 | 460.70 | 624.40 |
| 149.15 | 240.58 | 461.15 | 624.42 |
| 149.50 | 254.63 | 465.70 | 624.50 |
| 152.43 | 256.60 | 466.05 | 626.22 |
| 153.02 | 256.85 | 470.15 | 628.40 |
| 153.08 | 304.04 | 473.52 | 628.50 |
| 153.28 | 304.44 | 473.56 | 629.26 |
| 155.20 | 304.48 | 473.62 | 644.28 |
| 155.35 | 305.22 | 473.78 | 646.04 |
| 156.35 | 305.28 | 473.82 | 646.86 |
| 156.40 | 305.30 | 490.30 | 646.88 |





ANNEX III

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| | | |
|---|---|---|
| 646.98 | 703.75 | 771.45 |
| 648.89 | 704.34 | 772.03 |
| 649.71 | 706.40 | 772.35 |
| 649.75 | 710.34 | 772.51 |
| 649.89 | 711.30 | 772.97 |
| 650.31 | 713.15 | 773.10 |
| 650.79 | 713.17 | 773.20 |
| 650.87 | 713.19 | 774.60 |
| 651.01 | 723.32 | 790.39 |
| 651.33 | 726.70 | 790.60 |
| 651.49 | 727.31 | 790.61 |
| 652.84 | 728.20 | 790.62 |
| 652.93 | 730.25 | 790.70 |
| 653.02 | 730.27 | 791.20 |
| 653.30 | 730.29 | 791.25 |
| 653.47 | 730.41 | 791.70 |
| 653.49 | 730.77 | 791.76 |
| 653.70 | 734.10 | 791.80 |
| 653.85 | 734.25 | 792.30 |
| 653.93 | 734.30 | 792.50 |
| 657.24 | 734.34 | 792.60 |
| 660.44 | 734.40 | 792.75 |
| 662.18 | 734.42 | |
| 662.35 | 734.51 | |
| 672.10 | 734.54 | |
| 674.56 | 734.56 | |
| 676.23 | 734.60 | |
| 676.52 | 734.75 | |
| 678.50 | 734.87 | |
| 683.70 | 735.11 | |
| 683.80 | 735.20 | |
| 684.50 | 737.25 | |
| 685.24 | 737.30 | |
| 685.28 | 737.50 | |
| 685.90 | 737.80 | |
| 686.30 | 737.95 | |
| 688.10 | 740.10 | |
| 688.12 | 740.30 | |
| 688.20 | 740.38 | |
| 688.40 | 741.20 | |
| 690.15 | 741.50 | |
| 692.27 | 745.08 | |
| 696.35 | 748.12 | |
| 700.54 | 748.20 | |
| 702.08 | 750.05 | |
| 702.15 | 750.32 | |
| 702.25 | 750.35 | |
| 702.40 | 751.05 | |
| 702.45 | 751.10 | |
| 703.20 | 751.20 | |
| 703.65 | 760.65 | |

ANNEX IV

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"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

| TSUS item No. | Country or territory |
|---|---|
| 112.94 | Republic of Korea |
| 113.50 | Republic of China |
| 114.05 | Republic of Korea |
| 121.52 | India |
| 130.35 | Argentina |
| 130.40 | Mexico |
| 131.35 | Hong Kong |
| 135.51 | Republic of China |
| 135.80 | Nicaragua |
| 135.90 | Mexico |
| 136.00 | Dominican Republic |
| 136.80 | Mexico |
| 136.92 | Mexico |
| 136.98 | Dominican Republic |
| 137.40 | Mexico |
| 137.71 | Mexico |
| 137.75 | Costa Rica |
| 138.05 | Mexico |
| 140.09 | Thailand |
| 140.14 | Thailand |
| 140.21 | Mexico |
| 140.25 | Peru |
| 141.35 | Turkey |
| 141.55 | Dominican Republic |
| 141.70 | Republic of China |
| 141.77 | Mexico |
| 145.52 | Portugal |
| 145.53 | Turkey |
| 145.60 | Republic of China |
| 146.22 | Turkey |
| 146.44 | Philippine Republic |
| 147.33 | Jamaica |
| 147.80 | Dominican Republic |
| 147.85 | Brazil |
| 147.88 | Mexico |
| 148.12 | Mexico |
| 148.35 | Republic of China |
| 148.72 | Chile |
| 148.77 | Republic of Korea |
| 149.15 | Honduras |
| 149.50 | Dominican Republic |
| 152.43 | Dominican Republic |
| 153.02 | Dominican Republic |
| 153.08 | Brazil |
| 153.28 | Portugal |
| 155.20 | ( Argentina |
| | ( Brazil |
| | ( Republic of China |
| | ( Columbia |
| | ( Dominican Republic |
| | ( El Salvador |
| | ( Guatemala |
| | ( Guyana |
| | ( India |
| | ( Jamaica |
| | ( Nicaragua |
| | ( Panama |
| | ( Peru |
| | ( Philippine Republic |
| | ( Thailand |
| 155.35 | Barbados |
| 156.35 | Ivory Coast |
| 156.40 | Brazil |
| 156.45 | Brazil |
| 161.75 | Mexico |
| 166.30 | Israel |
| 168.15 | Trinidad |
| 176.15 | Brazil |
| 176.33 | Malaysia |
| 176.70 | Mexico |
| 177.72 | Cayman Islands |
| 182.10 | India |
| 182.90 | Panama |
| 184.65 | Republic of China |
| 186.20 | Brazil |





ANNEX IV

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| TSUS item No. | Country or territory |
|---|---|
| 186.40 | Mexico |
| 188.34 | Mexico |
| 190.68 | Mexico |
| 192.85 | Mexico |
| 202.40 | Philippine Republic |
| 202.62 | Mexico |
| 203.20 | Republic of China |
| 206.45 | Philippine Republic |
| 206.47 | Republic of China |
| 206.60 | Mexico |
| 206.98 | Republic of China |
| 220.10 | Portugal |
| 220.15 | Portugal |
| 220.20 | Portugal |
| 220.25 | Portugal |
| 220.35 | Portugal |
| 220.37 | Portugal |
| 220.41 | Portugal |
| 220.48 | Portugal |
| 222.10 | Hong Kong |
| 222.44 | Philippine Republic |
| 222.62 | Philippine Republic |
| 240.02 | Philippine Republic |
| 240.16 | Honduras |
| 240.19 | Republic of China |
| 240.38 | Philippine Republic |
| 240.40 | Republic of Korea |
| 240.58 | Republic of China |
| 254.63 | Mexico |
| 256.60 | Republic of Korea |
| 256.85 | Mexico |
| 304.04 | Philippine Republic |
| 304.44 | Brazil |
| 304.48 | Haiti |
| 305.22 | India |
| 305.28 | India |
| 305.30 | Thailand |
| 306.52 | Peru |
| 306.53 | Peru |
| 306.71 | Mexico |
| 308.30 | Brazil |
| 308.50 | Republic of Korea |
| 308.51 | Republic of Korea |
| 308.80 | Republic of Korea |
| 319.01 | India |
| 319.03 | India |
| 319.05 | India |
| 319.07 | India |
| 335.50 | India |
| 347.30 | India |
| 355.04 | Mexico |
| 360.35 | India |
| 366.84 | Philippine Republic |
| 370.17 | Portugal |
| 389.61 | Hong Kong |
| 403.40 | Mexico |
| 403.58 | Israel |
| 403.79 | Mexico |
| 405.45 | Romania |
| 407.12 | Romania |
| 408.75 | Romania |
| 416.05 | Mexico |
| 417.20 | Guyana |
| 419.00 | Republic of Korea |
| 420.02 | Israel |
| 420.82 | Israel |
| 422.76 | Mexico |
| 425.84 | Netherlands Antilles |
| 426.12 | Republic of China |
| 427.60 | Mexico |
| 437.16 | India |
| 437.64 | Brazil |
| 445.20 | Colombia |
| 446.10 | Malaysia |
| 460.35 | Republic of China |
| 460.70 | Brazil |
| 461.15 | Bermuda |
| 465.70 | Argentina |
| 466.05 | Singapore |
| 470.15 | Israel |
| 473.52 | Mexico |
| 473.56 | Mexico |
| 473.62 | Mexico |
| 473.78 | Mexico |
| 473.82 | Republic of Korea |
| 490.30 | Republic of China |
| 493.21 | Republic of China |
| 494.40 | Cayman Islands |
| 511.31 | Mexico |
| 514.11 | Dominican Republic |
| 514.44 | Republic of China |
| 514.54 | Mexico |
| 515.54 | Mexico |
| 516.24 | India |
| 516.71 | India |
| 516.73 | India |
| 516.74 | India |
| 516.76 | India |
| 517.21 | Sri Lanka |
| 517.24 | Malagasy Republic |





ANNEX IV



ANNEX IV

ANNEX IV

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| TSUS item No. | Country or territory |
|---|---|
| 518.41 | Mexico |
| 520.35 | Thailand |
| 520.39 | Hong Kong |
| 533.26 | Romania |
| 535.31 | Mexico |
| 540.47 | Mexico |
| 545.35 | Republic of China |
| 545.37 | Republic of China |
| 545.53 | Mexico |
| 545.65 | Mexico |
| 545.81 | Republic of China |
| 545.85 | Republic of China |
| 546.23 | Republic of China |
| 547.41 | Hong Kong |
| 602.30 | Philippine Republic |
| 603.50 | Botswana |
| 612.02 | Chile |
| 612.03 | Mexico |
| 612.06 | Chile |
| | Peru |
| | Zambia |
| 612.15 | Mexico |
| 612.60 | Chile |
| 612.63 | Yugoslavia |
| 613.15 | Peru |
| 622.25 | Brazil |
| 624.40 | Mexico |
| 624.42 | Mexico |
| 624.50 | Yugoslavia |
| 626.22 | Mexico |
| 628.40 | Mexico |
| 628.50 | Peru |
| 629.26 | Israel |
| 644.28 | Portugal |
| 646.04 | Hong Kong |
| 646.86 | Hong Kong |
| 646.88 | Republic of China |
| 646.98 | Mexico |
| 648.89 | Republic of China |
| 649.71 | Republic of China |
| 649.75 | Republic of China |
| 649.89 | Hong Kong |
| 650.31 | Republic of Korea |
| 650.79 | Hong Kong |
| 650.87 | Hong Kong |
| 651.01 | Hong Kong |
| 651.33 | Hong Kong |
| 651.49 | Republic of Korea |
| 652.84 | Mexico |
| 652.93 | Republic of China |
| 653.02 | Mexico |
| 653.30 | Hong Kong |
| 653.47 | Republic of Korea |
| 653.49 | Republic of China |
| 653.70 | Hong Kong |
| 653.85 | Republic of China |
| 653.93 | Republic of China |
| 657.24 | Republic of China |
| 660.44 | Mexico |
| 662.18 | Republic of Korea |
| 662.35 | Mexico |
| 672.10 | Hong Kong |
| 674.56 | Mexico |
| 676.23 | Hong Kong |
| 676.52 | Hong Kong |
| | Mexico |
| 678.50 | Republic of China |
| | Republic of Korea |
| 683.70 | Hong Kong |
| 683.80 | Hong Kong |
| 684.50 | Hong Kong |
| | Republic of China |
| 685.24 | Hong Kong |
| | Republic of Korea |
| | Singapore |
| 685.28 | Republic of China |
| 685.90 | Mexico |
| 686.30 | Republic of China |
| 688.10 | Republic of China |
| 688.12 | Mexico |
| 688.20 | Yugoslavia |
| 688.40 | Hong Kong |
| 690.15 | Mexico |
| 692.27 | Mexico |
| 696.35 | Republic of China |
| 700.54 | Hong Kong |
| 702.08 | Republic of Korea |
| 702.15 | Republic of China |
| 702.25 | Republic of China |
| 702.40 | Republic of China |
| 702.45 | Mexico |
| 703.20 | Brazil |
| 703.65 | Mexico |
| 703.75 | Mexico |
| 704.34 | Republic of China |
| 706.40 | Hong Kong |
| 710.34 | Hong Kong |
| 711.30 | Hong Kong |
| 713.15 | Mexico |
| 713.17 | Hong Kong |
| 713.19 | Mexico |
| 723.32 | Republic of China |





ANNEX IV

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| TSUS item No. | Country or territory |
|---|---|
| 726.70 | Mexico |
| 727.31 | Republic of Korea |
| 728.20 | Portugal |
| 730.25 | Turkey |
| 730.27 | Philippine Republic |
| 730.29 | Brazil |
| 730.41 | Brazil |
| 730.77 | Brazil |
| 734.10 | Republic of China |
| 734.25 | Hong Kong |
| 734.30 | Hong Kong |
| 734.34 | Hong Kong |
| 734.40 | Republic of China |
| 734.42 | Republic of China |
| 734.51 | Republic of China |
| 734.54 | Republic of Korea |
| 734.56 | Haiti |
| 734.60 | Republic of China |
| 734.75 | Republic of Korea |
| 734.87 | Republic of China |
| 735.11 | Republic of China |
| 735.20 | Hong Kong |
| 737.25 | Republic of Korea |
| 737.30 | Republic of Korea |
| 737.50 | Hong Kong |
| 737.80 | Hong Kong |
| 737.95 | Hong Kong |
| 740.10 | Hong Kong |
| 740.30 | Hong Kong |
| 740.38 | Hong Kong |
| 741.20 | Hong Kong |
| 741.50 | Hong Kong |
| 745.08 | Hong Kong |
| 748.12 | India |
| 748.20 | Hong Kong |
| 750.05 | Hong Kong |
| 750.32 | Republic of China |
| 750.35 | Republic of China |
| 751.05 | Republic of China |
| 751.10 | India |
| 751.20 | Republic of China |
| 760.65 | Republic of China |
| 771.45 | Republic of China |
| 772.03 | Hong Kong |
| 772.35 | Republic of China |
| 772.51 | Republic of Korea |
| 772.97 | Hong Kong |
| 773.10 | Hong Kong |
| 773.20 | Republic of China |
| 774.60 | Hong Kong |
| 790.39 | Republic of China |
| 790.60 | Republic of China |
| 790.61 | Republic of China |
| 790.62 | Republic of China |
| 790.70 | Republic of Korea |
| 791.20 | Colombia |
| 791.25 | Mexico |
| 791.70 | Republic of Korea |
| 791.76 | Republic of China |
| | Republic of Korea |
| 791.80 | Republic of China |
| 792.30 | Republic of Korea |
| 792.50 | Philippine Republic |
| 792.60 | Hong Kong |
| 792.75 | Hong Kong |

[FR Doc. 78-5463 Filed 2-27-78; 10:44 am]

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-30]

**Title 7—Agriculture**

**CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE**

[Amdt. No. 129]

**PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS**

**Food Stamp Program; Corrections**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects a final rule on the method of counting utility costs for the food stamp excess shelter deduction which appeared at page 1611 of the FEDERAL REGISTER of January 11, 1978 and was reprinted at page 1922 of the FEDERAL REGISTER of January 13, 1978. This material was inadvertently excluded as an appendix.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION:

William R. Tlucek, Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250, 202-447-8360.

SUPPLEMENTAL INFORMATION: This material was to be included as an Appendix to final rulemaking in FR Doc. 78-884, published January 11, 1978 (43 FR 1611) and reprinted on January 13, 1978 (43 FR 1922). The rulemaking amended § 271.3(f) Utility Costs Deduction. The Appendix is the text of a telegram sent to State Welfare Commissioners and FNS Regional Administrators and is the telegram referred to in the preamble of the earlier rulemaking.

Accordingly, an Appendix is added to § 271.3 as follows:

**§ 271.3 Household eligibility.**

* * * * * *

(f) *Utility Costs Deduction.* * * *

APPENDIX TO § 271.3—UTILITY COSTS DEDUCTION

CLARIFICATION OF UTILITY REGULATION

TELEGRAPHIC MESSAGE

| NAME OF AGENCY | PRECEDENCE | SECURITY CLASSIFICATION |
|---|---|---|
| Food and Nutrition Service | ACTION<br>INFO. | |
| ACCOUNTING CLASSIFICATION<br>FNS-605-14 | DATE PREPARED<br>12/23/77 | TYPE OF MESSAGE<br>☐ SINGLE<br>☐ BOOK<br>☐ MULTIPLE-ADDRESS |
| FOR INFORMATION CALL | | |
| NAME<br>Pat Waldron | PHONE NUMBER<br>447-8144 | |

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: ALL REGIONAL ADMINISTRATORS
ALL STATE WELFARE COMMISSIONERS

DEC 23 1977

THIS TELEGRAM WILL CLARIFY ISSUES RAISED IN CONNECTION WITH IMPLEMENTATION OF THE RECENT AMENDMENT TO THE FSP REGULATIONS (42 F.R. 60916) WHICH CHANGED THE METHOD OF COUNTING UTILITY COSTS IN DETERMINING FOOD STAMP ELIGIBILITY. ISSUES ARE ADDRESSED AND RESOLVED IN THE FORM OF ANSWERS TO QUESTIONS SENT IN BY FNS REGIONAL OFFICES AND STATE AGENCIES.

7 CFR 271.3(f)(1)

HOW LONG WILL THE AMENDMENT REMAIN IN EFFECT?

THE AMENDMENT WILL REMAIN IN EFFECT UNTIL THE DEPARTMENT ISSUES FINAL REGULATIONS IMPLEMENTING THE FOOD STAMP ACT OF 1977.

7 CFR 271.3(f)(2)

FNS IS AMENDING THE REGULATION TO DELETE THE PROVISION REQUIRING CERTIFICATION WITHIN 10 DAYS OF HOUSEHOLDS DOCUMENTING AN INCREASE OF MORE THAN $25 IN THEIR UTILITY BILLS AT INITIAL APPLICATION OR A SUBSEQUENT CERTIFICATION. THE AMENDMENT WILL APPEAR IN THE FEDERAL REGISTER SHORTLY. THE REQUIREMENTS OF 7 CFR 271.3(f)(7) WILL REMAIN IN EFFECT.

7 CFR 271.3(f)(3)

(1) WHAT ARE EXAMPLES OF "OTHER ACCURATE INFORMATION" WHICH MAY BE USED TO PROJECT A HOUSEHOLD'S MONTHLY UTILITY ALLOWANCE.

IF THE PRIOR MONTH'S BILL WILL NOT RESULT IN AN ACCURATE PROJECTION OR IS NOT AVAILABLE, THE SA CAN USE LAST YEAR'S BILLS FOR THE SAME PERIOD OR CAN RELY UPON UTILITY COMPANY ESTIMATES BASED ON THE TYPE OF DWELLING AND UTILITIES USED.

SECURITY CLASSIFICATION

| PAGE NO | NO. OF PGS |
|---|---|
| 1 | 8 |

TELEGRAPHIC MESSAGE

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THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

(2) HOW DOES THE EW HANDLE THE UTILITY ALLOWANCE OF HOUSEHOLDS BILLED ON A PAYMENT SCHEDULE?

THE EW USES THE MONTHLY BILLING PLAN AMOUNT TO PROJECT THE HOUSEHOLD'S BILLS OVER THE CERTIFICATION PERIOD. THE ACTUAL COSTS INCURRED ARE NOT CONSIDERED. WHEN THE HOUSEHOLD RECEIVES ITS ANNUAL RECONCILIATION BILL DURING A CERTIFICATION PERIOD THE HOUSEHOLD MUST REPORT A CHANGE IF THERE IS MORE THAN A $25 DIFFERENCE BETWEEN THE REGULAR MONTHLY PAYMENT AND THE RECONCILIATION BILL. AT INITIAL APPLICATION OR SUBSEQUENT CERTIFICATION, THE HOUSEHOLD MAY HAVE THE RECONCILIATION BILL COUNTED IN FULL FOR ONE MONTH OR AVERAGED OVER THE CERTIFICATION PERIOD.

7 CFR 271.3(f)(4)

(1) IS THERE A LIMITATION ON HOW FAR BACK UNPAID AND PREVIOUSLY UNDEDUCTED UTILITY BILLS MAY BE CONSIDERED FOR INCLUSION IN THE CURRENT SHELTER COST CALCULATION?

AS LONG AS THE BILLS WERE RECEIVED PRIOR TO THE IMPLEMENTION DATE IN THE STATE, THERE IS NO LIMITATION ON THE PRIOR PERIOD INVOLVED. HOWEVER, HOUSEHOLDS CLAIMING INTENT TO PAY LARGE UNPAID BILLS FROM PRIOR PERIODS COULD REASONABLY BE EXPECTED TO VERIFY THAT THE BILLS ARE IN FACT NOT PAID.

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THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

(2) IF A UTILITY EXPENSE WERE PREVIOUSLY ALLOWED, BUT THE AMOUNT PROJECTED IS LESS THAN THE ACTUAL BILL AND THE EXPENSE IS UNPAID OR NOT PAID IN FULL, WHAT IS ALLOWED?

THE DIFFERENCE BETWEEN THE PROJECTED AMOUNT AND THE ACTUAL AMOUNT CAN BE ALLOWED. FOR EXAMPLE, A PARTICIPANT IS ALLOWED $50 FOR UTILITIES IN DECEMBER, BUT RECEIVES A BILL FOR $60 WHICH IS NOT PAID. IF THE HOUSEHOLD INTENDS TO PAY THE BILL IN FEBRUARY, $30 CAN BE ALLOWED. HOWEVER, IF THE HOUSEHOLD WERE ON THE UTILITY STANDARD AND THE ACTUAL EXPENSES EXCEEDED THE STANDARD, THE DIFFERENCE WOULD NOT BE ALLOWED UNDER ANY CIRCUMSTANCES.

(3) MAY BILLS PAID PRIOR TO THE CURRENT CERTIFICATION PERIOD BE ALLOWED UNDER THIS PROVISION?

NO, ONLY BILLS ACTUALLY PAID DURING A HOUSEHOLD'S CURRENT CERTIFICATION PERIOD OR ANTICIPATED TO BE PAID DURING THE CERTIFICATION PERIOD BEING ASSIGNED CAN BE ALLOWED. FOR EXAMPLE, A PARTICIPATING HOUSEHOLD REPORTING PAYMENT OF A BILL RECEIVED PRIOR TO JANUARY 1, 1978, MAY HAVE THE PAYMENT AVERAGED OVER THE REMAINDER OF THE CERTIFICATION PERIOD. LIKEWISE, A HOUSEHOLD MAKING APPLICATION WOULD HAVE PAYMENT OF SUCH A BILL CONSIDERED IF IT INTENDED TO PAY THE BILL DURING THE CERTIFICATION PERIOD. THE BILL DOES NOT HAVE TO BE RECEIVED IN A PERIOD WHEN THE HOUSEHOLD WAS PARTICIPATING IN THE PROGRAM.

(4) WHAT IS THE PROCEDURE FOR TREATING PAST DUE AMOUNTS?

PAST DUE AMOUNTS ARE ALLOWED ONLY IF THE PAST DUE AMOUNT IS FROM A BILL RECEIVED PRIOR TO JANUARY 1, 1978 AND WAS NOT USED IN A PREVIOUS SHELTER ALLOWANCE COMPUTATION. FOR EXAMPLE, A HOUSEHOLD APPLIES IN LATE JANUARY AND PRESENTS UNPAID BILLS FROM DECEMBER AND JANUARY. AS THE HOUSEHOLD WILL MOST LIKELY GET AN OPPORTUNITY TO PURCHASE IN FEBRUARY, THE EW WILL PROJECT BILLS FOR FEBRUARY AND CONTINUING. IF THE HOUSEHOLD INTENDS TO PAY ITS PAST DUE BILLS IN THE CERTIFICATION PERIOD ASSIGNED ONLY THE AMOUNT OF THE DECEMBER BILL WILL BE ALLOWED.

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THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

7 CFR 271.3(f)(5)

1. HOW CAN THE EW PROJECT UTILITY COSTS WITHOUT AVERAGING?

THE REGULATION FORBIDS AVERAGING OF PAST BILLS TO DETERMINE THE AMOUNT ALLOWED FOR THE CURRENT CERTIFICATION PERIOD. FOR EXAMPLE, THE WORKER MAY NOT USE THE AVERAGE OF BILLS RECEIVED IN OCTOBER, NOVEMBER AND DECEMBER AS THE AMOUNT TO BE ALLOWED FOR A CERTIFICATION PERIOD COVERING JANUARY, FEBRUARY, AND MARCH. THERE IS NO PROHIBITION AGAINST AVERAGING FUTURE PROJECTED BILLS OVER THE CERTIFICATION PERIOD WHERE THE STATE AGENCY DOES NOT HAVE THE CAPABILITY OF ASSIGNING A VARIABLE BASIS OF ISSUANCE AND THE HOUSEHOLD ELECTS AVERAGING IN LIEU OF A SERIES OF SHORT CERTIFICATION PERIODS. IF THE HOUSEHOLD ELECTS TO HAVE ITS BILLS AVERAGED OVER THE CERTIFICATION PERIOD, THE WORKER MUST ANTICIPATE ANY INCREASES IN UTILITY BILLS THE HOUSEHOLDS EXPECTS TO RECEIVE DURING THE CERTIFICATION PERIOD. THUS, THE AMOUNT ALLOWED OVER A THREE MONTH CERTIFICATION PERIOD STARTING IN JANUARY WOULD HAVE TO REFLECT ANY ANTICIPATED INCREASE IN FEBRUARY AND MARCH. AVERAGING WOULD ALSO BE HELPFUL IN THOSE INSTANCES WHERE A HOUSEHOLD RECEIVES A LARGE BILL INTENDED TO COVER A FUEL SUPPLY FOR THE CURRENT AND FUTURE MONTHS. FOR EXAMPLE, A HOUSEHOLD RECEIVES A BILL FOR A $300 DELIVERY OF FUEL OIL, INTENDED TO COVER SEVERAL MONTHS IN THE FUTURE. THE WORKER MAY AVERAGE THIS AMOUNT OVER THE CERTIFICATION PERIOD IF THE APPLICANT SO DESIRES.

7 CFR 271.3(f)(7)

(1) HOW IS A REPORTED CHANGE OF MORE THAN $25 HANDLED IF THE HOUSEHOLD HAS ALREADY PURCHASED ITS FULL MONTHLY ALLOTMENT? WHAT IF THE BILL REPRESENTS A ONE-TIME INCREASE?

IF THE HOUSEHOLD HAS ALREADY PURCHASED ITS FULL MONTHLY ALLOTMENT THE CHANGE MUST BE REFLECTED IN THE NEXT FULL MONTHLY ISSUANCE CYCLE FOLLOWING THE DATE THE CHANGE IS REPORTED. FOR EXAMPLE, IF THE HOUSEHOLD PURCHASES ITS FULL ALLOTMENT ON JANUARY 2 AND REPORTS A [illegible] CHANGE ON JANUARY 5, THE CHANGE WOULD BECOME EFFECTIVE WITH THE

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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

FEBRUARY ISSUANCE. NORMALLY THIS CHANGE COULD BE MADE THROUGH THE COMPUTER SYSTEM WITHOUT ISSUING AN OVER-THE-COUNTER ATP CARD. IF THE BILL REPRESENTS A ONE-TIME INCREASE, THE AMOUNT OF THE INCREASE MAY BE AVERAGED OVER THE REMAINDER OF THE CERTIFICATION PERIOD.

(2) WHAT PROCEDURE SHOULD BE USED IF THE HOUSEHOLD REPORTS A CHANGE OF MORE THAN $25 AND HAS PURCHASED ONLY A PORTION OF ITS COUPON ALLOTMENT?

ONCE A HOUSEHOLD HAS PURCHASED ANY PART OF ITS COUPON ALLOTMENT, THE STATE AGENCY IS NOT REQUIRED TO MAKE AN ADJUSTMENT FOR THAT MONTH. HOWEVER, THE STATE AGENCY MAY AT ITS OPTION RECOMPUTE THE NET MONTHLY INCOME OF HOUSEHOLDS WITH PURCHASES STILL REMAINING ON A SEMI-MONTHLY OR QUARTER MONTHLY ISSUANCE PLAN AND ISSUE THE REMAINING ALLOTMENT AT THE NEW NET INCOME RATE. FOR EXAMPLE, A HOUSEHOLD CERTIFIED TO RECEIVE $170 COUPON ALLOTMENT FOR A $104 PURCHASE REQUIREMENT ($350 NET INCOME) PURCHASES ONE HALF OF ITS MONTHLY ALLOTMENT ON A SEMI-MONTHLY PURCHASE PLAN ($52 FOR $85) ON JANUARY 2. ON JANUARY 4, IT REPORTS A CHANGE WHICH REDUCES ITS NET ADJUSTED INCOME TO $290. THEREFORE, THE STATE AGENCY WILL GIVE THE HOUSEHOLD AN OPPORTUNITY TO PURCHASE ITS REMAINING SEMI-MONTHLY ALLOTMENT AT THE $41.50 FOR $85 RATE. IF THE HOUSEHOLD HAS EXERCISED ITS VARIABLE PURCHASE OPTION ON A MONTHLY ISSUANCE PLAN, NO ADJUSTMENT CAN BE MADE UNTIL THE NEXT MONTH.

(3) MUST THE STATE AGENCY VERIFY A REPORTED CHANGE OF MORE THAN $25 IN UTILITY COSTS BEFORE ADJUSTING THE HOUSEHOLD'S BASIS OF ISSUANCE?

THE REGULATIONS REQUIRE THE STATE AGENCY TO VERIFY THE UTILITY COSTS CLAIMED BY THE HOUSEHOLD IF THE INFORMATION FURNISHED IS UNCLEAR, INCOMPLETE, INCONSISTENT OR OTHERWISE RAISED DOUBT. ACCORDINGLY, THE STATE AGENCY MAY ACCEPT THE PARTICIPANT'S STATEMENT IF THE AMOUNT OF THE INCREASE APPEARS REASONABLE FOR THE AREA, TYPE OF HOME AND UTILITY USED.

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THIS SPACE FOR USE OF COMMUNICATIONS UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO

(A) WHAT HAPPENS IF A STATE AGENCY CANNOT PROVIDE THE HOUSEHOLD WITH AN OPPORTUNITY TO PURCHASE BECAUSE COUPON VENDORS HAVE CLOSED EARLY FOR THE MONTH?

IN THIS INSTANCE, THE STATE AGENCY MUST GRANT A FORWARD ADJUSTMENT FOR THE LOST BONUS AND ALLOW THE FORWARD ADJUSTMENT IN THE NEXT MONTH'S ISSUANCE.

7 CFR 271.3(f)(c)

(1) PLEASE EXPLAIN THE PROVISION FOR SWITCHING FROM OR TO THE STANDARD UTILITY ALLOWANCE.

A HOUSEHOLD MAY SWITCH TO OR FROM A STANDARD ONCE DURING ITS CERTIFICATION PERIOD. AN OTHER ADDITIONAL CHANGE TO A STANDARD IS PERMITTED IF THE STANDARD IS OTHERWISE CHANGED DURING THE CERTIFICATION PERIOD. IN SWITCHING TO ACTUAL COST, THE HOUSEHOLD MUST SHOW AN INCREASE OF MORE THAN $25 OVER THE STANDARD AND ALSO TO QUALIFY FOR EXPEDITED SERVICE. HOUSEHOLDS CERTIFIED FOR ONLY ONE MONTH MAY NOT SWITCH TO ACTUAL COSTS IF A BILL HIGHER THAN THE STANDARD IS RECEIVED IN THE MONTH.

7 CFR 271.3 (f)(11)

WHAT IS THE PROCEDURE FOR TREATING UTILITY EXPENSES CLAIMED BUT NEVER INCURRED AND TREATING THE DIFFERENCE BETWEEN PROJECTED BILLS AND BILLS ACTUALLY RECEIVED?

IF THE HOUSEHOLD CLAIMS A BILL ON ITS APPLICATION THAT IS NEVER IN FACT INCURRED (THAT IS, INTENTIONAL MISREPRESENTATION) THE STATE AGENCY WILL FILE A CLAIM FOR THAT AMOUNT. FOR EXAMPLE, A HOUSEHOLD PROVIDES A HEATING BILL WHEN IN FACT UTILITIES ARE PROVIDED WITH THE RENT.

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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO

IF THE PROJECTED AMOUNT EXCEEDS THE ACTUAL BILL BY MORE THAN $25 THE HOUSEHOLD IS REQUIRED BY REGULATION TO REPORT THE CHANGE WITHIN 10 DAYS. NO CLAIM IS NECESSARY IF THE PARTICIPANT REPORTS THE CHANGE WITHIN 10 DAYS, AND THE STATE AGENCY ISSUES A NOTICE OF ADVERSE ACTION WITHIN 10 DAYS AND MAKES THE CHANGE EFFECTIVE BY THE FIRST ISSUANCE PERIOD FOLLOWING THE EXPIRATION OF THE ADVANCE NOTICE PERIOD. IF THE HOUSEHOLD FAILS TO REPORT THE CHANGE, THE STATE AGENCY WILL FILE A CLAIM AND COMPUTE THE OVERISSUANCE STARTING WITH THE FIRST ISSUANCE PERIOD THE CHANGE COULD HAVE BEEN EFFECTIVE AND THE PARTICIPANT REPORTED THE CHANGE AS REQUIRED.

QUALITY CONTROL

WHAT PROCEDURES WILL QUALITY CONTROL STAFF USE IN CONNECTION WITH THE NEW CERTIFICATION PROCEDURES?

BEGINNING WITH THE JANUARY 1978 SAMPLE CASES, THE QUALITY CONTROL REVIEWER WILL FOLLOW THE REVISED CERTIFICATION PROCEDURES AND VERIFY THE AMOUNT OF THE UTILITY BILL RATHER THAN THE AMOUNT OF THE PAYMENT. IF THE WORKER AVERAGED UTILITY COSTS OVER THE CERTIFICATION PERIOD, THE QC REVIEWER WILL AVERAGE UTILITY BILLS STARTING WITH JANUARY 1, 1978. FOR CASES FOR WHICH THE SAMPLE MONTH IS PRIOR TO JANUARY 1978, THE QC REVIEWER WILL CONTINUE TO VERIFY, AND USE AS A SHELTER DEDUCTION, THE AMOUNT OF UTILITY PAYMENTS IN ACCORDANCE WITH FNS(FS) HANDBOOK 301.

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THIS SPACE FOR USE OF COMMUNICATIONS UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

THE EFFECTIVE DATE OF THE REGULATION REMAINS JANUARY 1, 1978. STATES MUST MAKE EVERY EFFORT TO MAIL THE NOTICE WITH THE JANUARY 1 ATP. STATES UNABLE TO DO SO MUST SEND THE NOTICE WITH A JANUARY 15 ATP IF SUCH IS ISSUED. OTHERWISE, STATES MUST MAIL THE NOTICE WITH THE FEBRUARY 1 ATP TO HOUSEHOLDS NOT RECEIVING A JANUARY 15 ATP. IN JURISDICTIONS THAT HAVE NO MECHANISM TO MAIL NOTICES AND RECEIVE FNS APPROVAL, NOTICES MUST BE HANDED INDIVIDUALLY TO ALL HOUSEHOLDS AT ISSUANCE POINTS STARTING NO LATER THAN JANUARY 15 AND CONTINUING THROUGH THE END OF FEBRUARY.

THE ORIGINAL FNS WORDING OF THE NOTICE TO HOUSEHOLDS REMAINS VALID. FNS HAS ALSO PREPARED ALTERNATIVE WORDING FOR THE NOTICE WHICH INCLUDES MINOR MODIFICATIONS IN LANGUAGE AND WHICH IS AVAILABLE IF NEEDED THROUGH THE REGIONAL OFFICE.

NOTIFICATION OF CASELOAD

FNS IS AMENDING THE REGULATION TO SPECIFY THAT THE STATE AGENCY MUST NOTIFY EACH PARTICIPATING HOUSEHOLD INDIVIDUALLY UNLESS IT HAS THE CAPABILITY OF IDENTIFYING AND NOTIFYING ONLY THOSE HOUSEHOLDS WHICH PAY UTILITY COSTS SEPARATELY FROM RENT OR MORTGAGE PAYMENTS. THE IDENTIFICATION OF SUCH HOUSEHOLDS CAN BE ACCOMPLISHED THROUGH A COMPUTER OR MANUAL SEARCH; HOWEVER, THE NOTIFICATION MUST STILL BE ACCOMPLISHED NOT LATER THAN JANUARY 15, 1978.

STATE AGENCIES SHOULD DEVELOP MANUAL OR INSTRUCTION MATERIAL BASED ON THE AMENDMENT AND THE SUPPLEMENTAL MATERIAL FOUND IN THIS TELEGRAM. AS TIME IS OF THE ESSENCE, STATE AGENCIES ARE REQUESTED TO SEND MANUAL MATERIAL CONCURRENTLY TO PROJECT AREAS AND TO FNS REGIONAL OFFICES FOR APPROVAL AFTER THE FACT. THIS IS A ONE TIME ONLY PROCEDURE. ALL OTHER STATE INSTRUCTIONAL MATERIAL MUST HAVE FNS APPROVAL PRIOR TO IMPLEMENTATION.

Doris B. Stevens

ADMINISTRATOR

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SUPPLEMENTARY INFORMATION: Act of 1937, as amended (7 U.S.C. 601- the United States. Section 94.6 of Title (1) Identifying details have been de- from his or her obligations on the first mortgage. If the borrower should default in

• • • • •

(78 Stat. 703, as amended; (7 U.S.C. 2011-2026).)

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: February 18, 1978.

CAROL TUCKER FOREMAN,
*Assistant Secretary.*

[FR Doc. 78-4972 Filed 2-27-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

**Change In Assessment Procedure**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action sets exact dates on which handler assessments will be billed by the Cherry Administrative Board. The uncertainty of the billing dates under the former procedure had caused some administrative problems for the Board and for cherry handlers.

DATE: This rule becomes effective April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Currently, the Cherry Administrative Board bills each handler for the first one-third of his total program assessment at the time the handler completes his packing for the season; the second one-third is billed 60 days after pack completion; and the final one-third is billed 90 days after pack completion. This billing procedure has caused some administrative problems for the Board and for cherry handlers. Thus, the Board recommended that exact billing dates be established.

On January 30, 1978, a notice of proposed rulemaking to change the assessment procedure was published in the FEDERAL REGISTER (43 FR 3915). The notice allowed interested persons to submit written comments on the proposal until February 15, 1978. None were submitted. The proposal was submitted by the Cherry Administrative Board, established under marketing order No. 930 (7 CFR Part 930), which regulates the handling of cherries grown in eight designated states. The marketing order is authorized under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

After consideration of all relevant matter presented, including the proposal set forth in the notice, and upon other available information, it is found that the amendment hereinafter set forth will tend to effectuate the declared policy of the act. Therefore, § 930.107(a) is amended to read as follows:

§ 930.107 Assessment procedure.

(a) Each handler shall be billed for the first one-third of his total assessments on September 1, the second one-third of such assessments on October 1, and all remaining unpaid assessments on November 1.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 23, 1978, to become effective April 1, 1978.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-5237 Filed 2-27-78; 8:45 am]

[3410-37]

**Title 9—Animals and Animal Products**

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

**Subpart T—Imported Poultry Products**

IMPORTATION OF POULTRY PRODUCTS FROM ISRAEL

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to add Israel to the list of countries from which poultry products of chickens, turkeys, ducks, geese, and guineas may be imported into the United States. Reviews of the export poultry inspection program of Israel indicate that it is acceptable under the Poultry Products Inspection Act.

EFFECTIVE DATE: March 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. H. M. Steinmetz, Director, Foreign Programs Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7610.

SUPPLEMENTARY INFORMATION: On September 23, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 48342) in accordance with the administrative procedure provisions in 5 U.S.C. 553, to amend § 381.196(b) of the poultry inspection regulations (9 CFR 381.196(b)), by adding Israel to the list of countries from which poultry products of chickens, turkeys, ducks, geese, and guineas capable of use as human food may be imported into the United States.

Interested persons were afforded an opportunity to file written or oral comments or suggestions by November 23, 1977. Ten comments were received. A consumer was concerned about the wholesomeness of poultry products prepared under Israel's poultry inspection system. In order to insure that the poultry and poultry products prepared in and imported from Israel would not be adulterated, the Department has made a thorough review of Israel's laws and regulations and has determined that these laws and regulations are at least equal to the provisions of the Poultry Products Inspection Act and the regulations thereunder. In addition, the Department has made a through study and onsite review of Israel's inspection system and has determined that their system is at least equal to the standards of the USDA poultry inspection program and that certificates issued by Israeli officials for export of poultry are reliable.

Another consumer welcomed poultry from Israel because of its good taste. All comments from farmers and poultry producers were against the importation of poultry from Israel for competitive and economic reasons. The Department has no authority under the Poultry Products Inspection Act to consider competitive or economic factors when considering countries to be added to the subject list. Some suggested high tariffs on imported products to protect domestic market prices for poultry products. However, this Department has no authority under the Poultry Products Inspection Act to recommend or impose import tariffs.

As mentioned in the proposed rule, 42 FR 48342, although a foreign country may be listed as approved for importation of poultry products under the Act and the regulations, the poultry products of such foreign country must also comply with other Federal laws including restrictions under Title 9, Part 94 of the Animal and Plant Health Inspection regulations (9 CFR Part 94) relating to the importation of poultry and poultry products from foreign countries whose poultry flocks are infected with viscerotropic velogenic Newcastle disease (VVND) into the United States. Section 94.6 of Title 9 (9 CFR 94.6) restricts the entry of poultry products into the United States from countries where viscerotropic velogenic Newcastle disease exists. Newcastle disease exists in Israel, and therefore, only those poultry products which meet the restrictions and conditions specified in § 94.6 actually will be allowed entry into the United States.

§ 381.196 [Amended]

In consideration of the foregoing, § 381.196(b) of the poultry products inspection regulations (9 CFR 381.196(b)) is hereby amended by adding Israel, in alphabetical order, to the list of approved countries, who are eligible to import poultry products under Part 381, Title 9 of the poultry products inspection regulations (9 CFR, Part 381).

(Section 17, 71 Stat. 441, 21 U.S.C. 466; 42 FR 35625-35632.)

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on February 23, 1978.

ROBERT ANGELOTTI,
*Administrator, Food Safety and Quality Service.*

[FR Doc. 78-5234 Filed 2-27-78; 8:45 am]





[6210-01]

**Title 12—Banks and Banking**

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0146]

PART 226—TRUTH IN LENDING

**Official Staff Interpretations**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) The publication of this official staff interpretation was inadvertently delayed.

(4) 15 U.S.C. 1640(f).

12 CFR Part 226, FC-0146

§ 226.8 (i) and (j) Wrap-around mortgage, the face amount of which equals the outstanding balance on prior mortgage plus amount of new money advanced, should be treated as a typical refinancing rather than as a multiple advance loan for disclosure purposes.

DECEMBER 29, 1977.

This is in response to your letter of • • •, in which you request an official staff interpretation as to an appropriate method of disclosing residential wrap-around mortgages under Regulation Z.

A wrap-around transaction involves a loan, the face amount of which equals the sum of the outstanding balance on a prior mortgage plus the amount of additional funds advanced by the wrap-around lender. The loan agreement contains provisions for payments on the prior mortgage to be made through the wrap-around lender. For example, the borrower may have an existing first mortgage, a purchase money loan made in 1965, for $36,800 at 7 percent for 30 years with monthly payments of $245. By the time the borrower applies for a wrap-around loan in 1976, the purchase money loan has been amortized to a balance of $30,000 and the real estate has increased in value from $50,000 to $100,000. The borrower wants $20,000 for home improvements. The wrap-around lender requires the borrower to sign a note for $50,000, to mature in 30 years, with interest at 8½ percent and payments to be made monthly in equal instalments of $384.46. The wrap-around lender in turn agrees to make each monthly payment of $245 required on the purchase money loan, conditioned upon the faithful performance by the borrower of his or her obligations under the wrap-around note. (In this example, the borrower's single monthly payment is greater than the monthly payment amount due on the first mortgage: however, in other situations, the payment may be less than or equal to the underlying mortgage payment.)

Although the wrap-around lender agrees to make payments on the first mortgage, it does not assume the first mortgage or undertake personal liability to make those payment (since that is conditioned upon the borrower's making payments to the wrap-around lender), nor is the customer released from his or her obligations on the first mortgage. If the borrower should default in making payments to the wrap-around lender, the latter has the option to pay off the then existing balance due on the underlying note and proceed to foreclose, discontinue monthly payments to the senior lender, or continue making monthly payments, thus keeping the first lien current. In the event of a foreclosure, the underlying purchase money loan would necessarily be paid off first, since it has first lien status. Using the example given above and assuming an immediate foreclosure, $30,000 would be paid to the holder of the underlying mortgage.

In view of the fact that the wrap-around lender advances only the additional lends ($20,000 in our example) immediately, the question arises whether the disclosures should reflect a multiple advance transaction or whether they should treat the transaction as a typical refinancing. It is staff's opinion that the wrap-around loan is essentially equivalent to a traditional refinancing of a purchase money mortgage in which a lender extends funds to pay off the underlying purchase money loan, as well as additional funds. In both cases, the customer makes payments on only one obligation, and the amortization, repayment schedule, term, and so on, are calculated by lenders in the same way for wrap-around financings as they are the traditional refinancings. The note under each transaction bears the same face value. The monthly payments on the wrap-around loan are calculated by amortizing the entire $50,000 over the new 30-year term, not by adding to the existing monthly payment schedule an additional amount representing the $20,000. It is our understanding that although the wrap-around lender holds a note for $50,000, it could not recover the full face amount of the note, but rather could recover up to only the amount of "new money" it provided the borrower, i.e., $20,000. Thus, the borrower would not be liable for more than $50,000.

Staff believes, therefore, that it is in accord with Regulation Z for the disclosures for the wrap-around loan described above to parallel those for a traditional refinancing, since these are comparable transactions. In other words, disclosure as a $50,000 single advance loan, repayable in 360 equal monthly instalments would be appropriate. Staff believes such a pattern of disclosure would best facilitate credit cost comparison shopping.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation, and it is limited to the facts and issues as discussed herein. I trust that it proves responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
*Associate Director.*

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc. 78-5163 Filed 2-27-78; 8:45 am]





[6740-02]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Order No. 526-C; Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas Reserves, Form No. 40

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting rehearing or reconsideration in part and denying stay.

SUMMARY: Order No. 526-C of the Federal Energy Regulatory Commission (FERC) amends the regulations prescribing Form No. 40, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves, and modifies the attestation clause of Form No. 40 in response to the applications of Gulf Oil Corp. and several other natural gas companies for rehearing or reconsideration of Order No. 526-B issued June 30, 1977 by the Federal Power Commission, predecessor of the FERC, all in Docket No. RM74-16. (42 FR 38556, July 29, 1977.) The amendments to the regulations broaden the exemptions from the filing requirements applicable to Form No. 40 with the result that fewer companies will be required to file Form No. 40. The procedure for the treatment of confidential data reported in Form No. 40 is also established by Order No. 526-C. The FERC rejects the arguments of the companies that they should not be obliged to report their natural gas reserves on a reservoir basis and that non-operating working interest owners should be excused from reporting the reserves to which their interests relate. Amoco Production Co.'s motion for a partial stay of Order No. 526-B is denied by the FERC. Form No. 40 submittals in arrears must be filed by March 1, 1978, but Form No. 40 submittals for the calendar year 1977 are not required to be filed prior to April 1, 1978.

DATES: Form No. 40 submittals in arrears must be filed by March 1, 1978. Form No. 40 submittals for calendar year 1977 must be filed by April 1, 1978.

ADDRESS: Form No. 40 submittals must be filed with: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, Room 8000, Washington, D.C. 20426, 202-275-4333.

KENNETH F. PLUMB,
*Secretary.*

FEBRUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

The proceeding relates to the issuance of FPC Form No. 40, which requires that certain jurisdictional producers submit data on proved domestic gas reserves including data on a reservoir basis. The FPC originally issued Form 40 by Order Nos. 526 and 526-A,[2] but these orders were set aside and remanded in *Union Oil Co. of California* v. *FPC*, 542 F. 2d 1036 (CA9-1976). On June 30, 1977, the FPC issued Order No. 526-B, —— FPC ——, in response to the Court's remand and again issued Form 40 which required data in Schedule B on a reservoir basis. The following parties filed applications for rehearing of Order No. 526-B on July 29, 1977, Gulf Oil Corp. and the Superior Oil Co., and Amoco Production Co.; on August 1, 1977, Amerada Hess Corp., Tenneco Oil Co., Exxon Corp., Marathon Oil Co., and C&K Petroleum, Inc. C&K Offshore Co. and C&K Marine Production Co. Jake L. Hamon on August 8, 1977, Union Oil Co. on November 14, 1977, and Texico Inc. on November 23, 1977, filed untimely applications for rehearing or reconsideration, which must be treated as applications for reconsideration. On August 5, 1977, Amoco Production Co. moved for a partial stay of Order No. 526-B.

The filings raise and discuss the following points:

(1) Whether the producers should be required to file reserve information on a reservoir basis;

(2) Whether all working interest owners should be required to report on the reserves in question or whether it would be sufficient if only the operator reported except where the operator is a non-jurisdictional or a non-reporting company;

(3) Whether regulations should be issued to prevent the release of confidential information pending procedures to protect the producers;

(4) Whether a stay of Form 40 should be granted.

RESERVOIR REPORTING

Some producers object to being required to supply information on a reservoir basis. They contend, as they have previously, that supplying such information will be time-consuming and expensive and in some cases, where the data are not available, not productive of accurate information. They also argue that the FPC's conclusions about the need for such data were not based on substantial evidence and that the record does not provide substantial evidence upon which to ground these conclusions.

Gulf and Superior quote from the Court's opinion in *Mobile Oil Corporation* v. *FPC*, 483 F. 2d 1238 (D.C. Cir., 1973) to the effect that informal comments cannot create a record that satisfies the substantial evidence test even if controverting information is submitted in the form of comments by adverse parties. They contend that there must be an adversary proceeding. We disagree.[3]

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] —— FPC ——, issued February 25, 1975; and —— FPC ——, issued August 18, 1975.

[3] In addition, the United States Court of Appeals for the Fifth Circuit similarly found such an argument unpersuasive. *Superior Oil Co.* v. *FERC*, 563 F. 2d 191 (1977). There, the Court discussed *Mobile* and said (563 F. 2d at 201, n. 18):

Our decision is not inconsistent with *Mobile Oil Co.* v. *FPC*, *supra*, *Placid Oil Co.* v. *FPC*, 483 F. 2d 880 (5th Cir. 1973), *aff'd sub nom. Mobile Oil Co.* v. *FPC*, 417 U.S. 283, 94 S. Ct. 2328, 41 L. Ed. 2d 72 (1974), and *Shell Oil Co.* v. *FPC*, 520 F. 2d 1061 (5th Cir. 1975) cert. denied 428 U.S. 941, 96 S. Ct. 2661, 49 L. Ed. 2d 394 (1976). These cases involved rate making or the regulation of rates rather than policy decisions.





The proceeding to which the Court directed attention in *Mobile* involved a rulemaking proceeding which set rates for certain transportation services as distinguished from this proceeding which involves a rulemaking designed to promulgate a data gathering form. *Mobile* does not provide convincing precedent that the procedures followed by the FPC were not satisfactory to create a record containing substantial evidence to support the requirements of Form 40. In *Mobile*, the Court cited its decision in *City of Chicago* v. *FPC*[4] to establish the appropriate standard for evaluating the adequacy of administrative procedures:

[T]he "primary objective is the acquisition of information which will enable the Commission to carry out effectively the provisions of the Natural Gas Act." (*City of Chicago*, at 744.) To this end, the Commission should "realistically tailor the proceedings to fit the issues before it, the formation it needs to illuminate those issues and the manner of presentation * * *." (Id.)[5]

The Court in *Mobil* provided further guidance on the type of inquiry the Commission should follow in establishing its procedures. The Court states: "[i]f a relatively high degree of evidentiary support is required in establishing a factual predicate, the rulemaking procedures must be designed to create this." (483 F. 2d at p. 1257.) Applying this standard to the instant proceeding, the Court in *Union* said that, while there must be evidence that reservoir data is available to the producers, the Commission need not conduct an adjudicatory hearing or any oral hearing in order to obtain such evidence (542 F. 2d at p. 1041). In our opinion, the staff's statement of position filed February 10, 1977 (Ex. 1) along with other data in the record supports the FPC's action and is relied on in the instant matter. Furthermore, it is clear that the factual predicate needed to develop a data information form for regulatory use is much less subject to dispute than that needed to establish transportation rates.[6] Most of the arguments made by the Applicants on rehearing were previously made and discussed by the FPC in Order No. 526-B, but further discussion by the FERC will clarify our position.

Gulf and Superior say that the accuracy of the reserve estimates cannot be improved by making the estimate on a reservoir basis rather than on a field or lease basis. They contend that there are no available data for the older reservoirs so that arbitrary allocations must be made with the result that an estimate of reserves on a reservoir basis will be no more accurate than an estimate on a field or lease basis.

In Order No. 526-B, the Commission pointed out that to make an accurate estimate for the field it would be necessary to make an estimate for each reservoir. In those few instances where there are no available reservoir records, an estimate by allocation or any other reasonable means may be employed. Total reserve figures will be more accurate where based to the greatest degree possible on reservoir data available to the producers. In Opinion No. 526-B, it is shown that a large number of the producers have been able to file their data on a reservoir basis.

It is contended that the Commission has ignored the testimony and producer comments on the burden of complying with reservoir-basis reporting. The FPC did not ignore the record (see Opinion No. 526-B, pp. 9-10). The FPC said that it realized that the present data did not always permit accurate analysis of a limited number of reservoirs, and that in such cases the FPC would not ask for anything more than what is feasible. The FERC expects that the affected producers will employ a reasonable method of allocating gas to these few reservoirs and will accept such data even though it may not be as accurate as that data produced by the most rigorous techniques.

It is further argued that the reservoir data are not necessary in considering pipeline applications for certificates or pipeline depreciation, because the pipelines supply sufficient data on Form 15.[7] However, reporting by the producers, who are most familiar with the reserves, should be available to the Commission in considering these pipeline questions in order to compare producer and pipeline reserve estimates by reservoir and to determine the availability of reserves in reservoirs which have not yet been produced by producers and which have not been reported by the pipelines. The data are also necessary to check the accuracy of the aggregate figures upon which the Congress, the public and the Commission must rely for decision-making purposes.

Apart from increasing the accuracy of reserve data and auditing procedures as discussed in Order No. 526-B, we note that Form 40 gives us data on the depths of reservoirs that could be used for granting price incentives, where necessary, for deeper drilling (See § 2.76 of the Commission's rules); the data on committed and uncommitted gas reserves which will enable us to determine whether producers are living up to their contracts to deliver gas; and the means to compare proved reserves with cumulative production on a reservoir basis in order to determine which gas reserves are close to depletion.

Gulf Oil and Superior suggest that producers who cannot file by reservoir be required to file by field according to state-designated nomenclature, and that, in this way the Commission would have a common data base for those producers. This suggestion is not satisfactory since there would not be a common basis for comparison between those reporting on a field basis and those using the reservoir method. Nor is the nomenclature uniformly defined by the producing states.

Under the FPC's orders in this docket, all natural gas companies who, together with their affiliates, produced for direct sale and for resale in interstate commerce in excess of 250,000 Mcf for the reporting year will be required to file Form 40. However, those companies who, together with their affiliates, produced over 250,000 Mcf per year; but who alone own less than 20 Bcf in reserves would be exempt from filing Schedule B, of Form 40.

After examining the Form 40 filings submitted for 1974 and other data, we conclude there is an adequate basis for further limiting the number of reporting entities without loss of information necessary to our regulatory functions. Highly cognizant of the need to lessen the burden of compliance with information requirements of government where to do so would not impair its regulatory purposes, this Commission on its own motion has determined to modify the initial threshold levels for reporting established in FPC Order No. 526-B. All natural gas companies which, together with their affiliates, produced for direct sales and/or sale for resale in interstate commerce 1,000 MMcf or less of gas during the report year will be exempted and Schedule B will be filed only by producers who own more than 100 Bcf of gas reserves.

For 1974, 555 producers with more than 250,000 Mcf of total production filed Form 40 reports. These 555 producers accounted for about 82.2 percent of total natural gas production as estimated by the American Gas Association (AGA).[8] However, in 1974 only

[4] 147 U.S. App. D.C. 312, 458 F. 2d 731 (1971), cert. denied, 405 U.S. 1074, 92 S. Ct. 1495, 31 L. Ed. 2d 808 (1972).

[5] 483 F. 2d at 1252.

[6] *Superior Oil Co.* v. *FERC*, *supra*.

[7] Form No. 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines, Order No. 546, —— FPC ——, March 8, 1976, 18 CFR 260.7

[8] AGA production and reserve estimates are used as bench marks only and imply neither acceptance nor rejection of these as defining the total statistical universe.





378 of the Form 40 respondents re-

79.25 percent of AGA's estimated 1974

Clarification has also been requested



to the Form 40 reporting require-

or committing the Commission to that prac-

though this information may be en-

378 of the Form 40 respondents reported over 1,000 MMcf of production but these entities accounted for about 81.7 percent of the production as estimated by AGA. Thus, applying the proposed reporting rules to the 1974 data would have resulted in a 31 percent reduction in the number of reporting units but only a minor reduction in the percentage of total industry production included in the coverage.

The basic relationships between the number of working interests and reserves and production for 1974 are schematically indicated in the attached figures.[9] Also shown are two charts that depict the amount of production and reserves by each of the largest 720 working interests in 1974. For each working interest (the "N"th interest, i.e., the 420th largest working interest or the 370th largest interest, etc.) one can obtain an idea of the size of the reporting unit measured either by production or reserves.

The 1974 data are used to illustrate the general orders of magnitude of reporting requirement reductions on the one hand and information reduction on the other. Industry changes, changes in reporting definitions and other changes since 1974, mean that the number of working interests reporting 1976 data will differ.

Another estimate of the impact of the change in reporting requirements is shown in Table 1, attached, which summarizes the responses of large firms for 1973 on Forms 301-A and 301-B and small firms on 314-B. Over 5,000 small firms were tentatively identified and about half submitted Form 314-B reports. Of these 2,563 firms, only 639 had jurisdictional sales of over 250 MMcf and only 245 had jurisdictional sales over 1,000 MMcf. Form 301-A was filed by 590 large producers or affiliates of large producers. Part II of the table reveals that the more than 400 working interests with jurisdictional sales of greater than 250 MMcf but less than 1,000 MMcf accounted for only 1.8 percent of the total jurisdictional sales reported. Note that even using a 250 MMcf cutoff point, on the basis of the 1973 figures, three-fourths of the small firms would not be included in the data base.

The current threshold for filing Schedule B of form 40, 20 Bcf of reserves, yielded approximately 254 filings in 1974. These 254 companies accounted for approximately 82.05 percent of AGA's estimated total reserves. A requirement of 100 Bcf of reserves in 1974 would have reduced the number of filings to approximately 116, a reduction of 60 percent in the number of reports filed. These 116 reports accounted for approximately 79.25 percent of AGA's estimated 1974 total reserves.

As indicated above, we believe these reductions in the reporting requirements will alleviate some of the reporting burden while not causing a loss of necessary data. While we have analyzed this issue using 1973 and 1974 data, we believe the conclusions reached apply to the current situation. Our easing of the reporting requirements will have its greatest impact on small producers by reducing the number who must file Form 40. However, any further increase in the filing thresholds at this time could result in a lost of significant data which the Commission needs to perform previously articulated regulatory responsibilities.

In sum, the FERC has analyzed the reporting burden on the smaller entities in the natural gas industries and balanced this with the marginal contribution to effective regulation of the data lost as a result of changing the reporting requirements. We have concluded that the substantial reduction in reports required merit this change in requirements. Where a reduction of the filing burden of this magnitude can be permitted with no loss of data necessary to perform the FERC's regulatory responsibilities, the Commission feels compelled to do so in order to protect the regulated entities from unnecessary reporting requirements. However, we feel any further reduction in reporting requirements would result in an unacceptable loss of information.

C&K Petroleum argues that there is a relatively larger burden placed upon small producers. The threshold modifications in this order will alleviate to a considerable extent the reporting burden on small producers by reducing the number of reporting entities by more than half on a reserve basis and by almost a third for all schedules of Form 40. The FERC here exercised its responsibility to assure that the data requested are only those data necessary to permit it to perform its regulatory functions. Nonetheless, we emphasize that we have regulatory responsibilities that involve all sectors of the natural gas industry firms. We need adequate and accurate information about both large and small firms. It is not enough merely to account for most of the industry's production and reserves. The Commission's assigned tasks necessitate information about small producers. We note with regret that even if we were to have kept the 250 MMcf cut-off point, we would not have obtained data from the majority of working interests. (See Table 1 attached). Although Form 40 is not the appropriate vehicle for dealing with this problem, we will continue to explore ways to improve FERC's data base with respect to the small producer sector of the industry.

Clarification has also been requested as to how to calculate whether a producer is required to file. Pursuant to the Commission modification to the threshold levels ordered therein, producers who, together with their affiliates, produce 1,000 MMcf or less per year are exempt from filling any of the schedules required by Form 40. However, if a producer, together with its affiliates, produces 1,000 MMcf or more per year it must file Form 40. The producers that own 100 Bcf or less of dry gas reserves are not required to file Schedule B of Form 40. The 100 Bcf exemption from filing Schedule B applies to any individual member of a group of affiliates if that individual member owns 100 Bcf or less of dry gas reserves.

Finally, the FERC emphasizes the FPC's reference to the *Second Natural Gas Rate Cases*, —— F. 2d —— (D.C. Cir., June 16, 1977), in Order No. 526-B. The Court examined the Commission's estimate of drilling productivity based on data gathered by the American Gas Association, comments of the parties, and the FPC staff studies, and concluded that the evidence was the minimum upon which the Court would base its opinion. The Court was unwilling to remand the proceeding for further evidence because of the overriding need for certainty of natural gas prices and noted that the Commission was "building an administrative record for its Form 40, to permit its gathering of direct information on producers' reserves, rather than through statistical appraisal by the industry committee." (Slip opinion at 61.) "To sum up," the Court said, "we do not approve or embrace the AGA figures; we simply tolerate them for purposes of this proceeding. We expect that by the next biennium the Commission will have put into effect its own procedures for gathering reserves data." (Slip opinion at 62.)

The Form 40 data requested here are vital for carrying out this mandate. We stress that while we have attempted to accommodate industry suggestions the data specified in this order are essential to discharge FERC's duties.

### Working Interest Reporting

A number of the applicants for rehearing object to the requirement that all working interest owners report the reserves to which their working interests relate. The producers argue that the operator has available the requisite geological and production data and can make the most accurate report. The non-operating working interest owners would have to acquire the necessary data at the cost of time and expense resulting in duplicative filings which might differ from one another. Where the operator is not a natural gas company or is not subject to the Form 40 reporting requirements, the producers on rehearing agree that the requirement of reporting should continue to rest on the working interest owners.

We believe that reserve data on a working interest basis are required in order to permit the FERC to develop a series of reporting forms which, when taken as a whole, will permit meaningful comparative analyses. In order to accomplish this goal of establishing an integrated reporting system for regulatory data, the set of reporting entities must be consistent. The Form 40 information is designed to report on an individual working-interest basis the productivity of drilling operations. Form 40 will provide information on the depths of drilling to the reservoirs, the reserves in those reservoirs, and the changes in such reserves. These data are then to be correlated with the cost data provided in Form 64.[10] Form 64 reports cost data on a working interest basis. The accurate matching of the average drilling productivity with the associated costs is necessary to determine the just and reasonable natural gas rate. To require the reporting on an operator basis only would necessitate an extrapolation of the operator data to a working interest basis in order to correlate the cost data with the productivity data. Such an additional analytical step will unnecessarily reduce the accuracy of the average production costs for rate-making purposes.[11] To the extent the FERC is able to improve the data upon which it must rely to exercise its major regulatory functions by requiring working interest reporting while imposing a minimal regulatory burden upon the reporting entities, the Commission feels compelled to do so. We will also request each reporting entity which has already filed for operated properties to supplement their filing with this information.

### Confidentiality of Data

The Court in *Union* considered the FPC petition for rehearing of the Court's finding that the confidentiality policy set forth in Order No. 526 and 526-A was arbitrary and capricious, and concluded that:

> The Commission states that it is its practice not to release such data without giving notice to the parties. However, we find no regulation of the Commission to that effect, or committing the Commission to that practice, and the order under review makes no such commitment. The Commission merely stated that such data would be 'given confidential status * * * and left in the Commission files until further ordered by the Commission.' On its face, this is a reservation of unfettered discretion.

With regard to actions taken after remand of *Union*, Gulf and Superior argue that we have failed to consider regulations to protect from disclosure the confidentiality of information on Schedules B, C and D of Form 40. In denying a motion by Gulf to expand the present docket to consider specific rules concerning confidential reserve information the Commission said:

> However, we will hold administratively confidential those parts of Form 40 heretofore designated and will not make disclosure as an exercise of discretion on our part without affording the producers opportunity for a hearing. Where we are required by statute or otherwise to make disclosure to some other government body we shall notify the producer involved as much in advance as possible.

Gulf and Superior contend that the Commission's promise to notify producers and provide an opportunity for a hearing before disclosure is not an effective relinquishment of "unfettered discretion" particularly since one Commission cannot bind a subsequent Commission. Only by promulgating regulations, Gulf and Superior say, can the Commission deal adequately with the holding in *Union* that the reservation of discretion by the Commission to determine whether to disclose confidential reserve information is arbitrary and capricious.

We do not read the *Union* decision to require the promulgation of a regulation as Gulf and Superior contend. Nor do we read *Union* as holding that the Commission may not employ its administrative discretion in considering the question of disclosure. The decision only requires that the Commission articulate its procedure for considering data disclosure requests and the standard by which the Commission will render its decision. The Court's requirement that the producer be afforded an opportunity to voice its objection to the Commission before the release of the confidential data is fulfilled by permitting the producer and other interested parties to file written objections and comments which will be considered by the Commission prior to disclosure.[12]

The policy outlined below shall apply to the Form 40 data which the Commission recognizes is information encompassed within the exclusions to the Freedom of Information Act.[13] Although this information may be encompassed within the exclusions enumerated in the statute, this fact does not absolutely prohibit disclosure but leaves such a determination to the discretion of the agency which maintains custody of the data.[14] Nonetheless, it is the Commission's intent to respect the confidential nature of the data submitted.[15]

The Commission does, however, reserve the right to use the data in any judicial proceeding, in which it is a party or intervenor, any administrative rulemaking, adjudicatory or investigatory proceeding before the Commission, or in any such proceeding before other agencies in which it is a party or intervenor.

The Commission also reserves the right to disclose the data, after notice to the producer(s) who submitted the data, in any judicial proceeding in which the Commission is a party or intervenor, any administrative rulemaking or adjudicatory or investigatory proceeding before the Commission or another agency where the Commission is a party or intervenor. In such proceedings the Commission will attempt to limit the disclosure to only those data required to be disclosed in order to execute the Commission's statutory obligations. It is proper in such an instance, that the burden be placed on the person or entity that objects to such disclosure of the data to seek appropriate relief, if any, in a court of competent jurisdiction.

In instances where the request for disclosure is in the form of a lawfully issued subpoena from a Court or another agency, a duly constituted Congressional Committee or Subcommittee[16] or Chairman thereof, either by subpoena or formal written request, or an administrative agency pursuant to a mandatory request, it will be the Commission's policy to give notification as soon as is practicable to the affected reporting entity of the request for the data and that the Commission intends to comply therewith on a date certain. It is proper, in such an instance, that the burden be placed on the person or entity that objects to the Commission's disclosure of the data to seek appropriate relief, if any, in a court of competent jurisdiction or before the requesting entity. In complying with such a disclosure request, the Commission will, in its submission, advise the requesting person or entity that the reporting party has requested the FERC to treat the data sought as confidential and that the Commission

[9] See Appendices A, B, C, and D.

[10] Recently upheld in *Superior Oil Co.* v. *FERC*, 563 F. 2d 191, (5th Cir., November 17, 1977).

[11] The Commission believes that a different case may be presented where a data request reaches more broadly to obtain data from all producers. In such a case, it may be appropriate to rely on operator reporting which identifies working interest ownership without loss of accuracy. In as much as this is a rehearing of a form originally issued to producers subject to FPC jurisdiction under the Natural Gas Act, the hypothetical case outlined above is not now before this Commission.

[12] *United States.* v. *Florida East Coast Railway Co.*, 410 U.S. 224, 93 S. Ct. 810 35 L. Ed. 2d 223 (1973).

[13] 5 U.S.C. Sec. 552(b) (4), (9); *Amerada Hess Corp.*, 50 FPC 1048 at 1050 (1973).

[14] *Pennzoil Co.* v. *FPC*, 534 F. 2d 625 (5th Cir. 1976).

[15] Id.

[16] The Commission's policy recognizes that the House of Representatives and the Senate are organized into legally authorized committees and subcommittees.

has honored that request for its own purposes.

When FERC is requested by another administrative agency to disclose the data pursuant to a formal request to use the data for regulatory or enforcement purposes, the Commission will allow the affected reporting entity(ies) an opportunity to voice its (their) objection to the Commission by permitting the reporting party to file written objections which will be considered by the Commission prior to disclosure. In complying with such a disclosure request, the Commission will, in its submission, advise the requesting entity that the reporting party has requested the FERC to treat the data sought as confidential and that the Commission has honored that request for its own purposes.

When such a request is made for statistical purposes, the Commission will disclose the data, if at all, conditioned upon confidential treatment by the requesting agency. In all such cases the Commission will notify the producer(s) whose data is subpoened or otherwise requested as soon as practicable.

In cases where the FERC is requested by an individual or where the Commission decides to disclose Form 40 data for public information, the Commission will notify the affected reporting entity(ies) of the request, or the Commission's decision, and will permit them to submit written comments as to whether the Commission should comply with the request or disclose the information. The Commission has determined, however, that it is not inclined to disclose the data in response to such requests by individuals or for public information. Therefore, there will be a strong presumption against such disclosure.

In exercising its discretion as to whether to honor a nonmandatory data request, the FERC will follow the Court's mandate in *Union* for "a reasoned decision weighing their interest and that of the public before the Commission permits the release of such data, if it is to be released at all." In reaching a decision on disclosure the Commission will consider inter alia: (1) The nature of the data; (2) the extent to which disclosure will aid or impair the Commission's discharge of its statutory duties: (3) the extent of the harm or risk disclosure might cause to producers and to the general public; (4) available alternatives to disclosure; (5) availability of the data from other sources; and (6) the use to which the data is to be put."

ATTESTATION CLAUSE

Union Oil with the support of Texaco, in its application for reconsideration contends that its Form 40 filings will comprise many pages of a very technical nature and cannot be reviewed and tested by any one person. It suggests that the attestation language, "* * * that he has read this report and is familiar with the contents thereon * * *" be deleted and replaced with the phrase "* * * that he has caused this report to be prepared by those individuals employed by the respondent who are most familiar with the subject matter * * *."

In order to alleviate the problem raised by Union, we are herein modifying the attestation clause as included in Appendix E to this order. The new attestation clause is adopted from the statement contained on all corporate income tax returns which must be signed by a corporate official. We recognize that the attestation clause contained in prior orders would have been difficult to comply with. This new attestation clause is similar to those that are regularly executed by corporate officials, is designed to insure the accuracy of the data submitted to enable the FERC to carry out its statutory function.

NEED FOR A STAY

A number of producers asked for various extensions of time in which to file Form No. 40 beyond the November 1, 1977, filing date covering the filing years 1974, 1975 and 1976 as specified in Order No. 526-B. By notice issued October 19, 1977, the Secretary granted an extension of the filing date to December 1, 1977.

Amoco asked for a stay of the November 1, 1977, filing date with respect to Schedule B of Form 40 for the years 1974, 1975 and 1976, pending completion of rehearing and judicial review. It was not our intention that Schedule B be filed for the years 1974 and 1975, but for 1976 and later years. We shall amend Order No. 526-B accordingly to make this clear. Apart from this its arguments citing *Virginia Petroleum Jobbers Ass'n* v. *FPC*, 259, 921 (CADC 1958), are not persuasive. We do not agree that it is likely to prevail on the merits. Nor will it be irreparably harmed if a stay is not granted. As the Court said mere injuries, however substantial, in terms of money, time, and energy necessarily expended in the absence of a stay, are not enough. There is no reason to assume that confidential data will be disclosed. It will not be done without consideration of the producers' objections (unless another government agency so requires under the authority of some other statute), and appeal can be made to a reviewing court. If a stay is granted, other parties and the public will clearly be injured by a stay assuming, as we do, that the Schedule B data is necessary to carry out the purposes of Form 40.

We shall therefore deny a stay as requested by Amoco. We postponed the initial filing date for the calendar years 1974, 1975 and 1976 from November 1, 1977, until December 1, 1977. In the instant order, we further extend the filing date for 1974, 1975, and 1976 from December 1, 1977, to March 1, 1978. We also extend the filing date for 1977 from April 1, 1978, to September 1, 1978. As a result of the filing requirements for Form 40 are as follows:

| Report year | Filing date | Schedules required |
|---|---|---|
| 1974 | Mar. 1, 1978. | Schedule A and schedule D to A, as needed for footnotes. |
| 1975 | Mar. 1, 1978. | Do. |
| 1976 | Mar. 1, 1978. | Do. |
| | | Reserves greater than 100 Bcf—schedule B and schedule D to B as needed for footnotes. |
| | | Reserves of 100 Bcf or less—schedule D with volumes of reserve by State(s), subdivision(s) and district(s) |
| 1977 and 1978 and later years. | Sept. 1, 1978 and Apr. 1 of the next year. | Schedule A and schedule D to A as needed for footnotes. |
| | | Reserves greater than 100 Bcf—schedule B and schedule D to B as needed for footnotes. |
| | | Schedule C and schedule D to C as needed for footnotes. |
| | | Reserves of 100 Bcf or less—schedule C and schedule D to C as needed for footnotes. |

In addition to the above schedules, a title page and an attestation must be filed for each of the report years.

The Commission further finds: (1) The assignments of error and grounds for rehearing of Order No. 526-B in the applications for rehearing or reconsideration filed herein present facts and legal principles which warrant certain modifications and clarifications as set forth herein.

(2) On its own motion, that the reporting thresholds for Form 40 and Schedule B of Form 40 should be modified as set forth herein.

(3) The procedure adopted herein for the treatment of confidential data meets the procedural requirements of the Administrative Procedure Act and the Freedom of Information Act and complies with the remand of the Court in *Union Oil Co. of California* v. *F.P.C.*, 542 F.2d 1036 (9th Cir., 1976).

(4) The conclusions of the FPC as expressed in Order Nos. 526-A and 526-B and the FERC as expressed in the instant order are based on substantial evidence as required in Section 19 of the Natural Gas Act.

(5) The notice and opportunity to participate in this proceeding with respect to the matters currently before the Commission are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(6) The amendment to § 260.13 of Part 260 of the Commission's regulations and the modifications of Form 40 are necessary and appropriate for the administration of the Natural Gas Act.

The Commission orders: (A) The applications for rehearing or reconsideration filed by the applicants herein are denied except to the extent granted herein.

(B) Section 260.13, Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations, is amended to read as follows:

**§ 260.13 Form No. 40, natural gas companies annual report of proved domestic reserves.**

(a) The form of Natural Gas Companies Annual Report of proved Domestic Gas Reserve as F.P.C. Form No. 40 is adopted.

(b) Each person found by the Commission to be a natural gas company within the meaning of the Natural Gas Act, which together with its affiliate, associate, or subsidiary produced for direct sale and/or sale for resale in interstate commerce more than 1 Bcf of gas at 14.73 psia and 60 degrees Farenheit during the report year shall prepare and file with the Commission F.P.C. Form No. 40, as follows:

(1) An original and four copies of Schedule A; (2) an original copy of Schedule C; and (3) an original copy of Schedule D, as necessary.

(c) Each person found by the Commission to be a natural gas company within the meaning of the Natural Gas Act which owns more than 100 Bcf of dry gas reserves at 14.73 psia and 60 degrees Farenheit at the end of the report year shall prepare and file with the Commission F.P.C. Form No. 40, as follows:

(1) An original and four copies of Schedule A; (2) an original copy of Schedule B; (3) an original copy of Schedule C; and (4) an original copy of Schedule D, as necessary.

(d) Paragraphs (b) and (c) apply to calendar year 1976 and subsequent years, except that Schedule C is not required for 1976. The F.P.C. Form No. 40 shall be filed by March 1, 1978, for the calendar year ending December 31, 1976, by September 1, 1978, for the calendar year ending December 31, 1977, and thereafter shall be filed by April 1 of the year following the year to which the form applies.

(e) Any person subject to paragraph (b) who has not filed Schedule A for 1974 and 1975 shall do so by March 1, 1978.

(f) Schedule A shall be made available at the Commission's principal office for public inspection.

(g) Information filed pursuant to this section shall be filed under oath.

(C) The procedure adopted herein for the treatment of confidential data filed in Form 40 shall apply only to Form 40 data.

(D) The attestation clause of Form 40 is amended as shown in Appendix E attached below.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(F) The motion of Amoco Production Co. for a partial stay is denied.

(G) The effective date of this order shall be the date of issuance.

(H) The Secretary shall cause copies of Form No. 40, as modified by this order, to be transmitted to the Director of the Office of Management and Budget.

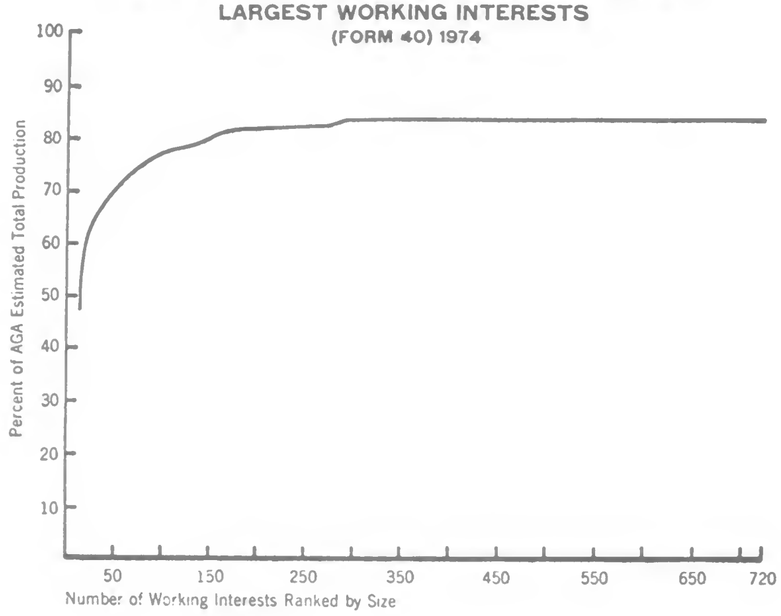
By the Commission.

KENNETH F. PLUMB,
*Secretary.*

"Cf. *Superior Oil Co.* v. *FERC*, —F. 2d 716 (5th Cir. 1977) (Nos. 76-2113, 76-2246, Nov. 17, 1977).

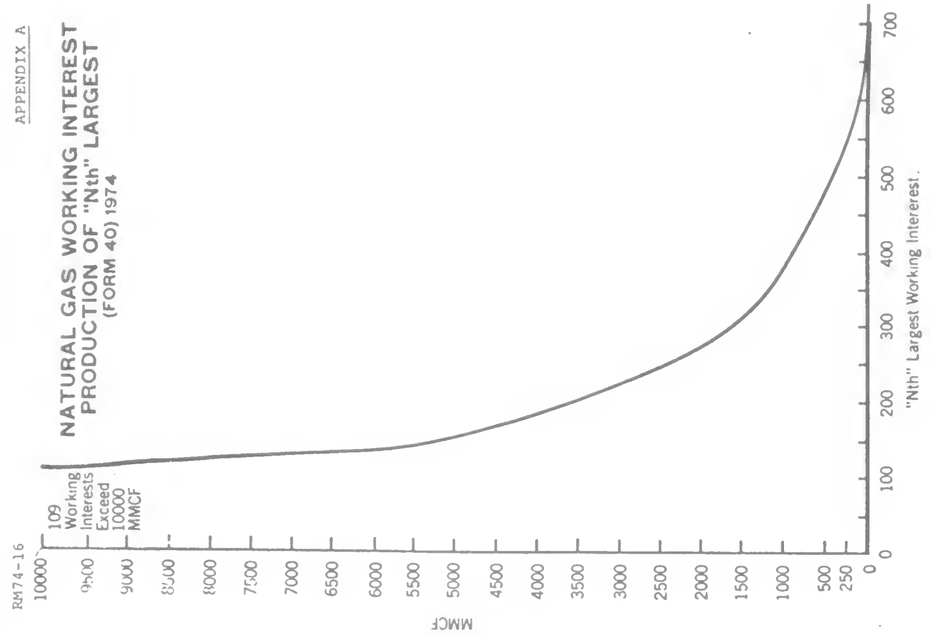
APPENDIX B

RM74-16




APPENDIX A

RM74-16

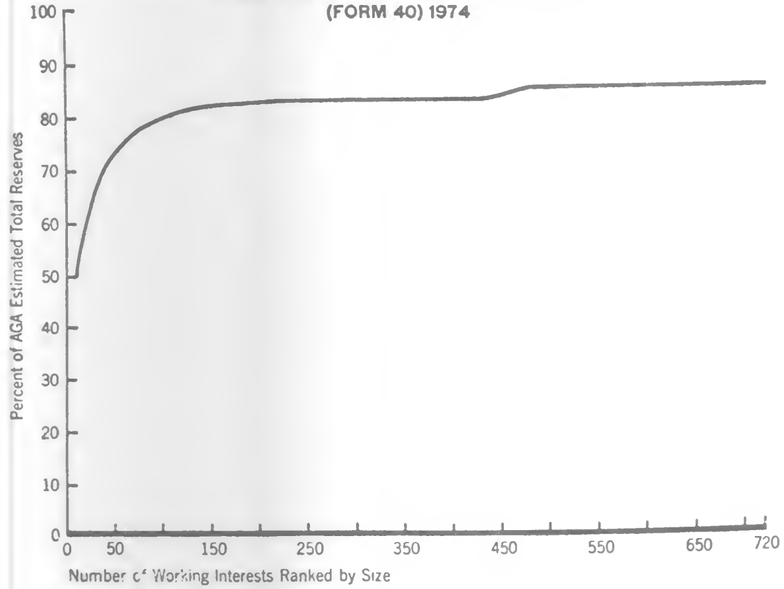






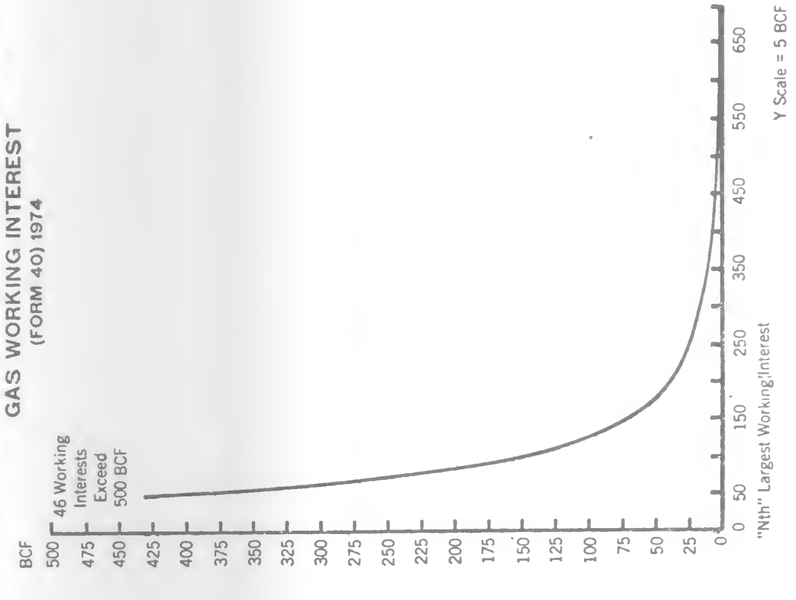

APPENDIX D

RM74-16




APPENDIX C

RM74-16








APPENDIX E

the clearance responsibility for forms and questionnaires of the Federal Energy Ad-

ADDRESSES: Please submit any comments regarding these changes in rqt



EXPLANATION

APPENDIX E

FEDERAL ENERGY REGULATORY COMMISSION

FORM NO. 40—ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the respondent. ————, (Insert here the name of the attestor) being first duly sworn according to law, certifies that he is ———— (Insert here the legal title of attestor) of ————; (Insert here the exact title or name of the respondent) that this report was prepared by him or under his supervision and direction; that he has examined the report, including the accompanying schedules and statements; and that, to the best of his information, knowledge, and belief, it is true, correct, and complete.

(Signature of Attestor)

Subscribed and sworn to before me this —— day of ————, 19—.

NOTARY PUBLIC (SEAL)

APPENDIX F

REGULATORY REPORTS REVIEW

Transfer of Clearance Responsibility

The Department of Energy Organization Act (Pub. L. 95-91) results in transferring the clearance responsibility for forms and questionnaires of the Federal Energy Administration (FEA) and the Federal Power Commission (FPC) from the General Accounting Office (GAO) to the Office of Management and Budget (OMB) under the Federal Reports Act. The Federal Energy Administration and the Federal Power Commission will no longer be identified as independent Federal regulatory agencies and subject to 44 U.S.C 3512. They will now be part of the new Department of Energy.

On September 13, 1977, President Carter signed Executive Order No. 12009 activating the Department of Energy on October 1, 1977. Therefore, beginning on October 1 the forms and questionnaires of the new Department will be subject to the review and clearance of OMB under section 3502 to 3511 of Title 44 of the U.S. Code.

In the future, notices announcing the request for clearance of new, revised, or extension of existing forms and questionnaires of the Department of Energy will be found under the Management and Budget Office in the FEDERAL REGISTER. The FEA forms still under review by GAO on September 30, 1977, will be transferred to OMB for final action. Comments received by GAO on these forms will receive consideration prior to final action by OMB.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

TABLE 1.—*Analysis of forms 301-A and 314-B filings for report year 1973*

| | |
|---|---|
| I. CS Docket No. and Order 411 authorization as of Dec. 31, 1973 | 5,014 |
| Small producer responses to form 314-B for report year 1973 | 2,563 |
| Percent responding for report year 1973 | 51 |
| II. Summary of form 301-A and 314-B respondents: | |
| Form 301-A respondents | 590 |
| Form 314-B respondents | 2,563 |
| Total respondents | 3,153 |

| Jurisdictional sales level | Number of companies | Percent of total respondents | Jurisdictional sales reported | Percent of total reported | Percent of form 15 total purchases |
|---|---|---|---|---|---|
| >1000 MMcf | 375 | 11.8 | 11.44 Tcf | 97.1 | 83.6 |
| >250 MMcf | 813 | 25.7 | 11.68 Tcf | 98.9 | 85.2 |
| All respondents | 3,153 | 100.0 | 11.78 Tcf | 100.0 | 86.1 |

III. Summary of form 314-B (small producer exemptions) respondents:

| Jurisdictional sales level | Number of companies | Percent of total respondents | Jurisdictional sales reported | Percent of total reported | Percent of form 15 total purchases |
|---|---|---|---|---|---|
| >1000 MMcf | 245 | 9.6 | 0.745 Tcf | 70.6 | 5.4 |
| >250 MMcf | 639 | 24.9 | 0.941 Tcf | 89.2 | 6.9 |
| All respondents | 2,563 | 100.0 | 1.055 Tcf | 100.0 | 7.7 |

[FR Doc. 78-5224 Filed 2-27-78; 8:45 am]

[4110-07]

**Title 20—Employee's Benefits**

**CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

[Reg. No. 4]

**PART 404—FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE (1950)**

**Deleting Out-of-Date Regulations**

AGENCY: Social Security Administration, HEW.

ACTION: Removal of rarely used rules.

SUMMARY: This action deletes certain regulations that are not in current use. This is the first step in a comprehensive revision of SSA regulations. The revision is intended to make the Regulations easier to understand and more helpful to those who do business with SSA.

DATES: These changes will be effective February 28, 1978. Any comments must be received on or before March 29, 1978.

ADDRESSES: Please submit any comments regarding these changes in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5181, 330 Independence Avenue, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Armand Exposito or Virginia Casey Kohan, SSA Recodification Work Group, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-5304 or 594-6629.

SUPPLEMENTARY INFORMATION: As part of the Department of Health, Education, and Welfare's effort to make HEW regulations simpler, shorter, and easier to work with, the Social Security Administration (SSA) is beginning a comprehensive revision of its regulations. Because of the size of the body of SSA regulations, we believe the rewriting will be more manageable if we first remove those rules that are no longer in effect or in use.

This package begins the process of deleting out-of-date material. We are publishing the deletions and corrections without notice of proposed rulemaking because we find good cause for publishing without NPRM exists under section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)). These changes merely delete rules that do not affect current claims for benefits and make no new rules. In the near future, we will publish further changes to delete out-of-date material and correct cross-references. We will also publish those changes without notice of proposed rulemaking. Although we are publishing these amendment directly as final rules, we are interested in any ideas on rewriting our regulations in simpler language or on different approaches to organizing them for better accessibility. The comments may be general in nature or on a specific section or subpart. However, we will publish with notice of proposed rulemaking all rewrites of regulations that remain in effect and we will allow adequate time for public comment on those proposals.

DELETED MATERIAL

We are deleting regulations that no longer apply to currently filed claims for social security benefits. The regulations being deleted include those





that require a husband or widower to prove he received one-half his support from his spouse in order to get benefits based on his spouse's earnings. Such a requirement was in the Social Security Act but was struck down by the U.S. Supreme Court in March 1977. Of the remaining regulations being deleted, none apply to periods after January 1, 1973, and most of them went out of effect in the mid-1960's. Although these rules are being removed from the current version of the regulations they are not being revoked, since they still could come into play in situations in which decisions on earlier claims were appealed or are reopened (for example, because of an error on the face of the evidence on which such decision is based). We are also changing the term "Administration" to "Social Security Administration" wherever it appears in the reproduced material which follows.

(Secs. 205(a) and 1102 of the Social Security Act; 53 Stat. 1368, 49 Stat. 647 (42 U.S.C. 405(a), 1302).)

(Catalog of Federal domestic Assistance Program Nos. 13.802, Social Security-Retirement Insurance; 13.803, Social Security-Retirement Insurance; 13.804, Social Security-Special Benefits for Persons Aged 72 and Over; and 13.805, Social Security-Survivors Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and 11949 and OMB Circular A107.

Dated: September 30, 1977.

J. B. CARDWELL,
*Commissioner of Social Security*

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary of Health, Education, and Welfare.*

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.103 is amended as follows: Paragraph (a) is amended by deleting the parenthetical expression in the first sentence, paragraph (b)(1) is amended by deleting the material pertaining to wages in 1937, paragraph (d)(1)(x) is revised, paragraph (e) is deleted and reserved, and paragraph (f) is revised by deleting the reference to paragraph (e).

**§ 404.103 Quarters of coverage.**

(a) *General.* A calendar quarter may be credited as a quarter of coverage if at least a specified minimum amount of wages are paid in such quarter, or if at least a specified amount of self-employment income is credited to such quarter, or if such quarter occurs in a year in which an individual has a specified amount of wages or self-employment income or a combination of both. • • •

(b) • • •

(1) Has been paid $50 or more wages (however, see paragraph (c) of this section where wages are paid for agricultural labor performed after 1954);

• • • • • •

(d) • • •

(1) • • •

(x) Prior to 1951, and he has been paid wages equal to $3,000 in such year and then only those quarters in such year which occur after a quarter of coverage established in accordance with paragraph (b)(1) of this section, and prior to the quarter in which the individual becomes entitled to a primary insurance benefit, or died, are credited as quarters of coverage.

• • • • • •

(e) [Reserved]

(f) *When a quarter of coverage is acquired.* Where a calendar quarter is credited as a quarter of coverage under paragraph (b), (c), or (d) of this section the quarter of coverage is acquired as of the first day of such calendar quarter.

EXPLANATION

The deleted material referred to rarely used rules regarding reallocation of wages, and allocating wages paid in 1937.

**§ 404.104 [Amended]**

2. Section 404.104 is amended by deleting the second sentence in paragraph (d).

EXPLANATION

The deleted material referred to a rarely used rule regarding crediting a period prior to 1951 as a quarter of coverage.

**§§ 404.105, 404.106, 404.110, 404.111, and 404.112 [Deleted]**

3. Sections 404.105, 404.106, 404.110, 404.111, and 404.112 are deleted.

EXPLANATION

These sections are being deleted as they contain rarely used rules regarding crediting quarters of coverage and insured status for months before August 1961.

**§ 404.108 [Amended]**

4. In paragraph (b) of § 404.108, the cross-references in the first sentence are changed from "(See §§ 404.103(f) and 404.109-404.112)" to "(see §§ 404.103(f) and 404.109)".

EXPLANATION

Sections 404.110-404.112, to which cross-reference is made, are deleted.

5. Section 404.115 is amended as follows: Paragraph (a) is revised by deleting "—(1) General" from the heading, and paragraph (a)(2) is deleted.

**§ 404.115 When disability insured status must be met.**

(a) *Period of disability.* To establish a period of disability an individual must meet the insured status requirements as of the calendar quarter he became disabled or as of a subsequent calendar quarter in which he was disabled (see § 404.310 for conditions of entitlement to a period of disability).

EXPLANATION

The deleted material referred to rarely used rules regarding applications filed between June 1962 and December 1964 to establish a period of disability.

CHANGES TO SUBPART D

6. Section 404.306 is amended as follows: In paragraph (a)(4) the second sentence is deleted and the third sentence is revised, and in paragraph (b) the first and last sentences are deleted and the second sentence is revised.

**§ 404.306 Disability insurance benefits; conditions of entitlement.**

(a) *General.* • • •

(4) Is under a disability, as defined in section 223(c) of the Act. The disability does not have to exist at the time the application is filed (see § 404.312a), except that no benefits may be paid under this provision for any month more than 12 months before the month application is filed; and

• • • • • •

(b) *Effect of prior entitlement to other benefits.* Prior entitlement to old-age, wife's or husband's insurance benefits reduced under section 202(q) of the Act, or to widow's, widower's, or parent's insurance benefits, will not preclude entitlement to disability insurance benefits.

EXPLANATION

The deleted material pertained to rarely used rules regarding claims for disability benefits for months before September 1965.

7. In § 404.307, paragraph (b) is revised to read as follows:

**§ 404.307 Disability insurance benefits; duration of entitlement.**

• • • • • •

(b) *Effect of subsequent entitlement to old-age insurance benefits.* Entitlement to disability insurance benefits is not terminated by entitlement to old-age insurance benefits.

EXPLANATION

The deleted material pertained to rarely used rules regarding claims for disability benefits for months before September 1965.

**§ 404.308 [Amended]**

8. In § 404.308, paragraph (c) is deleted and reserved.

EXPLANATION

The deleted material pertained to a rarely used rule regarding claims for disability benefits for months before September 1965.

9. In § 404.309, paragraph (b) is revised to read as follows:

**§ 404.309 Disability insurance benefits, computation of benefit rate.**

(a) • • •

(b) Had filed application for old-age insurance benefits in the month in which the application for disability insurance benefits was filed, and, was entitled to an old-age insurance benefit for each month for which he was entitled to a disability insurance benefit, pursuant to section 223(b) of the Act. In the case of a woman who became entitled to old-age insurance benefits, years in which such woman had attained age 62 are excluded in computing such elapsed years as described in section 215(b)(3) of the Act.

EXPLANATION

The deleted material referred to a rarely used rule regarding claims for disability benefits filed by women before 1966.

**§ 404.310 [Amended]**

10. Section 404.310 is amended as follows:

In paragraph (b) delete "—(1) General." and paragraph (b)(2); paragraph (c)(3) is deleted and reserved; and paragraph (e) is deleted.

EXPLANATION

The deleted material referred to rarely used rules regarding claims for disability benefits for months before September 1965.

**§ 404.311 [Amended]**

11. Section 404.311 is amended by deleting and reserving paragraph (b), and by changing the cross-reference in paragraph (a) from "paragraphs (b) and (c)" to "paragraph (c)".

EXPLANATION

The deleted material pertained to a rarely used rule regarding claims for disability benefits for months before December 1964.

12. Section 404.312a is amended by deleting the cross-reference to § 404.353(c)(1) in paragraph (a); by deleting paragraph (a)(2); and by deleting the designation of paragraph (a)(1).

Section 404.312a now reads as follows:

**§ 404.312a Applicability of secton 303 of the Social Security Amendments of 1965 (Pub. L. 89-97).**

(a) The amendments to the Act reflected in §§ 404.306(a)(4), 404.307(b), 404.308(b), and 404.310(b), and the amendments reflected in section 216(i)(2) and 223(b) of the Act apply with respect to applications filed after June 1965 for disability insurance benefits or to establish a period of disability.

• • • • •

EXPLANATION

The deleted material pertained to a rarely used rule regarding claims for disability benefits filed before July 1965.

13. Section 404.313 is amended as follows:

Paragraph (a)(3)(ii) is deleted, the designation of paragraph (a)(3)(i) is deleted, paragraphs (b), (d), and (e) are deleted, and paragraph (c) is redesignated as paragraph (b).

**§ 404.313 Wife's insurance benefits; conditions of entitlement.**

(a) *Conditions of entitlement after August 1965.* The wife (as defined in § 404.1103) and every divorced wife (as defined in § 404.1105(a)) of an individual entitled to old-age or disability insurance benefits is entitled to wife's insurance benefits if she—

(1) Has filed application for wife's insurance benefits (see Subpart G of this part); and

(2) Has attained age 62 or (in the case of a wife) has in her care (see §§404.342-404.349) individually or jointly with such individual at the time of filing such application a child, other than a child specified in paragraph (b) of this section, entitled to a child's insurance benefit on the basis of the earnings record of such individual; and

(3) In the case of a divorced wife, is not married; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of such individual.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section and § 404.314(a)(5), a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) is deemed not entitled to child's insurance benefits for such month, unless he was under such a disability in the third month before such month.

EXPLANATION

The deleted material in paragraphs (a)(3)(ii) and (b) referred to a rule not applicable to current claims, regarding support for a divorced wife. The deleted material in paragraphs (d) and (e) referred to a rarely used rule regarding support for a divorced wife. The deleted material in paragraphs (d) and (e) referred to rarely used rules regarding claims for wife's insurance benefits filed before September 1965.

**§ 404.314 [Amended]**

14. Section 404.314 is amended by deleting paragraphs (c) and (d), and by changing the cross reference in paragraph (a)(5) from "(see § 404.313(c))" to "(see § 404.313(b))".

EXPLANATION

The deleted material referred to rarely used rules regarding claims for wife's benefits filed before September 1965.

**§ 404.315 [Amended]**

15. In § 404.315 delete the parenthetical remark between the first and second sentences.

EXPLANATION

The deleted material referred to a rarely used rule regarding the amount of a wife's benefit for months after January 1968 and before January 1970.

**§ 404.316 [Amended]**

16. Section 404.316 is amended by deleting paragraphs (a)(3), (b), (c), and (d), by redesignating paragraphs (a)(1), (2), and (4) as paragraphs (a), (b), and (c) respectively, and by deleting the heading and designation of paragraph (a).

EXPLANATION

The deleted material referred to rarely used rules regarding the conditions of entitlement to a husband's benefit for months before February 1968, the rules regarding one-half support, and a statement on the applicability of the section.

17. Section 404.317 is amended by revising the first sentence to read as follows:

**§ 404.317 Husband's insurance benefits; duration of entitlement.**

A man is entitled to a husband's insurance benefit for each month in which all of the conditions of entitlement described in § 404.316 are satisfied. • • •





• • • • •

EXPLANATION

We are deleting the statement which said husband's benefits could not be paid before September 1958.

**§ 404.318 [Amended]**

18. Section 404.318 is amended by deleting the parenthetical remark between the first and second sentences.

EXPLANATION

The deleted material relates to a rarely used rule regarding the amount of a husband's benefit for months after January 1968 and before January 1970.

**§ 404.319 [Deleted]**

19. Section 404.319 is deleted.

EXPLANATION

We are deleting this section which contained rules not applicable to currently filed claims regarding when a husband had to meet a support requirement and submit evidence of support from his wife.

**§ 404.320 [Amended]**

20. Section 404.320 is amended by:

1. Deleting from paragraphs (b)(3) and (b)(4) the words ", except that if he was not entitled to a monthly benefit under section 202 of the Act for December 1972, the application for reentitlement must be filed after September 1972"; and

2. Deleting from paragraph (b)(5) the words ": *Provided,* That the application for reentitlement is filed after October 30, 1972".

EXPLANATION

The deleted material refers to a rarely used rule regarding claims for child's benefits filed before December 1972.

21. Section 404.321 is amended as follows:

Paragraphs (a)(1) through (a)(7) are deleted, and the designation of paragraph (a)(8) is deleted.

**§ 404.321 Child's insurance benefits; duration of entitlement.**

(a) A child is entitled to a child's insurance benefit for each month beginning with the first month in which all of the conditions of entitlement described in § 404.320 (a) and (b) are met. However, no entitlement to child's benefits may be established for any month before the month of the child's birth.

• • • • •

EXPLANATION

The deleted material described rarely used rules regarding when entitlement to a child's benefits for months before January 1973 could be established.

**§ 404.322 [Amended]**

22. In § 404.322, paragraph (b) is amended by deleting the parenthetical remark after the first sentence.

EXPLANATION

The deleted material described a rarely used rule regarding the benefit rate for a child before September 1960.

**§ 404.323 [Amended]**

23. Section 404.323 is amended by deleting and reserving paragraphs (b) and (c).

EXPLANATION

We are deleting rarely used rules regarding when the dependency requirement must have been met prior to October 1972.

24. Section 404.325 is amended as follows:

Paragraphs (b) and (c) are deleted, the designation and heading of paragraph (a) are deleted, and paragraphs (a) (1), (2), and (3) are redesignated as paragraphs (a), (b), and (c) respectively.

**§ 404.325 Child's insuranee benefits; dependency upon father or adopting father.**

A child is deemed dependent upon his father or adopting father if, at the time determined under the provisions of § 404.323(a):

(a) The parent was living with the child; or

(b) The parent was contributing to the support of the child; or

(c) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. (A child deemed to be a child of an individual pursuant to § 404.1101 (c)(1) or (d) is deemed to be the legitimate child of such individual for purposes of this paragraph.)

EXPLANATION

The deleted material relates to rarely used rules for determining the dependency of a child upon his father or adopting father for months prior to September 1960.

25. Section 404.326 is amended as follows:

Paragraphs (b) and (c) are deleted, and the heading and designation of paragraph (a) is deleted.

**§ 404.326 Child's insurance benefits; dependency upon stepfather or stepmother.**

A child is deemed dependent upon his stepfather or stepmother at the time specified in § 404.323 if at such time the child was living with or receiving at least one-half his support from such stepparent.

EXPLANATION

The deleted material relates to rarely used rules for determining the dependency of a child upon his stepfather or stepmother for months prior to February 1968.

26. Section 404.327 is amended as follows:

Paragraphs (b) and (c) are deleted, the heading and designation of paragraph (a) are deleted, and paragraphs (a) (1), (2), and (3) are redesignated as paragraphs (a), (b), and (c) respectively.

**§ 404.327 Child's insurance benefits; dependency upon mother or adopting mother.**

A child is deemed dependent upon his mother or adopting mother if, at the time determined under the provisions of § 404.323(a):

(a) The parent was living with the child; or

(b) The parent was contributing to the support of the child; or

(c) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. For purposes of this paragraph, a child who is deemed to be a child of an individual under the criteria in § 404.1101(c)(1), or under the criteria of § 404.1101(d), is deemed to be the legitimate child of such individual.

EXPLANATION

The deleted material relates to rarely used rules for determining the dependency of a child upon his mother or adopting mother for months prior to February 1968.

27. Section 404.328 is amended as follows:

Paragraphs (a)(2)(ii), (a)(2)(iv)(A), (a)(4)(i), (a)(5), (b), (c), (d)(2), and (e)(2)(i) are deleted and reserved, in paragraph (d)(3) delete the words "or such remarriage terminated under the conditions described in subparagraph (2) of this paragraph", and delete paragraph (f).

**§ 404.328 Widow's insurance benefits; conditions of entitlement.**

(a) *Conditions of entitlement after August 1965.* The widow (as defined in § 404.1104) and every surviving divorced wife (as defined in § 404.1105(b)) of an individual who died fully insured is entitled to widow's insurance benefits if she:

(1) Is not married (except as provided in paragraph (d) of this section); and

(2) (i) Has filed application for widow's insurance benefits (see Subpart G of this part); or





(ii) [Reserved]

(b)(1) *Basic benefit rate.* Except as

entitlement of a widower by virtue of



32. Section 404.333 is amended as fol-

EXPLANATION

2. Change the cross-reference in the

(ii) [Reserved]
(iii) • • •
(iv) • • •
(A) [Reserved]
(B) • • •
(3) • • •
(4) • • •
(i) [Reserved]
(ii) • • •
(5) [Reserved]
(b) [Reserved]
(c) [Reserved]
(d) *When remarriage not bar to entitlement or reentitlement.* (1) For purposes of paragraph (a)(1) of this section, a remarriage is deemed not to have occurred if a widow remarries after attainment of age 60 (see § 404.330(c)).
(2) [Reserved]
(3) A woman may reestablish entitlement to widow's insurance benefits after August 1965 if such entitlement was terminated because of her remarriage (see § 404.329(c)), if such remarriage occurred as described in subparagraph (1) of this paragraph and subsequently she again meets the conditions described in paragraphs (a) and (b) of this section, as applicable, for entitlement to widow's insurance benefits on her prior deceased husband's earnings.
(e) • • •
(1) • • •
(2) • • •
(i) [Reserved]
(ii) • • •
(f) [Deleted]

EXPLANATION

The deleted material relates to rarely used rules which applied to a woman applying for a widow's benefit for months before January 1973.

**§ 404.329 [Amended]**

28. Section 404.329 is amended by deleting paragraphs (c), (d), and (e), and by deleting and reserving paragraph (a)(6)(ii).

EXPLANATION

We are deleting rules for months prior to September 1965 regarding when a widow's benefit would end and when remarriage would not terminate her entitlement to the benefit. We have also deleted the paragraph on applicability. These rules are rarely used as they do not apply to current claims.

29. Section 404.330 is amended as follows:

Paragraph (a) is deleted and reserved, the heading of paragraph (b) is deleted; the reference to paragraph (a) in paragraph (b) is deleted; and the second and third sentences in paragraph (c) are deleted.

**§ 404.330 Widow's insurance benefits; rate of benefit.**

(a) [Reserved]
(b)(1) *Basic benefit rate.* Except as provided in paragraphs (b)(2), (b)(3), and (c) of this section, • • •

• • • • •

(c) *Benefit rate after remarriage.* If after attaining age 60, a widow marries a man who is not entitled to widower's, parent's, or child's (after attainment of age 18) insurance benefits, the widow's insurance benefit is equal to one-half of the primary insurance amount of the deceased individual on whose earnings record her benefit is based.

EXPLANATION

We are deleting rarely used rules regarding the amount of a widow's benefit for months before January 1973.

30. Section 404.331 is amended as follows:

1. By deleting the material following the first cross-reference in paragraph (a)(1);
2. By deleting and reserving paragraph (a)(6);
3. By deleting the parenthetical "(age 62 for months prior to Janury 1973)" in paragraphs (a)(3)(i), (a)(4), and (c);
4. By deleting the introductory text and the parenthetical "(age 62 for months prior to January 1973)" in paragraph (a)(3)(ii); and
5. By deleting and reserving paragraph (b).
6. By deleting paragraphs (c)(2)(i), (c)(2)(ii) (*a*) (*1*) and (*2*), by deleting the words "payable for months after December 1972," and "provided the application is filed" in paragraph (c)(2)(ii) and by deleting the designation and heading of paragraph (c)(2)(ii).

**§ 404.331 Widower's insurance benefits; conditions of entitlement.**

(a) *Conditions of entitlement.* • • •
(1) His wife was, at her death, fully insured (see § 404.108–404.113); and
(2) • • •
(3) (i) He has attained age 60, or
(ii) He has attained age 50 but is under age 60 and (A) • • •
(4) He has not remarried since the death of his wife, except that if he remarries after attaining age 60 the marriage is deemed • • •
(5) • • •
(6) [Reserved]
(7) • • •
(b) [Reserved]
(c) *Widower's entitlement based on disability—(1) When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widower must be under age 60 and under a disability as defined in section 223(d) of the Act which began before the month he attained age 60 or if earlier before the close • • •
(2) *"Waiting period" defined—(a)* The "waiting period," for purposes of entitlement of a widower by virtue of a disability to benefits, is the earliest possible period of 5 full consecutive calendar months throughout which he was under a disability.

• • • • •

EXPLANATION

We are deleting various rarely used rules which applied to a man applying for a widower's benefit for a month prior to January 1973. We are also deleting rules with respect to the one-half support requirement for widower's benefits, which do not apply to currently filed claims.

31. Section 404.332 is amended as follows:

By deleting the material after "age 65," in paragraph (a)(5)(i), by deleting the designation of paragraph (a)(5)(i), by deleting paragraph (a)(5)(ii), by deleting a portion of the second parenthetical in paragraph (b), by deleting paragraph (b)(2)(i), and by deleting the parenthetical in paragraph (b)(2)(ii) and the designation of paragraph (b)(2)(ii).

**§ 404.332 Widower's insurance benefits; duration of entitlement.**

(a) *General.* • • •

• • • • •

(5) In the case of a man entitled to widower's insurance benefits prior to age 60, the third month after his disability had ceased provided that in such third month he has not attained age 65.

(b) *Effect of remarriage on entitlement to benefits.* (1) A widower's entitlement to widower's insurance benefits is not terminated by reason of his subsequent marriage to a woman entitled to wife's (after August 1965), widow's, mother's, or parent's insurance benefits, or who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) or had been under such a disability in the third month before the month in which such marriage occurred.
(2) A widower's entitlement to widower's insurance benefits is not terminated by reason of his remarriage after age 60 to a woman not entitled to any of the benefits described in paragraph (b)(1) of this section. However, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widower's benefit is determined in accordance with § 404.333(c).

EXPLANATION

We are deleting various rarely used rules which applied to a man applying for a widower's benefit for a month prior to January 1973.





32. Section 404.333 is amended as follows:

Paragraph (a) is deleted and reserved, the heading of paragraph (b) is deleted, the reference to paragraph (a) in paragraph (b)(1) is deleted, the references to "months after December 1972" in paragraphs (b)(1), (b)(2) and (c)(2) are deleted, paragraph (c)(1) is deleted, the last sentence in paragraph (c)(2) and parenthetical following it are deleted, and the designation of paragraph (c)(2) is deleted.

**§ 404.333 Widower's insurance benefits; rate of benefit.**

(a) [Reserved]
(b) (1) *Basic benefit rate.* Except as provided in paragraphs (b)(2) and (c) of this section the amount of the widower's insurance benefit is equal • • •
(2) *Benefit rate: entitlement prior to age 65.* If a man becomes entitled to widower's insurance benefits before attainment of age 65, • • •
(c) *Effect of remarriage.* If a widower, after age 60, marries a woman not entitled to wife's, widow's, mother's, or parent's insurance benefits or child's (after attainment of age 18) insurance benefits, the amount of the widower's insurance benefit for any month beginning with the month in which such marriage occurs and for each month thereafter through the month prior to the month the marriage is terminated, is equal to one-half of the primary insurance amount of the deceased wife upon whose earnings record the widower's insurance benefit is based.

EXPLANATION

We are deleting various rarely used rules which applied to a man applying for a widower's benefit for a month prior to January 1973.

**§ 404.334 [Deleted]**

32a. Section 404.334 is deleted.

EXPLANATION

We are deleting this section which contained rules not applicable to currently filed claims regarding when a widower had to meet a support requirement and submit evidence of support from his wife.

**§ 404.335 [Amended]**

33. Section 404.335 is amended by deleting paragraphs (a)(6)(iii), (c), (d), and (e).

EXPLANATION

The deleted material referred to rarely used rules regarding how a woman could establish her entitlement to a mother's benefit for a month prior to January 1973.

**§ 404.336 [Amended]**

34. Section 404.336 is amended by deleting paragraphs (d), (e) and (f).

EXPLANATION

We are deleting the rules for months prior to September 1965 regarding when a mother's benefit would end and when remarriage would terminate her benefit. We have also deleted the paragraph on applicability. These rules are rarely used as they do not apply to current claims.

35. Section 404.341 is amended by deleting paragraph (b)(3) as follows:

**§ 404.341 Parent's insurance benefits; time at which support requirement must be met; period within which evidence must be filed.**

• • • • •

(b) • • •
(1) • • •
(2) • • •
(3) [Deleted]

Evidence of support must be filed with the Social Security Administration within the appropriate 2-year period even though the parent may not be eligible for parent's insurance benefits until after the expiration of such period. See § 404.616 and § 404.617 for provisions regarding the deemed filing of evidence of support within the appropriate 2-year period, in cases where good cause exists for failure to file such evidence before the expiration of the time specified in subparagraph (1) or (2) of this paragraph. See also § 404.612 for provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 extending, under certain conditions, the period for filing evidence of support.

EXPLANATION

We are deleting rarely used rules regarding when parents must submit proof that they were being supported by the person on whose earnings record they are claiming benefits for months before August 1963.

**§ 404.351 [Deleted]**

36. Section 404.351 is deleted.

EXPLANATION

We are deleting this section which defines terms used prior to January 1973. The terms as defined are rarely used at the present time.

**§ 404.352 [Amended]**

37. Section 404.352 is amended by deleting paragraphs (a)(4) through (a)(8).

EXPLANATION

The deleted material sets out the minimum monthly survivor's benefit amounts for months prior to September 1972. These amounts are rarely used at the current time.

35a. In section 404.350, paragraph (a) is amended as follows:

1. Delete the words "husband's, widower's, or" from the first sentence;
2. Change the cross-reference in the first sentence from "sections 202(c)(1)(C), 202(f)(1)(D), and 202(h)(1)(B)(i) of the Act, respectively," to "section 202(h)(1)(B)(i) of the Act."
3. Delete the parenthetical after the first sentence;
4. Delete the second, third, and forth sentences; and
5. Delete the material following the words "adopting mother" in the last sentence.

**§ 404.350 "One-half Support" defined.**

(a) *Applicability.* One of the requirements for entitlement to a parent's insurance benefit under section 202(h)(1)(B)(i) of the Act, is that the person claiming such benefit was receiving at least one-half support from the insured individual at a specified time. One-half support may be required in some cases to establish dependency of a child on a stepfather, stepmother, adopting father, or an adopting mother.

• • • • •

EXPLANATION

We are deleting rules not applicable to currently filed claims regarding one-half support for husbands, widowers, and divorced wives.

38. Section 404.353 is amended as follows:

By deleting the designation, heading, and part of the introductory text of paragraph (b)(1), by deleting paragraphs (b)(2), (c)(1) and (c)(2), by deleting the cross reference in paragraph (c)(3), and by deleting the designation of paragraph (c)(3).

**§ 404.353 Simultaneous entitlement to more than one type of benefit.**

• • • • •

(b) *Disability insurance benefit and other benefit.* An individual may for a month • • •
(c) *Disability insurance benefit and old-age insurance benefit.* If an individual becomes entitled to both an old-age insurance benefit and a disability insurance benefit for a month, he shall be entitled only to the larger of such benefits, • • •

• • • • •

EXPLANATION

We are deleting various rarely used rules regarding simultaneous entitlement to more than one type social security benefit for a month prior to September 1965.

**§ 404.354 [Deleted]**

39. Section 404.354 is deleted.





EXPLANATION

45. Section 404.403 is amended as fol-

**§ 404.415 [Amended]**



**§§ 404.428, 404.434, 404.436, 404.437, 404.438**

(i) The individual attained the age of

EXPLANATION

EXPLANATION

This rarely used section, which describes the status of an individual who was entitled to a social security benefit before September 1950, is being deleted.

**§ 404.360 [Amended]**

40. Section 404.360 is amended by deleting paragraph (e).

EXPLANATION

The deleted material refers to a rarely used rule regarding who should be paid the lump sum death payment where the deceased individual died before September 13, 1960.

**§ 404.363 [Amended]**

41. Section 404.363 is amended by deleting paragraph (e).

EXPLANATION

The deleted material refers to a rarely used rule regarding the amount of the lump sum where the deceased individual died before September 13, 1960.

**§§ 404.366—404.373 [Deleted]**

42. Sections 404.366, 404.367, 404.368, 404.369, 404.370, 404.371, 404.372, and 404.373 are deleted.

EXPLANATION

These sections are being deleted as they merely contain cross-references to material which was formerly in those sections but is now in 42 CFR, Chapter IV, Subchapter B, Part 405.

43. Section 404.374 is amended as follows:

By deleting the cross-references to paragraph (c) in paragraphs (a)(2) and (b), by shortening the heading of paragraph (b), and by deleting paragraph (c).

**§ 404.374 Special payments at age 72 to certain uninsured individuals.**

(a) • • •
(1) • • •
(2) Has filed application for special payments under section 228, as provided in paragraph (b) of this section; and
(3) • • •
(b) *Applications.* An application which is filed • • •

EXPLANATION

The deleted material pertained to a rarely used rule regarding applications for hospital insurance benefits filed before July 1966.

**§ 404.380 [Amended]**

44. Section 404.380 is amended by deleting the cross-reference "(see § 404.367)" in the second sentence.

• • • • •

45. Section 404.403 is amended as follows: The introductory material is revised by deleting the reference to "following paragraphs," the designation of paragraph (a) and its heading are deleted, and paragraphs (b), (c), and (d) are deleted.

**§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.**

Where more than one individual is entitled to benefits for the same month on the same earnings record, a reduction in the total benefits payable for that month is required (except in cases involving a "savings clause"—see § 404.405) if the family maximum benefit is exceeded. Where more than one person is entitled to monthly benefits for the same month on the same earnings record and the total of such monthly benefits exceeds the amount appearing in column V of the applicable table in section 215(a) of the Act on the line on which appears in column IV the primary insurance amount of the insured individual whose earnings record is the basis for the benefits payable, the total benefits for each month after 1964 are reduced to the amount appearing in column V; provided that when any of the persons entitled to benefits on such insured individual's earnings would, except for the limitation described in § 404.353(d), be entitled to child's insurance benefits on the basis of the earnings record of one or more other insured individuals, the total benefits payable may not be reduced to less than the smaller of: (1) the sum of the maximum amounts of benefits payable on the basis of the earnings records of all such insured individuals, or (2) the last figure in column V of the applicable table in section 215(a) of the Act. The "applicable" table in section 215(a) of the Act means that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died.

EXPLANATION

The deleted material referred to rarely used rules regarding the maximum benefit amount which could be paid a family for months prior to 1965.

**§ 404.405 [Amended]**

46. Section 404.405 is amended by deleting and reserving paragraphs (a) through (m), and by changing the cross-references in paragraphs (o) and (p) from "§ 404.403(a)" to "§ 404.403."

EXPLANATION

The deleted material referred to rarely used rules regarding when the maximum benefit amount payable to a family could be exceeded for months prior to September 1972.

**§ 404.415 [Amended]**

47. In § 404.415, paragraph (a) is amended by changing the cross-reference from "in § 404.434 or 404.444" to "in § 404.434."

EXPLANATION

48. Section 404.416 is amended as follows: The designation and heading of paragraph (a) are deleted, paragraph (b) is deleted, the reference to "§§ 404.430, 404.431, 404.432, and 404.433" in paragraphs (a)(1) and (a)(2) is changed to "§ 404.430", and paragraphs (a)(1) and (a)(2) are redesignated as paragraphs (a) and (b) respectively.

**§ 404.416 Amount of deduction because of excess earnings.**

(a) *Deductions because of excess earnings of insured individual.* For taxable years beginning after 1960, or ending after June 1961, if excess earnings (as described in §§ 404.430) of an insured individual are chargeable under the annual earnings test to a month, a deduction is made from the total of the benefits payable to him and to all other persons entitled (or deemed entitled—see § 404.420) on his earnings record for that month. This deduction is an amount equal to that amount of the excess earnings so charged. (See § 404.434 concerning the manner of charging such excess earnings.)

(b) *Deductions because of excess earnings of other beneficiary.* For taxable years beginning after 1960, or ending after June 1961, if benefits are payable to a person entitled (or deemed entitled—see § 404.420) on the earnings record of the insured individual, and such person has excess earnings (as described in § 404.430) charged to a month, a deduction is made from his benefits only for that month. This deduction is an amount equal to the amount of the excess earnings so charged. (See § 404.434 for charging of excess earnings where both the insured individual and such person have excess earnings.)

EXPLANATION

The deleted material referred to a rarely used rule regarding deductions from monthly benefits because of excess earnings in taxable years ending before July 1961.

**§§ 404.431, 404.432 and 404.433 [Deleted]**

49. Sections 404.431, 404.432, and 404.433 are deleted.

EXPLANATION

The deleted material referred to rarely used definitions regarding excess earnings in taxable years ending before January 1973.





**§§ 404.428, 404.434, 404.436, 404.437, 404.438 and 404.439 [Amended]**

50. In §§ 404.428(a), 404.434(a) and (b)(3), 404.436, 404.437, 404.439, and 404.441 change the cross-reference "in § 404.430, § 404.431, § 404.432, or § 404.433" to "in § 404.430".

EXPLANATION

**§ 404.431—404.433 [Deleted]**

Sections 404.431, 404.432, and 404.433 are deleted.

**§ 404.430 [Amended]**

51. In § 404.430(b), delete "and §§ 404.431–404.433" from the cross-reference.

EXPLANATION

The sections to which cross-reference is made are deleted.

**§ 404.435 [Amended]**

52. In § 404.435, paragraph (b) is deleted and reserved, and the cross-reference "and

**§ 404.444(c)(5)," in paragraphs (d) and (e) is deleted.**

EXPLANATION

The deleted material referred to a rarely used rule regarding excess earnings for taxable years ending after 1960 and before 1966.

**§ 404.444 [Deleted]**

53. Section 404.444 is deleted.

EXPLANATION

This section contained rarely used rules regarding charging excess earnings for taxable years ending before July 1961.

54. Section 404.452 is amended as follows: Paragraphs (a)(2), (a)(3), and (a)(4) are deleted, the heading and designation of paragraph (a)(1) is deleted, the cross-reference "and § 404.444" in paragraph (d) is deleted.

**§ 404.452 Reports to Social Security Administration of earnings; wages; net earnings from self-employment.**

(a) *Conditions under which a report of earnings, wages, and net earnings from self-employment is required.* An individual who, during a taxable year, is entitled to a monthly benefit (except if in each month of his taxable year he was entitled only to a disability insurance benefit) is required to report to the Social Security Administration the total amount of his earnings (as defined in § 404.429) for each such taxable year. A report is required when the individual's total earnings or wages (as defined in § 404.429) for any taxable year ending after 1972 exceed the product of $175 multiplied by the number of months in his taxable year, except that the report is not required for a taxable year if:

(i) The individual attained the age of 72 in or before the first month of his entitlement to benefits in his taxable year, or

(ii) The individual's benefit payments were suspended under the provisions described in § 404.456 for all months in a taxable year in which he was entitled to benefits and was under age 72.

(b) • • •
(c) • • •
(d) *Report to be made on forms prescribed by the Social Security Administration.* A report required under the provisions of this section shall be filed with the Social Security Administration. (See § 404.608 for procedures concerning place of filing and date of receipt of such a report.) The report shall be made on a form prescribed by the Social Security Administration and in accordance with the instructions printed on or attached to the form. The prescribed forms may be obtained from any office of the Social Security Administration. If the prescribed form is not used, the report should show the name and social security claim number of the beneficiary about whom the report is made; identify the taxable year for which the report is made; show the total amount of wages for which the beneficiary rendered services during his taxable year, the amount of his net earnings from self-employment for such year, and the amount of his net loss from self-employment for such year; and show the name and address of the individual making the report. To overcome the presumptions that the beneficiary rendered services for wages exceeding the allowable amount and rendered substantial services in self-employment in each month (see § 404.435), the report should also show the specific months in which the beneficiary did not render services in employment for wages of more than the allowable amount (as described in § 404.435) and did not render substantial services in self-employment (as described in § 404.446 and § 404.447).

• • • • •

EXPLANATION

The deleted material referred to rarely used rules regarding filing a report of earnings or wages for taxable years prior to 1972.

**§ 404.454 [Amended]**

55. Section 404.454(a)(5) is amended by deleting the cross-reference.

EXPLANATION

The section to which cross-reference is made is deleted.

**§ 404.211 [Amended]**

56. Section 404.211(b)(2)(ii)(a) is amended by deleting "(a)" in the second-line cross-reference.

EXPLANATION

The subsection to which cross-reference is made has been deleted.

**§ 404.616 [Amended]**

57. Section 404.616 is amended by changing the first cross-reference from "§ 404.316(a)(4), § 404.331(a)(6), or § 404.338(a)(6)" to "§ 404.338(f)."

EXPLANATION

The sections to which cross-references are made are either deleted, redesignated, or were incorrectly included in this cross-reference.

**§ 404.617 [Amended]**

58. Section 404.617(a) is amended by changing the first cross-reference from "§ 404.316(a)(4), § 404.331(a)(6), or § 404.341(b)," to "§ 404.341(b)."

EXPLANATION

The sections to which cross-references are made are deleted, redesignated, or were incorrectly included in this cross-reference.

**§§ 404.717, 404.718, 404.719 and 404.728 [Deleted]**

59. Sections 404.717, 404.718, 404.719 and 404.728 are deleted.

EXPLANATION

Sections 404.717 and 404.718 contained rules not applicable to currently filed claims requiring a husband and widower, respectively, claiming benefits on his wife's earnings to submit proof that she had been supporting him. Section 404.719 contained obsolete rules requiring a divorced wife claiming benefits on her former husband's earnings to submit proof that he had been supporting her. Section 404.728 contained rarely used rules regarding the evidence of payment of burial expenses which was required before September 13, 1960.

[FR Doc. 78-5267 Filed 2-27-78; 8:45 am]

[4110-03]

**Title 21—Food and Drugs**

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS**

[Docket No. 77N-0423]

**PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE**

**Subpart H—Intramammary Dosage Forms**

PROCAINE PENICILLIN G IN OIL

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect





approval of a supplemental new Stat. 347 (21 U.S.C. 360b(i))) and animals during treatment and for 60



(b) *Approval.* Premix level containing 4 percent neguinate granted to No.

Because these revisions are procedural in nature, it has been deter-

That if this lease has been recorded,

approval of a supplemental new animal drug application (NADA) for use of a 10-milliliter dose intramammary penicillin infusion for treatment of mastitis in lactating cattle. The application was filed by G. C. Hanford Manufacturing Co.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Myron C. Rosenberg, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: G. C. Hanford Manufacturing Co., P.O. Box 1055, Syracuse, N.Y. 13201, filed a supplemental NADA (65-465V) providing for revised labeling for a 10-milliliter individual dose of procaine penicillin G in peanut oil. The revision specifies a 2-dose (12-hour interval) regimen instead of a 3-dose (12-hour interval) regimen and thereby shortens the milk discard time. In addition, this rule editorially revises the regulation § 540.874a *Procaine penicillin G in oil* (21 CFR 540.874a).

The G. C. Hanford Manufacturing Co. currently has approval (NADA 65-465V) for 3 mastitis products having a dosage concentration of 100,000 units of procaine penicillin G each: one in 6 milliliters of peanut oil vehicle, another in 10 milliliters of peanut oil vehicle, and a third in 10 milliliters of sesame oil vehicle. Data submitted in this supplemental NADA support the efficacy of the 10-milliliter peanut oil product when the dose regimen is reduced from three to two treatments. This reduction shortens the milk discard time from 84 to 60 hours. The editorial revisions specify the vegetable oils (peanut or sesame) to eliminate possible confusion concerning Hanford Manufacturing Co.'s differing withdrawal limitations for these oils.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Approval of this supplement does not require a total reevaluation of the NADA.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended by revising § 540.874a to read as follows:

**§ 540.874a Procaine penicillin G in oil.**

(a) *Requirements for certification.* The requirements for certification for procaine penicillin G in oil are described under § 540.274c.

(b) *Tests and methods of assay.* The tests and methods of assay for procaine penicillin G in oil are described under § 540.274c.

(c) *Conditions of marketing*—(1) *Specifications.* Each dose of the drug contains 100,000 units of procaine penicillin G in a refined vegetable oil.

(2) (i) *Sponsor.* See No. 010515 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used for treatment of bovine mastitis caused by *Streptococcus agalactiae, S. dysgalactiae,* and *S. uberus* in lactating cows as follows:

(*a*) *Three dose regimen.* The drug is administered by intramammary infusion in each infected quarter. Treatment may be repeated at intervals of 12 hours. When administering the 6-milliliter dose (peanut oil), milk taken from animals during treatment and for 84 hours (7 milkings) after the latest treatment must not be used for food. In addition, animals must not be slaughtered for food during treatment or within 4 days after the latest treatment. When administering the 10-milliliter dose (sesame oil), milk taken from animals during treatment and for 60 hours (5 milkings) after the latest treatment must not be used for food. In addition, animals must not be slaughtered for food during treatment or within 3 days after the latest treatment.

(*b*) *Two dose regimen.* This 10-milliliter dose (peanut oil) is administered by intramammary infusion in each infected quarter. Treatment may be repeated at intervals of 12 hours. Milk taken from animals during treatment and for 60 hours (5 milkings) after the latest treatment must not be used for food. Animals must not be slaughtered for food during treatment or within 4 days after latest treatment.

(3) (i) *Sponsor.* See No. 011714 in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used for treatment of bovine mastitis caused by *Streptococcus agalactiae, S. dysgalactiae,* and *S. uberus* in lactating cows as follows:

(*a*) This 10-milliliter dose (peanut oil) is administered by intramammary infusion in each infected quarter. Treatment may be repeated at 12-hour intervals for not more than three doses, as indicated by clinical response.

(*b*) Milk that has been taken from animals during treatment and for 60 hours after the latest treatment must not be used for food.

(c) Animals must not be slaughtered for food during treatment or within 3 days after the latest treatment.

Effective Date: This regulation is effective February 28, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 18, 1978.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 78-5182 Filed 2-27-78; 8:45 am]

[4110-03]

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

**Nequinate**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended by deleting Ayerst Laboratories as an approved sponsor for use of nequinate alone or in combination in premixes for chicken feed. This action follows the firm's requested withdrawal of approval of three of its new animal drug applications (NADA's).

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017, requested by letter dated November 9, 1977, that approval of NADA's 41-646V, 42-919V, and 48-205V be withdrawn because the drugs are no longer being marketed. The notice of withdrawal of approval is published elsewhere in this issue of the FEDERAL REGISTER. Accordingly, the Commissioner of Food and Drugs is amending § 558.365 (21 CFR 558.365) to reflect the withdrawn approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 558 is amended by revising § 558.365(b) to read as follows:

**§ 558.365 Nequinate.**

* * * * *





(b) *Approval.* Premix level containing 4 percent nequinate granted to No. 017800 in § 510.600(c) of this chapter.

* * * * *

Effective date: This regulation shall be effective February 28, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 18, 1978.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 78-5154 Filed 2-27-78; 8:45 am]

[4310-02]

**Title 25—Indians**

**CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**

**PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING**

**Revision of Regulations**

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: This amendment revises the agency's regulations governing the leasing of Osage Reservation lands for oil and gas mining in order to reflect the desire of the Osage Tribe of Oklahoma to take a greater role in the management of its mineral estate.

EFFECTIVE DATE: February 28, 1978.

ADDRESS: Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, 202-343-5831.

FOR FURTHER INFORMATION CONTACT:

David C. Harrison, Rights Protection Office, Bureau of Indian Affairs, Washington, D.C. 20245, 202-343-8018.

SUPPLEMENTARY INFORMATION: On April 5, 1977, the Bureau of Indian Affairs published a document in the FEDERAL REGISTER (42 FR 18083) proposing to revise regulations governing the leasing of Osage Reservation lands for oil and gas mining. The purpose of these revisions is to reflect the desire of the Osage Tribe of Oklahoma to take a greater role in the management of its mineral estate. These revisions were drafted by David C. Harrison, Rights Protection Office, Bureau of Indian Affairs, Washington, D.C. 20245, 202-343-8018.

The only comments received were from the staff on the Osage Agency in Pawhuska, Okla. As a result of the comments received, and in addition to the correction of typographical errors, Section 183.3 is amended to raise the filing fee from one dollar to $10.

Because these revisions are procedural in nature, it has been determined that, as a matter of law, no environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 is required.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular No. A-107.

Dated: February 17, 1978.

FORREST J. GERARD,
*Assistant Secretary—Indian Affairs.*

25 CFR Part 183 is amended as follows:

a. By adding paragraph (k) and (l) to § 183.1 as follows:

§ 183.1 Definitions.

As used in this Part 183, terms shall have the meaning set forth in this section.

* * * * *

(k) "Oil well" means any well which produces one (1) barrel or more of crude petroleum oil for each 15,000 standard cubic feet of natural gas.

(l) "Gas well" means any well which:

(i) produces natural gas not associated with crude petroleum oil at the time of production or

(ii) produces more than 15,000 standard cubic feet of natural gas to each barrel of crude petroleum oil from the same producing formation.

b. By adding paragraph (f) to § 183.2 as follows:

* * * * *

(f) The Osage Tribal Council may utilize the following procedures among others, in entering into a mining lease. A contract may be entered into through competitive bidding as outlined in Sec. 183.2(b), negotiation, or a combination of both. The Osage Tribal Council may also request the Superintendent to undertake the preparation, advertisement and negotiation. The Superintendent may approve any such contract made by the Osage Tribal Council.

c. By amending § 183.3 to read as follows:

§ 183.3 Surrender of Lease.

Lessee may, with the approval of the Superintendent and payment of a $10 filing fee, surrender all or any portion of any lease, have the lease cancelled as to the portion surrendered and be relieved from all subsequent obligations and liabilities. If the lease, or portion being surrendered, is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation: *Provided,* That if this lease has been recorded, Lessee shall execute a release and record the same in the proper office. Such surrender shall not entitle Lessee to a refund of the unused portion of rental paid in lieu of development, nor shall it relieve Lessee and his sureties of any obligation and liability incurred prior to such surrender: *Provided further,* That when there is a partial surrender of any lease and the acreage to be retained is less than 160 acres or there is a surrender of a separate horizon, such surrender shall become effective only with the consent of the Osage Tribal Council and approval of the Superintendent.

d. By revising paragraphs (a), (b), and (c) of § 183.6 to read as follows:

§ 183.6 Bonds.

Lessee shall furnish with each lease a corporate surety bond acceptable to the Superintendent as follows:

(a) A bond on Form D shall be filed with each lease submitted for approval. Such bond shall be in the penal sum of not less than $2,500 for each quarter section or fractional quarter section covered by said lease: *Provided, however.* That one bond in the penal sum of not less than $50,000 may be filed on Form G covering all leases on the Osage Mineral Estate not in excess of 10,240 acres to which Lessee is or may become a party.

(b) In lieu of the bonds required under paragraph (a) of this section, a bond in the penal sum of $150,000 may be filed on Form 5-5438 for full nationwide coverage of all leases, without geographic or acreage limitation, to which the Lessee is or may become a party.

(c) A bond on Form H shall be filed in the penal sum of not less than $2,500 covering a lease acquired through assignment where the assignee does not have a collective bond, or the corporate surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

* * * * *

e. By revising paragraphs (a), and (b) of § 183.9 to read as follows:

§ 183.9 Rental and drilling obligations.

(a) Oil leases, gas leases, and combination oil and gas leases. Unless lessee shall complete and place on production a well produciing and selling oil and/or gas in paying quantities on the land embraced within the lease within 12 months from the date of approval of the lease, or as otherwise provided in the lease terms, or 12 months from the date the Superintendent consents to drilling on any restricted homestead selection, the lease shall terminate

unless rental at the rate of not less than $1 per acre for an oil or gas lease, or not less than $2 per acre for a combination oil and gas lease, shall be paid before the end of the first year of the lease. The lease may also be held for the remainder of its primary term without drilling upon payment of the specified rental annually in advance, commencing with the second lease year. The lease shall terminate as of the due date of the rental unless such rental shall be received by the Superintendent, or shall have been mailed as indicated by postmark on or before said date. The completion of a well producing in paying quantities shall, for so long as such production continues, relieve Lessee from any further payment of rental, except that should such production cease during the primary term the lease may be continued only during the remaining primary term of the lease by payment of advance rental which shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year and no refund will be made of advance rental paid in compliance with the regulations in this part: *Provided*, That the Superintendent in his discretion may order further development of any leased acreage or separate horizon if, in his opinion, a prudent operator would conduct further development. If Lessee refuses to comply, the refusal will be considered a violation of the lease terms and said lease shall be subject to cancellation as to the acreage or horizon the further development of which was ordered: *Provided further*, That the Superintendent may impose restrictions as to time of drilling and rate of production from any well or wells when in his judgment, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe. The Superintendent may consider, among other things, Federal and Oklahoma laws regulating either drilling or production. If a Lessee holds both an oil lease and a gas lease covering the same acreage, such Lessee is subject to the provisions of this section as to both the oil lease and the gas lease.

(b) The Superintendent may, with the consent of an under terms approved by the Osage Tribal Council, grant an extension of the primary term of a lease on which the actual drilling of a well shall have commenced within the term thereof or for the purpose of enabling Lessee to obtain a market for his oil and/or gas production.

f. By revising § 183.10 to read as follows:

**§ 183.10 Term of lease.**

Leases issued hereunder shall be for a primary term as established by the Osage Tribal Council, approved by the Superintendent, and so stated in the notice of sale of such leases, and so long thereafter as the minerals specified are produced in paying quantities.

g. By revising paragraphs (a) and (b) of § 183.11 to read as follows:

**§ 183.11 Royalty payments.**

(a) *Royalty on oil*—(1) *Royalty rate.* Lessee shall pay or cause to be paid to the Superintendent, as royalty, the sum of not less than 16⅔ percent of the gross proceeds from sales after deducting the oil used by Lessee for development and operation and operation purposes on the lease: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section or fraction thereof, according to the public survey, during any calendar month is sufficient to average one hundred or more barrels per active producing well per day the royalty on such oil shall be not less than 20 percent. The Osage Tribal Council may, upon presentation of justifiable economic evidence by Lessee, agree to a revised royalty rate subject to approval by the Superintendent, applicable to additional oil produced from a lease or leases by enhanced recovery methods, which rate shall not be less than 12½ percent of the gross proceeds from sale of oil produced by enhanced recovery processes, other than gas injection, after deducting the oil used by Lessee for development and operating purposes on the lease or leases.

(2) Unless the Osage Tribal Council, with approval of the Secretary, shall elect to take the royalty in kind, payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, or the highest posted or offered price by a major purchaser in the Kansas-Oklahoma area whichever is higher on the day of the sale or removal. Where different prices are paid simultaneously for oil from a lease and the highest such price exceeds the higher of the aforementioned prices, then that price shall be the basis of royalty on all oil from said lease.

(3) Royalty in kind. Should Lessor, with approval of the Secretary, elect to take the royalty in kind, Lessee shall furnish free storage for royalty oil for a period not to exceed 60 days from date of production after notice of such election.

(b) *Royalty on gas*—(1) *Oil Lease.* All casinghead gas shall belong to the oil Lessee subject to any rights under existing gas leases. All casinghead gas removed from the lease from which it is produced shall be metered unless otherwise approved by the Superintendent and subject to a royalty of not less than 16⅔ percent of the market value of the gas and all products extracted therefrom, less a reasonable allowance for manufacture or processing. If oil Lessee supplies casinghead gas produced from one lease for operation and/or development of other leases, either his or others, a royalty of not less than 16⅔ percent shall be paid on the market value of all casinghead gas so used. All casinghead gas not utilized by the oil Lessee may, with the approval of the Superintendent, be utilized by the gas Lessee, subject to the prescribed royalty of not less than 16⅔ percent of the market value.

(2) T3Gas lease. Lessee shall pay a royalty of not less than 16⅔ percent of the market value of all natural gas and products extracted therefrom produced and sold from his lease. Natural gas used in the reasonable and prudent operation and development of said lease shall be exempted from royalty payment.

(3) Combination oil and gas lease. Lessee shall pay royalty as provided in (1) and (2) above.

* * * * *

h. By deleting the proviso at the end of paragraph (e) of § 183.18 so that it reads as follows:

**§ 183.18 Information to be given surface owners prior to commencement of drilling operations.**

* * * * *

(e) Where the surface owner or his representative is not a resident of or is not physically present in Osage County, then the Superintendent shall be so advised whereupon the Superintendent may authorize Lessee to proceed with operations.

* * * * *

i. By revising paragraphs (a) and (b) of § 183.19 to read as follows:

**§ 183.19 Use of surface land.**

(a) Lessee or his authorized representative shall have the right to use so much of the surface of the land within the Osage Mineral Estate as may be reasonable for operations and marketing. This includes but is not limited to the right to lay and maintain pipelines, electric lines, pull rods, other appliances necessary for operations and marketing, and the right-of-way for ingress and egress to any point of operations. If Lessee and surface owner are unable to agree as to the routing of pipelines, electric lines, etc., said route shall be set by the Superintendent. The right to use water for lease operations is set out in § 183.24. Lessee shall conduct his operations in a workmanlike manner, commit no waste and allow none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control.

(b) Before commencing a drilling operation, Lessee shall pay or tender to the surface owner commencement money in the amount of $25 per seismic shot hole and commencement money in the amount of $300 for each well, after which Lessee shall be entitled to immediate possession of the drilling site. Commencement money will not be required for the drilling of a well which was drilled under the original lease contract. A drilling site shall be held to the minimum area essential for operations and shall not exceed one and one-half acres in area unless authorized by the Superintendent. Commencement money shall be a credit toward the settlement of the total damages. Acceptance of commencement money by the surface owner does not in any way affect his right to compensation for damages as described in § 163.20, occasioned by the drilling and completion of the well for which it was paid. Since actual damage to the surface from operations cannot be ascertained prior to the completion of a well as a servicable well or dry hole, a damage settlement covering the drilling operation need not be made until after completion of drilling operations.

* * * * *

j. By revising paragraphs (c) and (d) of § 183.20 to read as follows:

**§ 183.20 Settlement of damages claimed.**

* * * * *

(c) In settlement of damages on restricted land all sums due and payable shall be paid to the Superintendent for credit to the account of the Indian entitled thereto. The Superintendent will make the apportionment between the Indian landowner or owners and surface Lessee of record.

(d) Any person claiming an interest in any leased tract or in damages thereto, must furnish to the Superintendent a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

k. By revising § 183.44 to read as follows:

**§ 183.44 Hearings and appeals.**

Any person, firm, or corporation aggrieved by any decision or order issued by or under the authority of the Superintendent, pursuant to the regulations in this part, may file with the Superintendent within 30 days an application for modification or revocation of such decision or order. The Superintendent shall give notice of the time and place and conduct a hearing upon the application within 10 days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as provided in 25 CFR Part 2.

[FR Doc. 78-5175 Filed 2-27-78; 8:45 am]





[4410-01]

**Title 28—Judicial Administration**

**CHAPTER I—DEPARTMENT OF JUSTICE**

[Order No. 770-78]

**PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

**Subpart P—Federal Bureau of Investigation**

TECHNICAL AMENDMENT

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order makes a technical amendment to the regulations assigning functions to the Federal Bureau of Investigation. Section 0.85(b) of Title 28, Code of Federal Regulations, assigns to the Director of the Federal Bureau of Investigation the functions of collecting and exchanging identification records with law enforcement and other governmental agencies, as authorized by 28 U.S.C 534 and Pub. L. 92-544, 86 Stat. 1115. The authority to exchange records with officials of the Federal Government, the States, cities, and penal and "other institutions" in 28 U.S.C. 534 has been interpreted to be limited to governmental institutions to the exclusion of private corporations. This order therefore deletes "railroad police" from the list of officials with whom records exchange may be made since they are not subject to governmental control.

EFFECTIVE DATE: February 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Bob Ricks, Legal Counsel Division, Federal Bureau of Investigation, Department of Justice, Washington, D.C. 20535, 202-324-4528.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 534, and 5 U.S.C. 301, § 0.85(b) of Subpart P of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by deleting the words "railroad police,".

Dated: February 20, 1978.

GRIFFIN B. BELL,
*Attorney General.*

[FR Doc. 78-5221 Filed 2-27-78; 8:45 am]

[3810-70]

**Title 32—National Defense**

**CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE**

**SUBCHAPTER M—MISCELLANEOUS**

[DOD Directive 5120.43]

**PART 248—DEPARTMENT OF DEFENSE PERIODICALS**

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This part establishes Department of Defense policies, criteria, and controls that govern the publication of DOD periodicals.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Major James L. Turner, Jr., Chief, Periodicals Policy, Office of the Assistant Secretary of Defense (Public Affairs), telephone 202-694-5250.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

FEBRUARY 15, 1978.

Accordingly Part 248 reads as follows:

Sec.
248.1 Purpose.
248.2 Applicability and scope.
248.3 Definitions.
248.4 Policy.
248.5 Authorities and responsibilities.
248.6 Funding.

AUTHORITY: 5 U.S.C. 301.

**§ 248.1 Purpose.**

This part establishes Department of Defense policies, criteria, and controls that govern the publication of DOD periodicals.

**§ 248.2 Applicability and scope.**

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies, hereafter referred to as "DOD Components."

(b) This Directive does not encompass Armed Forces newspapers and civilian enterprise publications as defined in 32 CFR Part 202; manuals, pamphlets, directives, instructions, regulations, opinions, decisions, official notices, circulars, reports, internal information bulletins issued by a DOD Component headquarters; and primarily (75 percent or more) statistical materials.





§ 248.3 Definitions.



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in the Office of the Rules Docket

it has never been formally stated.

§ 248.3 Definitions.

(a) Periodicals within the purview of this Part are: Any classified or unclassified DOD magazine or newsletter-type publication published at regular intervals, at least semiannually, for the purpose of disseminating information and material necessary to the issuing activity, with a continuing policy as to format, content, and purpose. Periodicals are nondirective in nature and are usually published to inform and motivate DOD personnel, increase their knowledge, or improve their performance.

(b) Classes of periodicals are:

(1) Class I: Total annual cost is $20,000, or more.

(2) Class II: Total annual cost is less than $20,000, but more than $5,000.

(3) Class III: Total annual cost is $5,000, or less.

(c) The term "DOD personnel" refers to military and civilian members of the DOD Components.

§ 248.4 Policy.

(a) *General.* (1) Each DOD Component proposing to publish a DOD periodical shall conduct an evaluation to determine whether or not the periodical should be established. The determination should be based on the following:

(i) The periodical must serve a clearly defined purpose in support of the mission of the publishing DOD Component.

(ii) The purpose to be served must justify the cost.

(iii) High standards of editorial quality, accuracy, and good taste must be maintained.

(iv) A periodical is the necessary medium of communication between the publishing activity and its intended readership.

(v) Equivalent periodicals serving the same, or substantially the same, purpose do not exist.

(vi) The potential readership can be specified clearly.

(vii) The periodical can be distributed efficiently and economically to the intended readership.

(viii) The nature, amount, and assured sources of information to be disseminated justify the format, production, specifications, and frequency of issue.

(ix) Adequate resources are available to produce the periodical.

(x) Current or estimated costs are consistent with the periodical's objectives.

(xi) The periodical has current applicability and is consonant with existing law and DOD policies.

(2) All personnel responsible for publishing DOD periodicals shall comply with the provisions of the current edition of the Government Printing and Binding Regulations[1] and OMB Circular No. A-3.[2]

(3) DOD periodicals shall not carry partisan political campaign articles, editorials, or advertisements.

(4) No appropriated or nonappropriated funds may be used to defray publishing costs of a non-DOD periodical published by a private firm, corporation, individual, or organization.

(5) DOD personnel may not be assigned to serve on the editorial, production, or business staffs of a non-DOD periodical that is published by a private firm, corporation, individual, or organization.

(6) Editors of DOD periodicals will conform to applicable regulations, laws involving libel and copyright, and postal regulations.

(7) Dissemination of DOD statistical information in any periodical shall comply with the provisions of DOD Directive 5000.20.[3]

(b) *Elimination of duplication.* (1) To eliminate duplication, periodicals dealing with common subject areas shall be published along DOD-wide functional lines, rather than individual Component lines.

(2) No DOD Component shall be required to contribute to a consolidated common-use periodical more of its resources than it expends in publishing a related single-Component periodical.

§ 248.5 Authorities and responsibilities.

(a) *The Assistant Secretary of Defense (Public Affairs)* shall:

(1) Establish, and ensure compliance with, supplemental policies, standards, and controls governing the publication of DOD periodicals.

(2) Evaluate the effectiveness of DOD Component policies, standards, and controls that relate to DOD periodicals, and effect such changes as may be warranted.

(3) Institute programs, in conjunction with the DOD Components, for the purpose of increasing the proficiency of editorial personnel in editorial writing, periodical production, management, and cost effectiveness.

(4) Establish a research resource to:

(i) Provide professional guidance to DOD Components in the conduct of mass communications research.

(ii) Evaluate completed research.

(iii) Coordinate periodical research within the DOD Components.

(5) In coordination with the DOD Components concerned, examine the apparent duplication of periodicals and direct the elimination of those found to be duplicative or of marginal value. (See § 248.4(b).)

(b) *The Head of each DOD Component* shall designate an office to monitor the Component's internal periodicals, and:

(1) Conduct a coordinated review of its standards for publication, distribution, evaluation, review and approval;

(2) Maintain a current inventory of its periodicals; and

(3) Submit such reports as may be required by the ASD(PA).

§ 248.6 Funding.

DOD periodicals will be financed within available appropriated or nonappropriated funds and will be produced as economically as possible, consistent with the need for efficient communication (see DOD Instruction 7041.3.[4] Funding will be in accordance with established management practices of the DOD Component concerned.

[FR Doc. 78-5226 Filed 2-27-78; 8:45 am]

[1] Copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[2] Copies available from the Office of Management and Budget (Publications) New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

[3] Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.

[4210-01]

Title 41—Public Contracts and Property Management

CHAPTER 24—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-460]

PART 24-1—SMALL BUSINESS CLASS SET-ASIDES FOR CONSTRUCTION, INCLUDING REPAIR AND RECONDITIONING

Range of Construction Contracts; Increase

AGENCY: Office of Administration, HUD.

ACTION: Final regulation.

SUMMARY: This regulation increases the range of construction contracts routinely set-aside for small businesses from a range of $10,000 to $500,000 to a range of $2,000 to $1,000,000. This action is necessary to aid small businesses competing for HUD construction contracts, including repair and reconditioning contracts.

EFFECTIVE DATE: March 30, 1978.

FOR FURTHER INFORMATION CONTACT:

William F. Grigg, Contract Specialist, Office of Procurement and Contracts, 202-724-0038.

SUPPLEMENTAL INFORMATION: A Notice of Proposed Rulemaking published in the FEDERAL REGISTER on August 22, 1977 (42 FR 42234) incorporated a proposed amendment to the existing regulation. The objective of the proposed regulation was to increase the participation of small business in the Department's construction contracting program by providing that construction contracts within a dollar range of $2,000 to $1,000,000 would be routinely set aside for small business. This new range broadened the existing dollar range of $10,000 to $500,000.

SUMMARY OF COMMENTS AND RESPONSES:

Comment: One comment supported the proposed revision contingent upon modifications which would: (1) Provide earmarking a minimum of ten per centum of all set-aside projects for socially and economically disadvantaged business owners; (2) include guidelines to assist socially and economically disadvantaged business owners in overcoming obstacles associated with posting performance bonds; and (3) provide assistance in the form of letters of credit to socially and economically disadvanaged recipients.

Response: The Department is without legislative authority to implement the foregoing contingent provisions in contracts for construction.

Comment: A comment was received which requested HUD's comments on the administration of the Davis-Bacon Act as it relates to programs to encourage small business participation.

Response: The merits of the statutory requirement for inclusion of the Davis-Bacon Act in construction contracts do not fall within the purview of this amendment.

Comment: One comment was received objecting to the proposed amendment on the basis that small business could compete with large business in the construction industry and that set-asides limit competitive bidding and increase the cost of projects to the detriment of the public interest.

Response: The view expressed in the foregoing comment is diametrically opposed to congressional views expressed by the Small Business Act (Public Law 85-536). The Department believes that it is necessary to assist in the establishment, preservation and strengthening of small business concerns in order to maintain and strengthen the overall economy of the nation. We do not feel that the small business set-aside program in construction has worked to the detriment of the public interest.

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. Copies of these findings are available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Department of Housing and Urban Development.

Accordingly, Chapter 24 of Title 41 CFR is revised to read as follows:

**§ 24-1.709.50 Small business class set-aside for construction, including repair and reconditioning.**

A class set-aside is hereby made for each proposed procurement for contruction, including repair and reconditioning, in an amount ranging from estimates of $2,000 to $1,000,000. Accordingly, Contracting Officers shall set aside for small business each proposed procurement in this range. If a Contracting Officer determines that any particular procurement falling within the class set-aside requirements of this section is unsuitable for such a set-aside in whole or in part, the set-aside may be withdrawn or modified in accordance with HUDPR 24-1.709. Proposed procurements for construction which exceed an estimate of $1,000,000 shall be considered for set-aside on a case-by-case basis.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., February 17, 1978.

PATRICIA ROBERTS HARRIS,
*Secretary, Department of Housing and Urban Development.*

[FR Doc. 78-5351 Filed 2-27-78; 8:45 am]

[6820-22]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-64]

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-20.1—Buildings Operations, Maintenance, Protection, and Alterations

PARKING FOR DRIVERS OF HANDICAPPED EMPLOYEES

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides that nonhandicapped drivers who provide transportation for handicapped Federal employees will be given the same priority in the assignment of parking spaces as the handicapped employees. This action is being taken as a result of a recommendation by the Interagency Committee on Handicapped Employees. While such a policy has always been implied in the assignment of spaces to the severely handicapped, it has never been formally stated. Therefore, the intent of this regulation is to officially inform Federal agencies that drivers of handicapped employees may be assigned priority parking spaces.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Whitlock, Director, Space Management Division, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1875.

Subpart 101-20.1—Building Operations Maintenance, Protection, and Alterations

Section 101-20.117-2(a)(2) is amended as follows:

§ 101-20.117-2. Policies.

. . . . . .

(a) • • •

(2) • • • Non-handicapped drivers who provide transportation for severely handicapped employees will also be assigned parking spaces.

. . . . . .

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 485(c)).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under OMB Circular A-107.

Dated: February 14, 1978.

JAY SOLOMON,
*Administrator of General Services.*

[FR Doc. 78-5219 Filed 2-27-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Title Change of the Public Information Officer

AGENCY: Federal Communications Commission.

ACTION: Change in Organizational Title of Public Information Officer.

SUMMARY: This action changes the present organizational title of the Public Information Officer to the Public Information Office. This change in title is being made to reflect more appropriately the organizational role of the public information functions.

EFFECTIVE DATE: March 6, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

H. Walker Feaster III, Office of Executive Director, 632-7513.

SUPPLEMENTARY INFORMATION:

Adopted: February 16, 1978.

Released: February 17, 1978.

*Order.* In the Matter of amendment of Part O of the Commission's rules to reflect the title change of the Public Information Officer.

1. The title of the Public Information Officer has been changed to the Public Information Office to reflect more appropriately the organizational role of the public information functions. Therefore, it is necessary to amend Part O of the rules and regulations to reflect that change.

2. Because this amendment relates to internal agency organization the prior notice, procedure, and effective date provisions of Section 4 of the Administrative Procedure Act do not apply. Authority for this amendment is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing: *It is ordered*, Effective March 6, 1978, that Part O of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
*Executive Director.*

1. Section 0.11(h) is amended to read as follows:

**§ 0.11 Functions of the Office.**

• • • • •

(h) To give general direction to the Public Information Office. The Public Information Office releases and is the central depository for public announcements concerning actions which have been taken by the Commission; prepares informational publications and materials; and is the contact point for the press and public in the matter of general information relating to the Commission and its activities.

2. Section 0.12(j) is amended to read as follows:

**§ 0.12 Units in the Office.**

• • • • •

(j) Public Information Office.

• • • • •

[FR Doc. 78-5155 Filed 2-27-78; 8:45 am]

[6712-01]

**PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)**

**Editorial Amendments Concerning Typographical Errors**

AGENCY: Federal Communications Commission.

ACTION: Editorial Amendment.

SUMMARY: Correction of rules because of printing or typing error. No substantive change is involved.

EFFECTIVE DATE: March 6, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Patrick Donovan, Common Carrier Bureau, 202-632-6450.

SUPPLEMENTARY INFORMATION:

In the Matter of Editorial amendment of § 21.508(a) of the Commission's rules and regulations (Memorandum opinion and order).

Adopted: February 16, 1978.

Released: February 17, 1978.

1. Section 21.508 of the rules sets forth various modulation requirements for the services licensed under Part 21 of the rules. It appears however, that the word "for" in the phrase "radiotelephony for tone signaling" in subsection (a) of § 21.508 is a typographical error and should be "or". Accordingly, the rule will be amended to correct this error.

2. Since the amendment is editorial the provisions of 5 U.S.C. 553 are not applicable.

3. In view of the foregoing, *it is ordered*, Pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules, that Part 21 of the Commission's rules is amended effective March 6, 1978, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
*Executive Director.*

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

Section 21.508(a) is amended to read as follows:

**§ 21.508 Modulation requirements.**

(a) The use of modulating frequencies higher than 3000 hertz for radiotelephony or tone signaling is not authorized for frequencies below 512 MHz.

• • • • •

[FR Doc. 78-5168 Filed 2-27-78; 8:45 am]

[6712-01]

**PART 73—RADIO BROADCAST SERVICES**

**Editorial Order Concerning Reregulation of Radio and Television Broadcasting**

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Order issued staying until further notice the effective date for amendment of the Commission's rules requiring use of a type-approved modulation monitor capable of monitoring positive modulation peaks up to 125 percent. The action was taken since the Commission now believes that it is necessary to establish additional technical standards for modulation monitors used for monitoring positive modulation peaks up to 125 percent. A rulemaking proceeding will be required to establish such standards.

EFFECTIVE DATE: March 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Wilson A. LaFollette, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: February 23, 1978.

Released: February 28, 1978.

*Order.* In the matter of reregulation of radio and television broadcasting.

1. On July 1, 1977, the Commission adopted reregulation order FCC 77-478 (released July 15, 1977). On September 29, 1977, the National Association of Broadcasters ("NAB") filed a motion for partial stay of paragraph 10 of the Commission's order.

2. Paragraph 10 of the reregulation order reads as follows:

"10. On April 5, 1972, the Commission adopted amendments to Section 73.55 of the rules for AM stations limiting the use of positive modulation to peaks not exceeding 125 percent (FCC 72-327, Docket No. 18857). In the Report and Order it was pointed out that not all existing station modulation monitors had a sufficient range to indicate positive peak modulation to or exceeding 125 percent, and that pending the availability of type approved monitors for observing positive modulation to 125 percent, licensees may use other means such as an oscilloscope or composite device to insure proper modulation levels when positive modulation exceeded the range of their monitors. Type approved modulation monitors capable of indicating positive modulation peak levels of 125 percent or greater are now readily available, and therefore the use of composite devices or equipment other than type approved modulation monitors is no longer necessary. AM stations that elect to use asymmetric modulation with positive peaks exceeding 100 percent should have type approved modulation monitors capable of indicating the peak positive modulation levels transmitted. In conformity with the Report and Order in Docket 18857, we are amending § 73.56 of the rules to include the provision that the modulation monitor in use be capable of insuring that positive peak modulation levels of 125 percent are not exceeded. This does not mean that stations are required to replace an existing modulation monitor if the positive peak modulation levels transmitted do not exceed the peak indication range of their existing monitors. However, under the provisions of the Report and Order in Docket 18857, stations electing to use modulation with positive peaks to 125 percent must have modulation monitors capable of indicating peaks to that level in use by November 1, 1977."

3. In its Motion the NAB made the following arguments:

(a) Stations have not been given effective notice of this new requirement. To date, the amended rule has not appeared in the "transmittal sheets" provided by the Government Printing Office—the rules service on which most stations rely to learn of substantive changes in FCC requirements.

(b) Many broadcasters are concerned that they may be forced to purchase modulation monitors which will soon be obsolete in light of AM stereo.

(c) The Commission's new rule creates an unnecessary economic burden on broadcasters which will be especially harsh on small and medium market stations. The NAB states that the equipment costs $1,000-$2,000, excluding the cost of installation.

(d) Some parties have pointed out that the Commission's type approval requirements do not include performance tests at +125 percent modulation levels.[1]

The Commission subsequently extended the effective date of the reregulation order until March 1, 1978 (order released October 7, 1977, 42 FR 55619) in order to gain time to rectify some of the problems mentioned by the NAB.

4. In further consideration of the NAB's concerns pertaining to type-approval requirements, we have concluded that our action in paragraph 10 of the July 1977 reregulation order was premature. It is now our belief that modulation monitors used for monitoring positive modulation peaks up to 125 percent should be type approved under standards specified for their full calibrated range. In this regard, it is evident that the present standards contained in § 73.50 of the rules lack specificity for type approval of such monitors. In order for the Commission to establish the additional standards, it will be necessary to follow established administrative procedures by issuance of a notice of proposed rulemaking. The Commission recognizes that there are modulation monitors presently being used for monitoring modulation peaks up to 125 percent which are type approved under present standards. The future rulemaking proceeding will address the matter of the continued use of these monitors.

5. Therefore, we are herein further staying the current effective date prescribed in the order released October 7, 1977, 42 FR 55619, pending establishment of new standards for type approval of modulation monitors used for monitoring positive modulation peaks to 125 percent. In the interim, each licensee may continue to employ such means as he may desire to insure compliance with the positive peak modulation limit of 125 percent specified in § 73.55 of the rules. Such means may include an oscilloscope or a composite indicating device as well as a modulation monitor having a sufficient calibration range to permit monitoring the positive peaks being used.

6. Accordingly, *It is ordered*, That, effective March 1, 1978, the effective date prescribed in the note to § 73.56 of our rules, adopted by Commission Order released October 7, 1977, 42 FR 55619, is stayed indefinitely and the note is amended as shown below.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act and § 0.281 of our rules.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

1. The note associated with § 73.56(d) is amended to read a follows:

**§ 73.56 Modulation Monitors.**

• • • • •

NOTE.—Provisions of paragraph (d) are stayed indefinitely until further notice. In the interim, each licensee may employ appropriate means such as an oscilloscope, composite indicating device, or type-approved modulation monitor with sufficient calibration range to comply with this requirement.

[FR Doc. 78-5222 Filed 2-27-78; 8:45 am]

[6712-01]

**PART 73—RADIO BROADCAST SERVICES**

**Editorial Amendments Concerning Reregulation of Radio and Television Broadcasting**

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Several example calculations for predicting the coverage of FM broadcast stations are being included in the rules to clarify the instructions and procedures for making the calculations in the rule text. The examples given are to assist those preparing applications to construct new or modify existing FM broadcast stations.

EFFECTIVE DATE: March 8, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John W. Reiser, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: February 17, 1978.

Released: February 23, 1978.

*Order.* Reregulation of Radio and Television Broadcasting—Editorial Amendments.

1. As a result of the continuous study of broadcast rules by the Reregulation Staff of the Broadcast Bureau, editorial amendments of Section 73.313 of the Commission's rules for FM broadcast stations are made by this 21st Reregulation Order, by adding example calculations as described in the rule text. The calculations are used in the preparation of applications for FM broadcast station construction permits. Inquiries received for guidance in making the required calculations and errors observed in filed applications indicate that inclusion of clarifying examples similar to examples now contained in § 73.182 of the AM station rules would be of value.

2. Correctly made calculations in filed applications based on the examples to be added to § 73.313 by this Order may reduce the incidence of defective applications, permit the more expeditious processing of applications, and effect a more efficient use of Commission resources. The amendments impose no additional burden on applicants for FM broadcast station construction permits.

[1] The NAB also submitted a petition for rulemaking to remedy any defects in the type-approval requirements. It asks that the effective date of paragraph 10 be stayed pending consideration of this petition.

3. Concluding that the adoption of these amendments will serve the public interest, the prior notice of rulemaking, effective date provisions, and public procedure are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. *Therefore, it is ordered*, That, pursuant to Sections 4(i), 303(r), and 5(a)(1) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, Part 73 of the Commission's rules and regulations is amended as set forth below, effective March 8, 1978.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

1. In § 73.313, paragraphs (d)(1), (d)(2) and (d)(3) are added to read as follows:

§ 73.313 Prediction of coverage.

* * * * *

(d)* * *

Examples of HAAT calculations:

(1) The heights above average terrain on the eight radials are as follows:

| | Feet |
|---|---|
| 0° | 350 |
| 45° | 870 |
| 90° | 640 |
| 135° | 300 |
| 180° | −35 |
| 225° | −280 |
| 270° | 125 |
| 315° | 270 |

The antenna height above average terrain (defined in § 73.210(a)) is computed:

(350 + 870 + 640 + 300 − 35 − 280 + 125 + 270)/8 = 280 ft.

(2) Same as (a), except the 0° radial is entirely over sea water.

The antenna height above average terrain is computed:

(870 + 640 + 300 − 35 − 280 + 125 + 270)/7 = 270 ft.

Note that the divisor is 7, not 8.

(3) Same as (a), except that only the first 6 miles of the 90° radial are in the United States; beyond 6 miles the 90° radial is in a foreign country. The height above average terrain of the 2 to 6 mile portion of the 90° radial is 440 ft.

The antenna height above average terrain is computed:

(350 + 870 + 440 + 300 − 35 − 280 + 125 + 270)/8 = 255 ft.

Note that the divisor is 8, not 7.5

* * * * *

[FR Doc. 78-5226 Filed 2-27-78; 8:45 am]

[6712-01]

[FCC 78-100]

## PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

### Use by Limited Coast II-B Stations of New Frequencies Provided in Docket No. 20728 Until Application of Existing Station License Is Submitted and Granted

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission has been adopting rules to implement recent international agreements concerning frequencies available for ship coast communications in the medium and high frequencies. This action by official order confirms and expands information released, informally in a Public Notice on December 29, 1977, and permits licensees of Limited Coast II-B stations to use old frequencies until March 31, 1978, and permits the use of new frequencies immediately without any need for modification of existing station licenses to show the new frequencies.

EFFECTIVE DATE: Immediately (for operation of Limited II-B Coast Stations).

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mickley, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: February 13, 1978.

Released: February 17, 1978.

*Order.* Use by Limited Coast II-B Stations of new frequencies provided in Docket No. 20728 until application for renewal/modification of existing station license is submitted and granted.

1. In our Second Report and Order, Docket No. 20728 (FCC 77-857), the Commission amended Parts 81 and 83 to include replacement simplex radiotelephone frequencies, between 4 and 23 MHz, available to limited coast and ship stations. Further, we provide a transition period of three months, ending March 31, 1978, for coast and ship stations to effect transition from existing (old) to replacement (new) frequencies. During the transition period the existing (old) and replacement (new) frequencies are both available for use.

2. In a Public Notice released December 29, 1977 (Mimeo No. 93180), we provided a "blanket" authorization for Limited II-B coast stations to use replacement (new) frequencies until June 30, 1978. This procedure was adopted so that Limited II-B coast station licensees could operate on replacement (new) frequencies until their applications (some 1800) for license modification could be routinely acted upon by the Commission.

3. We have since received a number of telephone calls from licensees urging that a simpler solution be developed. We believe this is a reasonable request, and, pursuant thereto, are adopting the following procedures:

(a) A copy of this Order shall be posted with the station license of each Limited II-B coast station.

(b) The existing (old) frequencies may be continued in use through March 31, 1978.

(c) The replacement (new) frequencies are available for use effective January 1, 1978, and may be continued in use under the terms of the station authorization.

(d) A licensee of a Limited II-B coast station authorized to operate on one or more of the existing (old) frequencies (set forth in the attached Appendix under the column headed "Old") may, effective upon transition, operate on the replacement (new) frequency (set forth in the attached Appendix under the column headed "New") which appears opposite the existing (old) frequency. For example, a Limited II-B coast station license which authorizes operation on the "Old" frequency 4136.3 kHz, is, upon transition, authorized to operate on the "New" frequency 4125 kHz.

(e) This Order does not increase or decrease the number of frequencies which a Limited II-B coast station is authorized by its license.

(f) This Order is applicable to the license of each Limited II-B coast station until the date of expiration of that license, or until the station license to which it applies shall be modified. It is unnecessary to file an application for modification of a station license to change from the "Old" to the "New" frequencies prior to expiration or modification of that license.

4. Since this action is interpretive, relieves a restriction and is a general statement of policy, advance notice is unnecessary and the notice and effective date provisions of 5 U.S.C. 553 do not apply.

5. In view of the foregoing: *It is ordered*, That, effective immediately, pursuant to the authority contained in Sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended, Limited II-B coast stations are authorized to operate in accordance with the conditions set forth above and in § 81.361 of the rules, an extract copy of which is attached below for convenience.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

(Excerpt from Second Report and Order in Docket No. 20728)

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

Section 81.361, paragraph (a) is amended to read as follows:

§ 81.361 Frequencies available.

(a) * * *

| *Old carrier frequency kilohertz* [1] | *New carrier frequency kilohertz* [2] |
|---|---|
| 2065 | 2065. |
| 2079 | 2079. |
| 2096.5 | 2096.5. |
| 4136.3 | 4125. |
| 4139.5 | 4143.6. |
| 4434.9 | 4419.4. |
| 6210.4 | 6218.6. |
| 6213.5 | 6221.6. |
| 6518.6 | 6521.9. |
| 8261.2 | 8291.1. |
| 8284.4 | 8294.2. |
| 12421 | 12429.2. |
| 12424.5 | 12432.3. |
| 12426 | 12435.4. |
| 16565 | 16587.1. |
| 16568.5 | 16590.2. |
| 16572 | 16593.3. |
| 22094.5 | 22124. |
| 22096 | 22127.1. |
| 22101.5 | 22130.2. |
| 22105 | 22133.3. |
| 22108.5 | 22136.4. |

[1] Authorization for use is withdrawn effective Apr. 1, 1978.
[2] Available for use on and after Jan. 1, 1978.
[3] During the implementation period, both the old and the new frequencies are available to each station for use interchangeably.

* * * * *

[FR Doc. 78-5145 Filed 2-27-78; 8:45 am]



Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1303]

### PART 1033—CAR SERVICE

### Burlington Northern Inc. Authorized To Operate Multiple-Car Grain Shipments Comprising Five Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1303).

SUMMARY: Burlington Northern Inc. (BN) has a shortage of grain hoppers and is unable to furnish grain hoppers to comply with tariff requirements that require 20 car shipments of 1,900 tons per shipment. Service Order No. 1303 authorizes the BN to move shipments from five stations in Minnesota and one station in Wisconsin to Clifton, New Jersey, subject to aggregate minimum of 475 tons per shipment and routed Burlington Northern, Inc., Consolidated Rail Corporation.

DATES: Effective 12:01 a.m., February 23, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22nd day of February, 1978.

The tariffs of the Burlington Northern Inc. (BN) applicable to certain movements of grain from Duluth, Minn., Minneapolis, Minn., Minnesota Transfer, Minn., St. Paul, Minn., Winona, Minn., and Superior, Wis., to Clifton, N.J., require the use of twenty (20) 100-ton covered hopper cars in order to achieve the specified minimum weight of 1,900 tons per shipment. Because of a severe shortage of these cars, the BN is unable to furnish in excess of five cars at one time for shipments subject to these tariff provisions without disruption of the car supply available to other shippers. The shipments are routed via the BN and the Consolidated Rail Corp. (CR). The BN has requested authority to accept these shipments subject to a per shipment minimum weight of 475 tons, in lieu of the 1,900-ton minimum weight specified by the applicable tariffs, in order to reduce the car requirements for each shipment from twenty (20) cars to five cars. CR has concurred in this request. It is the opinion of the Commission that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered*, That:

§ 1033.1303 Service Order No. 1303.

(a) *Burlington Northern, Inc., authorized to operate multiple-car grain shipments comprising five cars.* Burlington Northern Inc. is authorized to transport multiple-car grain shipments in covered hopper cars with aggregate minimum weight of 475 tons in lieu of shipments of 1,900 tons as provided in Western Trunk Lines, Western Trunk Line Committee, Agent 485-A, ICC A4958, from Duluth, Minn., Minneapolis, Minn., Minnesota Transfer, Minn., St. Paul, Minn., Winona, Minn., and Superior, Wis., to Clifton, N.J., subject to the following conditions:

(1) Consent of shipper must be obtained and reference to this order endorsed on the billing.

(2) The movement of these shipments authorized hereby shall be confined to routing via Burlington Northern Inc. (BN) and Consolidated Rail Corporation (CR).

(3) All tariff provisions not specifically modified by this order shall remain in effect.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., February 23, 1978.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1978.

(49 U.S.C. 1(10-17).)

*It is further ordered*, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5276 Filed 2-27-78; 8:45 am]

[7035-01]

[Ex Parte 252 (Sub No. 2)]

### PART 1036—INCENTIVE PER DIEM CHARGES ON BOX CARS AND GONDOLA CARS

### Incentive Per Diem Charges—Gondolas; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: In the above captioned proceeding published at 43 FR, February 10, 1978, at page 5835, the revised economic forecast referred to in the middle column, third paragraph, was not printed in the FEDERAL REGISTER. Copies of the revised forecast can be

obtained by writing to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7428.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5129 Filed 2-27-78; 8:45 am]

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[4310-55]

**Title 50—Wildlife and Fisheries**

**CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 20—MIGRATORY BIRD HUNTING**

**Final Regulations Describing Non-toxic Shot Zones for Waterfowl Hunting Seasons Commencing in 1978**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes areas in which non-toxic shot will be required for waterfowl hunting in hunting seasons commencing in 1978 and terminating in 1979. When eaten by waterfowl, spent lead pellets have a toxic effect. These areas have been established to reduce the number of deaths to waterfowl as a result of eating spent lead pellets. The only approved non-toxic shot available at this time is steel shot.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Research on the problem of lead poisoning in waterfowl has been conducted for the past 25 years. The complexities of the issue have been explored with conservationists, ammunition manufacturers, and State wildlife agencies. During the past five years the United States Fish and Wildlife Service has studied lead poisoning of waterfowl in cooperation with organizations representing a broad cross section of interests affected by and concerned with the problem. A Final Environmental Statement on the subject was published in January 1976.

On March 20, 1976, the Secretary of the Interior announced a plan for the progressive implementation of steel shot. According to this plan, shotshells loaded with non-toxic shot were to be required for hunting waterfowl in designated areas of the Atlantic Flyway in 1976, in designated areas of the Mississippi Flyway in 1977, and in designated areas of the Central and Pacific Flyways in 1978.

On July 28, 1976, a final rule on the use of steel shot for waterfowl hunting was published in the FEDERAL REGISTER (41 FR 31386-89). This rule went into effect on August 27, 1976. On July 28, 1976, the Service published descriptions of proposed zones where steel shot would be required in 1976 (41 FR 31395-96). On September 13, 1976, the Service published an amendment to § 20.105(e) containing descriptions of nine areas where steel shot was required for waterfowl hunting in the Atlantic Flyway in 1976 (41 FR 38772-74).

On December 23, 1976, the Service published in the FEDERAL REGISTER (41 FR 55901-3) a description of areas in which it was proposed to require steel shot for waterfowl hunting in hunting seasons commencing in 1977. On April 28, 1977, the Service published in the FEDERAL REGISTER (42 FR 21614-18) a final ruling containing descriptions of steel shot zones for waterfowl hunting seasons commencing in 1977. These zones were located in 13 Atlantic Flyway States and 11 Mississippi Flyway States. Due to the length of these descriptions, Part 20 was amended by removing the descriptions of zones from § 20.105(e) and placing them under § 20.108, which is a section established specifically for non toxic shot zones.

On November 23, 1977, the Service published in the FEDERAL REGISTER (42 FR 59987-90) a proposed rule containing descriptions of areas in which non-toxic shot would be required in waterfowl hunting seasons commencing in 1978. This proposal included descriptions of non-toxic shot zones in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia of the Atlantic Flyway; Arkansas, Illinois, Indiana, Iowa, Louisiana, Ohio, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin of the Mississippi Flyway; Kansas, Nebraska, and Texas of the Central Flyway; and Alaska, California, Idaho, Nevada, and Washington of the Pacific Flyway. Due to an oversight, the State of Oregon was omitted from the proposal. On December 7, 1977, there was published in the FEDERAL REGISTER (42 FR 61878-79) a proposed rule containing a description of the non-toxic shot zone proposed for Oregon.

Public comment on proposed non-toxic shot zones for waterfowl hunting in seasons commencing in 1978 was received from November 23, 1977 until January 9, 1978.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

During the comment period 253 letters were received and these letters contained signatures of 1,074 people. Six hundred ninety-two of the signatures related to comments on the proposed ruling for the State of New York. One hundred seventy-one of the signatures related to proposed zones for Pacific Flyway States, and 169 signatures were related to proposed zones for Mississippi Flyway States. The remainder of the comments related to the Central Flyway and portions of the Atlantic Flyway, other than New York. Three organizations which are national in scope commented on the proposed regulations as they applied to all flyways.

In the Atlantic Flyway 74 of 92 letters were from the State of New York. Fifty-four letters, representing signatures of 626 people, expressed opposition to the proposed steel-shot regulations as they applied to goose hunting in New York. Among the 92 letters received from the Atlantic Flyway, 78 were generally opposed to the proposed steel-shot regulations for that Flyway. From the Mississippi Flyway, 51 of 57 letters were opposed to one or more aspects of the proposed steel-shot regulations. From the Central Flyway, 13 of 15 letters were opposed to one or more aspects of the proposed steel-shot regulations. From the Pacific Flyway, 82 of 89 letters were opposed to one or more aspects of the proposed steel-shot regulations.

The following is a summary of the comments listed according to frequency mentioned in the letters. Each issue is followed by a Service response.

1. Steel shot should not be required for hunting of geese more than 150 yards from water in a proposed zone for the State of New York.

Response: In some areas the ingestion of shot by geese feeding in uplands has been documented. In other areas lead shot deposited in fields does not represent a significant source of lead in waterfowl. Due to difficulties in defining water areas and enforcing these regulations in uplands that are near water, some States requested that major road systems or rivers be used as zone boundaries, while other States requested that zones be described to exclude uplands. In 1977 the State of New York requested and was given a zone that used major roads as boundaries. As a consequence, whether or not geese feeding in uplands were ingesting lead shot did not become an issue in the decision. In the fall of 1977 the New York Department of Environmental Conservation collected gizzards from geese harvested in the zone in question. The results of this





study will not be available until the spring of 1978. If the results of this investigation indicate that lead shot falling in fields is not a source of ingested lead in geese, this final ruling can be amended to permit hunting with lead shot in areas more than 150 yards from water in the non-toxic shot zone located in western New York.

2. There is no lead poisoning problem in the zone or zones proposed, or there is no proof that lead posioning of waterfowl is a problem in the proposed zone or zones.

Response: Sixty to seventy thousand waterfowl gizzards have been examined from throughout the United States and these investigations have yet to locate a place in the United States in which a portion of the waterfowl population does not contain recently ingested lead shot in their digestive tracts. From 10 to 60 percent of the immature mallard population in a national study was found to have elevated levels of lead deposited in their bone tissue. These levels varied in relation to the amounts of lead shot being found in the gizzards of mallards. Lead poisoning of waterfowl is primarily a chronic condition. In certain circumstances it reaches acute stages in large numbers of birds, and the result is a die-off of waterfowl that is visible. It is the intent of the Service to reduce the seriousness of chronic lead poisoning in waterfowl. Use of steel shot in only those areas where the acute stages are visible would have very limited effect on the lead shot ingestion rates of waterfowl. While large die-offs of waterfowl due to lead poisoning have not been recorded in each of the zones proposed, the contributions of each of these areas to the chronic lead poisoning condition found generally throughout the waterfowl population is significant.

3. Steel shot is not as ballistically effective as lead shot and will result in increased crippling of waterfowl by hunters.

Response: Comparative tests of steel and lead shot have been conducted since 1959. Nine of these tests were reported in the Final Environmental Statement. Generally the performance of 1¼-ounce loads of lead and 1⅛-ounce loads of steel are very similar with respect to birds bagged and birds downed but not retrieved. This has been demonstrated in controlled shooting tests as well as in the actual hunting situations. Based on a review of these studies the Service has concluded that there is no significant difference in the effectiveness of lead shot loads and steel shot loads at reasonable shooting ranges.

4. Steel shotshells are too expensive and components for handloading shells with steel shot are not available.

Response: surveys of retail stores in the fall of 1977 indicated that shotshells loaded with steel were being offered in a wide range of prices. These prices varied from $5.70 per box to $13.75 per box, depending upon location, brand and shell length. The 1⅛-ounce steel shot load was generally priced at $6.75 to $9.00 per box. Heavier loads cost more. These prices are $2 to $4 more per box than the price of lead loads used for waterfowl hunting. As with any new product that is not being produced in large volume and is not widely distributed, the costs of steel shotshells are higher than the costs of items that have been produced and distributed for years. The retail store frequently discounts lead shotshell loads, while steel shotshell loads are not being discounted.

The difference in price between lead and steel loaded shotshells is a matter of concern to the U.S. Fish and Wildlife Service; however, the Service does not believe the price of steel shotshells is a justification for further delays in reducing lead posioning among waterfowl. Delays in implementing steel shot regulations would have the effect of maintaining differences in price between steel shot and lead shot, rather than reducing these differences.

The Service has discussed with the manufacturers of components the non-availability of components for hand-loading steel shot. This production is not within the control of the Service, but the Service anticipates that such components will be available soon.

5. Steel shot causes damage to gun barrels.

Response: Steel shot is known to cause choke expansion in certain types and models of shotguns. Manufacturer's test results made available to the Service show that there has been very limited choke expansion with most shotguns and this expansion has been sufficiently slight (0.002 to 0.006 inch) as to have no effect on gun performance.

Split or burst barrels can result from the discharge of shot into an obstructed barrel or from a defective shell. This may occur with either lead or steel shot ammunition.

CHANGES IN PROPOSED ZONES

Several changes from the proposed non-toxic shot zones for 1978 were incorporated into these final rules. These changes were based on information provided during the public comment period.

1. Minor changes in wording to clarify boundaries and correct errors in proposed boundary descriptions. Such changes were made in Kansas, Pennsylvania, Idaho, and Washington.

2. Limiting the steel shot requirement to a zone of 150 yards adjacent to water. This change was made in Missouri and the failure to include this provision in the proposed ruling was due to an oversight.

3. Adjustment in proposed zone along a State boundary to provide continuity over waters shared with adjacent State. This change was made in Minnesota along the Mississippi River.

4. Reduction in size of zone proposed due to problems in obtaining proper distribution of steel shotshells. This reduction was made in Wisconsin and Texas.

5. Delay in implementation of the proposed zone due to difficulty in shipping adequate supplies of steel shot for the 1978 season. This delay will occur in Alaska.

6. Reduction in the size of proposed zones due to disagreement between the state and the service regarding the extent of the lead poisoning problem within the proposed zones. Such reductions were made from the proposals for California and Nevada to permit additional studies of the areas in question.

7. Some national wildlife refuge hunting areas have been converted to steel shot for waterfowl hunting in previous years by means of special and separate regulations published in the FEDERAL REGISTER. The Service has decided to incorporate some of these national wildlife refuge lands into this final ruling in an effort to simplify the designation of non-toxic shot zones. The lands known as Federal Waterfowl Production Areas have been added to the zones for the State of Minnesota and the Crab Orchard National Wildlife Refuge has been added to the zones for the State of Illinois.

OTHER INFORMATION

An environmental assessment of the designation of non-toxic shot zones for 1978 was made by the Service. Based on this assessment, an environmental impact statement on this action is not required. A negative declaration was signed and filed.

The State of Wisconsin, Department of Natural Resources, has requested that the service announce that State's plans for non-toxic shot zones in waterfowl hunting seasons commencing in 1979. In 1979 the Wisconsin Department of Natural Resources will request that the entire State of Wisconsin be described as a non-toxic shot zone for waterfowl hunting.

Accordingly, 50 CFR, Chapter I, Subchapter B, Subpart K is amended by removing the non-toxic shot zone descriptions for 1977 and replacing them with the following non-toxic shot zone descriptions for 1978.

**§ 20.108 Non-toxic shot zones.**

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting seasons commencing in 1978 and terminating in 1979.

ATLANTIC FLYWAY

CONNECTICUT

Those portions of New Haven and Fairfield Counties bounded on the North by I-95; on the East by the New Haven-Middlesex County line; on the South from where the New Haven-Middlesex line meets the shore around the most southern land to Hammonnasset Point, Madison. Inside a line from Hammonasset Point to West Wharf, to Hogshead Point, to Guilford Point, to Mulberry Point, to Vineyard Point. From Vineyard Point around the southernmost land of Sachem Head to Joshua Point. Inside of a line from Joshua Point across Joshue Cove to Joshua, to Hoadley Point to Flying Point, to Brown Point, to Haycock Point, to Linden Point. Inside of a line from Linden Point across Maltby Cove to the southermost tip of land and thence to Jeffery Point. Inside of a line from Jeffery Point to Indian Neck Point, to Johnson Point, to the northern end of Kelsey Island, to Mansfield Point, to South End Point to Morgan Point to Oyster River Point, to Merwin Point. From Merwin Point around the southernmost point of land to Pond Point. Inside of a line from Pond Point, to Welch's Point, to the northern end of the breakwater at Milford Point, and to Stratford Point, Stratford; on the West by a line from Stratford Point, to Prospect Drive, west to Rt. 113 and north on 113 to Route I-95.

DELAWARE

All bays, lakes, ponds, marshes, swamps, rivers, and streams of the State and within a 150-yard zone of land in the State adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the non-toxic shot requirement. Areas described as sea duck zones in waterfowl regulations of the State of Delaware are exeluded from these provisions.

FLORIDA

In Oceola and Leon Counties and on Lake Miccosukee which lies in Leon County and the adjacent portions of Jefferson County; and in that portion of Brevard County lying east of Interstate Highway 95.

MAINE

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters in the counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Anne's, Kent and Cecil Counties and those portions of Harford, Baltimore, and Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land in the above counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

MASSACHUSETTS

Essex County: *North Boundary*—Massachusetts-New Hampshire line (Salisbury). *West Boundary*—U.S. Route 1 from State line southward to juncture with 1A in Newburyport, southward on 1A through the towns of Newbury and Rowley to juncture with 133 in Rowley and further south along combined routes 133-1A through Ipswich. *South Boundary*—juncture of 133 and 1A in Ipswich east along Route 133 through Essex and Gloucester to juncture of 133 and Route 128 in Gloucester. East along 128 to west bank of Annisquam River. *East Boundary*—west bank of the Annisquam river north to Ipswich Bay continuing north along the shoreline at Ipswich Bay the Atlantic Ocean to New Hampshire Massachusetts line.

Plymouth County: *North Boundary*—Route 139 from the west bank of Green Harbor River (Marshfield) west to juncture with Route 3A (Duxbury). *West and South Boundary*—Route 3A from juncture of 139 south along 3A through towns of Duxbury, Kingston and Plymouth to juncture with Rocky Hill Road in Plymouth. *East Boundary*—Line extending from juncture of Route 3A and Rocky Hill Road in Plymouth north to Plymouth Light House on Duxbury Beach and further north along ocean side of Duxbury Beach to the west bank of the Green Harbor River in Marshfield. Also—waters of the Wareham and Weweantic Rivers in the towns of Wareham and Marion and the marshes adjacent to these rivers and within a 150 yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

Barnstable County: Barnstable Marshes *North Boundary*—Cape Cod Bay. *West Boundary*—from Cape Cod Bay south along Sandy Neck Road in the towns of Barnstable and Sandwich to juncture with Route 6A in E. Sandwich. *South Boundary*—juncture of Sandy Neck Road and Route 6A in E. Sandwich east along 6A through E. Sandwich, Barnstable, Yarmouth and Dennis to juncture with New Boston Road. *East Boundary*—North along New Boston Road to Beach Street and, north along Beach Street to Cape Cod Bay. Also—Nauset Marshes—Pleasant Bay. *North Boundary*—Nauset Beach west along Doane Road in Eastham to juncture Nauset Road continuing southwest along Nauset Road to juncture with 6 in Eastham. *West Boundary*—south along Route 6 from juncture of Route 6 and Nauset Road in Eastham to juncture of Route 6 and 6A, south along Route 6A to juncture with Route 28 in Orleans, and south along Route 28 to juncture with Shore Road in Chatham to Chatham Lighthouse. *South Boundary*—line extending from Chatham Lighthouse to Atlantic Ocean. *East Boundary*—Atlantic Ocean.

Bristol County: Waters of the Wareham River, Weweantic River, East Branch of the Westport River, and the West Branch of the Westport River, and the marshes adjacent to these rivers, and within a 150-yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

NEW JERSEY

That portion of the State bounded on the north by Highway 36 from its intersection with the Garden State Parkway near Keyport eastward to the Atlantic Ocean (south of Raritan Bay and Sandy Hook Bay), bounded on the west by the Garden State Parkway, and bounded on the south by Highway 585 from its intersection with the Garden State Parkway eastward to the Atlantic Ocean (south of Great Egg Harbor).

NEW YORK

Nassau and Suffolk counties and that portion of New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90).

NORTH CAROLINA

1. All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land in these counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

2. The waters of the Cape Fear River and its tributaries in New Hanover and Brunswick Counties and a 150-yard zone of land adjacent to the waters of this river and its tributaries in these two counties.

PENNSYLVANIA

Crawford County, Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties, and the waters of the Susquehana River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 25-yard zone of land adjacent to the waters of the Susquehana River that are described above.

RHODE ISLAND

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

SOUTH CAROLINA

Georgetown, Colleton, Charleston, and Beaufort Counties.

VIRGINIA

All waters and a 150-yard zone of land adjacent to these waters in the city of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

MISSISSIPPI FLYWAY

ARKANSAS

All waters of Poinsett and Arkansas Counties and that portion of Bayou Meta Wildlife Management Area in Jefferson County and within a 150-yard zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

ILLINOIS

1. On all waters and all lands within 150 yards of these waters in the following counties: Jo Daviess, Carroll, Rock Island, Henderson, Pike, Calhoun, Jersey, Cass, Mason, Woodford, Marshall, Putnam, Lake, and





McHenry. Drainage ditches and temporary sheet water more than 150 yards from the above described waters are exempted from this regulation.

2. On all State managed lands and waters, including the following public hunting areas; Anderson Lake; Baldwin, Bluff Lake, Carlyle Lake and subimpoundments, Chain O'Lakes, Collins Station, Forbes State Park, Grass Lake, Horseshoe Lake (Alexander County), Horseshoe Lake (Madison County), Kankakee River, Lake DePue, Lake Shelbyville and subimpoundments, LaRue Scatters, Marshall County, Mermet, Oakwood Bottoms, Potter's Marsh, Rend Lake and subimpoundments, Rice Lake, Saline County, Sanganois, Sangchris Lake State Park, Savanna Ordnance, Sinnissippi Lake, Sparland, Spring Lake, Union County, Will County, William Powers, and Woodford County.

3. All waters managed for waterfowl hunting by the Illinois Department of conservation on the Mississippi River, the Illinois River, and the Rock River from Pool 12 at the city of East Dubuque, south to the Lock and Dam at Pool 26.

4. Crab Orchard National Wildlife Refuge.

INDIANA

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, La Grange, Steuben, and Posey Counties and within 150-yard zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County, and the Tri-County Fish and Wildlife Area in Noble and Kosciusko Counties.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

IOWA

In Fremont and Mills Counties on all waters and a 150-yard zone of land in these two counties adjacent to waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

LOUISIANA

1. That portion of Vermilion Parish lying north of the Intracoastal Waterway.

2. That portion of Calcasieu Parish lying south of Interstate Highway 10.

3. That portion of Cameron Parish lying north of the Intracoastal Waterway.

4. On the west side of Calcasieu Lake that portion of Cameron Parish lying west of Highway 27 and north of the boundary of the Sabine National Wildlife Refuge.

5. In that portion of the State bounded as follows: From Pineville northeast along State Highway 28 to Archie, then northwest along U.S. Highway 84 from Archie to Jena, then southwest along State Highway 8 from Jena to Pollock, then south along U.S. Highway 165 from Pollock to Pineville.

6. The green-tree reservoir located on the Saline Wildlife Management Area.

OHIO

On all waters of Erie, Ottawa and Lucas Counties and within a 150-yard zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

MICHIGAN

1. That area of St. Clair, Macomb, Wayne and Monroe Counties: beginning at a point on the Blue Water Bridge at the International boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south of highway I-94 in St. Clair, Macomb and Wayne Counties of the intersection of highway I-75 in the City of Detroit, southerly on highway I-75 in Wayne and Monroe counties to the State line (Sec. 5, T7S, R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International boundary in Lake Erie; northerly along the International boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair river to the point of beginning.

2. That area of Isoco, Arenac, Bay, Tuscola and Huron Counties: Beginning at a point at the tip of Tawas Point in (Sec. 3, T21N, R8E); Iosco County; northeast, north and west on Tawas Point Road to its intersection with highway U.S.-23 (Sec. 21, T22N, R8E); south and west on highway U.S.-23 in Iosco and Arenac Counties to the intersection with highway M-13 (Sec. 22, T18N, R4E, Arenac County); south on highway M-13 in Arenac and Bay Counties to the intersection with interstate highway I-75 (Sec. 13, T14N, R4E); south on I-75 to the intersection with highway U.S.-10 and M-20 (Sec. 24, T14N, R4E); west on highway U.S.-10 and M-20 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road in Bay and Saginaw Counties to the intersection with Tittabawassee Road (Southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to the intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to highway M-46 and M-52 (west quarter corner Sec. 28, T12N, R3E); south on highway M-52 to highway M-57 (southwest corner Sec. 7, T9N, R3E); east on highway M-57 to highway M-13 (southeast corner Sec. 13, T9N, R4E); north on highway M-13 to Burt Road (northwest corner Sec. 31, T10N, R5E) east on Burt Road to highway I-75 (Sec. 26, T10N, R6E); north on highway I-75 to highway M-46 (Sec. 28, T12N, R5E); east on highway M-46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); north on North Gera Road to highway M-15 (Sec. 23, T12N, R6E); north on highway M-15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M-138) in Bay County and Fairgrove Road (M-138) in Tuscola County to Wisner Road (southeast corner Sec. 13, T13N, R7E); north on Wisner Road to highway M-25 (Sec. 13, T14N, R7E); east and north on highway M-25 in Tuscola and Huron Counties to Kinde Road (Sec. 35, T18N, R10E); east on Kinde Road to highway M-53 (southeast corner Sec. 36, T18N, R12E); north on highway M-53 to the junction with highway M-25 (Sec. 30, T19N, R13E); north to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

3. That area of Muskegon, Newago, Ottawa, Allegan, Kalamazoo and Van Buren Counties: Beginning at the southwest meander corner of Sec. 4, T12N, R18W, Muskegon County, west on a line across Lake Michigan to the State boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to highway M-31 in South Haven on M-31 to highway M-43; easterly on highway M-43 in Van Buren and Kalamazoo Counties to highway U.S-131 (Sec. 13, T2S, R12W); north on highway U.S.-131 to highway M-40 and M-89 (Sec. 30, T1N, R11W); west and north on highway M-89 and M-40 to highway U.S.-31 (Sec. 4, T4N, R15W): north on highway U.S.-31 to highway M-45 (northwest corner Sec. 26, T7N, R16W); east on highway M-45 to 68th Avenue (south quarter corner Sec. 22, T7N, R14W); north on 68th Avenue to highway I-96 (Sec. 27, T8N, R14W); west on highway I-96 to highway U.S.-31 (Sec. 16, T9N, R16W); north on highway U.S.-13 to highway M-46 (northwest corner Sec. 27 T10N, R16W); east on highway M-46 (Apple Avenue) to highway M-37 (southeast corner Sec. 23, T10N, R13W); north on highway M-37 to 112th Street (north quarter corner Sec. 13, T11N, R13W); west on 112th Street to Warner Road (Sec. 11, T11N, R14W); north on Warner Road to Roth Road (northeast corner Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road (southwest corner Sec. 19, T12N, R14W); north on Maple Island Road to highway M-20 (southwest corner Sec. 31, T13N, R14W) and continuing north on highway M-20 to Skeels Road (northeast corner Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitvale Road (Sec. 2, T12N, R16W); west on Fruitvale Road to highway U.S.-31 (Sec. 10, T12N, R17W); north on highway U.S.-31 to Weinert Road (Sec. 4, T12N, R17W); west on Weinert Road to the southwest meander corner Sec. 4, T12N, R18W (the point of beginning).

4. That area of Roscommon, Missaukee, Kalkaska and Crawford Counties: Beginning at the intersection of State Highway M-55 and highway M-76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on highway M-76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of highway U.S.-27 (Sec. 33, T22N, R5W); north on highway U.S.-27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to highway M-55 in Missaukee County (Sec. 32, T23N, R6W); then east on highway M-55 to the point of beginning.

5. That area of Mackinac and Chippewa Counties: Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline of Mackinac County north





on highway I-75 to highway M-134 (Sec. 4, T42N, R3W); east on highway M-134 to highway M-129 (southeast corner Sec. 24,

4. Montrose—Schell-Osage Area: North boundary—State Highway 7. East boundary—State Highway 13. South boundary—

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.



3. Beginning at the Longview Columbia River Bridge, thence north and east on

Accordingly, 5 CFR 213.3331(n)(2); 213.3379(n) and 213.3394(h)(11) are

FOR FURTHER INFORMATION CONTACT:

on highway I-75 to highway M-134 (Sec. 4, T42N, R3W); east on highway M-134 to highway M-129 (southeast corner Sec. 24, T42N, R1W); north on highway M-129 to business loop I-75 (Sec. 7, T47N, R1E); north on business loop I-75 to downtown Sault Ste. Marie and extending on a line northward to the International Boundary between U.S. and Canada; east and south along the International Boundary on the St. Marys River north channel and Lake Huron to a point west of the southwest corner of Cockburn Island (in Canada); east from that point on the International Boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron the southernmost point of Mackinac Island and then west to the point of beginning.

MINNESOTA

1. All waters within the boundaries of all State Wildlife Management Areas and Federal Waterfowl Production Areas and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement. Controlled hunting zones of goose management areas are excluded from this provision, except the Roseau Wildlife Management Area which is included.

2. On the waters on Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

3. Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCresent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the State; thence along the Southern and Eastern boundaries of the State to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

MISSOURI

Within the following areas on all waters and a 150-yard zone of land within the areas adjacent to these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded lands of all types. Drainage ditches and temporary sheet water more than 150-yards from water areas described above are excluded from the non-toxic shot requirement.

1. Squaw Creek Area: North boundary—Iowa-Missouri State line. East boundary—U.S. Highway I-29. South boundary—St. Joseph, Missouri city limits. West boundary—East bank of the Missouri River.

2. Swan Lake—Fountain Grove Area: North boundary—U.S. Highway 36. East boundary—State Highway 5. South boundary—State Highway 240 and U.S. Highway 65. West boundary—U.S. Highway 65.

3. Upper Mississippi River Area: North Boundary—U.S. Highway 36. East boundary—Illinois-Missouri State line. South boundary—North bank of the Missouri River. West boundary—U.S. Highway 61.

4. Montrose—Schell-Osage Area: North boundary—State Highway 7. East boundary—State Highway 13. South boundary—U.S. Highway 54. West boundary—U.S. Highway 71.

5. Duck Creek—Mingo Area: North boundary—State Highway 34. East boundary—State Highways 51, 91, and 25. South boundary—U.S. Highway 62. West boundary—U.S. Highway 67 and State Highway 53.

TENNESSEE

Camden, Big Sandy, New Hope, Lick Creek and Harmon's Creek Wildlife Management Areas.

WISCONSIN

1. In that portion of the State lying west of the Burlington Northern Railroad in Pierce, Pepin, Buffalo, Trempealeau, La Crosse, Vernon, Crawford and Grant Counties.

2. On all waters in the counties of Calumet, Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Kenosha, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Waukesha, Winnebago, Washington, Waupaca and Waushara, all of the Wisconsin River in Juneau and Adams Counties, and those portions of Oconto and Marinette Counties east of U.S. Highway 41, and that portion of Brown County lying northwest of the Fox River and east of U.S. Highway 141, and the Brown County islands in Green Bay and within a 150-yard zone of land adjacent to the margins of these waters. The waters referred to above includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above and the open water of Lake Michigan are excluded from the non-toxic shot requirements. All county boundary waters and lakes partially within a steel shot zone are totally included.

3. On any State wildlife area within the zones described in (2), steel shot is required for hunting waterfowl anywhere on State-owned lands or waters within the boundaries of said wildlife area and on the following State-owned wildlife areas which are not within the zones described in (2): Mead Wildlife Area in Marathon, Wood and Portage Counties, Wood County Wildlife Area and Sandhill Wildlife Area in Wood County, Meadow Valley Wildlife Area in Juneau County.

CENTRAL FLYWAY

KANSAS

Barton County: The Cheyenne Bottoms Wildlife Area except the south 200 yards west of U.S. 156 and east of the north-south centerline of S36, T18S, R13W in Barton County.

Linn County: All of the Marais Des Cygnes Wildlife Areas.

Montgomery County: All of the Elk City Reservoir and Wildlife Area including all lands and waters managed by the U.S. Corps of Engineers and the Kansas Forestry, Fish and Game Commission.

Neosho County: All of the Neosho Wildlife Area.

Reno County: All of the Cheney Reservoir and Wildlife Area including all lands managed by the U.S. Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. Also, that portion of Quivira National Wildlife Refuge in Reno County.

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.

Rice County: That portion of the Quivira National Wildlife Refuge in Rice County.

NEBRASKA

Clay and Fillmore Counties and in Kearney and Phelps Counties except on the waters of the Platte River.

TEXAS

Those portions of Orange, Jefferson, Chambers, Harris, and Galveston Counties included within the boundaries of a line extending along Interstate Highway 10 from the Louisiana-Texas border to Houston, Texas and along Interstate Highway 45 from Houston, Texas to Galveston, Texas.

PACIFIC FLYWAY

CALIFORNIA

1. That portion of the Lower Klamath Basin beginning at the junction of Highway 161 (State Line Road) and the Dorris-Brownell Road at the NW corner of Indian Tom Lake; thence south and east on the Dorris-Brownell Road as it makes a semicircle and unites again with Highway 161 on the east side of Sheepy Ridge; thence west along Highway 161 to point of origin at the NW side of Indian Tom Lake. Also included is the Tule Lake National Wildlife Refuge (excluding refuge lands on Sheepy Ridge) in the Tule Lake portion of the Klamath Basin.

2. Sacramento and Delevan National Wildlife Refuges in the Counties of Glenn and Colusa.

IDAHO

The Deer Flat National Wildlife Refuge in Canyon County, excluding the Snake River Island Unit.

NEVADA

The Stillwater Wildlife Management Area.

OREGON

Beginning at the Longview Bridge on the Columbia River, thence south on State Highway 30 to Portland, thence east from Portland along Interstate Highway 80N to the Bonneville Dam, thence down the Columbia River along the Oregon-Washington boundary to the Longview Bridge and point of origin.

WASHINGTON

1. Beginning at Interstate 5 and Highway 20 at Burlington, thence easterly along Highway 20 to Highway 9 at Sedro Woolley; thence southerly along Highway 9 to Highway 538 at Big Rock; thence westerly along Highway 538 to Mt. Vernon and Interstate 5; thence northerly along Interstate 5 to the point of origin.

2. Beginning at the Conway junction of Highway 530 and Fir Island Road, northwesterly along Fir Island Road to the Chilberg Road; thence northwesterly along Chilberg Road to LaConner and the Swinomish Channel; thence southerly and westerly along the red buoy line of Swinomish Channel to the Island county line; thence southeasterly along Island county line to State Highway 532; thence easterly along Highway 532 to State Highway 530 at Stanwood; thence northerly along State Highway 530 to the point of origin.





3. Beginning at the Longview Columbia River Bridge, thence north and east on Highways 833 and 832 to Interstate 5; thence southerly along I-5 to State Highway 14 in Vancouver; thence easterly along Highway 14 to the Skamania County line; thence southerly along said county line to the Columbia River; thence down the Columbia River along the Oregon-Washington State boundary to the Longview Bridge and point of origin.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

This final rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

Dated: February 23, 1978.

LYNN A. GREENWALT,
*Director,*
*U.S. Fish and Wildlife Service.*

[FR Doc. 78-5156 Filed 2-27-78; 8:45 am]

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[6325-01]

**Title 5—Administrative Personnel**

**CHAPTER I—CIVIL SERVICE COMMISSION**

**PART 213—EXCEPTED SERVICE**

**Department of Energy; Commodity Futures Trading Commission; Department of Transportation**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment to the regulations shows certain positions for Department of Energy, Commodity Futures Trading Commission, and Department of Transportation are excepted under Schedule C because they are confidential in nature. This amendment also shows that one position of Administrative Assistant to the Executive Director, Commodity Futures Trading Commission is revoked because it has been vacant for more than 60 days.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(n)(2); 213.3379(n) and 213.3394(h)(11) are added and 213.3379(g) is revoked as set out below:

§ 213.3331 Department of Energy.

* * * * * *

(n) *Office of the Assistant secretary for International Affairs.* * * *

(2) One Staff Assistant to the Assistant Secretary.

* * * * * *

§ 213.3379 Commodity Futures Trading Commission.

* * * * * *

(g) [Revoked].

* * * * * *

(n) One Special Assistant to the General Counsel.

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§ 213.3394 Department of Transportation.

* * * * * *

(h) *Federal Aviation Administration.* * * *

(11) One Confidential Advisor to the Chief Counsel.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,
*Executive Assistant,*
*to the Commissioners.*

[FR Doc. 78-5056 Filed 2-27-78; 8:45 am]

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[6325-01]

**PART 213—EXCEPTED SERVICE**

**National Foundation on the Arts and the Humanities**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Humanist Administrator in the Elementary and Secondary Education Program, Division of Education Programs, National Endowment for the Humanities is excepted under Schedule B because it is not practicable to hold a competitive examination for it.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4553.

Accordingly, 5 CFR 213.3282(b)(13) is added as set out below:

§ 213.3282 National Foundation on the Arts and the Humanities.

* * * * * *

(b) *National Endowment for the Humanities.* * * *

(13) Until September 30, 1980, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For The United States Civil Service Commission.

JAMES C. SPRY,
*Executive Assistant*
*to the Commissioners.*

[FR Doc. 78-5057 Filed 2-27-78; 8:45 am]

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[6325-01]

**PART 338—QUALIFICATION REQUIREMENTS (GENERAL)**

**Apportionment and Residence Requirements**

AGENCY: Civil Service Commission.

ACTION: Final regulation.

SUMMARY: Part 338 is amended to delete the apportionment and residence requirements (Subpart C) for departmental competitive service positions in the Washington, D.C. area. This action reflects the enactment of Pub. L. 95-228, repealing apportionment.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Raleigh M. Neville, 202-632-6817.

§ 338.301 (Subpart C) [Deleted].

Accordingly, 5 CFR Part 338, Subpart C, is deleted.

UNITED STATES CIVIL SERVICE COMMISSION,
ALAN K. CAMPBELL,
*Chairman.*

[FR Doc. 78-5439 Filed 2-27-78; 10:10 am]





# proposed rules



Accordingly, on March 17, 1977, FEA issued a notice of proposed rulemaking

were set forth in detail in the December 8, 1977, notice.

problems, and to support your views with appropriate data.

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3128-01]

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[10 CFR Parts 211, 212]

### HEAVY CALIFORNIA CRUDE OIL

### Additional Entitlement and Pricing Measures

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: On December 8, 1977, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a final rule providing for entitlement program adjustments that were primarily intended to enable producers of heavy lower tier California crude oil to receive their lawful ceiling prices in order to maximize the production of such oil (42 FR 62897, December 14, 1977). At that time, the ERA indicated it would issue a further notice of proposed rulemaking to examine the impact of the December 8 rule, and propose appropriate modifications. This notice: (1) proposes to spread the increased costs associated with the special entitlement benefits provided to low-gravity lower tier California crude oil across the crude oil runs of all refiners subject to the entitlement program; (2) proposes for public comment certain other pricing and entitlements alternatives which the ERA may adopt to further adjust the operation of the price and allocation regulations with respect to California heavy crude oil production; and (3) makes general inquiry into the entire situation with respect to heavy California crude oil production, in an effort to find a longer term solution to the heavy crude oil problem.

DATES: Requests to speak on or before March 20, 1978, 4:30 p.m. Hearing: March 30 and 31, 1978, 9:30 a.m. Comments due on or before March 31, 1978, 4:30 p.m.

ADDRESSES: Send requests to speak to: Department of Energy, Attn: R. Laffel, 111 Pine Street, San Francisco, Calif. 94111. Hearing location: Long Beach Convention Center, Monterey Room, 3000 East Ocean Boulevard, Long Beach, Calif. 90802. Send comments to: Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Box SC, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), Department of Energy, Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), Department of Energy, 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, 2000 M Street NW., Room 2214B, Washington, D.C. 20461, 202-254-5201.

Edwin Mampe (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2310, Washington, D.C. 20461, 202-254-7200.

Doug McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Michael Paige (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 5136, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background

II. General Objectives of This Proceeding

III. Proposed Amendments and Alternatives

A. Distribution of burden of heavy California crude oil entitlement adjustments

1. Distribution on a nationwide basis.
2. Distribution to all crude runs in California refineries.
3. Exempting small and independent refiners from existing burdens.

B. Entitlements adjustments for lower tier California crude oil based upon particular gravity and/or sulphur differentials

1. Gravity adjustments by range of gravity.
2. Gravity adjustments by degree.
3. Sulphur content adjustments.

C. Release of certain low-gravity California crude oil to upper tier prices

D. Effective date of amendments

IV. Additional Comments Requested

A. Basic factual questions concerning California crude oil market conditions

B. Additional possible actions

1. Extension of entitlements adjustments to upper tier crude oil.
2. Sales of residual fuel oil outside the West Coast.
3. Exports of California crude oil.
4. Regional entitlements program.
5. Increased fees and quotas for imports into PADD V.

V. Comment Procedures

A. Written comments

B. Public hearing

1. Procedure for requesting participation.
2. Conduct of the hearing.

## I. Background

The ERA, and previously the Federal Energy Administration (FEA), have over the past several years addressed the particular and basically unique problems that California crude oil producers have experienced during the period that the pricing and allocation of domestic crude oil has been regulated under the Emergency Petroleum Allocation Act of 1973 ("EPAA," Pub. L. 93-159). These agencies have generally recognized that, throughout this period, one or more of a variety of factors, including the operation of the EPAA allocation and price regulations and extra-regulatory factors such as California market conditions and environmental constraints, have contributed to the disincentives for the payment by refiners of the current maximum lawful prices to the producers of low-gravity (or "heavy") California crude oil. The FEA and the ERA have been particularly concerned that this phenomenon might inhibit investments in the production techniques required to maximize this production.

On October 29, 1976, the FEA adopted amendments to the price regulations to increase the allowable ceiling price at which lower tier heavy California crude oil could be sold (41 FR 48324, November 3, 1976). The purpose of these amendments was to permit such heavy California crude oil to be sold at prices more nearly approximating current market valuations of gravity price differentials, and thus to maintain production incentives for such crude oil. (For a full history of the circumstances leading up to the adoption of these amendments, see 41 FR 39331, September 15, 1976.)

After these amendments, the FEA acquired data which indicated that producers of low-gravity lower tier California crude oil were not in fact receiving the intended benefits of the increased ceiling price, and that in fact such crude oil was selling for substantially below the allowable ceiling price.





Accordingly, on March 17, 1977, FEA issued a notice of proposed rulemaking in which it proposed that refiners purchasing heavy California crude oil would be relieved from a portion of the entitlement obligation that would ordinarily be associated with the purchase of controlled "old" crude oil, with the intention that this measure would remove any disincentives on the part of refiners to the purchase of lower tier, heavy California oil at the full ceiling price (42 FR 15419, March 22, 1977).

As indicated in the March notice, under the general entitlements program the entitlements benefits to an obligations of a refiner are determined solely by the pricing category of crude oil purchased by that refiner (i.e., by whether it is lower tier, upper tier, or uncontrolled oil). The program does not take account of changes in grade or quality differentials (for example, the price differences between two crude oils because of differences in their gravity or sulphur content) within a particular pricing category. Thus, while a low-gravity, high-sulphur crude oil is less valuable to many refiners than a light, low-sulphur crude oil in the same pricing category, they both have identical entitlements obligations. If the relative value of the heavy oil decreases over time, as appears to be the case with heavy California crude oil, this entitlements effect tends to aggravate the differential even more, since it causes refiners to pay even less for the oil in order to offset the entitlements obligation. Hence, many California producers have not been able to realize their full ceiling prices.

Accordingly, FEA proposed to remove this disincentive, and thus promote the ability of producers of heavy lower tier California crude oil to receive their lawful ceiling prices, by in effect reducing the applicable entitlement obligation for such crude oil by a proposed $0.54 per barrel, which the FEA estimated was the amount by which typical California heavy crude production was then selling below its ceiling price.

On December 8, 1977, the ERA (which had succeeded to FEA's functions under the EPAA as a result of the Department of Energy Organization Act, Pub. L. 95-91, and pertinent delegations from the Secretary of Energy), adopted a final rule reducing refiners' entitlement obligations for low-gravity (25.9° API gravity or below) lower tier crude oil produced in California by $1.74 per barrel (42 FR 62897, December 14, 1977). The cost of this adjustment to the entitlements program was offset by reducing entitlement issuances for imported and Alaska North Slope ("ANS") crude oil processed in California refineries. The reasons for the particular rule adopted were set forth in detail in the December 8, 1977, notice.

Since the promulgation of the December amendments, a number of questions and concerns have been addressed to us concerning the consequences and implications of those amendments. We have closely monitored the pricing of crude oil in California to determine the effect of the rule on producers and refiners. The data now available to us indicate that the prices offered by some refiners for low-gravity lower tier California crude oil have increased in response to the December 8 amendments, and that certain producers have increased investments in production activities as a result of the rule. However, as of this date, not all refiners have increased their price postings to ceiling price levels and it is not clear at this time that the amendments have had their full intended effect. We have also been advised of the possibility that shutting in of certain California production remains a possibility because of the current pricing situation. Accordingly, in this proceeding we intend to ascertain the reasons for this phenomenon and to determine what additional measures (if any) may now be necessary and appropriate. In addition, we have received indications that the manner in which the offsetting entitlement burdens were distributed in the December 8 amendments may have a severe and inequitable impact on certain small and independent refiners that are dependent, at least in the near future, on imported and/or ANS crude oils. These and similar concerns have generated the proposals and alternatives and requests for comments discussed in the ensuing sections of this notice.

## II. General Objectives of This Proceeding

We solicit comments of two kinds. First, comments are requested on the specific proposals and alternatives identified in section III of this notice. We may in this proceeding adopt some one or more of these alternatives, or variations of these alternatives, if warranted at the present time.

Comments and information are also being requested (in section IV of this notice) concerning certain other possible actions which might ultimately prove to be appropriate to deal with any identified California (or West Coast) crude oil problems on a broader basis. For this purpose, and also for the purpose of providing a more comprehensive assessment of the possible effects of the specific proposals discussed in section III of this notice, section IV also requests views on certain basic factual questions pertaining to these matters.

In general, you are encouraged to provide your own analyses of any problems, and to support your views with appropriate data.

## III. Proposed Amendments and Alternatives

Set forth in this section is the substance of various proposals, and alternatives thereto, to amend the allocation and price regulations to provide any necessary further incentives to maintain California heavy crude oil production and thus to perfect the purposes of prior FEA and ERA actions with respect to such production. We are requesting comments upon which of these measures can and should be adopted, in light of current conditions in the crude oil and refined product markets in California. We may adopt one or any combination of these proposals and alternatives, or any variation thereof, which may be determined to be appropriate to accomplish these general objectives.

The proposal to spread the offsetting entitlement burdens generated by the December 8 amendments across the entire entitlements program (alternative A.1., below) is accompanied by proposed regulatory language. Otherwise this notice is not accompanied by particular proposed regulatory language, in view of the wide variety of alternatives under consideration. Notwithstanding the absence of proposed regulatory language herein for any particular alternative, and depending upon whether and which of these proposals and alternatives we determine to adopt in this proceeding, we will in any final rulemaking adopt appropriate regulatory language to reflect the substance of the measures adopted.

### A. Distribution of Burden of Heavy California Crude Oil Entitlement Adjustments

In order to re-examine the distribution of the offsetting burdens of reducing the entitlements obligations on heavy California crude oil, we request comments upon the following possible alternatives (and any other alternative commenters may consider necessary and appropriate).

1. *Distribution on a nationwide basis.* Information available to us since issuance of the December 8 rule is that the offsetting entitlements penalty on ANS and imported crude oil as a result of the rule is about $0.64 per barrel. The effect of this on certain small and independent refiners in the Los Angeles area particularly has been substantial. (Some major refiners have also been adversely affected by the rule, but they are at least able to spread the effect of the penalty across all of their crude runs nationwide.) Such small and independent refiners run little or no California heavy crude oil, and claim that they must depend almost exclusively on light, sweet imported crude oil to produce the low





sulphur fuel oil necessary to comply with Southern California's air quality

of the December 8 amendment has

feedstocks. While this would reduce



California crude oil. Those data were as follows:

and information are also requested concerning the appropriate amount of

amount of sulphur contained in the crude oil. Low-sulphur crude is gener-

sulphur fuel oil necessary to comply with Southern California's air quality standards. These refiners claim not to have the cash flow to make the large investments necessary to install the coking and desulphurization equipment necessary to process California crude oils, and they assert that in any event such conversions would take several years. They allege that the effect of the December 8 amendment has been to deteriorate further their alrady weak competitive position because they are required to pass through the full amount of the offsetting penalty in the prices of their product.

To alleviate this situation, the compensating burdens might be spread across the entire entitlements program on a nationwide basis, rather than be limited to certain crude oils processed in California refineries. Such treatment would be consistent with the manner in which burdens associated with special entitlement benefits are generally distributed. It would cause refiners and consumers of their refined products across the country (including California) to bear a proportionate share of the burden, and would result in a smaller per barrel cost to any group of refiners or consumers (an estimated $0.04 per barrel) than California refiners and consumers are required to bear under current provisions.

Therefore, we are proposing regulation language which would in effect delete the provisions of present § 211.67(a)(4)(ii) that specifically provide for the offsetting entitlement loss for ANS and imported crude oils refined in California refineries.

We also wish to assess what the effect of the broader distribution of burdens would be upon the producer's price for lower tier, heavy California crude oil. In this connection, we understand that certain California refiners are processing crude oil which derives both from California and from Alaska and foreign countries. It has been claimed that such refiners may not have significant incentives to pass the benefits of the December 8 adjustments on to the California producer, because the increased entitlements burdens upon their imported and ANS feedstocks results in a net after-entitlement position for such refineries that is the same as or worse than that prior to the December 8 amendments. Therefore, they would retain to the maximum extent, rather than pass on to the producers, the increased entitlements benefits on their heavy California crude runs. Such refiners claim also that near-term adjustments in their feedstock mix is limited because of the time and cash requirements for the development of additional processing capability for such heavy sour crude oil. They claim that the effect of the December 8 amendment has been to reduce their incentive to make changes in their refineries to process heavy California oil by reducing the cash flow that would support the necessary investment.

On the other hand, it can be argued that continuation of the present (December 8) entitlement program adjustments may provide additional long-term incentives for such refiners to increase their California crude oil feedstocks and decrease their reliance upon imports and ANS crude oil, by not only providing positive incentives for California feedstocks but also providing disincentives (in the form of reduced entitlements benefits) for the long-continued use of imports and ANS crude oil. If the result of spreading the burdens resulting from the lower tier incentive adjustments across the entire entitlements program is such that the penalty upon ANS and imported crude oil processed in California is significantly reduced, there may be insufficient incentive for refiners to take the necessary actions to decrease their reliance upon such crude oils.

Comments are requested upon the relative short-term and long-term significance of the above considerations in the current market environment in California, and upon any other considerations bearing upon this issue.

2. *Distribution to all crude runs in California refineries.* Under this alternative, the burdens associated with the existing adjustments would be limited to California refineries, but would be applied to all crude oil runs to stills in California refineries, regardless of the source, quality, and pricing category of the particular crude oil feedstock. If this alternative is adopted, or if the result of this proceeding is that the burdens are otherwise limited to California refineries, we may also adopt amendments to the crude oil refiner price regulations (10 CFR 212.81 et seq.) to provide for an exception to the general "equal application of increased costs" rule set forth therein. The effect of this price amendment would be to permit California refiners that also operate in other areas of the country to allocate increased costs of crude oil processed in California to their California refinery production.

The general effects of this alternative would be two-fold. First, as is the case with the existing rule, it would limit the burden to purchasers from California refineries, which constitute the bulk of the class of refineries receiving the benefits of the adjustments. A second effect of this alternative would be to reduce the existing burden upon imported and ANS crude oils processed in California by spreading a proportionate amount of this burden to other California refinery feedstocks. While this would reduce the net entitlement advantage for California lower tier crude oil vis-a-vis these other crude oils, it would also assure that certain California refiners are not given artificial competitive advantages or disadvantages over other California refiners simply by reason of their access to a particular crude oil feedstock.

3. *Exempting small and independent refiners from existing burdens.* Under this alternative, the existing provisions of the regulations would be retained except that small and independent refiners would not be required to bear any additional burdens associated with ANS and imported crude runs.

The considerations which might justify retention of the current provisions are generally discussed above. This alternative would, however, prevent small and independent refiners, who are to a greater degree than the large integrated refiners likely to be locked into particular sources of supply, from suffering competitive disadvantages to the extent that their crude oil feedstock source is imported or ANS crude oil.

### B. ENTITLEMENTS ADJUSTMENTS FOR LOWER TIER CALIFORNIA CRUDE OIL BASED UPON PARTICULAR GRAVITY AND/OR SULPHUR DIFFERENITIALS

In adopting the $1.74 per barrel entitlement adjustment for lower tier crude oil of 25.9 degrees API or below, we adopted a single uniform adjustment for all crude oil below the threshold. As indicated in the December 8 rulemaking, this determination was based upon utilizing the entitlement "penalty" for 20° Huntington Beach lower tier crude oil, which was considered to be reasonably representative of most lower tier heavy California production.

However, we wish to consider in this proceeding whether ERA can and should provide for several categories of more precise entitlement adjustments for low-gravity crude oil, based upon the degree of "heaviness" of the particular lower tier crude oil. We also wish to consider to what extent the sulphur content of lower tier crude oil can and should be used to determine the appropriate amount of the entitlement adjustments. In considering the following alternatives, we will essentially be seeking to determine whether such differentials would be a more appropriate procedure to accomplish the objectives of the December 8 notice, and whether the additional administrative burdens that would be entailed in recognizing several different categories are warranted.

1. *Gravity adjustments by range of gravity.* In the December 8 notice were set forth data indicating the various lower tier entitlement "penalties" for certain degree ranges of lower tier





California crude oil. Those data were as follows:

| Range of °API gravity | Lower tier penalty (versus stripper) |
|---|---|
| 10-14.9 | $2.37 |
| 15-19.9 | 2.04 |
| 20-24.9 | 1.74 |
| 25-29.9 | 1.44 |
| 30-34.9 | 1.19 |
| 35-39.9 | 1.11 |

The alternative proposed for consideration herein is to provide for entitlement adjustments of specific amounts for lower tier California crude oil falling within discrete gravity ranges. Such amounts and ranges might be as set forth above, or in such other amounts and ranges as may be determined to be appropriate in light of all available information. Adoption of this alternative would ostensibly more precisely correlate the benefit provided with the "penalty" suffered and could also account for the existence of penalties for crude oils of gravity levels above the present 26 degree cutoff point.

However, we wish to ascertain whether such a more precise approach would be workable or effective, given the realities under which California crude oil is bought and sold. In particular, we wish to ascertain whether such an approach, which would necessarily generally focus upon the grade and quality of the crude oil delivered at the refinery gate, would in fact affect postings in the field in the intended manner. In this connection, we understand that a substantial amount of crude oil delivered to the refinery is actually crude oil from several different properties that has been commingled in pipelines. We also understand that postings reflect the fact that the crude oil will be commingled, and that therefore the price for such crude oil may reflect an average value for all of the commingled crude. Thus, it is possible that differential entitlement benefits based upon refinery gate grade and quality might not be fully translated into particular higher postings in the field.

We request comments upon whether, in light of these considerations, the recognition of different gradations as proposed herein would have a sufficient effect upon producers of particular categories of "heavy" crude oil to warrant extending entitlement adjustments to higher (26-40°) gravity crude oil, and also to warrant the administrative costs on producers and refiners in recognizing several discrete categories for entitlements purposes. We also request comments upon whether the particular categories and adjustments set forth above would be most appropriate in view of these considerations, or whether fewer and broader ranges might be more appropriate. Comments and information are also requested concerning the appropriate amount of the adjustment to be assigned to any particular range, including an assessment of whether the particular "penalties" identified in the above table are reasonably reflective of current conditions. Finally, we wish to assess the additional impact of providing for adjustments for lighter crude oil upon those refiners and consumers that may bear the offsetting entitlement burden under the alternatives discussed previously.

Regardless whether this alternative is supported, and for purposes of determining the impact of the December 8 rule, we wish to receive views upon whether the $1.74 adjustment for 25.9 (or less crude oil) is now appropriate. Is the amount too high, or too low? If too high or too low, for what ranges of gravity is this true? What amounts would be more appropriate for these ranges, and on what basis are such amounts derived?

We also request comments upon whether any gravity adjustments (either the current adjustment or any different adjustments which may be adopted in this proceeding) should be a one-time adjustment or rather should be accomplished on a recurring periodic basis (such as monthly or quarterly). If such adjustments were accomplished periodically, we would presumably be able to take account of intervening developments in establishing the appropriate amount of the adjustments. This approach would appear to require some type of formalized reporting procedure (most likely involving prices of uncontrolled crude oil broken down by gravity categories), and would to some extent create additional administrative burdens. We request comments upon whether it would be feasible to adopt such a procedure, and if so, what type of reporting system (if any) should be instituted.

2. *Gravity adjustments by degree.* Under this alternative, ERA would establish specific entitlement adjustments for each degree API gravity by which the lower tier California crude oil falls below a certain threshold (e.g., 40 degrees). This alternative presents the same general issues as the first alternative discussed above. This alternative has the theoretical potential of being even more precise than the first alternative, but it would also magnify the administrative costs involved and make the entitlements program more complex than it already is.

Comments are requested on the advantages or disadvantages of this alternative relative to the first alternative discussed immediately above.

3. *Sulphur content adjustments.* As previously indicated, values of crude oil are affected not only by its lightness or heaviness, but also by the amount of sulphur contained in the crude oil. Low-sulphur crude is generally more desirable, particularly in California where there are stringent standards on sulphur oxide emissions. Since most heavy California crude oil has a high residual fuel oil yield, and since much of such crude oil is relatively "sour," thse product market factors work to further reduce the wellhead value of California crude oil.

In this proceeding we wish to consider the extent to which the high sulphur content of lower tier heavy California crude oil may be contributing to the difficulties presently being experienced by producers of such crude oil. If the data available indicate that sulphur content is a substantial contributing factor, and that there are appreciable sulphur content variations within particular gravity ranges affecting the relative value of crude oil within the same general range, we could adopt an entitlement adjustment mechanism which reflects sulphur differentials among low-gravity crudes. Such adjustments could be in lieu of, or operate in conjunction with, the gravity range differential alternatives discussed previously.

In making our determination, we will also consider whether such a system would be administratively feasible. It is our understanding that California postings have not historically reflected specific sulphur content differentials, so that determining sulphur adjustments appropriate for California production may be difficult. It should also be noted that the same administrative problems associated with commingled crude oils discussed in connection with the gravity range differentials would apparently also be present in any attempt to prescribe separate sulphur content adjustments.

Comments are requested concerning whether we can and should adopt entitlement adjustments based upon sulphur content, in light of the considerations discussed above and any other relevant considerations. We also request comments and information concerning the appropriate ranges and adjustments for each such range that should be adopted, if this alternative is adopted.

### C. RELEASE OF CERTAIN LOW-GRAVITY CALIFORNIA CRUDE OIL TO UPPER TIER PRICES

Data available to us since the December 8 rulemaking indicate that although some postings for low-gravity lower tier California crude oil have increased in response to the December 8 amendment, in some cases to a point at or near to ceiling prices, by no means have all such postings so increased. As indicated in the December 8 notice, the information available at that time indicated that there was a growing and imminent threat that cer-





tain California production would be shut in and lost unless effective ac-



able for other categories of controlled domestic production decreases. Thus,

ments, and would be based upon the same considerations that originally

Finally, we request comments concerning the appropriate effective date

tain California production would be shut in and lost unless effective actions were taken to increase the after-entitlement price of such crude oil. Since that time, we have been apprised that more shut-ins are still possible, and that the December 8 amendments have not had the full intended effect.

A more direct means of assuring that the intended results of the earlier actions are accomplished is to release certain lower tier production to upper tier levels in order to give producers the same returns they would receive if ceiling prices were realized. This might be accomplished as follows: On a monthly basis, the producer of low-gravity lower tier crude oil would calculate the "gap" between the actual lower tier posted price and the applicable lower tier ceiling price for that month, and the producer would also calculate the "gap" between such actual lower tier price and the actual upper tier price for such crude oil. (Where the property is producing only "old" or lower tier crude oil, the producer would look to the upper tier posting in the nearest field for comparable gravity crude oil. Comparability would be determined by the appropriate gravity threshold—presently 25.9° API and below—or range, if adopted.) The producer would then calculate the ratio or percentage of the former "gap" to the latter "gap." The resulting percentage would be multiplied by total "old" crude oil production in the ensuing month, and the resulting amount would be "released" from lower tier to upper tier status in that month.

Under this alternative, the producer would effectively be permitted to realize the difference between lower tier actual and ceiling prices. That is, the dollar deficit represented by the result of multiplying the amount of lower tier actual-to-ceiling "gap" by the number of barrels of "old" crude oil produced would be exactly offset by increased revenue equal to the "gap" between lower tier and upper tier actual prices multiplied by the number of barrels of "released" old oil.

If this alternative were adopted, it would generally replace the existing entitlement adjustments for heavy lower tier California crude oil, since the primary purpose of these adjustments would have been accomplished in a different manner. However, comments are requested upon whether and to what extent certain refinery gate entitlement adjustments might appropriately be retained, in order to stimulate any necessary commitments (refinery changeovers) to processing California heavy feedstock and marketing the altered product yield which that feedstock may entail, if this alternative is adopted, and in general to equalize fully the crude oil acquisition costs of refiners that continue to purchase lower-tier heavy oils.

This alternative would result in an increase in the price of such "old" crude oil as would be released to upper tier status. As such, it would be a pricing action for which the specified findings of section 8(b)(2) of the EPAA, as amended, are arguably required. Section 8(b)(2) of the EPAA provides as follows:

> (2) No amendment to the regulation under section 4(a) made after the date of enactment of this section may permit, in any month which begins after such date, an increase in the price for any volume of old crude oil production from any properties, unless the President finds that such amendment—
>
> (A) Will give positive incentives for: (i) Enhanced recovery techniques, or (ii) deep horizon development from such properties; or
>
> (B) Is necessary to take into account declining production from such properties; and
>
> (C) Is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

If this section is applicable, it is essential to the implementation of this or any similar alternative to make the finding that releasing certain lower-tier oil to upper tier levels: (1) Is likely to result in a level of production from the properties affected greater than that which would otherwise occur in the absence of such action, and (2) is necessary to take into account the decline or probable decline in production from such properties that would otherwise occur.

For these reasons, we request comments and information as to the causes of the current problems and the likely production consequences of this alternative. Those supporting adoption of this alternative should provide data specifically demonstrating that this proposed action would in fact result in greater production than would occur without it.

On the other hand, we recognize that there is a possible legal argument to the effect that such a finding may not have to be made. The original increased ceiling prices for California heavy crude oil which were promulgated by the FEA in October 1976 were adopted pursuant to Congressional directive in connection with the grant by Congress to the President of increased pricing flexibility in the Energy Conservation and Production Act ("ECPA," Pub. L. 94-385). In the ECPA, Congress removed certain prior limitations upon the ability of the President to permit increases in the composite price limitations of section 8 of the EPAA to provide production incentives. in section 122 of ECPA, Congress directed that some of this increased pricing flexibility be applied to "provide for the adjustment of differentials for crude oil that are the result of gravity differentials that are arbitrary, discriminatory, applied on a regional or local basis without reasonable justification, or fail substantially to reflect current relative market valuations of such differentials." Evidently recognizing the difficulty in making the explicit findings required by EPAA section 8(b)(2), the ECPA conferees specifically stated that: "The increase in actual old crude oil prices resulting from such (gravity differential ceiling price) adjustments would properly be regarded as a production incentive price adjustment, and would, as such, meet the requirements of section 8(b)(2) of the EPAA with respect to the findings necessary to increase prices for old crude oil production." S. Rep. No. 94-1119, August 5, 1976.

In a sense, the pricing action identified in this alternative is intended to realize the intended consequences of the October 1976 ceiling price adjustments, and thus is arguably within these Congressional findings and would not require independent EPAA section 8(b)(2) findings. However, the basic Congressional directive contained in ECPA section 122 was to accomplish the necessary amendments to cure ceiling price differentials which were "arbitrary," "discriminatory," unjustifiably "regional or local," or not in accord with "current market conditions." Thus, the mere existence of a differential between actual prices and ceiling prices does not alone justify the conclusion that one of the statutory justifications for remedial action to raise actual prices is present. The differential might exist under market conditions unaffected by ERA regulations. At a minimum, the operation of the allocation and/or price regulations must be shown to be a substantial cause of this phenomenon before we may properly consider any additional pricing measure of the kind proposed herein to be justified by the congressional ECPA findings and directive alone. in the absence of such a showing, it will be necessary for us to make the findings required by EPAA section 8(b)(2)—that is, that providing this relief will result in greater production than would occur in the absence of such relief.

We also request comments and information on the probable amounts of old crude oil which would be released under this alternative, for the purpose of determining the impact of any such action upon the actual weighted average first sale price of domestic crude oil. Under section 8 of the EPAA, we may not permit the actual weighted average first sale price of controlled domestic crude oil to exceed the statutory limitation (the composite price). If the actual first sale price of any category of controlled domestic crude oil is permitted to increase and does increase, the amount of increases available for other categories of controlled domestic production decreases. Thus, if it appears that a significant increase in the composite price would result from releasing lower-tier California oil to upper-tier levels in order to maintain production, we would have to take account of it in the pricing levels allowed for other categories of oil.





#### D. EFFECTIVE DATE OF AMENDMENTS

We are requesting that comments address the appropriate effective date for the alternatives discussed previously, and particularly whether the effective date adopted should be other than a date which is at least thirty days subsequent to the issuance of the final rule adopting such alternative or alternatives.

Specifically, for the proposed amendments pertaining to the treatment of the entitlement adjustments and burdens, consideration is being given to making any such amendments as are ultimately adopted effective for refiners' crude oil runs to stills as of either January 1, 1978 (which would have the effect of superseding the December 8 amendments as of their effective date) or, alternatively, some later date such as February 1 or March 1, 1978. Comments are requested on the propriety and legal validity of adopting any of these effective dates, in light of the following considerations.

The December 8 amendments were made effective for crude oil runs to stills beginning January 1, 1978, because, as indicated in the December notice, information provided in the rulemaking proceeding, as well as meritorious applications for exception relief, indicated that the depressed prices for certain California production were causing or were likely to cause in the near future substantial volumes of California heavy crude oil not to be produced. Among the factors necessitating the action at that time wass the growing influx of ANS crude oil into the California refining market, and the apparent downward pressure exerted on prices for California production. We concluded that the amendments were necessary to counteract a growing and imminent threat that certain California crude oil production could be shut in and, dùe to the mechanics of the reservoirs and recovery methods involved, possibly lost permanently unless immediate relief were provided to producers of low-gravity, lower tier crude oil in California.

If we were to provide for a January 1, 1978, effective date for any amendments adopted in this proceeding, this action would be based upon the need for corrective amendments to avoid to the maximum extent possible any distortions or counter-productive effects resulting from the December 8 amendments, and would be based upon the same considerations that originally justified the January 1, 1978, effective date. If this date were utilized, any new amendments adopted could be reflected in the March 1978 entitlements notice for crude oil runs to stills for the month of January, unless the regular March notice were issued prior to the adoption of a final rule in this proceeding. If the March notice had already been issued, it might be necessary to issue an amended March notice, or reflect the adjustments in the April notice, to accomplish this result.

Adoption of a February 1 effective date would result in an effective date that is as close to January 1 as possible and is also likely to be reflected in a regular entitlements notice, i.e., the April 1978 notice for February crude runs to stills. That is, if a final rule is adopted after March 15 and before April 15, the April entitlements notice can reflect the changes and there would be no need to disturb prior entitlements transactions.

Adoption of a March 1 effective date would not have the virtue of being as timely, in the sense described above, as the other alternatives, but it would also be more completely prospective in the sense that (if the amendments are adopted prior to the end of April) it would not require a retroactive change in the reporting of crude runs to stills for the month of March.

Comments are requested upon whether ERA can and should find that good cause exists in these circumstances for waiving the general rule concerning the 30-day waiting period between the promulgation of a final rule and its effective date. We also request comments upon whether the adoption of any of these alternatives would have unduly prejudicial retroactive effects upon the prior conduct of producers and refiners. We are interested in views as to what kinds of actions may have been taken in reliance upon the December 8 rule that might not have been taken if any alternative proposed in this proceeding had been adopted in lieu of the December 8 rule. In this latter connection, we recognize that although adoption of these alternatives would be largely prospective with regard to entitlements transactions, they may be retroactive with regard to prior crude runs to stills, and we recognize the possible argument that refiners might have adjusted their refinery receipts or runs to stills in January or February had they known that any particular additional amendment would have been in effect. However, any refiner (or producer) so contending must specifically demonstrate that such an alteration of their conduct both could and would have occurred, and that the effects of such changed practices would have been substantial.

Finally, we request comments concerning the appropriate effective date of the remedial pricing proposal set forth herein, if adopted. Should such an amendment be given the same effective date as any entitlements amendments adopted in this proceeding? If so, would an accelerated and/or partially "retroactive" amendment be supported by the same considerations that might support such an action for the entitlements amendments?

### IV. ADDITIONAL COMMENTS REQUESTED

#### A. BASIC FACTUAL QUESTIONS CONCERNING CALIFORNIA CRUDE OIL MARKET CONDITIONS

A major underlying purpose of this proceeding is to permit us to become as familiar as possible with the specific factors at work in the California crude oil production and refining markets. The acquisition of such information should assist us in two basic respects: First, it should provide a better basis for determining whether and what short-term solutions to any existing problems are necessary and appropriate, and thus, for example, aid in determining which if any of the alternatives proposed in this notice are now appropriate for adoption; and, second, it will hopefully provide a deeper and broader base of knowledge for assessing possible longer-term solutions.

Accordingly, we request as much primary empirical data as is possible concerning the factors at work in these markets. You are encouraged to set forth your own views as to what these factors are, what their relative significance is, and how they bear on any perceived present or future problems.

In particular, but without limiting the scope of the information requested, we would like to receive views on the following matters:

1. We are aware that there are five different posting schedules for stripper crude oil in PADD V in effect at this time. Given those different schedules, how are actual selling prices established between buyers and sellers of stripper crude oils? Further, what are the actual current prices for stripper crude oils in PADD V?

2. Why have the prices of stripper crude oils in PADD V not increased as much as those of stripper crude oils in PADD's I-IV? Is this related to the stringent air pollution requirements in California?

3. Why hasn't the marketplace established nearly equal refiner acquisition costs for lower tier, upper tier, and stripper crude oils in PADD V? (Acquisition cost means the purchase price plus the net after-entitlement cost of each crude oil.)

4. Do the price differences between crude oils produced in different fields in PADD V vary with the tier of the crude oil? For example, is the price

difference between lower tier Wilmington 20° API and Ventura 28° API different from that for the same crude oils now sold as stripper crudes? If these quality differentials have changed, please provide data which will show the changes, and explain why they have occurred.

5. What is the basis for the prices for south Alaska crude oils (Cook Inlet and Kenai Peninsula)? Are these prices based on prices in effect for PADDs I-IV crude oils or for those from PADD V?

6. In 1973, the sour crude oils produced in PADD's I-IV were priced at approximately 10 cents below sweet crude oils of the same gravity from the same region. Analysis of recent stripper postings indicates that this "sour penalty" has increased to approximately $1 per barrel. Why has this happened? Does this change in relative prices in PADD's I-IV correspond to price changes in PADD V or in world markets?

7. What are the current landed costs for imported crude oils of differing gravity and sulphur content? How do the world-wide quality differentials compare to those in effect in PADD V and in PADD's I-IV?

8. What is the potential for export sales of and/or exchange agreements concerning residual fuel oil and California crude oil in barrels per day? At what price? What is the availability of ports and tankers?

9. If we were to provide incentives for refinery investments to facilitate greater use of low-gravity California crude oils, how much increased use of California crudes in California could be facilitated in the long run given current state of the art technology?

### B. ADDITIONAL POSSIBLE ACTIONS

In addition to requesting comments on the proposals and alternatives discussed in section III of this notice, we also want to determine whether there are any other causes and conditions of the current crude oil pricing problems in California, and whether we should consider proposing any additional actions in order to resolve the complex issues presented by the current situation. You are therefore invited to identify any such additional measures and to discuss their appropriateness. Without limiting commenters to these matters, we request comments concerning the following subjects.

1. *Extension of entitlement adjustments to upper tier crude oil.* It has been suggested that, due to a combination of factors, the problem of depressed prices exists for upper tier heavy crude oil produced in California as well as for lower tier production and that, without some sort of regulatory relief, California upper tier production may decline. We therefore request comments on whether and to what extent there is a problem with respect to the pricing of California upper tier heavy crude oil. If such a problem exists, what factors are causing it, and to what extent do the entitlements program and the December 8 amendments impact on the problem?

In the event that the current regulatory program is determined to be a cause of any such problem, we are interested in comments concerning the appropriate type and measure of relief. If entitlements adjustments are considered to be appropriate, we are interested in comments concerning the appropriateness of providing a reduction in refiners' entitlement obligations for receipts of heavy upper tier, as well as heavy lower tier, crude oil produced in California, the quality (i.e., gravity and sulphur content) of the upper tier oil that should receive the benefit, and the appropriate amount of the benefit.

2. *Sales of residual fuel oil outside the west coast.* In processing the heavy, sour crude oil which makes up the larger portion of California production, a relatively large quantity of high-sulphur residual fuel oil is obtained that cannot be marketed in California, primarily due to the stringent environmental restrictions on its use imposed by the State. Since this situation contributes to the problems associated with marketing this California crude oil, we request information on whether and to what extent there are foreign and domestic markets outside the west coast for the high-sulphur residual fuel oil produced by California refineries. This information should include specific data concerning the location of any such markets, the prevailing prices in those markets, and the volumes of residual fuel oil that could be absorbed by those markets.

The purpose of this information would be to enable us to determine whether to recommend changes in the Department of Commerce's restrictions on exports and whether to propose removal of existing entitlement disincentives for exports so as to permit California refiners to export high-sulphur residual fuel to foreign markets without incurring any loss in entitlements. We also request comments on whether to propose a modification to the entitlements program to exempt west coast refiners from existing regulatory provisions under which there is an entitlement loss for domestic refiners with respect to residual fuel oil produced for sale in the east coast market, if it appears that such a regulatory change would provide an incentive for shipments of residual fuel oil from the West to the east coast. Finally, we request information upon what the prospects are for accomplishing product-for-product or product-for-crude oil exchanges in a manner so as to alleviate the California residual fuel oil problem, and comments upon what entitlements changes (if any) would be necessary to facilitate such exchanges.

3. *Exports of California crude oil.* We also request comments concerning the efficacy and appropriateness of permitting the export of California crude oil and/or the exchange of such crude oil for foreign crude oil, as a means of broadening the market for California production. This may involve changes in the Department of Commerce's restrictions on exports of petroleum and petroleum products and in the entitlements program treatment of exports. (Currently, the entitlements program provides for the deduction from a refiner's runs of the volume of export sales, other than those of certain bunker fuels and refined lubricating oils, in order to ensure that the cost equalization benefits of the program are retained within the domestic market. In general, where domestic crude oil is exchanged for foreign crude oil, the domestic party to the exchange is deemed to have retained the domestic crude oil for purposes of the entitlements program. However, if the domestic party to the exchange is not a refiner and the foreign crude oil received in exchange is not processed in a domestic refinery, the domestic party does not retain the entitlements associated with the domestic crude oil exchanged away.)

We request information concerning the potential foreign markets for California crude oil and the impact that exports to such markets would have on the United States balance of trade. Comments should also address the question of what the proper treatment of such exports or exchanges would be under the entitlements program.

We will be considering whether any actions to facilitate exports or exchanges of crude oil or products would in fact promote increased California crude oil production, and on the other hand whether such actions would remove or reduce any existing incentives for refiners to retrofit their refineries to permit the increased processing of domestic (California) crude oil in lieu of continued reliance upon imports. Comments upon these potential effects are requested.

Finally, comments are sought concerning whether any actions to facilitate the export or exchange of California crude oil or residual fuel oil can and should be limited to those transactions which would result in the reduction in imports to the gulf and east coasts, and thus avoid increased reliance upon imports in those areas.

4. *Regional entitlement programs.* We also request comments upon whether the separation of the current national entitlements program into two regional programs—one for PADD V and one for PADDs I-IV—would be a feasible and appropriate way to remove any existing entitlement disincentives to the purchase of heavy California crude oil.

Under such a system, the amount of the entitlement obligation associated with the purchase of a particular pricing tier of crude oil produced in the relevant region would presumably be the difference between average acquisition costs for crude oil in that tier in that region and the average costs of stripper well crude oil in that region. Thus, the entitlement obligation would be based upon crude oil price differences within that region, and would not reflect price differences occurring in the other region.

A nationwide uniform run credit for each barrel of crude oil run to refinery stills would be used to distribute the revenue received from the purchase of entitlements. The principal result of this program would be to make refiner acquisition costs of price-controlled crude oils nearly equal the acquisition costs of the same crude oil sold as stripper well crude oil, while continuing to distribute the benefits of price controlled crude oil to all consumers.

Our consideration of this possible measure is based upon the proposition that PADD V generally constitutes a separate and distinct crude oil market from that existing in PADDs I-IV. The proposition that the separation of these markets (for entitlements purposes) might relieve any existing downward pressure on heavy lower tier crude oil in PADD V is further based upon the general observation that crude oil production in PADD V has a lower value on the whole than that of PADDs I-IV. If this is so, then the price of uncontrolled stripper well crude oil in PADD V would be less than that for stripper well crude oil in PADDs I-IV and, as a further result, under a separate regional entitlements program the entitlement obligations associated with the purchase of controlled heavy PADD V crude oil would presumably be less than is true under the current system. Under the current system, entitlement obligations are based upon the weighted average national acquisition costs of all controlled crude oil and all uncontrolled crude oil. Thus, entitlement obligations for heavy PADD V crude oil now reflect the higher value of uncontrolled PADDs I-IV crude oil.

We have observed that, since May 1973, market prices for domestic sour crudes in PADDs I-IV have not risen as much as those for sweet crudes in that region. This has caused an increase in the price spread between sweet and sour crudes which is similar to the price spread that has taken place between PADD V and PADDs I-IV crudes. We request comments as to the impact of the sweet/sour price spread within PADDs I-IV on acquisition costs of refiners. Comments are also requested as to whether a third entitlement category, sour crudes in PADDs I-IV, should be established within a regional entitlement program so as to cause acquisition costs of price-controlled sour crudes to more nearly equal those of uncontrolled sour crudes.

Comments are requested on the validity of the general factual premises set forth above and, if valid, upon whether such a separate regional entitlements approach would be a feasible and appropriate way to remove any entitlement disincentives to the purchase of heavy PADD V crude oil at lawful ceiling prices. We also request comments upon appropriate specific mechanics for implementing such a system.

5. *Increased fees and quotas for imports into PADD V.* The State of Alaska has proposed to the DOE that it consider recommending to the President that he: (i) Increase the import license fee on crude oil imported into PADD V from the present $0.21 per barrel to a much higher figure, such as $1 or more; (ii) reduce to zero the amount of non-Canadian oil being imported under fee-free licenses into PADD V; and (iii) impose a quota on imports into PADD V that would gradually reduce them to zero by about 1983. Also proposed is the refund on a dollar-for-dollar basis of those fees paid by refiners in PADD V that make conversions to refineries to process sour, low gravity crude oil.

This proposal is premised on the assumption that the overriding reason for depressed California crude oil prices is the present unwillingness of west coast refiners to retrofit their refineries to allow them to run more low gravity, sour crude oil. The proposal is put forward as a means of directly attacking the problem by providing direct incentives for those refiners that make conversions and penalties for those that do not.

We specifically request comments on the State of Alaska's proposal, including each of its component parts. Commenters should include in their presentations an analysis of whether the President has the legal authority to take the action proposed, particularly given its regional application, and whether the proposal can and should be applied on a nationwide basis. Comments should also address whether the proposal would impose disproportionate hardships on particular refiners. Finally, commenters in a position to do so should address the question whether the adoption of such a proposal would likely have the effect of increasing the wellhead prices for ANS crude oil and, if so, whether adjustments should be made in the entitlements treatment of such oil to prevent such increases from occurring.

## V. COMMENT PROCEDURES

### A. WRITTEN COMMENTS

You are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice. Comments should be submitted to the address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope with the designation "Additional Entitlement and Pricing Measures Concerning Heavy Calfironia Crude Oil." Fifteen copies should be submitted. All comments that we receive will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

You should identify separately any information or data you consider to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

### B. PUBLIC HEARING

1. *Procedure for requesting participation.* The time and place for the public hearing are indicated in the "DATES" section of this preamble. If necessary to present all testimony, the public hearing will be continued to 9:30 a.m. of the first business day following the hearing date shown above.

You may make a written request for an opportunity to make an oral presentation at the hearing. The request should contain a phone number where you may be contacted through the day before the hearing. Since it may be necessary to limit the number of persons making such presentations, you should be prepared to describe your interest in the proposed amendments, and why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of your proposed oral presentation.

We will notify each person selected to be heard before 4:30 p.m., March 23, 1978. Persons scheduled to speak at the hearing must bring 100 copies of their statement to the location of the hearing on the day testimony is presented.

2. *Conduct of the hearing.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be

a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing. Such questions must be submitted to the same address indicated above for requests to speak, 3 days before the hearing. In addition, if you decide at the hearing to ask a question, you may submit the question, in writing, to the presiding officer. We will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and we will retain the entire record of the hearing, including the transcript, which will be made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of the hearing from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The DOE has determined that this document may contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107. Accordingly, a preliminary economic impact evaluation of the proposal is being prepared.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), this proposal has been referred, concurrently with its issuance, to the Federal Energy Regulatory Commission for a determination whether the proposed amendments would significantly affect any matter within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., February 22, 1978.

DAVID J. BARDIN,
*Administrator, Economic Regulatory Administration.*

Section 211.67 is amended by revising paragraph (a)(4) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.* • • •

(4) For each month, commencing with the month of January 1978, the number of entitlements issued under paragraph (a)(1) of this section to each refiner shall be increased by the number of barrels of California lower tier crude oil included in its adjusted crude oil receipts in that month multiplied by a fraction equal to $1.74 divided by the entitlement price for that month.

• • • • •

[FR Doc. 78-5217 Filed 2-23-78; 3:01 pm]

[3128-01]

[10 CFR Parts 211 and 212]

**EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS**

**Change of Hearing Dates**

AGENCY: Economic regulatory Administration, Department of Energy.

ACTION: Notice of Change of hearing dates.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a change in certain dates for the public hearings on the Emergency Standby Mandatory Crude Oil and Refinery Yield Control Programs previously set forth in a Notice of Proposed Rulemaking and Public Hearing issued on February 10, 1978 (43 FR 6611, February 15, 1978).

DATES: The hearing in Dallas, Tex., previously scheduled for March 21, 1978, is now scheduled for March 22, 1978, and the hearing in Chicago, Ill., previously scheduled for March 20, 1978 is now scheduled for March 23, 1978. The hearing locations and all other dates remain the same as set forth in the February 10 notice.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222 A, Washington, D.C. 20461, 202-254-5201.

Sabina Cooper (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-2454.

Issued in Washington, D.C., February 22, 1978.

DOUGLAS G. ROBINSON,
*Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.*

[FR Doc. 78-5218 Filed 2-27-78; 8:45 am]

[1505-01]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Food and Drug Administration**

[21 CFR Parts 207, 210, 225, 226, 501, 510, 514, 558]

[Docket No. 77N-0076]

**NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

**Definitions and General Considerations**

*Correction*

In FR Doc. 78-1030 appearing at page 2526 in the issue of Tuesday, January 17, 1978, make the following corrections:

(1) On page 2527, in the middle column, in the first paragraph, in the seventh line "558.2(b)(4)" should read "558.3(b)(4)".

(2) On page 2527, in the middle column, in the first paragraph under the heading "I. BASIS FOR PROPOSED ACTION"; in the 16th line, after the word "concentrated" insert "drug supplement. A drug concentrate".

(3) On page 2529, in the first column, in the 11th line, "5123(i)" should read "512(i)".

(4) On page 2532, in the first column, in amendatory paragraph 7a, in the second line, "(b)(2)(c)(b)" should read "(b)(3)(v)(b)".

(5) On page 2537, in the table at the top of the page, in the column under "Indications for use", in the eighth entry beginning "2. Turkeys; • • •", after "promotion" and before the period insert "and feed efficiency; improving pigmentation.".

(6) On page 2544, in Table 1, the second entry under "Chlortetracycline in grams per ton" now reading "(v)100 to 200" should read "(iv)100 to 200".

(7) On page 2544, in Table 1, in the column under "Limitations", in the 16th entry beginning "In low-calcium Type D • • •", the third line should read "Type D article for not more than the first 3 weeks of life.".





(8) On page 2545, in the middle column, "§ 558.1 Chlortetracycline • • •" should be "§ 558.155 • • •".

(9) On page 2552, in the table, in the column headed "lasalocid sodium activity in grams per ton", entry (2) now reading "08 (0.0075 pct.)" should read "68 (0.0075 pct.)".

(10) On page 2552, in the table, in the column headed "indications for use", make the following changes:

(a) In the second entry, in the 6th line, "*Matavti*" should read "*Mivati*";

(b) In the third entry, in the 8th line, "lead" should read "feed".

(11) On page 2552, in the table, in the column headed "sponsor", the third entry now reading "000000" should read "000009".

(12) On page 2554, in the first column, there are 2 paragraphs designated (c)(2). The second paragraph (2), *special considerations,* should be designated "(d)".

(13) On page 2555, in § 558.376(e)(1), in the third line, "003 percent" should read "0.03 percent".

(14) On page 2562, in § 558.575(e)(3)(ii) in the third column, in the second line, "56.5 grams" should read "56.75 grams".

(15) On page 2564, in the third column, in § 558.630, make the following changes:

(a) In paragraph (a)(2), "pyrimidiny" should be spelled "pyrimidinyl";

(b) In paragraph (b), in the third line, "on" should be "or".

(16) On page 2565, in the first column, in § 558.630(f)(2)(i), the ninth line should read: "*multocida* and/or C. *pyogenes*); for re-".

(17) On page 2565, in the first column, in § 558.630(f)(2)(ii), in the last line "pyogens" should be spelled "pyogenes".

(18) On page 2566, in the table, in the column under "Combination in grams per ton", the entry "Eryghromycin 4.6 to 18.5" should read "Erythromycin 4.6 to 18.5".

(19) On page 2566, in the table, in the column headed "Limitations", in the seventh entry (across from "Chlortetracycline 100 to 200"), in the third line "birds 14 of age" should read "birds 14 weeks of age".

(20) On page 2567, in the table, under the heading "Combination in grams per ton" there is an entry reading "Erthromycin 92.5". In the next column is an entry "Broiler chickens • • •". Immediately in front of "Broiler chickens • • •" insert "1.".

(21) On page 2567, in the table, under "Combination in grams per ton," there is an entry "Lincomycin 2". Two columns over, under "Limitations", is an entry beginning "Do not feed • • •". In the fourth line of the limitation entry, "No. 0.25700" should read "No. 025700".

[6560-01]

**ENVIRONMENTAL PROTECTION AGENCY**

[40 CFR Part 52]

[FRL 860-4]

**VERMONT; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Emission Limitation Applicable to the Woodworking Industry**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Vermont, which changes Regulation 5-231, "Prohibition of Particulate Matter," to specify that the emission limitation for the woodworking industry will be a concentration standard rather than a process weight standard. If the revision is approved by EPA, the State will no longer have the option of applying either a concentration or process weight standard to woodworking plants, as was provided in the original SIP. The revision was submitted to clarify the interpretation of the particulate matter control regulation.

DATES: Comments must be received on or before March 30, 1978.

ADDRESSES: Copies of the Vermont submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and Agency of Environmental Conservation, Air Pollution Control Office, 7 School Street, Montpelier, Vt. 05602. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Mass. 02203.

FOR FURTHER INFORMATION CONTACT:

David Stonefield, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10898) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Vermont Implementation Plan to attain National Ambient Air Quality Standards (NAAQS).

On April 11, 1977, the Vermont Secretary of Environmental Conservation submitted a revision to the State Implementation Plan (SIP) which changes section 1 of Regulation 5-231, Prohibition of Particulate Matter, to specify the emission limitation applicable to the woodworking industry. In the original SIP, Subpart (a) of section 1 established maximum allowable discharge rates according to process weight rate, and Subpart (b) set a concentration standard for industrial processes where process weight is not applicable. The "Director of Industrial Hygiene," since changed to the "Air Pollution Control Officer," was authorized to determine the applicability of the emission limitations.

In the proposed revision, wood processing operations are specified in Subpart (b) as being a case in which process weight does not apply. Also, the concentration standard in Subpart (b) is changed from 0.1 lb. of particulates per 1000 lb. of undiluted exhaust gas at actual conditions to 0.06 grains per dry standard cubic foot of undiluted exhaust gas.

The first change merely formalizes which emission limitation will be used in the case of the woodworking industry. The process weight standard is felt to be inapplicable for woodworking plants because of the difficulty in determining the process weight, and the lack of a relationship between the weight of material put into or through the process and the amount of pollution emitted from the process. The emissions from woodworking plants are more dependent on the surface area of the wood processed than on the total weight processed. Further, both the surface area and the weight of wood processed are difficult to determine. A study performed by the Agency of Environmental Conservation (the State) concluded that the concentration standard precludes having to mathematically convert purchased lumber into wet logs or having to determine a process weight, and is an equitable approach for the various woodworking facilities in the state.

Technical support submitted by the State showed that enforcement of the concentration standard in Subpart (b) would not result in violations of the NAAQS. The State performed dispersion modeling of a hypothetical plant similar to the largest plant in the State, with the proposed concentration standard emission limitation, and found that the maximum predicted impact of such a plant would be below secondary TSP standards. The State also conducted a limited ambient monitoring program in the vicinity of the largest woodworking plant. The recorded TSP levels did not approach the secondary standards. Further, included in the State's technical support was a table showing the relationship between the former and the revised concentration standards, which indicates that the change in Subpart (b) is not significant since the two standards





are equivalent at a pressure of 760 millimeters and a temperature of 0° C.

ronmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo.

other factors that may cause or contribute to increased emission (40 CFR



Products, Inc. allowing the company to operate its asphalt saturating line

AVAILABILITY OF DOCUMENTS

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10879) pursu-

are equivalent at a pressure of 760 millimeters and a temperature of 0° C.

Based on this information, EPA is proposing to approve the SIP revision as submitted by the State. Interested parties may participate in the rulemaking procedure by submitting written comments to the address above. The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2)(A)-(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: February 16, 1978.

WILLIAM R. ADAMS, JR.,
*Regional Administrator, Region I.*

[FR Doc. 78-5152 Filed 2-27-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 860-6]

## MISSOURI: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Proposed Disapproval of State-Issued Variances Submitted as Revisions to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In order to satisfy the requirements of the Clean Air Act, the State of Missouri has submitted to the Environmental Protection Agency (EPA) a State Implementation Plan (SIP) for attainment and maintenance of National Ambient Air Quality Standards. Portions of the SIP have been approved by the Administrator of EPA and are now enforceable by EPA as Federal regulations. The State of Missouri has submitted as a revision to the State Implementation Plan a variance order issued by the Missouri Air Conservation Commission (MACC) for a source which has been found to be in violation of regulations which are part of the approved SIP. Through this notice EPA proposes to disapprove the variance order issued by the MACC to Tamko Asphalt Products, Inc., Joplin, Mo.

DATE: Comments must be postmarked by no later than March 30, 1978.

ADDRESSES. (1) The schedule and evaluation report are available for inspection at the Region VII Office of the Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108.

(2) Comments should be sent to the Director, Enforcement Division, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Enforcement Division, Legal Branch, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION:

### BACKGROUND

On January 24, 1972, pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the State of Missouri submitted to EPA an implementation plan for attainment and maintenance of National Ambient Air Quality Standards. The plan contained State statutes, State and local regulations, control strategies, and other information. On May 31, 1972 (37 FR 10875), the Administrator approved the Missouri SIP with specific exceptions. Since then, Missouri has submitted to EPA a number of revisions to the SIP, including revisions to the State legislative authority, revisions to State and local regulations for air pollution control, and variance orders issued by the MACC for sources found to be in violation of regulations contained in the approved SIP. The term "variance" is defined at 40 CFR 51.1(y) as the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source. Thus a variance does not revise a source's underlying obligations; rather it merely alters the time frame within which the obligation must be satisified.

The variance which is the subject of this notice contains a schedule for complying with the approved regulations and was thus reviewed as a variance within the meaning of section 51.1(y). Section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(b)), provides that a State Implementation Plan, in order to be approvable, must include "* * * emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of (National Ambient Air Quality Standards) * * *." The SIP must set forth a control strategy which demonstrates that the emission limitations and other regulatory requirements contained in the plan provide for the degree of emission reduction necessary for attainment and maintenance of such national standards, including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to increased emission (40 CFR 51.12(a)). In areas where measured or estimated ambient levels are below the national secondary standard, the control strategy must demonstrate that the statutory and regulatory authority contained in the plan is adequate to prevent such ambient pollutant levels from exceeding the secondary standard (40 CFR 51.12(b)). The requirements of section 110(a)(2) of the Act, and 40 CFR 51.12 apply equally as well to any revision to the State Implementation Plan. (See section 110(a) of the Act, and 40 CFR 51.6 and 51.34.)

In seeking approval of an individual source variance or exemption as a plan revision, the State must demonstrate the adequacy of the overall control strategy as it may be affected by the proposed revision. This would require more than a demonstration that the emissions from the source will not cause a violation of the national standards. The demonstration must include, but would not necessarily be limited to, a consideration of measured or estimated ambient levels of a pollutant in the area affected by emission from the source, the impact of emissions from sources that have been approved for construction (or from other reasonably anticipated growth during the period of the compliance schedule) which is not reflected in current ambient data, and the impact of the proposed plan revision. A more detailed explanation of the general criteria employed by the Agency in determining the adequacy of a control strategy demonstration is contained in the preamble to the proposed Part 51 regulations relating to approval of variances as SIP revisions (40 FR 58317, December 16, 1975).

The variance order which is the subject of this notice was adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements in 40 CFR 51.4 and 51.6. The variance order was submitted to EPA by the Staff Director, Air Quality Program, Missouri Department of Natural Resources. A question has arisen regarding whether the Staff Director is duly authorized to submit revision to the Missouri SIP on behalf of the Governor of Missouri.

The Missouri Attorney General's office has informally stated that the Missouri Department of Natural Resources has the inherent authority to submit such revisions to EPA, and EPA has previously approved SIP revisions submitted by the Staff Director. Notwithstanding, the variance order proposed for disapproval in this notice is not approvable due to deficiencies in the accompanying control strategy demonstration.

On July 26, 1977, the MACC issued a variance order to Tamko Asphalt Products, Inc. allowing the company to operate its asphalt saturating line in violation of State regulations restricting the emission of visible air contaminants. The variance contained incremental dates for achieving compliance with applicable regulations with a final compliance date of March 22, 1978. The State has failed to adequately demonstrate that the State Implementation Plan, as revised, will ensure attainment and maintenance of NAAQS. The control strategy is deficient in that it does not address existing air quality in the area affected by emissions from the source, other point sources which may impact on the affected area, and anticipated future growth in the affected area during the term of the compliance schedule.

### PUBLIC COMMENTS

Interested persons are invited to submit comments concerning the proposed action to the Regional Administrator, Attention: Director, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108. Relevant comments received by March 30, 1978, will be considered. All comments received will be available for inspection during normal working hours at the EPA Region VII office.

### AVAILABILITY OF DOCUMENTS

Copies of the variance order and an evaluation report relative to the variance order are available at the Environmental Protection Agency, Regional Office, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108.

(Section 110, Clean Air Act, as amended, 42 U.S.C. 7410.)

Dated: February 14, 1978.

KATHLEEN Q. CAMIN,
*Regional Administrator,*
*Region VII.*

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

### Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance Schedules.

* * * * *

(b) * * *

| Source | Location | Regulation involved (1) | Date adopted |
|---|---|---|---|
| Tamko Asphalt Products, Inc. (asphalt saturating line). | Joplin | V (10 CSR 10-3.080) | July 26, 1977. |

[FR Doc. 78-5151 Filed 2-27-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 860-5]

## APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—NEW HAMPSHIRE

### Revisions to Sulfur in Fuel Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this notice EPA rescinds a previously published FEDERAL REGISTER notice which proposed approval of a revision to the New Hampshire State Implementation Plan (SIP) increasing the allowable sulfur content of No. 5 and 6 fuel oils from 1.0 percent to 1.5 percent sulfur with a provision for sources in the Androscoggin Valley Interstate Air Quality Control Region to burn 2.2 percent sulfur content residual fuel oil. On the basis of violations of the primary National Ambient Air Quality Standard for sulfur dioxide recorded in Berlin, N.H., EPA is now proposing that the Berlin-Gorham Division of the Brown Co., Berlin, N.H., should not be approved to burn 2.2 percent sulfur fuel but should remain subject to the sulfur in fuel limitation presently required by the federally approved SIP.

DATE: Comments must be received on or before March 30, 1978.

ADDRESSES: Copies of the New Hampshire submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and New Hampshire Air Pollution Control Agency, State Laboratory Building, Hazen Drive, Concord, N.H. 03301. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Mass. 02203.

FOR FURTHER INFORMATION CONTACT:

David Stonefield, Air Branch, EPA, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10879) pursuant to Section 110 of the Clean Air Act and EPA regulations in 40 CFR Part 51, the Administrator approved, with exceptions, the New Hampshire State Implementation Plan (SIP) for the attainment of National Ambient Air Quality Standards (NAAQS).

On July 12, 1973, the Governor of New Hampshire submitted a revision to the SIP which would increase the allowable sulfur content of No. 5 and 6 residual fuel oils. The federally approved SIP regulation now in effect limits the sulfur content of No. 5 and 6 residual fuel oils to not more than 1.0 percent sulfur by weight. The proposed revision changes the allowable sulfur content to 1.5 percent by weight and adds a provision allowing sources in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region (AQCR) to burn No. 5 and 6 oils having no more than 2.2 percent sulfur by weight.

A notice of proposed rulemaking was published by EPA in the February 11, 1974, FEDERAL REGISTER (39 FR 5198), proposing approval of the plan revision and soliciting public comments on whether the control strategy should be approved or disapproved. No comments were received.

This notice rescinds EPA's February 11, 1974, notice of proposed rulemaking and sets forth an alternate course of action.

EPA proposes to disapprove the proposed revision insofar as it applies to the Berlin-Gorham Division of the Brown Co., headquartered in Berlin, N.H., and thus to limit the source to use of residual fuel oil having a sulfur content of no more than 1.0 percent by weight, as required by the present SIP. The facilities of the Berlin-Gorham Division of the Brown Co. are located in the Androscoggin Valley Interstate AQCR. EPA's decision is based on recent ambient air quality monitoring data collected in Berlin, N.H., which show violations of the primary NAAQS for sulfur dioxide.

Other sources in New Hampshire are still being evaluated by EPA on the basis of emission inventory data recently submitted by the New Hampshire Air Pollution Control Agency and in light of a subsequent revision submitted on April 11, 1975, modifying Regulation 5 to allow sources outside the Androscoggin Valley Interstate AQCR to burn No. 5 and 6 residual oils and crude oil having no more than 2.0 percent sulfur by weight. (The April 11, 1975, submittal does not further change the sulfur in fuel limitation as proposed by the July 12, 1973, revision for the Androscoggin Valley





Interstate AQCR.) Upon completion of the evaluation of these other

[4910-06]

DEPARTMENT OF TRANSPORTATION

(NPRM) proposing to amend the rules governing blue signal protection of



notices

Interstate AQCR.) Upon completion of the evaluation of these other sources, the Regional Administrator will publish another notice of proposed rulemaking in the FEDERAL REGISTER, presenting EPA's findings and proposed actions.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of Sections 110(a)(2)(A)-(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. At this time EPA proposes to amend 40 CFR Part 52 in the manner set forth below. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: February 16, 1978.

WILLIAM R. ADAMS, JR.,
*Regional Administrator,*
*Region I.*

**Subpart EE—New Hampshire**

1. A new paragraph (12) is added in § 52.1520(c) to read as follows:

§ 52.1520 Identification of plan.

* * * * * *

(c) * * *

(12) Revisions to Regulation 5, Prevention, Abatement, and Control of Sulfur Emission from Stationary Combustion Equipment, submitted by the Governor of New Hampshire on July 12, 1973, and April 11, 1975.

2. A new § 52.1530, Control strategy: Sulfur oxides, is added to read as follows:

§ 52.1530 Control strategy: Sulfur oxides.

(a) Revisions to Regulation 5, limiting the sulfur content of fuels, submitted on July 12, 1973, and April 11, 1975, are disapproved as they apply to the Berlin-Gorham Division of the Brown Co., headquarterd in Berlin, N.H. The revisions as they apply to other sources in New Hampshire remain under consideration and are neither approved nor disapproved.

[FR Doc. 78-5164 Filed 2-27-78; 8:45 am]

[4910-06]

## DEPARTMENT OF TRANSPORTATION

**Federal Railroad Administration**

**[49 CFR Part 218]**

[Docket No. RSOR-3 Notice 15]

**RAILROAD OPERATING RULES**

**Blue Signal Protection of Workmen; Public Meeting**

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of Public Meeting.

SUMMARY: On September 28, 1977, the Federal Railroad Administration (FRA) issued a notice of proposed rulemaking (NPRM) proposing to amend the rules governing blue signal protection of railroad workmen (42 FR 49813). The comments received by FRA in response to that public notice have raised significant issues concerning the existing regulation and the specific language of the proposed amendment. In order to explore the issues raised by the commenters in regard to the existing regulation and the issues raised in regard to the proposed amendment, FRA will hold a public meeting on March 15, 1978, in Washington, D.C.

DATE: The public meeting will be held on March 15, 1978 at 10 a.m.

ADDRESSES: The public meeting will be held in Room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

PRINCIPAL AUTHORS

Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION: On September 28, 1977, the Federal Railroad Administration (FRA) issued a notice of proposed rulemaking (NPRM) proposing to amend the rules governing blue signal protection of railroad workmen (42 FR 49813). The NPRM proposed to amend section 218.25 (49 CFR 218.25) by deleting the present paragraph (a) and inserting new paragraphs (a) (1) and (2) to expressly apply procedures for the control of remotely-controlled switches when such switches are located on other than hump yard tracks. It also proposed amending section 218.29 (49 CFR 218.29) by adding a new cross reference to section 218.25(a)(2).

Interested persons were invited to participate in a public hearing on November 1, 1977 and to file written comments prior to November 14, 1977. The period for filing written comments was subsequently extended until December 14, 1977 (42 FR 59310).

The comments received by FRA in response to this NPRM raised issues about the scope and the effectiveness of the regulation that appear to go beyond the subject matter of the NPRM. Additionally, FRA has been receiving a steady volume of requests for waivers of compliance with certain provisions of this regulation. Public notices which were published on December 8, 1977 (42 FR 62059) and December 20, 1977 (42 FR 63986) illustrate the types of problems being encountered by the railroads which are forming the basis for the waiver requests.

The information gained through the responses to the NPRM, as well as that obtained from the waiver requests, has convinced FRA that there is a need to hold a public meeting to explore the issues about the existing regulation and the issues about the proposed amendment of the regulation. Consequently, FRA has scheduled a public meeting to be held on March 15, 1978, at 10 a.m., in Room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Issued in Washington, D.C., on February 24, 1978.

RAYMOND K. JAMES,
*Chief Counsel.*

[FR Doc. 78-5438 Filed 2-27-78; 10:00 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

## DEPARTMENT OF AGRICULTURE

**Forest Service**

**EAST RIVER UNIT LAND MANAGEMENT PLAN**

**Availability of Amended Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared an Amended Draft Environmental Statement for the Land Management Plan for the East River Unit on the Gunnison National Forests. The Forest Service report number is USDA-FS-R2-DES(Adm) fiscal year 1978-02.

The Amended Draft Environmental Statement concerns a proposal for a revised Land Management Plan for the East River Unit on the Gunnison National Forest. It is within the scope of laws and regulations governing management of the National Forests. This Amended Draft will provide an additional opportunity for public imput prior to development of the final Land Management Plan.

This Amended Draft Environmental Statement was transmitted to EPA on February 21, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 80225.

USDA, Forest Service, Grand Mesa, Uncompahgre and Gunnison N.F., P.O. Box 138, Delta, Colo. 81416.

A limited number of single copies are available upon request to Craig W. Rupp, Regional Forester, USDA Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 70225.

Copies of the Amended Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the EPA Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Craig W. Rupp, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 80225. Comments must be received by April 24, 1978, in order to be considered in the preparation of the Final Environmental Statement.

Dated: February 21, 1978.

JIMMY R. WILKINS,
*Forest Supervisor.*

[FR Doc. 78-5183 Filed 2-27-78; 8:45 am]

[3410-11]

**LAND MANAGEMENT PLAN REVISION, EAGLE-ASPEN UNIT, WHITE RIVER NATIONAL FOREST**

**Availability of Final Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the land management plan revision for the Eagle-Aspen unit, White River National Forest. The Forest Service report number is USDA-FS-R2-FES (Adm) FY-77-03.

The environmental statement concerns a proposal to implement a revised land management plan for the Eagle-Aspen unit, which comprises a portion of the White River National Forest and is located in Eagle and Pitkin Counties, Colo. This document displays both the basis used to select the plan and the proposed plan, which identifies the emphasis on resource use.

The draft environmental statement was transmitted to CEQ on March 31, 1977.

This final environmental statement was transmitted to EPA on February 21, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C.

USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 80225.

USDA, Forest Service, White River National Forest, P.O. Box 948, Glenwood Springs, Colo. 81601.

A limited number of single copies are available upon request to Craig W. Rupp, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
*Associate Deputy Chief.*

FEBRUARY 21, 1978.

[FR Doc. 78-5167 Filed 2-27-78; 8:45 am]

[3410-16]

**Soil Conservation Service**

**ALDERSON-BROADDUS COLLEGE CRITICAL AREA TREATMENT RC&D MEASURE, WEST VIRGINIA**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alderson-Broaddus College Critical Area Treatment RC&D Measure, Barbour County, W. Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilization of 5.3 acres of critically eroding college campus. The planned works of improvement include land shaping, water management structures, and establishment of vegetative cover.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig





M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Building, 200 North High Street, Columbus, Ohio 43215, 614-469-6962. An

terested parties. A limited number of copies of the environmental impact



No administrative action on implementation of the proposal will be

and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,

M. Right, State Conservationist, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, W. Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5184 Filed 2-27-78; 8:45 am]

[3410-16]

### BARLOW FAIRGROUNDS RC&D MEASURE, OHIO

#### Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Barlow Fairgrounds RC&D Measure, Washington County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage and critical area treatment. The planned works of improvement include the installation of approximately 6,000 feet of subsurface drainage, 1,000 feet of grassed waterway, 1 drop structure, replace 1 road culvert, and seed approximately 6 acres.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, 614-469-6962. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5185 Filed 2-27-78; 8:45 am]

[3410-16]

### BELMONT COUNTY FAIRGROUNDS RC&D MEASURE, OHIO

#### Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Belmont County Fairgrounds RC&D Measure, Belmont County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include applying lime, fertilizer, seed, and mulch to approximately one acre of the fairground property.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, 614-469-6962. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5186 Filed 2-27-78; 8:45 am]

[3410-16]

### CAVE SPRINGS SCHOOL CRITICAL AREA TREATMENT RC&D MEASURE, OKLA.

#### Intent Not To Prepare an Environment Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cave Springs School Critical Area Treatment RC&D Measure, Adair County, Okla.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include diversion terraces, concrete channel liner, fill material, shaping, smoothing, establishing vegetation, and fertilizing.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074, 405-624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.





No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5187 Filed 2-27-78; 8:45 am]

[3410-16]

### CHERRY COUNTY ROADSIDE CRITICAL AREA TREATMENT RC&D MEASURE, NEBR.

#### Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650) the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cherry County Roadside Critical Area Treatment RC&D Measure, Cherry County, Nebr.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing erosion adjacent to county roads and adjacent farmland. The planned works of improvement include shaping, smoothing, seeding of native grasses, and mulching critical areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Benny Martin, State Conservationist, Soil Conservation Service, Federal Building, U.S. Courthouse, Room 345, Lincoln, Nebr. 68508, 402-471-5300. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5188 Filed 2-27-78; 8:45 am]

[3410-16]

### COOK AA CRITICAL AREA TREATMENT RC&D MEASURE, N.J.

#### Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cook AA Critical Area Treatment RC&D Measure, Mercer County, N.J.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the stabilization of a critically eroding area in the western section of Hamilton Township in Mercer County, N.J. The planned works of improvement include land grading the area, installing surface and subsurface drainage, and vegetative cover.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, P.O. Box 219, Somerset, N.J. 08873, 201-246-1205. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5189 Filed 2-27-78; 8:45 am]

[3410-16]

### HENDERSON COUNTY ROADSIDE CRITICAL AREA TREATMENT RC&D MEASURE, TENNESSEE

#### Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Henderson County Roadside Critical Area Treatment RC&D Measure, Henderson County, Tenn.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area roadside treatment. The planned works of improvement include the shaping and seeding of approximately 36 acres of critically eroding roadbank on county roads in Henderson County, Tenn.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, Henderson County Office Building, Wilson Street, Lexington, Tenn. 38351, 615-251-5471. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)





Dated: February 17, 1978.

EDWARD E. THOMAS,

[3410-16]

### MORGAN COUNTY SCHOOLS CRITICAL AREA

[3410-16]

### PIPE CREEK RC&D MEASURE, OHIO



1969; the Council on Environmental Quality Guidelines (40 CFR Part

The environmental assessment of this federally assisted action indicates

the environment. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, has determined that

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5190 Filed 2-27-78; 8:45 am]

[3410-16]

**MORGAN COUNTY ROADSIDE RC&D MEASURE, OHIO**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Morgan County Roadside RC&D Measure, Morgan County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area planting. The planned works of improvement include applying lime, fertilizer, seed, and mulch to approximately 72 acres of county and township roadsides.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, 614-469-6962. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5191 Filed 2-27-78; 8:45 am]

[3410-16]

**MORGAN COUNTY SCHOOLS CRITICAL AREA TREATMENT RC&D MEASURE, WEST VIRGINIA**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Morgan County Schools Critical Area Treatment RC&D Measure, Morgan County, W. Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilization of 4.5 acres of critically eroding school grounds. The planned works of improvement include land smoothing, establishment of erosion and traffic control vegetation, and subsurface water management structures.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, W. Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5192 Filed 2-27-78; 8:45 am]

[3410-16]

**PIPE CREEK RC&D MEASURE, OHIO**

**Intent Not To Prepare and Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pipe Creek RC&D Measure, Belmont County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include installation of approximately 500 feet of concrete cribbing on three eroding sites on Pipe Creek.

This notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, 614-469-6962. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5194 Filed 2-27-78; 8:45 am]

[3410-16]

**SANS BOIS CREEK WATERSHED, OKLA.**

**Intent To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Sans Bois Creek Watershed, Haskell, Latimer, and Pittsburg Counties, Okla.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include land treatment and 16 floodwater regarding structures.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Okla. 74074, 405-372-7111, extension 204.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: February 17, 1978.

JOSEPH W. HAAS,
*Assistant Administrator for Water Resources, Soil Conservation Service, Department of Agriculture.*

[FR Doc. 78-5195 Filed 2-27-78; 8:45 am]

[3410-16]

**TALCOTT HIGH SCHOOL CRITICAL AREA TREATMENT RC&D MEASURE, WEST VIRGINIA**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Talcott High School Critical Area Treatment RC&D Measure, Summers County, W. Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilization of 3.5 acres of critically eroding schoolgrounds. The planned works of improvement include construction of 460 feet of diversion and establishment of 3.5 acres of vegetation.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, W. Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5196 Filed 2-27-78; 8:45 am]

[3410-16]

**TEN MILE SCHOOL CRITICAL AREA TREATMENT RC&D MEASURE, TENN.**

**Intent Not To Prepare and Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ten Mile School Critical Area Treatment RC&D Measure, Meigs County, Tenn.

The environmental assesment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for controlling erosion and protecting the soil and water resources of the land owned by the Meigs Couty Board of Education at the Ten Mile School. The planned works of improvement include establishing approximately 3.0 acres of protective vegetative cover on the critically eroding areas, including cut slopes, graded, and other disturbed areas. The treatment may consist of one or more of the following practices; Sloping, shaping, liming, fertilizing, seeding and mulching.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, City-County Administration Building, Decatur, Tenn. 37322, 615-251-5471. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5197 Filed 2-27-78; 8:45 am]

[3410-16]

**TYRRELL COUNTY ELEMENTARY SCHOOL FLOOD PREVENTION AND LAND DRAINAGE RC&D MEASURE, N.C.**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tyrrell County Elementary School Flood Prevention and Land Drainage RC&D Measure, Tyrrell County, N.C.





The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area planting. The planned works of improvement include applying lime, fertilizer, seed, and mulch to approximately 72 acres of county and township roadsides.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, City-County Administration Building, Decatur, Tenn. 37322, 615-251-5471. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5198 Filed 2-27-78; 8:45 am]

[6320-01]



Persons wishing to attend this open meeting should contact the Committee Executive Director, Suite 1103, Federal Building, Room, 1055 Second Avenue, San Diego, Calif. 92101.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for relief of serious social and economic conditions caused by seasonal flooding and extremely wet conditions on the Tyrrell County Elementary School playground. The planned works of improvement include the construction of a 2,500 linear foot earthen dike to protect elementary school facilities from tidal flooding and installation of approximately 5,000 linear feet of perforated, subsurface drains, sump, and a flood pump to remove excess water accumulation from open space areas and buildings. Grading, smoothing, and revegetating open space areas and areas adjacent to building structures will provide effective surface water disposal into a collector drain system.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, N.C. 27611, 919-755-4210. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program N. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Date: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5198 Filed 2-27-78; 8:45 am]

[3410-16]

**WORTHINGTON SCHOOL LAND DRAINAGE RC&D MEASURE, W. VA.**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Worthington School Land Drainage RC&D Measure, Wood County, W. Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for drainage of 6 acres of school grounds. The planned works of improvement include land smoothing and shaping, and surface and subsurface water management structures.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, W. Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901. Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 17, 1978.

EDWARD E. THOMAS,
*Assistant Administrator for Land Resources, Soil Conservation Service.*

[FR Doc. 78-5193 Filed 2-27-78; 8:45 am]

[6320-01]

**CIVIL AERONAUTICS BOARD**

[Docket 32143]

**AUSTIN/SAN ANTONIO-ATLANTA SERVICE INVESTIGATION**

**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., February 22, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-5263 Filed 2-27-78; 8:45 am]

[6320-01]

[Docket 32143]

**AUSTIN/SAN ANTONIO-ATLANTA SERVICE INVESTIGATION**

**Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 15, 1978, at 10 a.m. (local time) in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before March 3, 1978, and the other parties on or before March 10, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 22, 1978.

WILLIAM H. DAPPER,
*Administrative Law Judge.*

[FR Doc. 78-5265 Filed 2-27-78; 8:45 am]

[6320-01]

[Docket 32152]

**LAS VEGAS-HOUSTON, COMPETITIVE SERVICE INVESTIGATION**

**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., February 23, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-5264 Filed 2-27-78; 8:45 am]





[6320-01]

[Docket 32126]

**TWIN CITIES-KANSAS CITY-OKLAHOMA-TEXAS ROUTE PROCEEDING**

**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., February 23, 1978.

NAHUM LITT,
*Chief Administrative Law Judge.*

[FR Doc. 78-5263 Filed 2-27-78; 8:45 am]

[6335-01]

**COMMISSION ON CIVIL RIGHTS**

**CALIFORNIA ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and briefing session of the California Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on March 21, 1978, in the Los Angeles Bonaventure Hotel, Fifth and Figueroa Streets, Los Angeles, Calif. 90071.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this meeting is to review agenda witnesses and hearing book for the two-day open meeting on enforcement of immigration laws.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5207 Filed 2-27-78; 8:45 am]

[6335-01]

**CALIFORNIA ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and briefing session of the California Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on March 30, 1978, in the Little America Westgate Hotel, Madrid Room, 1055 Second Avenue, San Diego, Calif. 92101.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this meeting is to review witnesses and hearing book for the one-day open meeting on enforcement of immigration laws.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5208 Filed 2-27-78; 8:45 am]

[6335-01]

**CALIFORNIA ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Fact-finding meeting of the California Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. on March 22, 1978 and will end at 5:30, then begin again on March 23, 1978 at 8:30 a.m. and will end at 5:30 p.m., in the Los Angeles Bonaventure Hotel, San Pedro Room, Fifth and Figueroa Streets, Los Angeles, Calif. 90071.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this meeting is an two-day open meeting to collect information on enforcement of immigration laws.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5209 Filed 2-27-78; 8:45 am]

[6335-01]

**CALIFORNIA ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California Advisory Committee (CAC) of the Commission will convene at 8:30 a.m. on March 31, 1978 in the Little America Westgate Hotel, Seville Room, 1055 Second Avenue, San Diego, Calif. 92101.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is an one-day open meeting to collect information on enforcement of immigration laws.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5210 Filed 2-27-78; 8:45 am]

[6335-01]

**CONNECTICUT ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 11 p.m. on March 9, 1978, in the Holiday Inn, Meriden, Conn.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to reactivate to SAC and discuss programing for next year.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5211 Filed 2-27-78; 8:45 am]

[6335-01]

**MAINE ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on March 16, 1978, at Maine Teachers Association, 35 Community Drive, Augusta, Maine 04330.

Persons wishing to attend this open meeting should contact the Commit-





tee Chairperson, or the Northeastern Regional Office of the Commission, 26

This meeting will be conducted pursuant to the provisions of the rules

This meeting will be conducted pursuant to the provisions of the rules



For the President's Pay Agent.

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tee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to reactivate SAC's and to discuss new programming for the coming year.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5212 Filed 2-27-78; 8:45 am]

[6335-01]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 12:15 p.m. and will end at 6 p.m. on March 16, 1978, at 140 Federal Street (50 High Street, Boston, Mass. 02110).

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is a reactivation of SAC and to discuss new programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5213 Filed 2-27-78; 8:45 am]

[6335-01]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 6:30 p.m. and will end at 10:30 p.m. on March 15, 1978, in the Sheraton Wayfarer, Room 11, Manchester, N.H.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to reactivate SAC's and discuss programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5214 Filed 2-27-78; 8:45 am]

[6335-01]

RHODE ISLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 8 p.m. on March 7, 1978, at the Central Congregational Church, 296 Angell Street, Providence, R.I.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 1007.

The purpose of this meeting is to reactivate SAC's and discuss new programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5215 Filed 2-27-78; 8:45 am]

[6335-01]

REGIONAL ADVISORY COMMITTEE MEETING

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming Advisory Committees (SAC) of the Commission will convene at 4:30 p.m. on March 19, 1978 and end at 1:30 p.m. on March 21, 1978, in the Inn at Estes Park, 1701 Big Thompson Avenue/Highway 34, Estes Park, Colo. 80517. Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is to plan advisory committee projects in the Rocky Mountain region for the next several years.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5206 Filed 2-27-78; 8:45 am]

[6335-01]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 11:00 p.m. on March 6, 1978, in the Tavern Motor Inn, Montpelier, Vt.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to reactivate SAC's and discuss new programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc. 78-5216 Filed 2-27-78; 8:45 am]

[6325-01]

## CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Cancellation of meeting

The following meeting has been cancelled:

NAME: Federal Employees Pay Council.

DATE AND TIME: March 1, 1978, 2 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C., Room 5A06A.

TYPE OF MEETING: Open.

CONTACT PERSON:

Claire G. Kline, Committee Management staff for the President's Pay Agent, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C., telephone 202-632-5595.

Cancellation is necessary because of conflicting obligations of the officials of the President's Pay Agent.

For the President's Pay Agent.

RICHARD H. HALL,
*Committee Management Officer for the President's Pay Agent.*

[FR Doc. 78-5290 Filed 2-27-78; 8:45 am]





[6325-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the following positions: (1) The position of Administrator, Immediate Office of the Administrator, New Communities Administration; and (2) the position of Director, Office of Regulations and Issuances, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc. 78-5015 Filed 2-27-78; 8:45 am]

[3510-24]

## DEPARTMENT OF COMMERCE

Economic Development Administration

HADDAD SHOE CORP. AND MORGAN SHIRT CO. INC.

Notice of Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 22, 1978, from two firms: (1) Haddad Shoe Corp., 354 North Prince Street, Lancaster, Pa. 17603, a producer of footwear for men, women, and children; and (2) Morgan Shirt Co., Inc., P.O. Box 929, Morgantown, W. Va. 26505, a producer of men's shirts and women's blouses. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the adjustment assistance regulations for firms and communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produces by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of March 10, 1978.

JACK W. OSBURN, Jr.,
*Chief, Trade Act Certification Division, Office of Planning and Program Support.*

[FR Doc. 78-5160 Filed 2-27-78; 8:45 am]

[3510-25]

Industry and Trade Administration

VETERANS ADMINISTRATION, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 20, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00116. Applicant: Veterans Administration, Wadsworth Hospital Center, Wilshire and Sawtelle Boulevards, Los Angeles, Calif. 90073. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of human, animal, viral, and bacterial specimens by several investigators with different research interests in electron microscopy. The investigations will include ultrastructural studies on normal and pathologic age-related changes in human and animal tissues, developmental studies, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, subcellular changes in cells induced by changes in their biochemical and physical environments, and changes in membrane receptors. The article will also be used to teach ultrastructure and cytochemistry to post-doctoral fellows, graduate students and undergraduate students in honors programs. The courses will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: February 7, 1978.

Docket No. 78-00117. Applicant: University of Wisconsin-Madison, Department of Food Microbiology and Toxicology, 1925 Willow Drive, Madison, Wis. 53706. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies on normal and pathologic microbial plant and animal tissues, developmental studies on bacterial systems, cyto- and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. Specific experiments in which the article will be used include the following:

1. The study of adsorption, penetration, and replication of ECPO-6 (a pig enterovirus) in pig intestine.

2. The study of a virus-like entity isolated from a coprolite; infected Hela cells will be observed for virus particles. Further studies on the infection process will be made.

3. The effect of *Clostridium perfringens* enterotoxin on the ultrastructure of liver cells.

4. The effects of aflatoxin, ochratoxin and other mycotoxins on liver cells.

5. Location of *Clostridium perfringens* enterotoxin in the spore coat.

The article will also be used in the training of graduate students for advanced degrees in Bacteriology and Food Science. Application received by Commissioner of Customs: February 7, 1978.

Docket No. 78-00128. Applicant: National Institutes of Health, National Institute of Dental Research, 9000 Rockville Pike, Bethesda, Md. 20014. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of undermineralized tooth and bone, exocrine glands and tissue culture cells. Investigations will include studies on the process of mineralization, exocrine gland structure and function, cytochemical studies on var-





ious cellular organelles, electron diffraction of mineralized tissues and

v. Mechanisms of creep in oxide dispersion strengthened superalloys.

extinguishers, submitted a petition (CP 75-11) requesting the Commission



discontinued the line. There were no injuries associated with these failures.

the Commission's Office of the Secretary.)

mittee Act (Pub. L. 92-463) announcement is made of the following commit-

ious cellular organelles, electron diffraction of mineralized tissues, and energy dispersive X-ray analysis of various tissues. The article will also be used in teaching basic electron microscopy and cytochemistry. Application received by Commissioner of Customs: February 6, 1978.

Docket No. 78-00129. Applicant: Yale University, School of Medicine, Department of Neuroanatomy, 333 Cedar Street, New Haven, Conn. 06510. Article: Electron Microscope, Model JEM-100S and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural analysis of differentiating neurons in the central nervous system to uncover mechanisms of brain development in primates. The results of these studies can help in understanding pathogenesis of various developmental neurological diseases. The article will also be used in training graduate students and post doctoral fellows in the Department of Neuroanatomy. Application received by Commissioner of Customs: February 6, 1978.

Docket No.: 78-00130. Applicant: The Regents of the University of California, University of California, Berkeley, Calif. 94720. Article: Transmission Electron Microscope, Model JEM-100S with sheet film camera and accessories. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used to carry out research into the mechanism of cell shape determination in animal cells. Changes in distribution of microtubules and actin filaments in fish photoreceptors at different stages of elongation will be examined in order to elucidate the structural bases for cell shape change. The article will also be used frequently as an educational tool for graduate students, post-doctoral students, and visiting scientists. Application received by Commissioner of Customs: February 6, 1978.

Docket No. 78-00132. Applicant: Columbia University, Henry Krumb School of Mines, 520 West 120th Street, New York, N.Y. 10027. Article: Accessories for JEM 100C Electron Microscope consisting of High Resolution Scanning Diffraction Instrument, Solid Pair Backscattered Electron Detector, Video Control Amplifier, Gamma Control Device, Y-Modulation Device and Image Selector Switch. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope which will provide distinctly new analytical functions in the following projects:

i. Simulation of deuterium plasma damage on proposal fusion reactor materials.
ii. Creep of structural ceramics.
iii. Recrystallization and grain growth in microalloyed austenite.
iv. Static recovery in copper after notworking.
v. Mechanisms of creep in oxide dispersion strengthened superalloys.
vi. Copper segregation on carbon particles.
vii. Kinetic of reduction of sphalerite.
viii. Effect of impurities on zinc electrodeposition.
ix. Coarsening of supported catalysts.

In addition, the articles will be used in the course Electron Microscopy, Met. M.S. E415y: Techniques and theory of electron microscopy including operation of electron microscope and the preparation of specimens for electron microscopy by replication and transmission. Application received by Commissioner of Customs: February 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 110105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
*Director,*
*Statutory Import Programs Staff.*

[FR Doc. 78-5137 Filed 2-27-78; 8:45 am]

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[6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 75-11]

### FIRE EXTINGUISHERS

### Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition to develop mandatory safety standards for fire extinguishers to address the hazards of toxic or electrically conductive discharge, mechanical component failure, and consumer error in application. The commission concludes that there are insufficient data to determine that a mandatory consumer product safety standard is reasonably necessary at this time to reduce or eliminate any risk of injury that may be associated with fire extinguishers.

FOR FURTHER INFORMATION CONTACT:

Mark Gulak, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the commission denies such a petititon, it shall publish its reason for denial in the FEDERAL REGISTER.

On December 11, 1974, Power Pack Products, Inc. a manufacturer of fire extinguishers, submitted a petition (CP 75-11) requesting the Commission to develop a mandatory safety standard for fire extinguishers which are sold for consumer use. The petition alleges that some present fire extinguishers are poorly constructed and thereby pose a risk of direct injury to the consumer, while others are difficult to operate or fail to function properly and thereby become an indirect cause of injury resulting from fire.

To addresss these hazards, the petitioner requested a safety standard which would require fire extinguishers to meet the following criteria: Fire extinguishers must be safe to transport and store; they must contain a sufficient supply of extinguishing agent; and they must be simple to operate which includes the capability to extinguish all types of fires.

### SUMMARY OF INJURY DATA

In analyzing this petition, the Commission considered research regarding two injury classifications:

(1) Direct injuries associated with fire extinguishers: Injuries such as those caused by inhalation of toxic vapors, explosion of the extinguishers, and the electrocution of the user due to an electrically conductive discharge.

(2) Indirect injuries associated with fire extinguishers: Injuries caused by a fire which an extinguisher has failed to put out due to difficulty of operation, inadequacy of the amount or type of extinguishing agent, or mechanical malfunction of the extinguisher.

The information available to the Commission indicates that for the 3½-year period from January 1, 1974 through November 1, 1977, an estimated 3,309 persons were treated in hospital emergency rooms for injuries associated with fire extinguishers. This estimate is based on 191 injuries actually reported during the same period through the National Electronic Injury Surveillance System (NEISS).

NEISS data do not distinguish direct from indirect injuries; however, only one of the total reported injuries was a thermal burn which may indicate a low occurrence of indirect injuries or that this type of injury often may not be treated in hospital emergency rooms.

The Commission staff reviewed 18 in-depth investigation reports indicating product hazard patterns associated with fire extinguishers that could cause direct injury to consumers. Seventeen of these reports indicated product failure due to spontaneous explosion of the extinguisher. All of the extinguishers were aerosol type extinguishers which were traced to a single manufacturer. The manufacturer has recalled the suspect extinguishers and discontinued the line. There were no injuries associated with these failures. One of the reports indicated product failure due to a gauge blowing off the extinguisher while it was hanging on the wall. There were no injuries associated with this incident.

Four death certificates on file with the Commission identify deaths associated with the use of fire extinguishers. Three of the victims were teenage males, two of whom died as a result of sniffing the contents of the extinguishers. The circumstances surrounding the death of the third are unknown. The person involved in the fourth incident died of electrocution while using an extinguisher at the scene of an automobile accident, but sufficient information was not included in the report to deterermine the exact involvement of the extinguisher.

### CONCLUSION

Based on the injury data, the Commission notes that incidents reported to the Commission involving fire extinguisher product failure resulted in no injuries, and reports of those incidents which did not involve product failure but did result in injury or death did not provide sufficient information to determine the exact involvement of the fire extinguisher. The Commission therefore concludes that the available information is insufficient to determine that fire extinguishers present an unreasonable risk of injury to consumers and denies the petition.

In addition, the Commission notes that certain risks of injury associated with fire extinguishers are presently regulated under the Federal Hazardous Substances Act (FHSA). Current FHSA regulations require the labeling of fire extinguishers which use toxic substances and where the possibility of electrical shock exists. Warning labels regarding pressurized containers are required unless the extinguishers can withstand six times the charging pressure at 70° F.

Underwriters Laboratories (UL) rates and certifies extinguishers in design areas associated with direct injuries. All certified cylinders are required to withstand two to three times the normal charging pressure at 70° F. Gauges and other pressure holding devices on certified extinguishers must withstand six times the indicated charging pressure without rupture. UL standards require all mechanical parts, including safety pins and operating levers, to withstand breakage and corrosion. A report analyzing voluntary standards prepared for the Commission in 1975 by the Fire Technology Center of the National Bureau of Standards states that the adequacy of the UL standards has generally been accepted over a period of years. (A copy of the report is available from the Commission's Office of the Secretary.)

Because of the currently existing regulations under the FHSA for fire extinguishers and the UL voluntary standards and considering the relative priority of the risk of injury and Commission resources available for rulemaking for all consumer products, the Commission concludes that a mandatory safety standard is not necessary at this time to address any risk of injury associated with fire extinguishers.

Copies of the petition and the staff's briefing package to the Commission on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Dated: February 23, 1978.

*Sadye E. Dunn,*
*Acting Secretary, Consumer Product Safety Commission.*

[FR Doc. 78-5220 Filed 2-27-78; 8:45 am]

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[3710-08]

## DEPARTMENT OF DEFENSE

### Department of the Army

### BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

### Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name of Committee: Board of Visitors, United States Military Academy.
Date of Meeting: 16 March-17 March, 1978.
Place of Meeting: West Point, N.Y.
Time: At West Point: 1600-1700, 16 March (Hotel Thayer); 0900-1530, 17 March (Superintendent's Conference Room, Bldg 600).
Proposed Agenda: Inquiry into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

All proceedings are open. For further information, contact Captain Robert W. Miller, Jr., USMA, telephone 914-938-4110.

By authority of the Secretary of the Army.

ROME D. SMYTH,
*Colonel, U.S. Army, Director, Administrative Management, TAGCEN.*

[FR Doc. 78-5199 Filed 2-27-78; 8:45 am]

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[3710-08]

### HISTORICAL ADVISORY COMMITTEE

### Open Meeting

1. In accordance with Section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Department of the Army Historical Advisory Committee.
Date: May 26,1978.
Place: Conference room, 6A-092, Forrestal Building, Washington, D.C. 20314.
Time: 1000-1140 hours; 1345-1515 hours.
Proposed Agenda: 1000-1140—Review of historical activities; 1345-1515—Discussion of activities and executive session of the committee.
Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendations through the Chief of Military History to the Chief of Staff, US Army and the Secretary of the Army for advancing the purposes of the Army Historical Program.

2. Meetings of the Advisory Committee are open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the May 26 meeting.

3. Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

4. All communications regarding this Advisory Committee should be addressed to LTC J. H. Ferguson, Advisory Committee Management Officer for the Chief of Military History, Room 6B-018, Forrestal Building, Washington, D.C. 20314.

Dated: February 17, 1978.

JAMES H. FERGUSON,
*LTC, IN, Executive Officer.*

[FR Doc. 78-5200 Filed 2-27-78; 8:45 am]

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[3810-70]

### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON ICBM's/M-X

### Advisory Committee Meeting

The Defense Science Board Task Force on ICBM's/M-X will meet in closed session in Santa Monica, Calif., on March 29-30, 1978.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will evaluate alternative basing modes for U.S. land-based ICBM's. Concepts will be exam-





ined against survivability, cost and SALT verification considerations.

Issued in Washington, D.C., February 22, 1978.



[6740-02]

that a formal hearing is required, further notice of such hearing will be

(1) Do the interconnection agreements between IP and each of the

(B) IP is hereby directed to file, within 20 days of issuance of this

ined against survivability, cost and SALT verification considerations.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: February 21, 1978.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, DoD/WHS.*

[FR Doc. 78-5136 Filed 2-27-78; 8:45 am]

[3128-01]

## DEPARTMENT OF ENERGY

### Office of Energy Technology

### NUCLEAR WASTE DISPOSAL STUDY

### Public Meeting

The Department of Energy (DOE) will hold a one-day public meeting on Saturday, March 18, 1978, at 9:00 a.m. in the West Valley Central School Auditorium, West Valley, N.Y. to discuss the Nuclear Fuel Services, Inc. Nuclear Waste Disposal Study. The purpose of this meeting is to obtain comments from interested parties on the proposed scope, schedule and constraints of the study, which will recommend the allocation of existing and future responsibilities among the Federal Government, the State of New York, and present industrial participants in the Western New York Nuclear Service Center.

The tentative agenda for the meeting is as follows:

A. Purpose of meeting
B. Background (DOE—10 minutes; Nuclear Regulatory Commission—10 minutes)
C. Presentation of proposed outline, schedule and constraints of Study (DOE—½ hour)
D. Views of various groups (10-15 minutes per group)
E. Questions and answers and discussion (1½ hours)

The meeting is open to the public. Attendance will be limited by available space. The Chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Requests to submit brief written or oral statements should be addressed to: Joanne Passaglia, Division of Waste Management, Mail Station B-107, Department of Energy, Washington, D.C. 20545 or 301-353-3031.

Any person may purchase a copy of the transcript of the meeting from the above address.

Issued in Washington, D.C., February 22, 1978.

WILLIAM S. HEFFELFINGER,
*Director of Administration.*

[FR Doc. 78-5232 Filed 2-27-78; 8:45 am]

[6740-02]

### Federal Energy Regulatory Commission

[Docket Nos. CS78-244, etc.]

### RALPH NIX GRANDCHILDREN TRUST, ET AL.

### Applications for "Small Producer" Certificates[1]

FEBRUARY 21, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 10426, petitions to intervene or protest in accordance with the requirements of the commissions' rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. | Date filed | Applicant |
|---|---|---|
| CS78-244. | 1/26/78 | The Ralph Nix grandchildren trust, P.O. Box 817, Artesia, N. Mex. 88210 |
| CS78-245. | 1/27/78 | Gladys Madigin Andrews, 3637 Inwood, Houston, Tex. 77019. |
| CS78-246. | 1/27/78 | Willoughby C. Williams, Jr. |
| CS78-247. | 1/27/78 | Murfin—1975 Joint Venture, 612 Union Center, Wichita, Kans. 67202. |
| CS78-248. | 1/20/78 | Midco Energy, Inc., 815 Petroleum Bldg., Midland, Tex. 79701. |
| CS78-249. | 1/23/78 | Arigab Properties, P.O. Box 52, Lockhart, Tex. 78644. |
| CS78-250. | 1/30/78 | Thomas M. Hunt, 3100 Lakeview Pl., Ruston, La. 71270. |
| CS78-251. | 1/30/78 | Kenergy Petroleum 1977 Series "A" Ltd., 611 First City Natl. Bk. Bldg., Houston, Tex. 77002. |
| CS78-252. | 1/30/78 | Alex T. Hunt, Jr., P.O. Box 1263, Ruston, La. 71270. |
| CS78-253. | 1/31/78 | Estate of E.O. Rodman, deceased, 1204 American Bank Bldg., Odessa, Tex. 79761. |
| CS78-254. | 2/2/78 | Howard H. Leach, P.O. Box 748, Salinas, Calif. 93902. |
| CS78-255. | 2/2/78 | Paken Exploration Co., P.O. Box 12022, Lexington, Ky. 40579. |
| CS78-256. | 2/2/78 | Otto A. Schwertfeger, Preston, Kans. 67569. |
| CS78-257. | 2/6/78 | Bennett Oil Co., P.O. Box 1566, Duncan, Okla. 73533. |
| CS78-258. | 2/6/78 | Byron E. Hummon, Jr., d.b.a. Hummon Oil Co., 1725 Vickers-KSB&T Bldg., Wichita, Kans. 67202. |
| CS78-259. | 2/7/78 | James W. Wise, 205 West Second St., Wichita, Kans. 67202. |
| CS78-260. | 2/7/78 | Stanley T. Slaten, P.O. Box 135, Roswell, N. Mex. |
| CS78-261. | 2/7/78 | Patricia J. Christenson, 1214 Avenida Del Sumbre, Roswell, N. Mex. 88201. |
| CS78-262. | 2/7/78 | Polly Parr, 2920 West Juniper, Roswell, N. Mex. 88201. |
| CS78-263. | 2/7/78 | Bernard O. Greenwade III, P.O. Box 1675, Roswell, N. Mex. |
| CS78-264. | 2/7/78 | M.P. Machen, P.O. Box 1373, Midland, Tex. 79702. |
| CS78-265. | 2/9/78 | Gene McDaniel (properties presently being acquired Feb. 1978), 1020 Denver Club Bldg., Denver, Colo. 80202. |
| CS78-266. | 2/13/78 | PDC Gas, P.O. Box 1164, Midland, Tex. 79702. |
| CS78-267. | 2/14/78 | Charles C. Tilghman, 6403 Northwest Grand Blvd., Oklahoma City, Okla. 73116. |
| CS78-268. | 2/14/78 | Bates-Reading Oil Corp., P.O. Box 206, Bixby, Okla. 74008. |

[FR Doc. 78-5205 Filed 2-27-78; 8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.





[6740-02]

[Docket No. EL78-6]

### ILLINOIS POWER CO.

### Order Denying Emergency Petition and Terminating Docket Conditioned on Subsequent Filings

FEBRUARY 21, 1978.

On January 20, 1978, the cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill. (Cities) filed an emergency petition asking the Commission to issue an order requiring the Illinois Power Co. (IP) to continue to provide short-term firm power to the Cities beyond January 31, 1978, pursuant to contracts with IP and section 202(c) of the Federal Power Act. IP had notified the Cities on December 9, 1977, that it would not provide them with short-term firm or maintenance power during the pendency of the coal strike. IP filed a response to Cities' petition on January 30, 1978, claiming that it was not required to serve Cities beyond January 31, 1978, under the contracts and that no emergency to the Cities exists.

On February 1, 1978, the Commission issued an order in this docket which directed the Commission Staff to undertake an expedited investigation to determine if Illinois Power Co. should be required to provide the Cities with short-term firm power after January 31, 1978. The Commission Staff took a deposition of representatives of IP and the Cities in Chicago on February 3, 1978, and Staff filed its investigation report with the Commission on February 6, 1978.

Based on the findings contained in Staff's report,[1] we shall deny Cities' Emergency Petition For Order Requiring Continuation of Service Under section 202(c).[2] However, we shall direct IP to file contract revisions and a rate schedule which will incorporate the declarations made by an IP representative during the investigation about the supply of emergency and maintenance power and the willingness to wheel power from other sources.

The purpose of Staff's investigation was to resolve two issues:

(1) Do the interconnection agreements between IP and each of the Cities as well as the related course of conduct of IP and the Cities require IP to continue to provide short-term firm power to the Cities after January 31, 1978.

(2) Is there an emergency in fact.

Staff concluded in its report that neither the interconnection agreements nor the course of conduct between Ip and the Cities subsequent to the execution of the agreements revealed any commitment by IP to provide short-term firm power beyond January 31, 1978, except for the City of Peru. IP had previously agreed to supply short-term power to Peru until February 28, 1977.

Further, Staff's findings showed that there is no emergency at present. IP represented to Staff that it will continue to supply emergency and maintenance power to the Cities until just before it must curtail its native load.

Absent a commitment to supply short term firm power or the existence of an emergency, IP shall not be required to provide such power to the Cities. However, since IP, during the course of Staff's investigation, agree to provide additional emergency and maintenance power and to wheel power to the Cities if "properly compensated", we shall require IP to make filings which reflect this commitment.

Cities additionally argued that even if IP has the contractual right to discontinue short-term firm power sales, it may not lawfully do so without giving notice pursuant to Section 205(d) of the Act.

Historically, the Federal Energy Regulatory Commission and its predecessor, the Federal Power Commission, have not required notice in instances where specific services were either initiated or terminated under the terms of filed interconnection agreements. In the instant case, IP is discontinuing specific services under its respective interconnection agreements with the Cities. We find that under the circumstances of this case, IP was not required to give notice before discontinuing short-term firm power sales.

The Commission finds: (1) Good cause exists to deny Cities' Emergency Petition filed January 20, 1978.

(2) Good cause exists to direct Ip to file revised Articles IV, sections 1 and 5 to its interconnection agreements with Cities to reflect its declaration that it will continue to provide emergency and maintenance power until it has to curtail its own firm load.

(3) Good cause exists to direct IP to file a rate schedule for the wheeling of power for the Cities.

(4) Good cause exists to terminate this docket, as hereinafter conditioned.

The Commission orders: (A) Cities' Emergency Petition filed January 20, 1978 is hereby denied.

(B) IP is hereby directed to file, within 20 days of issuance of this order, revised Article IV, sections 1 and 5 to its interconnection agreement with each of the Cities to incorporate its declaration that it will continue to provide emergency and maintenance power until it has to curtail its own firm load.

(C) IP is hereby directed to file, within 20 days of the issuance of this order, a rate schedule for the transmission (wheeling) of power from other sources for the Cities.

(D) Upon IP's satisfactory filing of items pursuant to paragraphs (B) and (C) of this order, this docket shall be terminated.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

#### STAFF INVESTIGATION REPORT

On January 20, 1978, the cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill. (Cities) filed with the Commission an emergency petition for an order requiring the Illinois Power Co. (IP) to continue to provide short-term firm power to the Cities. All of the Cities, while generating a portion of their power and energy, purchase additional power and energy from IP pursuant to interconnection agreements between the respective Cities and IP. The Cities stated that on December 9, 1977, IP notified them that after January 31, 1978,[3] it would not provide short-term firm or maintenance power to the Cities during the pendency of the coal strike. The Cities maintain that without continuation of the short-term firm power sales they would be unable to meet their respective anticipated loads with their largest units down.[4]

The Cities contended that their interconnection agreements with IP accord special status to short-term firm power sales. They argued that IP may not curtail or discontinue short-term firm power sales to the Cities in a manner inconsistent with its treatment of its "native load." Cities argued that since IP does not plan to curtail firm power to its retail customers, it would violate the terms of the interconnection agreements to end short-term power service.

The Cities requested that the Commission, pursuant to section 202(c) of the Federal Power Act (Act) order IP to continue to deliver energy to the Cities at such levels necessary to maintain reliable service to their retail customers.

Cities argued alternatively that even if IP has the contractual right to discontinue short-term firm power sales, it may not lawfully do so without giving notice pursuant to section 205(d) of the Act.

On January 30, 1978, IP filed a motion to reject and answer to the emergency petition of the Cities. It stated that the Cities' petition should be rejected because:

[1] Appended hereto.

[2] On February 2, 1978, IP filed a Supplementary Motion to Dismiss the Petition on the ground that the Commission lacked the jurisdiction to grant relief under section 202(c). As we stated in the February 1, 1978 order, the Commission does not have the authority to act pursuant to section 202(c) of the Federal Power Act. That authority now resides with the Administrator of the Economic Regulatory Administration of the Department of Energy (E.R.A.). However, we directed the Commission Staff to offer its assistance to E.R.A. in the performance of its duties under section 202(c) of the Act.

[3] IP has made a commitment to Peru to provide short-term firm power through February 28, 1978.

[4] Princeton is an exception; it has sufficient reserve to carry its peak load with its largest unit out.





(1) The Cities' petition fails to meet the requirements of Section 32.61 of the Federal Power Commission's Regulations which required to specify the number of kilowatts, the period it desires to reserve such power, and the desired schedule of delivery in its request for service. Cities' petition does not substantiate a finding that IP had a commitment to provide short-term firm power past January 31, 1978.' Staff's investigation in



maintenance power. At what point would you *stop making maintenance power available to the cities?*

provide such power until it is on the brink of curtailing its own firm load.

(3) The Commission direct IP to file a rate schedule for the wheeling of power for the Cities

(1) The Cities' petition fails to meet the requirements of Section 32.61 of the Federal Power Commission's Regulations which govern applications under section 202(c) of the Act;

(2) No emergency in fact exists;

(3) It has not violated the terms of its interconnection agreements with the Cities in that it made no commitment to provide short-term firm power service after January 31, 1978; additionally, the past conduct of the parties has not created an implied commitment;

(4) The discontinuance of short-term firm power service does not require notice under section 205(d) of the Act; and

(5) Article IX, Section 1 of the interconnection agreements relieves the Company of accepting reservations for short-term firm power sales during the pendency of the coal strike.

On February 1, 1978, the Commission issued its Order Waiving Regulations, Treating Filing as Complaint, and Instituting Staff Investigation in this docket, which ordered the convening of a Staff investigatory hearing at 10 a.m. on Friday, February 3, 1978, at the John C. Kluzynski Building, Chicago, Ill. The order designated Rhodell G. Fields as an officer of the Commission pursuant to section 307(b) of the Act. IP and the Cities were ordered to provide testimony and documents concerning the matters complained of by the Cities subject to this Commission's jurisdiction, including the issue of whether IP is required by the interconnection agreements to provide short-term firm power to the Cities after January 31, 1978. The order directed Mr. Fields to submit a written report to the Commission by Monday, February 6, 1978.

### Issues

The issues raised by the Cities' petition are:

1. Do the interconnection agreements and the related course of conduct of IP and the Cities, require IP to continue to provide short-term firm power to the Cities after January 31, 1978?

2. Is there an emergency in fact?

Although the Administrator of the Economic Regulatory Administration of the Department of Energy (ERA) is vested with the authority to review petitions for emergency interconnections and coordination of facilities pursuant to section 202(c) of the Act,[1] the Commission Staff has been directed to offer its assistance to ERA in the performance of its duties under Section 202(c) of the Federal Power Act. Therefore, it is appropriate to delve into the question of whether this is an emergency.

### Discussion

#### ISSUE 1

Is IP Obligated to Supply Short-Term Firm Power to the Cities After January 31, 1978?

Article IV, section 3 of the Interconnection Agreements between the respective Cities and Illinois Power establishes the procedures for the reservation of short-term firm power. The purchasing party is required to specify the number of kilowatts, the period it desires to reserve such power, and the desired schedule of delivery in its request to the supplying party. The supplying party then advises the purchaser of its *ability* and *willingness* to compny with the request. Any request or acknowledgement can be made orally. It then must be confirmed in writing not later than the fifth day following the oral request or acknowledgement. This provision further provides that short-term firm capacity obligations have the same priority as native loads.

The testimony of Mr. Douglas Williams, City Manager of Highland, Mr. Martin Johnson, Superintendent of Utilities of Breese, Mr. John M. Williams, Manager of Energy Supply for IP, and Mr. Herbert Goers, Supervisor of Interconnected Systems for IP, indicates that reservations for short-term power were made in accordance with the terms of Article IV, section 3 of the interconnection Agreements. Exhibits 4, 5, 6, and 7, which are written requests and acknowledgements for the years 1975, 1976, 1977, and 1978 respectively, provide additional support for the conclusion that in every instance that a commitment was made by IP to supply short-term firm power to the Cities, contractual procedures were complied with.

Mr. John Williams testified that all past reservations for short-term firm power have been made in accordance with the explicit terms of the interconnection agreements. In other words, IP has never endeavored to supply short-term firm power in any other manner than that contemplated by Article IV, section 3 of the agreements. Mr. John Williams' testimony with respect to this question was not contradicted by either of the Cities' witnesses.

Exhibit 7 consists of requests and acknowledgements for the reservation of short-term firm and maintenance power for January and February 1978. IP agreed to provide the Cities of Freeburg, Mascoutah, and Carlyle with maintenance power for the first week of February 1978 (Exhibits 7-1, 7-2, and 7-4 respectively). Princeton, Mascoutah, Freeburg and Highland reserved short-term firm power through January 31, 1978 (Exhibits 7-5, 7-7, 7-8, and 7-9 respectively). Peru reserved short-term firm power through February 28, 1978 (Exhibit 7-6).[2] These documents buttress the Company's contention that it did not commit itself to supply short-term firm power past January 31, 1978. The witnesses for the Cities acknowledged that IP did not make a commitment to supply short-term firm power past January 31, 1978.

The testimony and related documents in this proceeding demonstrate that the interconnection agreements and the related course of conduct of the parties do not require IP to continue to provide short-term firm power to the Cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, and Princeton, Ill., after January 31, 1978, and after February 28, 1978 to the City of Peru.

Neither the testimony of the witness nor the documentary evidence reveal any course of conduct subsequent to the execution of the interconnection agreements which arguably could have modified its terms, to substantiate a finding that IP had a commitment to provide short-term firm power past January 31, 1978.[3] Staff's investigation in this proceeding could find no factual or legal support for the Cities' contention that IP has an obligation to supply the Cities with short-term firm power after January 31, 1978.

#### ISSUE 2

Is There In Fact An Emergency?

All of the Cities are currently able to meet their respective loads without short-term firm power purchases. However, if their largest generating units are inoperable, they would not have sufficient generation to meet their respective loads. However, IP indicated by letter dated December 9, 1977,[4] that it would continue to make emergency and emergency start up energy available to the Cities. By letter dated January 17, 1978, IP represented that it would continue maintenance, non-firm, economy, or emergency transactions on a week to week basis during the coal strike.[5]

Mr. Douglas Williams and Mr. Martin Johnson both testified that an emergency would be averted in their respective Cities if IP continued to provide maintenance and emergency power. However, they expressed reservations about the continuing availability of emergency and maintenance power. Pursuant to Article IV, section 1(c) of the interconnection agreements, neither party is obligated to supply emergency power for more than 48 hours during any single emergency. If the emergency is for a longer period, the purchasing party may request maintenance power.

Article IV, section 5, provides in relevant part that if maintenance power is reserved, the supply party has the right to notify and require the purchasing party to reduce its take of such energy to any amount specified:

> • • • in the event conditions arise during such period which were not reasonably foreseen by the supplying party at the time Maintenance Power was reserved, and such conditions would, *in the sole judgement of the supplying party, cause the delivery of Maintenance Power to be burdensome to the supplying party* • • • (Emphasis added)

However, in a colloquy with the Commission's Investigating Officer, Mr. John M. Williams, Manager of Energy Supply for IP testified:

Q. Under what circumstances would Illinois Power *stop making emergency* or *maintenance sales to the cities?*

A. The only circumstance that we *would contemplate not supplying at least emergency energy to the cities would be a situation where we were being forced to curtail our own firm load.*

Q. You would not stop supplying emergency power unless it was to the point of curtaining your native load?

A. That's right, so the step just before we curtail our native load, we would refuse to sell any kind of power to our neighboring utilities.

Q. If I read your answer correctly, your [sic] are making a distinction between supplying emergency power and supplying maintenance power. At what point would you *stop making maintenance power available to the cities?*

A. We have stated to our other interconnected neighbors *that at the point that we start dispatching oil ahead of coal in order to extend our coal supplies even further, that we would not be willing to take maintenance reservations. We are willing to make an exception to that in the case of the cities and we would continue to let them reserve maintenance power or take emergency, whichever those chose, down until the time that it meant it actually—we were on the brink of curtailing our own firm load.*

Q. But there is still, *like I say, a distinction between the point at which you would stop supplying the maintenance as opposed to the emergency?*

A. *Not as far as the cities are concerned.*

Q. *Not as far as the cities are concerned.*

A. Right.

• • • • •

A. One other distinction also on that supplying of maintenance or that supplying of any energy to our neighboring utilities, at this time it's all being done from our oil-fired capacity in order to conserve our coal supplies. (Tr. 66–67)

Mr. Goers of IP testified that emergency energy is always priced higher than short-term firm energy except where both services would fall within the same increment of generating capacity (Tr. 85–86). Furthermore, Mr. Goers stated that the interchanging municipalities would not pay more for emergency energy than they would for short-term firm energy absent sales to other interchanging parties and provided that incremental costs were above the minimum price for emergency energy 17.5 mills/kWh (Tr. 86–87). Mr. John Williams of IP stated that, at the present time, all interchange sales are being dispatched from oil-fired capacity in order to conserve coal supplies (Tr. 67). Thus, any energy purchased by the interchanging municipalities from IP, whether labeled as "short-term firm", "maintenance" or "emergency", will be at a high incremental price, perhaps in the range of 30-60 mills/kWh based on the cost data in Illinois Power Co.'s FPC Form No. 1 for 1976.

Mr. John Williams has unequivocally represented that IP will not precipitously discontinue the availability of either emergency or maintenance power. It will continue to provide such power until it is on the brink of curtailing its own firm load.

Mr. Johnson of Breese testified that he had asked IP several times about having wheeling rights over its system but an agreement has not been realized. The last occasion on which the matter was discussed was at a January 13, 1978, meeting, which was convened at the Cities' behest. IP did not refuse to wheel but indicated that details were to be worked out (Tr. 54, 69-71). Consequently, the Cities have not contacted any other public utility to inquire about purchasing power during the pendency of the coal strike.

Mr. John Williams testified that IP would wheel for the Cities if they were able to find power to buy (Tr. 69). He indicated that pursuant to an agreement on file with the Department of Justice, IP would wheel power as long as it were "properly compensated."

Staff's investigation has not discovered an emergency as of the present time. IP has represented that it will continue to provide emergency and maintenance power to the Cities until just before it must curtail its native load.

### Conclusion

Based on the testimony and documentary evidence adduced in this proceeding, Staff concludes:

(1) The interconnection agreements and related course of conduct between IP and the Cities, do not require IP to continue to provide short-term firm power to the Cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, and Princeton, Illinois after January 31, 1978, and after February 28, 1978 to the City of Peru, Illinois.

(2) An emergency does not in fact exist at the present time with respect to the Cities' continuing ability to maintain sufficient generating capacity to meet their respective loads.

### Recommendations

Commission Staff recommends that:

(1) The Commission terminate the proceeding in Docket No. EL78-6;

(2) The Commission direct IP to file a revised Article IV, Sections 1 and 5 to incorporate its declaration that it will continue to provide emergency and maintenance power until it has to curtail its own firm load; and

(3) The Commission direct IP to file a rate schedule for the wheeling of power for the Cities.

Respectfully submitted,

RHODELL G. FIELDS,
*Staff Officer*
*of the Commission.*

| | |
|---|---|
| Total(kilowatts) | 3,469,156 |
| Coal fired (kilowatts) | 2,984,000 |
| Coal (percent) | 86.02 |

SYSTEM LOAD (MW)

| | |
|---|---|
| January | 1,981 |
| February | 1,912 |
| March | 1,827 |
| April | 1,681 |
| May | 1,755 |
| June | 2,286 |
| July | 2,570 |
| August | 2,557 |
| September | 2,289 |
| October | 1,906 |
| November | 2,063 |
| December | 2,189 |

CITY OF BREESE (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| 1 | 750 | Steam | Oil. |
| 2 | 2,000 | do | Oil. |
| 3 | 900 | Internal | Oil. |
| 4 | 3,000 | Combustion | Oil. |
| Total | 6,650 | | |

| | *System peak (kilowatts)* |
|---|---|
| January | 3,000 |
| February | 2,900 |
| March | 2,600 |
| April | 2,500 |
| May | 2,800 |
| June | 4,400 |
| July | 5,300 |
| August | 5,000 |
| September | 3,700 |
| October | 3,000 |
| November | 3,000 |
| December | 3,200 |
| | *Kilowatt-hours* |
| Energy generated | 2,766 |
| Energy received | 15,127 |
| Net energy for system | 17,793 |

ILLINOIS POWER CO.

[Data from FPC form No. 1—1976 and form No. 12—1975]

| Station | Rating (kilowatts) | Type | Fuel | O&M/kilowatthour |
|---|---|---|---|---|
| Baldwin | 1,815,000 | Steam | Coal | $6.19/mwh. |
| Hennepin | 320,000 | do | do | $10.33/mwh. |
| Vermilion | 188,000 | do | do | $11.89/mwh. |
| Wood River | 661,000 | do | Coal/oil/gas | $15.31/mwh. |
| Havana | 264,000 | do | Oil | $30.98/mwh. |
| Vermilion | 14,000 | Gas turbine | Oil | $40.98/mwh. |
| Oglesby | 69,000 | do | Oil | $41.60/mwh. |
| Blomington | 5,314 | Internal combustion | Oil | $55.83/mwh. |
| Vandalia | 2,000 | do | Oil | $73.71/mwh. |
| Stalling | 107,000 | Gas turbine | Oil | $118.59/mwh. |
| Jacksonville | 7,818 | Internal combustion | Oil | |
| Jacksonville | 14,000 | Jet turbine | Oil | |
| Marseilles | 2,024 | Hydro | Hydro | $9.28/mwh. |

[1] Pursuant to the Department of Energy Organization Act (42 U.S.C. 7101) and Department of Energy Delegation Order No. 0204-4, effective October 1, 1977, the Administrator of ERA is vested with the authority to act under section 202(c) of the Act.

[2] When asked why Peru was able to reserve an additional month of short-term firm power, Mr. John Williams testified that a mistake was made; Peru's letter went through without the February date being noticed.

[3] IP is obligated to serve Peru through February 28, 1978.

[4] Cities' petition, Exhibit 2.

[5] IP's answer, Exhibit D.

| | Millivolt-ampere |
|---|---|
| Capacity of interconnection | 3,750 |

CARLYLE MUNICIPAL UTILITIES (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| 1 | 3,150 | Diesel | Oil. |
| 3 | 3,000 | Steam | Coal. |
| 4 | 350 | Diesel | Oil. |
| 5 | 350 | ....do | Oil. |
| 6 | 350 | ....do | Oil. |
| 7 | 2,050 | ....do | Oil. |
| Total | 9,250 | | |

| | System peak (kilowatts) |
|---|---|
| January | 3,400 |
| February | 3,950 |
| March | 3,200 |
| April | 2,700 |
| May | 3,400 |
| June | 4,400 |
| July | 6,750 |
| August | 5,750 |
| September | 4,400 |
| October | 2,800 |
| November | 3,625 |
| December | 4,100 |

| | Kilowatthours |
|---|---|
| Energy generated | 3,021,100 |
| Energy purchased | 18,515,000 |
| Net energy for system | 21,536,100 |

VILLAGE OF FREEBURG (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| 1 | 485 | Internal combustion. | Oil. |
| 2 | 485 | ....do | Do. |
| 3 | 645 | ....do | Do. |
| 4 | 1,000 | ....do | Do. |
| 5 | 750 | ....do | Do. |
| 6 | 1,870 | ....do | Do. |
| Total | 5,235 | | |

| | System peak (kilowatts) |
|---|---|
| January | 2,740 |
| February | 2,840 |
| March | 2,250 |
| April | 2,000 |
| May | 2,300 |
| June | 3,440 |
| July | 4,460 |
| August | 4,110 |
| September | 3,250 |
| October | 2,200 |
| November | 2,530 |
| December | 2,740 |

| | Kilowatthours |
|---|---|
| Energy generated | 2,162,550 |
| Energy purchased | 12,372,050 |
| Net energy for system | 14,534,600 |

| | Millivolt-ampere |
|---|---|
| Capacity of interconnection | 3,000 |

CITY OF HIGHLAND (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| 1 | *1,500 | Steam | Coal. |
| 2 | *3,000 | ....do | Do. |
| 4 | *6,000 | ....do | Do. |
| 5 | 2,050 | Internal combustion. | Oil/gas. |
| 6 | 2,070 | ....do | Do. |
| 7 | 4,415 | ....do | Do. |
| 8 | 4,415 | ....do | Do. |
| Total (connected). | 12,900 | | |

*Not connected to load due to environmental restriction.

| | System peak (kilowatts) |
|---|---|
| January | 9,600 |
| February | 9,800 |
| March | 9,300 |
| April | 7,900 |
| May | 8,700 |
| June | 13,500 |
| July | 16,600 |
| August | 15,400 |
| September | 13,800 |
| October | 9,900 |
| November | 10,900 |
| December | 10,900 |

| | Kilowatthours |
|---|---|
| Energy generated | 15,099,000 |
| Energy purchased | 42,327,000 |
| Net energy for system | 57,426,000 |

| | Milliwatt |
|---|---|
| Capacity of interconnection | **14,400 |

**Note states that for 1977 only 8,000 Mw can be delivered due to load conditions on I.P.'s 34.5 kV lines in the area.

CITY OF MASCOUTAH (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| 1 | 1,500 | Steam | Coal. |
| 2 | 2,000 | ....do | Do. |
| 1 | 586 | Internal combustion. | Oil. |
| 2 | 586 | ....do | Oil. |
| 3 | 1,100 | ....do | Oil. |
| 4 | 2,000 | ....do | Oil/gas. |
| 5 | 2,200 | ....do | Do. |
| Total | | | |

*Total capability stated as: 3,500 kW steam, 6,595 I.C.

| | System peak (kilowatts) |
|---|---|
| January | |
| February | |
| March | |
| April | |
| May | |
| June | |
| July | 7,500 |
| August | |
| September | |
| October | |
| November | |
| December | |

| | Kilowatthours |
|---|---|
| Energy generated | 3,718,000 |
| Energy purchased | 19,037,000 |
| Net energy for system | 22,755,000 |

CITY OF PERU (1976)

| | Name-plate rating (kilowatts) | Type | Fuel |
|---|---|---|---|
| Unit No.: | | | |
| | 1,250 | Steam | Coal. |
| | 2,500 | ....do | Do. |
| | 4,000 | ....do | Do. |
| | 7,500 | ....do | Do. |
| | 6,260 | Internal combustion. | Oil. |
| | 10,000 | Jet turbine. | Oil. |
| Total | 31,510 | | |

| | System peak (kilowatts) |
|---|---|
| January | 11,600 |
| February | 11,000 |
| March | 9,900 |
| April | 9,500 |
| May | 9,400 |
| June | 15,800 |
| July | 18,400 |
| August | 18,200 |
| September | 15,200 |
| October | 10,100 |
| November | 11,000 |
| December | 12,000 |

| | Kilowatthours |
|---|---|
| Energy generated | 12,573,800 |
| Energy purchased | 51,053,000 |
| Net energy for system | 63,626,800 |

[FR Doc. 78-4998 Filed 2-27-78; 8:45 am]

[6740-02]

[Project No. 2197]

**YADKIN, INC.**

**Requests for an Investigation Concerning the Licensee's Operation of the High Rock Reservoir**

FEBRUARY 21, 1978.

Public notice is hereby given that on December 1, 1977, Davidson County of North Carolina, and on December 17, 1977, the High Rock Lake Association requested the Federal Energy Regulatory Commission to conduct an investigation into the operation of the Yadkin Project, FERC No. 2197, by Yadkin, Inc. (Licensee). The Yadkin Project is located on the Yadkin River in Stanly, Montgomery, Davie, Davidson, and Rowan Counties, N.C.

Specifically, Davidson County of North Carolina filed with the Commission a resolution requesting that the Commission institute an investigation into the license of Project No. 2197 as it concerns Yadkin's drawdown practice at the High Rock reservoir. The High Rock Lake Association petitioned the Commission to investigate, hold hearings and issue an order to provide for a more constant water level at the High Rock reservoir in the interest of recreation. The Association also requested that the Commission investigate whether the project's rule curve should be modified to take into account any effects the proposed Perkins Nuclear Plant would have on the High Rock reservoir.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR § 1.8 or § 1.10. All such petitions or protests should be filed on or before April 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5230 Filed 2-27-78; 8:45 am]

[6740-02]

[Docket No. RI78-23]

**ADAIR OIL CO.**

**Petition for Special Relief**

FEBRUARY 22, 1978.

Take notice that on December 28, 1977, Adair Oil Co., 1005 East Second Street, Wichita, Kans. 67202, filed a petition for special relief in Docket No. RI78-23 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 49.9 cents per Mcf for the sale of gas to Northern Natural Gas Company in consideration for its installation of a pumping unit on a well located in Clark County, Kans. The subject gas is currently being sold at the rate of 34.81 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5227 Filed 2-27-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-418, CP71-290]

**TEXAS EASTERN TRANSMISSION CORP.**

**Order Approving Stipulation and Agreement**

FEBRUARY 22, 1978.

In the matter of Texas Eastern Transmission Corporation, Consolidated System LNG Company, and Consolidated System LNG Company.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565, (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the approprate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On December 15, 1977, the Presiding Administrative Law Judge certified to the FERC for consideration and disposition a proposed Stipulation and Agreement which, if approved, would resolve all issues presented in the above-captioned proceedings. For the reasons set forth below, the FERC finds that the proposed Stipulation and Agreement is reasonable and should be approved.

This proceeding originated on May 27, 1977, when Consolidated System LNG Company (Consolidated LNG) filed a motion to amend the certificate of public convenience and necessity issued in Docket No. CP71-290 authorizing Consolidated LNG to construct and operate approximately 190 miles of 30-inch pipeline from Loudoun County, Virginia to Clinton County, Pennsylvania.[1] The certificated pipeline facilities were designed for the transportation and delivery of Consolidated LNG's share of revaporized LNG from the Cove Point, Md. project to a point of interconnection with the existing facilities of Consolidated Gas Supply Corp. (Consolidated Supply) in the vicinity of the Leidy storage field in Clinton County, Pa. The requested amendment would permit Consolidated LNG to eliminate approximately 80 miles of the proposed Loudoun-Leidy line, to eliminate the Doylesburg, Pa., Compressor Station, and to modify the originally certificated pipeline route.

A companion application was filed by Consolidated LNG and Texas Eastern Transmission Corp. (Texas Eastern) on June 1, 1977, in Docket No. CP77-418, requesting authority to exchange natural gas pursuant to the terms of a May 20, 1977 exchange agreement and to construct and operate certain facilities necessary to effect the proposed exchange. The exchange agreement provides that Consolidated LNG will deliver approximately 365,000 dekatherms per day of vaporized LNG, plus a maximum surge day allowance of 20 percent, to Texas Eastern at two exchange points to be constructed in Pennsylvania where the proposed Loudoun-Leidy line of Consolidated LNG crosses the existing line of Texas Eastern. Texas Eastern will, in turn, deliver equivalent quantities of natural gas to Consolidated Supply for the account of Consolidated LNG at any of twelve existing points of interconnection between the two systems. The agreement further provides for a negotiated exchange charge of $150,000 per month, payable to Texas Eastern, for the exchange service rendered.

By order issued Spetmeber 9, 1977, the Federal Power Commission pro-

[1] Consolidated LNG is a participant with Columbia LNG Corp. (Columbia LNG) and Southern Energy Co. (Southern Energy) in a project designed to import liquefied natural gas (LNG) from Algeria into the United States at Cove Point, Md., and Savannah, Ga. The importation project was approved by the Federal Power Commission in Opinion Nos. 662 and 622-A (Columbia LNG Corp., 47 FPC 1624 (1972), as modified on rehearing, 48 FPC 723 (1972)).

As part of the importation project, Opinion No. 622-A also authorized the construction of 190 miles of pipeline from Loudoun County, Va. to Leidy, Pa. The specific location of the pipeline right-of-way was approved by "Order Approving Stipulation and Agreement for Location of Pipeline Right-of-Way" issued March 21, 1975.

vided for a hearing to address the details of the exchange agreement between Texas Eastern and Consolidated LNG, particularly the amount of the negotiated exchange charge and the possibility that the higher Btu LNG delivered to Texas Eastern might adversely affect the downstream customers of Texas Eastern. The order also issued a temporary certificate authorizing the construction of the 4.09-mile deviation in the originally cerificated pipeline route and the construction of the facilities necessary to effect the proposed exchange.

A prehearing conference was convened on September 23, 1977, and recessed for the purpose of discussing possible settlement of the issues presented. After extensive settlement negotiations, a proposed Stipulation and Agreement was presented to the Presiding Administrative Law Judge on December 14, 1977, with a request for certification thereof to the FERC. Public notice of the proposed Stipulation and Agreement was issued on January 9, 1978, with comments due on or before January 23, 1978. Consolidated LNG, Texas Eastern, The Public Service Commission of the State of New York, and the Commission Staff filed comments in support of the proposed Stipulation and Agreement. No objections or adverse comments have been received.

The Stipulation and Agreement provides that Texas Eastern and Consolidated will operate their facilities in a manner that will result in an average heating value throughout the year of 1,035 Btu (wet basis) in the blended stream flowing eastward into Texas Eastern's Zone D market areas from the points of delivery of the vaporized LNG. The exchange facilities will be designed to permit variations in the flow of the vaporized LNG into the eastern market area and the Btu stream will be blended with Texas Eastern's other supplies to maintain the 1,035 average, with possible limited hourly swings of approximately two percent in excess of that average.

The Stipulation and Agreement further provides that the $150,000 per month exchange charge will be flowed through to Texas Eastern's Zone D customers as a reduction in their monthly demand charge. This reduction will be accomplished by the filing of a tracking rate reduction in the demand component of rate schedules DCQ, GS, WS, SS and X-28 of Texas Eastern's FPC Gas Tariff. The manner in which this reduction will be calculated is set forth in Appendix A to this order.

These operational and billing practices will insure that the customers of Texas Eastern who actually receive the vaporized LNG will not experience undue operational difficulties or be adversely affected by the higher Btu content of the blended gas stream which will be delivered to them as a result of the exchange. Texas Eastern has stated that it will accept a certificate conditioned upon its compliance with these operational and billing procedures.

As requested by the Commission Staff, the proposed Stipulation and Agreement also provides a detailed analysis of the justification for the $150,000 monthly exchange charge. This analysis shows that the customers of Texas Eastern and Consolidated LNG will receive substantial benefits from approval of the exchange proposal and the the monthly charge is reasonable in view of the value of the exchange service to the parties involved.

Based on a review of the record in this proceeding, including the Stipulation and Agreement and the pleadings, evidence, and comments submitted in support thereof, the Commission finds that the proposed Stipulation and Agreement represents a reasonable resolution of the issues in this proceeding in the public interest. The Commission further finds that the public convenience and necessity requires that the requested certificate authorizations be granted. By eliminating the need to construct approximately 80 miles of pipeline and one compressor station, the proposed exchange will result in a net reduction of $27,735,700 in construction costs and will reduce the unit cost of delivering LNG to the ultimate consumer by approximately 4 cents per Mcf. Moreover, the proposed exchange arrangement will provide the following benefits to the customers of Texas Eastern: (1) annual exchange charge revenues of approximately $1.8 million to be flowed through to Texas Eastern's Zone D customers; (2) annual fuel savings of approximately one million Mcf to be shared system-wide under Texas Eastern's existing curtailment plan; and (3) annual fuel cost savings of approximately $0.8 million to be reflected in Texas Eastern's next systemwide rate case. Accordingly, the Stipulation and Agreement should be approved and adopted and certificates of public convenience and necessity should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) The Stipulation and Agreement certified to the Commission on December 15, 1977, is incorporated herein by reference and is approved and adopted.

(B) The certificate of public convenience and necessity granted to Consolidated LNG by Commission order issued in Docket No. CP71-290 on June 28, 1972, and subsequently amended by orders issued October 5, 1972, and March 21, 1975 is hereby further amended so as to eliminate approximately 80 miles of proposed pipeline, the proposed Doylesburg, Pennsylvania, Compressor Station, and to authorize a minor change in the certificated pipeline route, as hereinbefore described and as more fully described in the motion to amend in this proceeding. In all other respects said orders shall remain in full force and effect.

(C) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Consolidated LNG and Texas Eastern to exchange natural gas and to construct and operate the facilities necessary to effect the exchange, as hereinbefore described and as more fully described in the application in this proceeding.

(D) Consolidated LNG and Texas Eastern shall comply with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154 of such Regulations.

(E) Consolidated LNG and Texas Eastern shall operate their facilities in a manner that will result in an average heating value throughout the year of 1.035 Btu (wet basis) in the blended stream flowing eastward into Texas Eastern's market area from the points of delivery of the vaporized LNG. The exchange facilities shall be designed to permit variations in the flow of vaporized LNG into the eastern market area and the Btu stream shall be blended with Texas Eastern's other supplies to maintain the 1,035 average, with possible limited hourly swings of approximately two percent in excess of that average.

(F) Texas Eastern shall flow through the $150,000 per month exchange charge to its Zone D customers as a reduction in their monthly demand charge. This reduction shall be accomplished by the filing of a tracking rate reduction in the demand component of rate schedules DCQ, GS, WS, SS, and X-28 of Texas Eastern's Gas Tariff. The reduction shall be calculated in the manner set forth in Appendix A to this order.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff, or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Consolidated LNG, Texas Eastern, or any other person or party.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary*





APPENDIX A.—*Texas Eastern Transmission Corp. derivation of Zone D demand rate reduction due to consolidated LNG exchange charge*

| Line No.: | | |
|---|---|---|
| 1 | Annual consolidated LNG exchange charge | $1,800,000 |
| 3 | Annual demand design determinants for Zone D customers: | |
| 5 | DCQ, GS | 15,749,424 dth |
| 6 | WS | 4,383,528 dth |
| 7 | SS | 1,816,248 dth |
| 8 | X-28 | [1]1,634,088 dth |
| 9 | Total | 23,583,288 dth |
| 10 | Reduction in Zone D demand | |
| 11 | Rates (line 2÷line 9) | $0.078 dth |

[1] Assumed 1,000 Btu/ft³ for conversion of 1,000 ft³ to dth.

[FR Doc. 78-5228 Filed 2-27-78; 8:45 am]

[6740-02]

[Project No. 2819]

**VERMONT ELECTRIC COOPERATIVE, INC.**

**Application for Preliminary Permit**

FEBRUARY 21, 1978.

Public notice is hereby given that an application was filed on September 30, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Vermont electric Cooperative, Inc. (Applicant) (Correspondence to: Mr. Walter N. Cook, Executive Manager, Vermont electric Cooperative, Inc., School Street, Johnson, Vt. 05656) for approval of an application for a preliminary permit for the Connecticut River Basin Project, FERC No. 2819, to be located within lands of the United States and on privately owned lands over which the Federal Government has easements. The project would be located in Orange, Windsor and Windham counties, Vermont and Cheshire County, N.H.

The proposed project would consist of five developments each consisting of a new powerhouse and other appurtenant facilities. Each development would utilize an existing Corps of engineers flood control dam and reservoir. Applicant states that the capacity of each of the developments would range from 1,000 to 12,000 kW and the total installed capacity is estimated to be between 15,000 and 30,000 kW.

Applicant also states that that the proposed use or market for the power to be developed is to meet present and future electric energy requirements of the residential members served by the Applicant. Any surplus capacity and/or energy would be sold to or exchanged with, electric utility preference customers in the area for public utility purposes.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee a right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 1, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. the application is on file with the Commission and is available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5229 Filed 2-27-78; 8:45 am]

[6740-02]

[Docket No. CP78-154]

**COLUMBIA GULF TRANSMISSION CO.**

*APPLICATION: Correction*

FEBRUARY 15, 1978.

In FR Doc. 78-2415, appearing at page 3930 in the FEDERAL REGISTER of January 30, 1978, make the following changes:

On page 3930, in the second paragraph, in lines 10 and 14, change "applicant" to "a gas purchaser."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5204 Filed 2-27-78; 8:45 am]

[6740-02]

[Docket No. ER76-587]

**GEORGIA POWER CO.**

**Order Conditionally Accepting Settlement Agreement**

FEBRUARY 14, 1978.

In FR Doc. 78-3986 appearing at page 6309 in the FEDERAL REGISTER of February 14, 1978, make the following change:

On page 6310, in the middle column, paragraph B, line 11, change "February 13, 1978" to "February 27, 1978."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 78-5203 Filed 2-27-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS COMMISSION**

[BC Docket Nos. 78-63, 78-64; File Nos. BRH-855, BPH-9676]

**RADIO STATION WABZ, INC. AND VICTOR BROADCASTING, INC.**

**Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order**

Adopted: February 10, 1978.

Released: February 23, 1978.

In re applications of Radio Station WABZ, Inc., Albemarle, N.C., BC Docket No.78-63, File No. BRH-855, has: 100.9 mHz, No. 265, 3 kW (H & V), 308 feet, for renewal of license. Victor Broadcasting, Inc., Albemarle, N.C., BC Docket No.78-64, File No. BPH-9676, req: 100.9 mHz, No. 265, 3 kW (H & V), 300 feet, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned application of radio station WABZ, Inc., licensee of FM

broadcast station WABZ, Albemarle, N.C., for renewal of license; and the application of Victor Broadcasting, Inc., for a construction permit for a new commercial FM broadcast station at Albemarle, N.C. Inasmuch as these applications are for the same facilities, they are mutually exclusive with each other.

2. Except as indicated by issues specified below, the applicants are qualified to be FCC licensees. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of Radio Station WABZ, Inc. and Victor Broadcasting, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person, or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc. 78-5178 Filed 2-27-78; 8:45 am]

[6712-01]

## RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

### Meetings

FEBRUARY 23, 1978.

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

To: RTCM Officers, Executive Committee Representatives and Alternates, and Special Committee Chairmen.

Subject: Executive Committee Meeting, Thursday, March 16, 1978.

The next Executive Committee Meeting will be on Thursday, March 16, at 9:30 a.m. in Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Committee Reports:

SC-65: "Ship Radar"
SC-66: "Receiver Standards for the Maritime Mobile Service"
SC-69: "WARC Advisory Committee"
SC-70: "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment"
SC-71: "VHF Automated Radiotelephone Systems"
SC-72: "Numerical Identification of Stations in Maritime Telecommunications Systems"
SC-73: "Minimum Performance Standards (MPS)—Omega Receiving Equipment"

5. New Membership Applications for Executive Committee Approval.
6. Approval of SC-65 "Ship Radar" papers.
7. Status Report on SC-65 Final Report.
8. Approval of SC-66 "Receiver Standards" Paper.
9. Report of Nominating Committee for RTCM Officers.
10. Acceptance of First Quarter Fiscal Year 1978 Financial Statement.
11. Clarification Report on Fiscal Year 1977 Audit Report.
12. Further Discussion on Establishment of RTCM Award for Outstanding Technical Papers.
13. Report on 1978 Assembly Meeting.
14. Summary Reports and Announcements.
15. New Business.
16. Establishment of Next Meeting Date.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting may contact either the designated chairman or the RTCM Secretariat (phone: 202-632-6490).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
*Secretary.*

[FR Doc. 78-5177 Filed 2-27-78; 8:45 am]

[1505-01]

## GENERAL SERVICES ADMINISTRATION

### GSA Bulletin FPR 31

### FEDERAL PROCUREMENT

### List of Basic Agreements Available for Use by Executive Agencies

*Correction*

In FR Doc. 78-2398 appearing at page 4170 in the issue of Tuesday, January 31, 1978 the following corrections should be made:

1. On page 4170 delete "Ditto" on line 8, under Contractor, add the following: "Arizona Board of Regents University of Arizona".

2. Add footnote 1 on line 51, under Contractor, "Environmental Research Institute of Michigan, Ann Arbor, Michigan".

3. On page 4171 add Code 1 on line 35, under Contractor "New Mexico University, Regents of, University Hill, Albuquerque, New Mexico".

4. Correct the misspelling of "Norfolk" line 72, under Contractor "Old Dominion University, Research Foundation, Norfolk, Va.".

5. On page 4171 delete the third "of" in line 34, under Contractor to read as follows: Washington, The Board of Regents of the University, Seattle, Washington.

[4110-03]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### AYERST LABORATORIES

### Statyl, Statyl With Roxarsone, and Statyl With Oxytetracycline Premixes; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of three new animal drug applications (NADA's) providing for use of premixes containing statyl (Ayerst's brand of nequinate) alone or in combination for manufacture of complete chicken feed. The manufacturer requested this action.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), the following notice is issued: 78-27.

Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017, holds the following approved NADA's:

NADA 41-646V, Statyl (nequinate) premix. An aid in prevention of coccidiosis in broiler, fryer, roaster, and replacement chickens for caged layers.

NADA 42-919V, Statyl with roxarsone premix. An aid in prevention of coccidiosis, for growth promotion, feed efficiency, and improving pigmentation in broiler or fryer chickens.

NADA 48-205V, Statyl with oxytetracycline premix. For control of complicated chronic respiratory disease (air-sac infection), infectious synovitis, and treatment of blue comb (nonspecific infectious enteritis) in broiler or fryer chickens.

Ayerst Laboratories requested, by letter dated November 9, 1977, that approval of the NADA's be withdrawn because the drugs are no longer being marketed.

Therefore, in accordance with § 514.115 (21 CFR 514.115), notice is hereby given that approval of these NADA's and all supplements thereto is hereby withdrawn, effective February 28, 1978.

Published elsewhere in this issue of the FEDERAL REGISTER is a final rule amending § 558.365 *Nequinate* (21 CFR 558.365) to reflect this withdrawal of approval.

Dated: February 18, 1978.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 78-5153 Filed 2-27-78; 8:45 am]

[4110-03]

[Docket No. 77F-0407]

### DOW CHEMICAL, U.S.A.

### Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Dow Chemical, U.S.A., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene/hexene-1 copolymer containing not less than 90 weight percent ethylene as articles or components of articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3341) has been filed by Dow Chemical, U.S.A., P.O. Box 1706, Midland, Mich. 48640, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for the safe use of ethylene/hexene-1 copolymer containing not less than 90 weight percent ethylene. The proposed copolymer resin will be used to produce blown and cast film for food-packaging applications.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 17, 1978.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc. 78-5149 Filed 2-27-78; 8:45 am]

[4110-03]

[Docket No. 78F-0020]

### E. I. DUPONT DE NEMOURS & CO.

### Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: E. I. Dupont de Nemours & Co. has filed a petition proposing changes in prescribed conditions of use of polyoxymethylene homopolymer intended for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3331) has been filed by E. I. Dupont de Nemours & Co., Wilmington, Del. 19898, proposing that § 177.2480 *Polyoxymethylene homopolymer* (21 CFR 177.2480) be amended to provide for use of polyoxymethylene homopolymer without pH limitations at temperatures not exceeding 250° F.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 17, 1978.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc. 78-5147 Filed 2-27-78; 8:45 am]

[4110-03]

[Docket No. 78F-0014]

### HERCULES INC.

### Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Hercules, Inc., has filed a petition proposing that the food additive regulations be amended to provide for safe use of a chemical as a retention aid and flocculating agent and to improve the wet strength of paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3303) has been filed by Hercules, Inc., 910 Market St., Wilmington, Del. 19899, proposing that § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170) be amended to provide for sale use of poly(methyldiallylamine - epichlo- rohydrin) polymer as a retention aid and flocculating agent and to improve the wet strength of paper and paperboard in contact with aqueous and fatty foods.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of





the additive will not have a significant environmental impact. Copies of the

[4110-03]

tended to October 22, 1975 the date for submission of data. The regulation



NADA 8-925; Liquid Sulfaquinoxaline (Sul-

submit proof of its existence within

enter summary judgment against the

the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 17, 1978.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc. 78-5146 Filed 2-27-78; 8:45 am]

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[4110-03]

[Docket No. 76F-0255]

**NALCO CHEMICAL CO.**

**Withdrawal of Petition for Food Additives**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 6A3144) proposing safe use of a copolymer condensate of ethylene oxide and propylene oxide as a component of defoaming agents intended for use in processing food.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204. 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 Withdrawal of petition without prejudice of the procedural food additive regulations (21 CFR 171.7), Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, Ill. 60521, has withdrawn its petition (FAP 6A3144), notice of which was published in the FEDERAL REGISTER of July 26, 1976 (41 FR 30700), proposing that § 173.340 *Defoaming agents* (21 CFR 173.340) be amended to provide for the safe use of a copolymer condensate of ethylene oxide and propylene oxide as a component of defoaming agents intended for use in processing food.

Dated: February 17, 1978.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc. 78-5148 Filed 2-27-78; 8:45 am]

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[4110-03]

[Docket No. 77N-0442]

**REED PHARMACAL CO., ET AL.**

**Sulfonamide Drugs; Opportunity for Hearing**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document gives notice of opportunity for hearing on a proposal to withdraw approval of certain new animal drug applications (NADA's) for sulfonamide-containing drugs. The proposed withdrawal is made because the sponsors of the cited applications failed to submit the results of studies required by regulations.

DATES: Hearing requests due on or before March 30, 1978; data and analysis upon which a hearing request relies due on or before May 1, 1978.

ADDRESS: Written requests may be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm., 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Emilio E. Viera, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3134.

SUPPLEMENTARY INFORMATION: Section 510.450 Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals (21 CFR 510.450) was initially promulgated in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538), to establish interim withdrawal periods pending the submission of adequate data to permit the establishment of definitive withdrawal periods based upon data. Following the submission of the requested data and based upon other relevant information, it was determined that additional toxicological data should be submitted for each drug subject to this section and that the data should consist of the results of 90-day subacute toxicity studies in one rodent and one nonrodent species. This requirement was the subject of a proposed rule published in the FEDERAL REGISTER of July 20, 1973 (38 FR 19404). Following notice and comment, the section was amended on July 22, 1974 (39 FR 26633). As amended the section requested that firms interested in the continued marketing of sulfonamide drugs in food-producing animals submit the requested information under the provisions of section 512(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(1)) by July 22, 1975. The Commissioner of Food and Drugs subsequently extended to October 22, 1975 the date for submission of data. The regulation states that any such drug then on the market that is not the subject of such submitted studies will be subject to the provisions of section 512(e)(2)(A) of the act (21 U.S.C. 360b(e)(2)(A)).

The following is a list of approved new animal drug applications (NADA's) providing for the use of sulfonamide products for food-producing animals for which their sponsors have failed to submit the results of studies required by § 510.450:

NADA 0-665; Quinox Powder (Sulfaquinoxaline) Reed Pharmacal Co., 5622 Wyndale Ave., Philadelphia, Pa. 19134.

NADA 4-054; Sulfadiazine, Lederle Laboratories, Division of American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540.

NADA 6-730; Quinoxamix 25% (Sulfaquinoxaline), Vet Products Co., 1522-24 Holmes St., Kansas City, Mo. 64108.

NADA 6-776; SUL-Q-NOX (Sulfaquinoxaline) I. D. Russell Laboratories, 2463 Harrison, Kansas City, Mo. 64108.

NADA 6-780; Sulfa Q Sulfaquin-O-Hor 20% (Sulfaquinoxaline) Hill Top Laboratories, 718 North Washington Ave., Minneapolis, Minn. 55401.

NADA 6-891; SUL-Q-NOX Liquid (Sulfaquinoxaline), I. D. Russell Laboratories.

NADA 6-926; Sodium Sulfaquinoxaline Solution (Sodium Sulfaquinoxaline), Fleming Specialty Co., 2209 Thrift Rd., Charlotte, N.C. 28021.

NADA 7-016; Vineland Liquid Sulfaquinoxaline (Sulfaquinoxaline) Vineland Labs., 2285 East Landis Ave., Vineland, N.J. 08360.

NADA 7-076; Sulfa-NOX-Liquid (Sulfaquinoxaline), Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

NADA 7-267; Sulfaquinoxaline solubilized 25% (Sulfaquinoxaline), Savoy Drug & Chemical Co., 16 South Peoria St., Chicago, Ill. 60607.

NADA 7-353; Quinatroc 25 Powder (Sulfaquinoxaline), Whitmoyer Labs., 19 North Railroad St., Myerstown, Pa. 17067.

NADA 7-816; Sulfaquinoxaline Soluble Powder (Sulfaquinoxaline); Raymer Pharmacal Co., NE. Corner Jasper and Willard Sts., Philadelphia, Pa. 19134.

NADA 7-860; Liquid Sulfaquinoxaline (Sulfaquinoxaline sodium), Northeastern Supply Co., Ipswich, Mass. 01938.

NADA 7-978; Quinel Powder 25% Sulfaquinoxaline (Sulfaquinoxaline), Ells Poultry Product Inc., West Garden Rd., Vineland, N.J. 08360.

NADA 8-003; Sol-Quinel Solution (Sulfaquinoxaline 25%), Ells Poultry Product, Inc.

NADA 8-081; Quinel 3.2% Solution Sulfaquinoxaline (Sulfaquinoxaline), Ells Poultry Product, Inc.

NADA 8-244; Sulfaquinoxaline Sodium (Sulfaquinoxaline), Ralston Purina Co.

NADA 8-342; Sulfaquinoxaline Solution (Sulfaquinoxaline), Veterinary Products Co., 608 Grove St., P.O. Box 231, Gainesville, Ga. 30501.

NADA 8-352; NITROSAL Premix (Sulfanitran Roxarsone) C. A. Swanson & Sons Mill, Malvern, Iowa 51551.

NADA 8-399; NITROSAL Premix (Sulfanitran Roxarsone), Pillsbury Ballard Division, Pillsbury Mill, Inc., 912 East Broadway, Louisville, Ky. 40204.

NADA 8-568; Sulfaquinoxaline Soluble Powder (Sulfaquinoxaline Sodium), Vineland Labs.





NADA 8-925; Liquid Sulfaquinoxaline (Sulfaquinoxaline Sodium) Dorn & Mitchell Lab., P.O. Box 6528, 1610 Jackson Blvd., Birmingham, Ala. 35217.

NADA 8-926; Sulfaquinoxaline 25% (Sulfaquinoxaline) Dorn and Mitchell Lab.

NADA 9-302; Sulfaquinoxaline 25% (Sulfaquinoxaline) Whitmoyer Labs., 19 North Railroad St., Myerstown, Pa. 17067.

NADA 9-316; Foxbilt Sulfaquinoxaline 1.3% Premix (Sulfaquinoxaline) Foxbilt, Inc., 504½ Grand Ave., Des Moines, Iowa 50309.

NADA 9-469; Sulfaquinoxaline (Sulfaquinoxaline), Vet Product Co., 1522-24 Holmes St., Kansas City, Mo. 64108.

NADA 9-696; Kaobiotic Tablets (Sulfaguanidine, neomycin, sulfadiazine, sulfamerazine, sulfathiazole, kaolin), Upjohn Laboratories, Kalamazoo, Mich. 49001.

NADA 34-877; ACLAN-Medicated Premix (Aklomide, Sulfanitran) Amdal Co., Div., Abbott Labs., North Chicago, Ill. 60064.

NADA 35-136; ACLAN Premix (Aklomide, sulfanitran, roxarsone) Amdal Co.

NADA 35-238; Formica Premix AN-3 (Sulfanitran, roxarsone), Mountaire Feed & Vitamin Premixes, William Davis Co., Inc., Danville, Ill. 61832.

NADA 35-541; Swisher Super Broiler 200 Medicated S.B. 300, S.B. 400 (Nitromide, sulfanitranS roxarsone), Swisher Feed Division, William Davis Co., Inc.

NADA 38-969; Formica Premix UN-3-8 (Nitromide, sulfanitran, roxarsone), Mountaire Feed & Vitamin Premixes, William Davis Co., Inc.

NADA 40-097; Formica Premix UN-2-8 (Nitromide, sulfanitran), Mountaire Feed & Vitamin Premixes, P.O. Box 5189, North Little Rock, Ark. 72205.

NADA 41-179; Broiler No. 40 W/V Medicated (Nitromide, sulfanitran) Hoffmann-LaRoche, Inc., Nutley, N.J. 07110.

NADA 42-856; Broiler Premix 18579 Medicated (Sulfanitran, roxarsone, nitromide), Hoffmann-LaRoche, Inc.

The Director of the Bureau of Veterinary Medicine knows of no approvals affected by this notice other than those named herein. However, under section 108(b)(2) of the Animal Drug Amendments of 1968 (Pub. L. 90-399; 82 Stat. 353), any approval of a new animal drug granted prior to the effective date of the amendments, whether it is through approval of an NDA, master file, antibiotic regulation, or food additive regulation continues in effect until withdrawn in accordance with the provisions of section 512 of the act (21 U.S.C. 360b). Many such approvals were issued long ago, and some may never have been used by the holder of the approval. Consequently, the current FDA files may be incomplete and may not reflect the existence of some approvals. Also, many approvals have been withdrawn by other agency actions. The burden of coming forward with documentation of unrecorded approvals in such circumstances is therefore properly placed on the persons claiming to hold such approvals so as to permit definitive revocation or amendment of the regulations.

Accordingly, any person who intends to assert or rely on such an approval that is not listed in this notice shall submit proof of its existence within the period allowed by this notice for opportunity to request a hearing. The failure of any person holding such an approval to submit proof of its existence within that period shall constitute a waiver on any right to assert or rely on it. In the event that proof of the existence of such an approval is presented, this notice shall also constitute a notice of opportunity for hearing with respect to that approval, based on the same grounds as set forth in this notice.

Therefore, notice is given to the holders of the approvals of the products listed above and to all other interested persons that the Director proposes to issue an order under section 512(e)(2)(A) of the act (21 U.S.C. 360b(e)(2)(A)) and under section 108(b) of Pub. L. 90-399 withdrawing approval of the products listed above on the grounds that the sponsors have failed to make reports required by § 510.450 under authority of section 512(1) of the act.

If a holder of an approval or any other interested person elects to avail himself/herself of an opportunity for a hearing pursuant to section 512(e) and § 514.200, that party must file with the Hearing Clerk (address given above) (1) a written appearance requesting such a hearing by March 30, 1978 giving reasons why approval of the application should not be withdrawn, and (2) a well-organized and full-factual analysis of the scientific and other investigational data that such person is prepared to prove in support of its opposition to the Director's proposal by May 1, 1978. Such analysis shall include all protocols and underlying raw data and shall be submitted in accordance with the requirements of 21 CFR 314.200 (c)(2) and (d), which are hereby made applicable to this notice by reference.

The failure of the holder of an approval to file timely written appearance and request for hearing as required by 21 CFR 514.200 constitutes an election not to avail himself/herself of the opportunity for a hearing, and the Director of the Bureau of Veterinary Medicine will summarily enter a final order withdrawing the approvals.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and the factual analysis in the request for the hearing that there is no genuine and substantial issue of fact that preclude the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the persons who request a hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in four copies with the Hearing Clerk, Food and Drug Administration (address given above), except for data and information prohibited from public disclosure, pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905. Responses to this notice may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-361 (21 U.S.C. 360b)) and authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84).

Dated: February 18, 1978.

C. D. VAN HOUVELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 78-5150 Filed 2-27-78; 8:45 am]

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[4110-03]

[Docket No. 75N-0187; DESI 10837]

**PROPANTHELINE BROMIDE WITH THIOPROPAZATE HYDROCHLORIDE**

**Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is reissuing a notice of opportunity for hearing that was published and later rescinded. The notice proposes to withdraw approval of the new drug application for a product containing propantheline bromide and thiopropazate hydrochloride, on the grounds that the product lacks substantial evidence of effectiveness. The product has been used as an adjunct in the treatment of peptic ulcer.

DATES: Any request for hearing must be submitted on or before March 30, 1978. All data and information relied upon in support of any such request and any other comments must be submitted on or before May 1, 1978.

ADDRESSES: Communications in response to this notice should be identified with the docket No. 75N-0187 and the reference number DESI 10837, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Land, Rockville, Md. 20857.

Requests for hearing, supporting data and information, and other com-





ments: Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65.

Therefore, notice is given to the holder of the new drug application

the legal status of a drug product named above and of all identical, relat-



ity delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

NDA 12-187; Decagesic Tablets containing dexamethasone, aspirin, and

[4110-02]

Office of Education

ments: Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of November 11, 1975 (40 FR 52652), the Director of the Bureau of Drugs offered the opportunity for hearing on his proposal to withdraw approval of the following new drug applications.

Pro-Banthine with Dartal Tablets, containing propantheline bromide and thiopropazate hydrochloride; Searle Laboratories, Division of G. D. Searle & Co., Box 5100, Chicago, Ill. 60680 (NDA 11-368).

Combid Spansules, containing prochlorperazine maleate and isopropamide iodide; Smith Kline & French Laboratories, Division of SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 11-162).

The notice stated that the combination drugs lacked substantial evidence of effectiveness and, further, that the major tranquilizer components (thiopropazate hydrochloride and prochlorperazine maleate) of the combinations, as single entities, had not been shown to be effective as sedatives or as antianxiety agents in nonpsychotic patients. In the FEDERAL REGISTER of November 25, 1975 (40 FR 54602), that notice was rescinded with respect to both products. The rescission notice stated that another notice concerning the products would be published at a later date.

The status of the prochlorperazine maleate-isopropamide iodide combination will be the subject of a future FEDERAL REGISTER notice.

Inasmuch as no data have been received concerning the major tranquilizer thiopropazate hydrochloride as an antianxiety agent, the notice of opportunity for hearing published November 11, 1975, is hereby reissued with respect to Pro-Banthine with Dartal Tablets (NDA 11-368).

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 300.50 and 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before March 30, 1978, a written notice of appearance and request for hearing, and (2) on or before May 1, 1978, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. It if conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(J) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: February 16, 1978.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc. 78-4978 Filed 2-27-78; 8:45 am]





[4110-03]

[Docket No. 78N-0017; DESI 9414]

## STEROID COMBINATION DRUG FOR ORAL USE

### Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 12-187) for Decagesic Tablets containing dexamethasone, aspirin, and dried aluminum hydroxide gel because substantial evidence of the product's effectiveness is lacking for its labeled indications. The product, which has been used for the relief of arthritic and rheumatic disorders, is no longer marketed.

EFFECTIVE DATE: March 10, 1978.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 9414 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Mary E. Catchings, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing (DESI 9414, Docket No. FDC-D-528 (now Docket No. 78N-0017)) published in the FEDERAL REGISTER of November 28, 1972 (37 FR 25184), the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of certain steroid-analgesic combination drug products, which included Decagesic Tablets containing dexamethasone, aspirin, and dried aluminum hydroxide gel. The basis of the proposed order was that the drugs lack substantial evidence of effectiveness for their labeled indications. In response to the November 28, 1972 notice, Merck Sharp & Dohme requested a hearing for Decagesic Tablets but later withdrew the request, stating that marketing of the product had been discontinued. Approval of the new drug application for Decagesic Tablets is now being withdrawn.

NDA 12-187; Decagesic Tablets containing dexamethasone, aspirin, and dried aluminum hydroxide gel; formerly marketed by Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.

Approval of the other new drug applications included in the November 28, 1972 notice was later withdrawn except for the following, which will be subjects of future FEDERAL REGISTER notices:

NDA 10-636; Ataraxoid Tablets containing 2.5 milligrams or 5.0 milligrams prednisolone and hydroxyzine hydrochloride; Pfizer Laboratories, Division Pfizer, Inc., 235 E. 42d St., New York, N.Y. 10017.

NDA 14-768; Stero-Darvon with A.S.A. Tablets containing paramethasone acetate, propoxyphene hydrochloride, and aspirin; Eli Lilly and Co., P.O. Box 618, Indianapolis, Ind. 46206.

Any drug product that is identical, related, or similar to Decagesic Tablets and is not the subject of an approved new drug application is covered by the new drug application reviewed (NDA 12-187) and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application 12-187 and all amendments and supplements applying thereto, is withdrawn, effective March 10, 1978.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful. Marketing of Ataraxoid Tablets and Stero-Darvon A.S.A. may continue pending the resolution of their effectiveness classification.

Dated: February 16, 1978.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc. 78-4979 Filed 2-27-78; 8:45 am]

[4110-02]

### Office of Education

## HANDICAPPED CHILDREN'S MODEL PROGRAMS

### Closing Date for Receipt of Initial Applications for Fiscal Year 1978

Notice in hereby given that, pursuant to the authority contained in section 641 of the Education of the Handicapped Act, Part E (20 U.S.C. 1441) as amended by Pub. L. 95-49, applications are being accepted for competing grants for Handicapped Children's Model Programs.

*Closing date.* May 23, 1978.

A. *Application forms and information.* Application forms are being prepared but are not yet available. We anticipate that the application forms and program information packages will be ready for mailing on or about March 23, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Attention: 13.443D, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 19, 1978 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, Seventh and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Satur-





days, Sundays, or Federal holidays. Applications will not be accepted after

of compensatory education to improve the educational attainment of disad-

Dated: February 23, 1978.



| | |
|---|---|
| *Portland:* | |
| Patient care | 10,102,000 |
| Preventive health and ambulatory | |

Dated: February 21, 1978.

THOMAS E. MALONE,

Initial dosage levels for the chronic bioassay were selected on the basis of

days, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *Program information.* Eligible applicants are States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations.

The funding level for the Handicapped Children's Model Programs will be approximately $3 million for fiscal year 1978. The approximate number of competing grants to be awarded is twenty-five.

E. *For further information contact.* William E. Johnston, Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 telephone 202-245-9722.

F. *Applicable regulations.* The regulations applicable to this program, include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and the applicable program regulations (45 CFR Parts 121, 121h). (20 U.S.C. 1441) Applicants should submit applications on the notice of proposed rulemaking. Applicants will be permitted to amend their applications if the final regulations reflects changes in the requirements for receipt of grant awards.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance No. 13.443D; Handicapped Children's Model Programs.)

Dated: January 24, 1978.

ERNEST L. BOYER,
*U.S. Commissioner of Education.*

[FR Doc. 78-5231 Filed 2-27-78; 8:45 am]

[4110-02]

### NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

#### Meeting relocated

This notice is to amend a portion of the notice of the meeting of the National Advisory Council on the Education of Disadvantaged Children which appeared in the FEDERAL REGISTER of Friday, February 17, 1978, on page 7048. The Council meeting which was scheduled to be held on March 5, 1978, from 9 a.m. to 5 p.m. at the Sheraton Inn-Airport located at 1590 Harbor Island Drive, San Diego, Calif., will now be held at the Circle 8 Motor Inn, Hotel Circle Drive, San Diego, Calif., 714-297-8800.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

For any additional information regarding the above meeting, please contact Mrs. Lisa Haywood at 202-724-0114.

Signed at Washington, D.C., on February 23, 1978.

ROBERTA LOVENHEIM,
*Executive Director.*

[FR Doc. 78-5166 Filed 2-27-78; 8:45 am]

[4110-84]

Health Services Administration

### PHS HOSPITALS AD HOC ADVISORY COMMITTEE

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1978:

NAME: PHS Hospitals Ad Hoc Advisory Committee.

DATE AND TIME: March 17-18, 1978, 9 a.m.

PLACE: PHS Seattle Hospital, Room 624, 1131 14th Avenue South, Seattle, Wash. 98144.

STATUS: Open for entire meeting.

PURPOSE: The Committee will conduct an in-depth examination of each PHS hospital in relation to its principal beneficiaries and the community in which it is located; its health needs and delivery system; and the cost of operation and achievements. It will assist in developing options and recommendations concerning the present and future role of the hospitals in the continuation and improvement of health care delivery.

AGENDA: To familiarize the Committee Members with the resources of the Seattle Hospital, the status of health services delivery in the Seattle area, and State and local preferences for future use of the U.S. Public Health Service hospital resources to meet unmet local health care needs.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Jordan Popkin, Office of the Administrator, Health Services Administration, Parklawn Building, Room 14-15, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2245.

Agenda items are subject to change as priorities dictate.

Dated: February 23, 1978.

WILLIAM H. ASPDEN, Jr.,
*Associate Administrator for Management.*

[FR Doc. 78-5304 Filed 2-27-78; 8:45 am]

[4110-84]

### INDIAN SELF-DETERMINATION ACT

#### Funds Available for Grants and Contracts With Indian Tribes

Notice is hereby given that the Indian Health Service has the following funds available during the period October 1, 1977 through September 30, 1978, for grants and contracts with Indian tribes under sections 103 and 104(b) of the Indian Self-Determination Act, Pub. L. 93-638, 25 U.S.C. 450g and 450h(b). This notice is published in accordance with section 36.109 of 42 CFR providing for periodic publication of funds available for grants under the Indian Self-Determination Act and the policy of the Secretary, published at 40 FR 42658, periodically to announce in the FEDERAL REGISTER the funds available for grants and contracts under the Act.

The amounts available are listed below by funding category for each Indian Health Service Area and Program Office. As these funds are normal operating funds used by the Indian Health Service, the amount of funds available for grants and contracts under the Indian Self-Determination Act decreases over time as the funds are utilized.

Each tribe should contact its respective Indian Health Service Area or Program office to determine amounts specifically available for grants and contracts with the tribes.

| | |
|---|---|
| *Aberdeen:* | |
| Patient care | $18,911,000 |
| Preventive health and ambulatory care | 17,129,000 |
| *Albuquerque:* | |
| Patient care | 14,396,000 |
| Preventive health and ambulatory care | 13,572,000 |
| *Anchorage:* | |
| Patient care | 33,086,000 |
| Preventive health and ambulatory care | 30,151,000 |
| *Bemidji:* | |
| Patient care | 5,415,000 |
| Preventive health and ambulatory care | 9,741,000 |
| *Billings:* | |
| Patient care | 13,113,000 |
| Preventive health and ambulatory care | 11,989,000 |
| *California:* | |
| Patient care | 3,484,000 |
| Preventive health and ambulatory care | 2,928,000 |
| *Navajo:* | |
| Patient care | 27,891,000 |
| Preventive health and ambulatory care | 24,247,000 |
| *Oklahoma:* | |
| Patient care | 17,069,000 |
| Preventive health and ambulatory care | 24,315,000 |
| *Phoenix:* | |
| Patient care | 23,033,000 |
| Preventive health and ambulatory care | 20,481,000 |
| *Portland:* | |
| Patient care | 10,102,000 |
| Preventive health and ambulatory care | 10,372,000 |
| *Tucson:* | |
| Patient care | 4,485,000 |
| Preventive health and ambulatory care | 5,774,000 |
| *USET:* | |
| Patient care | 5,071,000 |
| Preventive health and ambulatory care | 6,142,000 |
| Total patient and ambulatory care | 352,697,000 |

Dated: February 1, 1978.

EMERY A. JOHNSON,
*Director, Indian Health Service.*

[FR Doc. 78-5201 Filed 2-27-78; 8:45 am]





[4110-12]

Office of Education

### SECRETARY'S ADVISORY COMMITTEE

#### Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the department on the status of women, will hold its health task force meetings on Monday, March 20, 1978, from 9 a.m. to 5 p.m., and on tuesday, March 21, 1978, from 9 a.m. to 3 p.m., in room 624-D, HEW- Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include a briefing on health issues pertaining to HEW.

Further information on the Committee may be obtained from Susan C. Lubick, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: February 22, 1978.

SUSAN C. LUBICK,
*Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.*

[FR Doc. 78-5176 Filed 2-27-78; 8:45 am]

[4110-08]

National Institutes of Health

### COMMITTEE ON CANCER IMMUNOTHERAPY

#### Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, National Institutes of Health, March 13, 1978, which was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5895). This meeting is cancelled because no contract proposals are scheduled for review at this time.

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4983 Filed 2-27-78; 8:45 am]

[4110-08]

### DEVELOPMENTAL THERAPEUTICS COMMITTEE

#### Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Developmental Therapeutics Committee, National Cancer Institute, National Institutes of Health, March 9, 1978, which was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5894). This meeting is cancelled because no contract proposals are scheduled for review at this time.

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4982 filed 2-27-78; 8:45 am]

[4110-08]

### NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

#### Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Cancer Advisory Board's Subcommittee on Centers, National Cancer Institute, National Institutes of Health, March 16, 1978, which was published in the FEDERAL REGISTER on February 7, 1978 (43 FR 5075).

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4984 Filed 2-27-78; 8:45 am]

[4110-08]

### REPORT ON BIOASSAY OF DIBROMO- CHLOROPROPANE FOR POSSIBLE CARCINOGENICITY

#### Availability

Dibromochloropropane (CAS 96-12-8) has been tested for cancer-causing activity with rats and mice in the carcinogenesis program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

*Summary.* A bioassay for possible carcinogenicity of technical-grade dibromochloropropane (DBCP) was conducted using Osborne-Mendel rats and B6C3F1 mice. DBCP in corn oil was administered by gavage 5 days a week, at either of two dosages, to groups of 50 male and 50 female animals of each species.

Initial dosage levels for the chronic bioassay were selected on the basis of a preliminary subchronic toxicity test. Subsequent dosage adjustments were made during the course of the chronic bioassay. The time-weighted average dosages of DBCP in the chronic study were 29 mg/kg/day for the high dose rats of both sexes, and 15 mg/kg/day for the low dose rats of both sexes. The time-weighted average concentration for the high dose male and female mice were 219 and 209 mg/kg/day, respectively. The time-weighted average concentrations for the low dose male and female mice were 114 and 110 mg/kg/day, respectively.

For each species, 20 animals of each sex were placed on test as vehicle controls. These animals were intubated with corn oil at the same time that dosed animals were intubated with DBCP mixtures. Twenty animals of each sex were placed on test as untreated controls for each species. These animals received no gavage treatments.

DBCP was administered to the high dose male and high dose female rats for 64 weeks prior to sacrifice, and to the low dose female rats for 73 weeks prior to sacrifice. The low dose male rats were treated for 78 weeks followed by an additional 5 weeks of observation. The high dose male and female mice were treated for 47 weeks prior to sacrifice; the low dose male mice were treated for 59 or 60 weeks prior to sacrifice, and the low dose female mice were treated for 60 weeks prior to sacrifice.

In rats and mice of both sexes, statistically significant incidences of squamous-cell carcinomas of the forestomach occurred in each dosed group and a significant positive association existed between dosage level and tumor incidence. The incidences of adenocarcinomas of the mammary gland were statistically significant in female rats when the treated groups were compared to the controls. Toxic nephropathy was also observed at elevated incidences in all of the treated rats and mice when compared to their respective untreated or vehicle control groups.

Under the conditions of this study, DBCP is a stomach carcinogen in rats and mice of both sexes and is carcinogenic to the mammary gland in female rats.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health , Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)





Dated: February 21, 1978.

DONALD S. FREDRICKSON,
*Director, National Institute of Dental Research.*

[FR Doc. 78-5167 Filed 2-27-78; 8:45 am]

[4110-08]

### NATIONAL CANCER ADVISORY BOARD

#### Meeting

Notice is hereby given that the National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, will hold a meeting on March 15, 1978, in Conference Room 10, Building 31C, National Institutes of Health, Bethesda, Maryland 20014. The meeting will be open to the public from 9 a.m. to 12 noon to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and sections 10(d) of Public Law 92-463, the meeting will be closed to the public from 1 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Jo Ann McCall, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish a roster of committee members, a summary of the meeting and a roster of committee members upon request.

Dr. Walter Schaffner, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will provide substantive program information upon request.

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4985 Filed 2-27-78; 8:45 am]

[4110-08]

### NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

#### Meeting

Notice is hereby given that the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, National Institutes of Health, will hold a meeting on March 16, 1978, in Conference Room 10, Building 31C, National Institutes of Health, Bethesda, Maryland 20014. The meeting will be open to the public from 9 a.m. to 12 noon to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and sections 10(d) of Public Law 92-463, the meeting will be closed to the public from 1 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Jo Ann McCall, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish a roster of committee members, a summary of the meeting and a roster of committee members upon request.

Dr. Walter Schaffner, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will provide substantive program information upon request.

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4986 Filed 2-27-78; 8:45 am]

[4110-08]

### NATIONAL CANCER INSTITUTE

#### Meeting

Notice is hereby given that the Frederick Cancer Research Center Board of Visitors, National Cancer Institute, National Institutes of Health, will hold a meeting on March 16-17, 1978, in Building 427, Conference Room, Frederick Cancer Research Center, Frederick, Maryland 21701. The meeting will be open to the public from 9 a.m. to 5 p.m. on March 16 and from 9 a.m. to 12 noon on March 17 to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and sections 10(d) of Public Law 92-463, the meeting will be closed to the public from 1 p.m. to adjournment on March 16 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Jo Ann McCall, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish a roster of committee members, a summary of the meeting and a roster of committee members upon request.

Dr. Walter Schaffner, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will provide substantive program information upon request.

Dated: February 21, 1978.

THOMAS E. MALONE,
*Deputy Director, National Institutes of Health.*

[FR Doc. 78-4987 Filed 2-27-78; 8:45 am]



final environmental statement will be prepared.

GEORGE L. TURCOTT,
*Director, Office of Environmental Affairs.*

[FR Doc. 78-5165 Filed 2-27-78; 8:45 am]

[4310-10]

[Docket No. M78-35]

### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition

Dated: February 21, 1978.

DONALD S. FREDRICKSON,
*Director,*
*National Institutes of Health.*

[FR Doc. 78-4986 Filed 2-27-78; 8:45 am]

[4210-01]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. N-78-845]

### TASK FORCE ON HOUSING COSTS

### Advisory Committee Meetings

AGENCY: Department of Housing and Urban Development.

ACTION: Notice is given of meeting of a Committee established by the Task Force on Housing Costs, whose functions were published at 42 FR 42383.

SUMMARY: Meeting of the Task Force on Housing Costs' Committee on Financing, Money Markets and Marketing. This Committee will meet in New Community Development Corp. Conference Room, Seventh Floor (Room 7106), Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, for a one-day meeting, convening at 9:30 a.m., on February 24, 1978.

SUPPLEMENTARY INFORMATION: This meeting is being scheduled on an emergency basis to address certain critical issues which were on the agenda of the last duly called meeting held on February 10, 1978. Because of snow storms and inclement weather conditions in the Northeast and other locations, it was not possible for several essential members of the Committee to be present for the discussion of these issues. This emergency meeting will enable the full Committee to consider and resolve these issues, so as not to delay the progress of Task Force business. The purpose of and agenda for this meeting may include, but are not limited to, the following:

1. Review of the minutes of the last committee meeting;
2. Review of draft committee recommendations;
3. Testimony from members of the general public;
4. Discussion of other issues and ideas not previously considered; and
5. Consideration of other committee business.

ADDRESS: Task Force on Housing Costs, Staff Chairman Edward J. Cachine, Room 7110, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INORMATION CONTACT:

Edward J. Cachine, 202-755-7362 (substantive inquiries), Thomas Bacon, 202-755-5277 (press inquiries), or Donald K. McLain, 202-755-5333.

These committee meetings will be open to the public.

Issued at Washington, D.C., February 22, 1978.

WILLIAM J. WHITE,
*Chairman, Task Force*
*on Housing Costs.*

[FR Doc. 78-5233 Filed 2-27-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### OUTER CONTINENTAL SHELF OFFSHORE GULF OF MEXICO

### Notice of Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale No. 51

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 137 tracts consisting of 269,480 hectares (665,905 acres) of submerged lands on the OCS in the Gulf of Mexico.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, La. 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Tex.; Houston Public Library, 500 McKinney, Houston, Tex.; Rosenburg Library, 2310 Sealy, Galveston, Tex.; Dallas Public Library, 1954 Commerce Street, Dallas, Tex.; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Tex.; La Ratama Library, 505 Mesquite Street, Corpus Christi, Tex.; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Tex.; New Orleans Public Library, 219 Loyola Avenue, New Orleans, La.; Louisiana State Library, Baton Rouge, La.; Lafayette Public Library, 301 West Congress Street, Lafayette, La.; Calcasieu Parish Library System, Downtown Branch, Lake Charles, La.; Harrison County Library, 21st Avenue and Beach, Gulfport, Miss.; and Mobile Public Library, 701 Government Street, Mobile, Ala.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on April 11, 1978, in the BLM Conference Room, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, La. 70130, for the purpose of receiving comments and suggestions relating to the proposed lease sale. Should expressed public interest warrant it, the hearings may extend into a second day.

The hearing will provide the Secretary with additional information from both public and private groups to help evaluate fully the potential effects of the proposed offering of 137 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and productions phases of the OCS leasing program. The hearing will also provide the Secretary with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives or organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., April 7, 1978. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until April 17, 1978. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the Manager, New Orleans Outer Continental Shelf Office, at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE L. TURCOTT,
*Acting Director,*
*Bureau of Land Management.*

LARRY E. MEIEROTTO,
*Deputy Assistant*
*Secretary of the Interior.*

JANUARY 18, 1978.

[FR Doc. 78-5162 Filed 2-27-78; 8:45 am]





[4310-10]

### Office of Hearings and Appeals

[Docket No. M 77-87]

### ELECTRA FUELS, INC.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Electra Fuels, Inc., P.O. Box 2216, Westover, W. Va. 26505, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 1 Mine, located in Monongalia County, W. Va.

The substance of Petitioner's statement is as follows:

1. Petitioner believes that it cannot safely run its continuous miner and two shuttle cars with canopies because of the unevenness of the bottom and undulations of the top.

2. Petitioner agrees with the theory of the protection the canopies give, but due to the height of its coal seam, 50 inches, and the height of its continuous miner, 36 inches without canopy and 44 inches with canopy, and due to the height of its shuttle cars, 39 and 40 inches without the canopy and 46 inches with the canopy, Petitioner repeatedly disturbs roof bolts.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of*
*Hearings and Appeals.*

[FR Doc. 78-5138 Filed 2-27-78; 8:45 am]

[4310-10]

[Docket No. M78-35]

### GALLIA COAL CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Gallia Coal Co., P.O. Box 301, Mason, W. Va. 25260, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Williams Mine, located in Mason County, W. Va.

The substance of Petitioner's statement is as follows:

1. Because of low seam heights being encountered and expectations of future such conditions in operations, the continued use of canopies would create hazards that far exceed any benefits that could be obtained by the use of canopies.

2. A previous request for modification was denied by a MESA investigative inspector, however, Petitioner has since moved its equipment from section 004 to section 005, where conditions are less favorable than they were on June 9, 1977. At that time, Petitioner's mining heights were such that canopies could be used. The investigators were shown an area that Petitioner had just moved from and that had seam heights of 42 inches or less. Petitioner is again in such an area and has reason to believe its request would receive a more favorable response.

3. By the nature of canopy design coupled with their structural requirements, canopies have not been designed to be used over widely varying heights.

4. Petitioner states that using canopies in its particular mining conditions creates hazards that far exceed any benefits that canopies might provide for the following reasons:

(a) The vision of equipment operators is so restricted that they cannot see where they are going or when they might have caught a cable.

(b) There is an added danger of equipment striking other workers or collisions of equipment.

(c) Equipment operators are tempted to stick their heads out from under the canopy for better vision, thereby creating the likelihood of getting their heads crushed between the machine and the rib.

(d) Roof bolts are frequently being bumped thereby destroying their effectiveness. This creates a hazard to the men on foot.

(e) It is difficult to prevent canopies from catching trailing cables.

(f) In low clearance areas, it is nearly impossible to maintain necessary check curtains to provide adequate ventilation in the working face.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of*
*Hearings and Appeals.*

[FR Doc. 78-5139 Filed 2-27-78; 8:45 am]

[4310-10]

[Docket No. M 78-38]

### MID-CONTINENT COAL & COKE CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mid-Continent Coal & Coke Co., Drawer 790, 818 Colorado Avenue, Gleenwood Springs, Colo. 81601, has filed a petition to modify the application of 30 CFR 75.501 et seq., other low horsepower electric face equipment, to its Dutch Creek No. 1 and L. S. Wood No. 3 Mines, located in Pitkin County, Colo.

The substance of Petitioner's statement is as follows:

1. Petitioner is the operator of the subject underground coal mines. Longwall faces 101 (04-00301) and 301 (05-00300, scheduled start-up April 1978) are operated in an advancing mode.

2. The tailgate end of the respective longwall faces is accessible by two routes: (a) Along the face from the headgate entry, and (b) through the single-entry tailgate return.

3. Access length along the face remains constant and is 550 feet for Longwall 101 and 600 feet for Longwall 301. Access by way of the tailgate entry increases with each advance of the face starting at approximately 350 feet and increasing to a probable maximum of 6,000 feet.

4. Bottom-heaving in the tailgate areas, for approximately 300 to 400 feet behing the face, is an on-going problem. Nearly continuous bottom brushing is required in these areas to maintain the tailgate at an acceptable height for an escapeway and adequate cross-section to carry the ventilating current.

5. Electrical power is required for the brushing equipment in the tailgate areas. Because the tailgate is the return air course from the face, it cannot be reached by normal trailing cable lengths from the power source

located in the intake air. The closest power source is in the headgate entry which is never more than 550 feet from the headgate end of the face for Longwall 101 nor 600 feet for Longwall 301.

6. Equipment located in the tailgate sections is required to perform the following necessary functions: (a) Brush and load floor material, (b) transfer brushed material onto the face conveyor for transport out of the mine, and (c) drill methane-drainage hole into the floor and roof.

7. By this petition, the following electrical plan is proposed in modification of existing standards:

(a) The power-distribution center in the headgate areas of the longwall section be used as the 460-V source for supplying electrical power to equipment in the tailgate within 400 feet of the longwall face;

(b) An electrical distribution facility be installed in the tailgate and securely fastened to a chock; the construction of the distribution facility will be in accordance with MESA standards for permissible equipment; all connection into and from the distribution facility will be by cable through approved glands; each cable will be fastened to the facility with a strain-clamp;

(c) The cable to the distribution facility will be 1/0 AWG copper, 600-V, MESA-approved as flame-resistant, and will be 1,100 feet in length; electrically, the cable will be protected by ground monitoring and ground-fault circuits and by a circuit breaker having an instantaneous overload setting of 800 amps or less; mechanically, the cable will be routed with other cables to the headgate end of the longwall face, and thence in the cable trough on the face conveyor to the tailgate end of the face;

(d) Each circuit from the tailgate connection box to the equipment will be sized in accordance with current standards for trailing (portable) cables and will be protected by ground fault, ground monitoring, and an appropriate overcurrent device;

(e) Equipment to be used in the tailgate will be the following: 1. One (1) 14-BU Joy loading machine or an Alpine "Impex" dinting machine; 2. one (1) chain transfer conveyor; 3. one (1) hydraulic power-pack and circulating pump for an Edico methane drainage drill.

(f) The hydraulic power-pack and circulating pump will not be operated simultaneously with the loader and the chain conveyor.

8. The following safety alternatives should adequately protect and safeguard in lieu of the standards for which variance is sought: (a) Reduction of the allowable short-circuit protection from 1250-amperes to 800-amperes on the 1/0 cable effectively compensated for the increased length of cable requested;

(b) routing the cable in the cable-trough along the face conveyor will provide proper protection from physical damage.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of Hearings and Appeals.*

[FR Doc. 78-5140 Filed 2-27-78; 8:45 am]

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[4310-10]

[Docket No. M 78-30]

**MORATA COAL CO.**

**Petition for Modification of Application of Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Morata Coal Co., c/o Mr. Morata, 1053 Spruce Street, Kulpmont, Pa. 17034, has filed a petition to modify the application of 30 CFR 75.301, air quality, quantity, and velocity, to its No. 4 Vein Slope Mine, located in Northumberland County, Pa.

The substance of Petitioner's statement is as follows:

1. It is requested that section 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

2. This petition requesting modification to 30 CFR 75.301 is submitted for the following reasons:

(a) Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

(b) Ignition, explosion and mine fire history are nonexistent for the mine.

(c) There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

(d) Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

(e) Extremely high velocities in small cross-sectional areas of airways and manways required in friable anthracite veins for control purposes particularly in a steeply pitching mine, present a very dangerous flying object hazard to the miners.

(f) High velocities and large quantities of air cause extremely uncomfortable damp and cold conditions in the already uncomfortable wet mine.

(g) Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

3. Petitioner avers that a decision in its favor will in no way provide less than the measure of protection afforded the miners under the existing standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

[FR Doc. 78-5141 Filed 2-27-78; 8:45 am]

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[4310-10]

[Docket No. M 78-37]

**OLGA COAL CO.**

**Petition for Modification of Application of Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Olga Coal Company, c/o Michael Heenan, 1800 M Street NW., Washington, D.C. 20036, has filed a petition to modify the application of 30 CFR 75.305, weekly examinations for hazardous conditions, to its Olga Mine, located in McDowell County, W. Va.

The substance of Petitioner's statement is as follows:

1. The Olga Mine has been in continual operation since the early 1900's. Substantial amounts of the coal reserves have been extracted and certain areas of the mine are engaged in the final retreat process whereby barrier blocks of coal, which were left to protect main haulage roads during early development, are now being extracted.

2. The mining of 15 Dip Section represents one of the final processes in closing out the general area of the mine in the vicinity of what is known as Harmon Branch Intake Air Shaft.





3. Air from the Harmon Branch Air Shaft ventilates the 15 Dip Section and then is exhausted at the Caretta Manshaft and Skip Shaft.

4. In coursing to the Caretta shafts, such air traverses areas which are no longer travelable by persons.

5. Attached hereto as Exhibit A, is a map which shows: a) The projections of the 15 Dip Section (see area marked in orange), b) the direction and flow of air returning from the Dip Section, (see areas marked in green), and c) the point at which the Petitioner proposed in the alternate method set forth below, to regularly test the safety of the return aircourses without anyone having to actually travel such airways (see air measurement station marked in red).[1]

6. As is shown on Exhibit A, the return air from the Dip Section passes through the entries of No. 2 North and No. 3 North sections and through the entries of No. 1 East Section and exhausts through the Caretta up-cast shafts.

7. The reason that Petitioner seeks modification of the application of the subject regulation is that there is no safe way in which Petitioner can carry out the weekly examinations required by the regulations.

8. The returns in question were developed approximately 45 years ago utilizing wooden headers and posts for roof support; such support has long since deteriorated and it is due to numerous roof falls that substantial portions of these areas are no longer passable.

9. Rehabilitation of such returns would involve substantial and prolonged hazards and, in Petitioner's view, should not be attempted lest there result a serious overall diminution of safety affecting the miners in the mine—particularly those who would have to be assigned to such rehabilitation work.

10. Furthermore, in Petitioner's view, rehabilitation of such returns is unnecessary in light of the alternate method which Petitioner proposes for guaranteeing the miners at all times no less than the same measure of protection contemplated by the subject standard.

11. As its alternate method, Petitioner will establish an air measurement station at the first line of overcast above the No. 1 North haulageway (shown in red on Exhibit A).

12. At the designated measuring station, measurements of the quantity, quality and direction of air will be taken by a certified person—not on a weekly basis as the regulation would require, but rather on a daily basis.

13. The date and time of these measurements will be recorded on a date board provided at the station; the daily information derived from these measurements will be recorded in a book kept on the surface.

14. The air measurement station and the approaches to the air measurement station will be maintained in safe condition at all times.

15. In the event that air measurements at the station should demonstrate a need for changes in ventilation or other safety measures, appropriate investigation and corrective action will be initiated immediately.

16. In Petitioner's view, the daily examinations proposed in this Petition will better insure the safety of return air courses and will enhance the overall safety of the miners in the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of Hearings and Appeals.*

[FR Doc. 78-5142 Filed 2-27-78; 8:45 am]

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[4310-10]

[Docket No. M 77-88]

**RON COAL CO.**

**Petition for Modification of Application of Mandatory Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Ron Coal Co., Box 216, Maidsville, W. Va. 26541, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 2 Mine, located in Monongalia County, W. Va.

The substance of petitioner's statement is as follows:

1. Petitioner believes that it cannot safely run its continuous miner and two shuttle cars with canopies on them because of the uneveness of the bottom and undulations of the top.

2. Petitioner agrees with the theory of the protection the canopies give, but due to the height of the coal seam, 50 inches, and due to the height of the continuous miner, 36 inches without canopy and 44 inches with canopy, and due to the height of the shuttle cars, 39 and 40 inches without the canopy and 46 inches with the canopy, petitioner repeatedly disturbs roof bolts.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of Hearings and Appeals.*

[FR Doc. 78-5143 Filed 2-27-78; 8:45 am]

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[4310-10]

[Docket No. M 78-31]

**UNITED STATES STEEL CORP.**

**Petition for Modification of Application of Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), United States Steel Corp., c/o Billy Tennant, 600 Grant Street (Room 6082), Pittsburgh, Pa. 15230, has filed a petition to modify the application of 30 CFR 77.1914(a), electrical equipment, to its Oak Grove mine, located in Jefferson County, Ala.

The substance of petitioner's statement is as follows:

1. As part of the national effort to achieve energy self-sufficiency, the Bureau of Mines, Spokane Mining Research Center, has responsibility for the administration of the Department of the Interior's rapid mine development program. As the name implies, the object of the program is to develop means and methods of coal mine development which permit production earlier than would be possible through current technology. This is to be accomplished by mechanized systems which enhance miner safety and improve the work environment.

2. Shaft sinking, using present methods and equipment, is probably the most time consuming and costly operation associated with the opening of a new mine or in providing additional access to an expanding mine. The basic "drill, blast, and muck" cyclic approach has improved only marginally over the last hundred years with the development of delay detonators, drill jumbos, and mechanical mucking machines.

3. The petitioner is a participant in the USBM Blind Shaft Borer Contract HO 252073. This program, with the Robbins Co. of Seattle, Wash., functioning as prime contractor, calls for the development, manufacture, and demonstration of a machine capable of

[1] The enclosed map is available for inspection at that address listed in the last paragraph of this petition.





vertical penetration through rock. The

supported through the shaft to the

check circuit causing the surface breaker to trip. Similarly, emergency



REQUEST FOR HEARING OR COMMENTS

*Idaho County*

Kamiah, *State Bank of Kamiah*, ID 64.

LOUISIANA

*East Baton Rouge Parish*

vertical penetration through rock. The machine will excavate the full shaft cross section using the already demonstrated hard rock cutting technology of the standard horizontal tunnel borer. Sinking rates are expected well in excess of those achieved by conventional sinking methods. In cooperation with other program contractors and with the participation of the petitioner, Cementation Co. of America, Inc., has agreed to construct the Oak Grove No. 4 intake shaft, using the first blind shaft boring (BSB) machine.

4. Attachment 1[1] illustrates the BSB and its major elements. Attachment 2[1] shows the relationship of the BSB and the stationary work platform, used primarily for services extension and for casting the concrete lining. This exhibit shows the proposed method of supplying power through the shaft to the BSB.

5. The machine is electrically powered, utilizing six 125 hp drive motors and seven auxiliary power motors with an additional 380 hp. Entirely permissible or approved intrinsically safe equipment and controls shall be used.

6. The electrical power distribution system proposed for use with the mechanical shaft boring machine is as follows:

(a) The main power supply is 7,200 V resistance grounded wye from a surface substation. A lightning arrestor and fused disconnect are provided. A skid mounted breaker is also located on the surface adjacent to the mine shaft collar. The breaker is a heavy duty type designed specifically for above-ground coal mine service.

(b) The surface breaker has the following protection: Minimal interrupting capacity is 100 mVA; overcurrent set at 150 A; instantaneous trip set at 2,500 A; a ground fault system consisting of a current transformer and a ground fault relay. A 25 A maximum grounding resistor and potential transformers are provided on each phase. Three lightning arrestors are provided on the load side of the breaker. The breaker has an electrically operated shunt trip and a three pole disconnect switch electrically interlocked with the incoming pilot circuit. The disconnect switch is visible from the outside and is mechanically interlocked with the breaker to prevent opening under load. A ground continuity check circuit is provided and interlocked with the breaker shunt trip.

(c) The ground check circuit has provision for wiring a remote emergency shut down station. The unit has a conduit incoming entrance and an outgoing strain relief clamp.

(d) the outgoing cable has a minimum rating of 150 A and is properly supported through the shaft to the 1,250 kVA power center (item 1 of attachment 2) on the fixed galloway stage.

(e) The power center is a heavy duty type designed specifically for underground coal mine service. The unit has a skid base with provisions for lifting and towing on all four corners. The unit is a self-ventilated type with a rating of 1,250 kVA, 3 phase, 60 Hz, class H insulated, 150 degrees C rise over a 40 degree C ambient.

(f) Primary is 7,200 V delta wound and has two, 2½ percent full capacity taps above and below normal voltage. Secondary is 950 V, wye wound with a 150 A continuous duty grounding resistor. A cable coupler is provided on the primary. The transformer feeds a permissible breaker section mounted on the transformer. The permissible box contains a 1,000 A breaker, and a 200 A breaker and motor starter for a 200 hp motor. The 1,000 A circuit has an instantaneous trip setting of 2,500 A and has ground fault, undervoltage, and loss of ground protection. The ground check system is designed to open the ground check circuit on the 7,200 V incoming cable. The 200 A circuit has motor overload, ground fault, and loss of ground protection.

(g) The machine supply cables are 2,000 V rated No. 4/0 type SHD-GC with a rating of 90 degrees C at 40 degrees C ambient. The cables are clamped together, supported at the top with Kellum grips and suspended in a free hanging loop. Maximum length of free hanging cable is approximately 23 feet and the bend radius in the loop is approximately 2 feet. The cable loop is guided into a protective sheath on the machine and terminates with permissible couplers at the machine mounted permissible motor control center.

(h) All of the branch circuit breakers are thermo-magnetic. The control circuit has an undervoltage relay that deenergizes the motor control circuits during momentary loss of power. Auxiliary contacts in the motor starters are used as holding or seal-in contacts in the motor switch circuits.

(i) Wiring between the motor control center and the permissible motors is 2,000 V rated cables type G-GC and is sized to carry at least 125 percent of motor rated current.

(j) Three continuous methane monitors are located at strategic positions where methane is most likely to be detected. These permissible units provide an adjustable 1 percent to 1½ percent flashing warning light which is utilized to stop cutter rotation. Power to the machine is interrupted automatically at a 2 percent reading.

(k) Methane monitor automatic shutdown circuits interrupt the 950 V a.c. ground check circuit, which in turn interrupts the 7,200 V a.c. ground check circuit causing the surface breaker to trip. Similarly, emergency stop stations at the muck handling console, main console and galloway interrupt the ground circuits and cause the surface breaker to trip.

7. The power supplied to the machine is brought into and through the shaft at 7,200 V and transformed in a standard, heavy-duty type, 1,250 kVA capacity transformer designed specifically for coal mine service. No permissible transformer of this voltage and capacity is currently available.

8. Petitioner proposes the following alternative method of achieving the result of the standard set forth at section 77.1914(a), insofar as it requires that electric equipment -below the collar of a slope or shaft during excavation shall be permissible and maintained in a permissible condition, which alternative method will at all times guarantee no less than the same measure of protection afforded the miners employed in the Oak Grove mine by said standard:

(a) The nonpermissible transformer shall be located as shown in attachment 2 on the stationary work platform (galloway). The transformer, being stationary while energized and ventilated on a separate split, shall be used in similar service conditions to an underground power center when used with a face unit of mining equipment in a coal mine.

(b) The entire galloway stage shall be stationery while the boring machine advances. The boring machine shall be stationary during extension of the shaft services and the advance (lowering) of the shaft concreting forms. Most of this work shall be carried out from the galloway stage. When extending the ventilation pipes or moving the work platform, the electric power supply to the transformer shall be disconnected on the surface at the 7,200 V circuit breaker.

(c) When the boring machine is in operation, ventilating air shall be blown from the surface through a 36-inch rigid duct attached to the shaft wall. The end of this pipe shall terminate approximately 10 feet below the platform to which the transformer is attached. The volume of air introduced through this pipe shall exceed the volume required to reduce the methane content at the face and/or to reduce the dust concentrations to allowable limits in the working area. A second ventilation duct, 30 inches in diameter, attached to the machine and extending to the surface where it connects with a permissible mine fan, shall exhaust all of the air passing across the face and from all points of muck transfer. The excess fresh air from the intake blowing fan system shall pass across the transformer and through the shaft to the surface and, in effect, shall constitute a separate ventilating split of air.

[1] The enclosed attachments are available for inspection at the address listed in the last paragraph of this petition.





REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: February 13, 1978.

DAVID TORBETT,
*Acting Director, Office of Hearings and Appeals.*

[FR Doc. 78-5144 Filed 2-27-78; 8:45 am]

[4310-70]

## Heritage Conservation and Recreation Service

## NATIONAL REGISTER OF HISTORIC PLACES

### Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 17, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by March 10, 1978.

ROBERT B. RETTIG,
*Acting Keeper of the National Register.*

**ALABAMA**

*Clarke County*

Gainestown vicinity, *Wilson-Finley House*, N of Gainestown on Suggsville Rd.

**GEORGIA**

*Chatham County*

Nicholsonville, *Nichersonville Baptist Church*, White Bluff Rd.
Savannah, *First Bryan Baptist Church*, 575 W. Bryan St.
Savannah, *Laurel Grove-South Cemetery*, 37th St.

*Whitfield County*

Dalton vicinity, *Prater's Mill*, N of Dalton on Praters Mill Rd.

**IDAHO**

*Fremont County*

St. Anthony, *Fremont County Courthouse*, 151 W. 1st St. N.

*Idaho County*

Kamiah, *State Bank of Kamiah*, ID 64.

*Latah County*

Genesee, *Genesee Exchange Bank*, Walnut St.
Genesee, *Vollmer Building*, Walnut St.

*Payette County*

Payette, *Coughanour Apartment Block*, 700-718 1st. Ave. N.

**ILLINOIS**

*Sangamon County*

Springfield, *Central Springfield Historic District*, roughly bounded by 4th, 7th, Jefferson, and Washington Sts. (both sides).

**INDIANA**

*Decatur County*

Greensburg, *Knights of Pythias Building and Theatre*, 215 N. Broadway.

*Tippecanoe County*

Battle Ground vicinity, *Van Natta Archeological Site*, E of Battle Ground.

**IOWA**

*Davis County*

Bloomfield, *Findley, William, House*, 302 E. Franklin St.

*Dubuque County*

Dubuque, *Fenelon Place elevator*, 512 Fenelon Pl.
Dubuque, *German Bank*, 342 Main St.

*Floyd County*

Charles City, *Dodd, A.B.C., House*, 310 3rd Ave.
Charles City, *Miller, Alvin, House*, 1107 Court St.

*Jefferson County*

Fairfield, *Beck, James A., House*, 401 E. Burlington Ave.

*Lee County*

Keokuk, *Weess, Frank J., House*, 224-226 Morgan St.

*Linn County*

Cedar Rapids, *May's Island Historic District*, between 1st and 5th Aves. on May's Island.

*Louisa County*

Morning Sun vicinity, *Bethel Church*, NE of Morning Sun off U.S. 61.

*Plymouth County*

Le Mars, *Thoren Hall*, Westmar College campus, 10th St. SE.

*Polk County*

Des Moines, *Grand View College (Old Main)*, 1200 Grandview Ave.

*Van Buren County*

Keosauqua, *Pearson, Franklin, House*, Dodge St.

*Winneshiek County*

Decorah vicinity, *Locust School*, N of Decorah.

**LOUISIANA**

*East Baton Rouge Parish*

Baton Rouge, *Louisiana State Capitol Building and Gardens*, Capitol Dr.
Baton Rouge, *Tessier Buildings*, 342, 346, 348 Lafayette St.

*Orleans Parish*

New Orleans, *Rice House*, 3643 Camp St.
New Orleans, *Tulane University of Louisiana*, St. Charles Ave., S. Claiborne, Broadway, and Calhoun.

**MAINE**

*Androscoggin County*

Auburn, *Engine House*, Court and Spring Sts.

*Cumberland County*

Naples, *Manor House*, U.S. 302.

*Franklin County*

Farmington, *Greenwood, Chester, House*, ME 27.
Rangeley, *Rangeley Public Library*, Lake St.

*Kennebec County*

Waterville, *Redington House*, 64 Silver St.

*Lincoln County*

Pemaquid Beach and vicinity, *Colonial Pemaquid Archeological District*, off ME 130.

*Oxford County*

Lovell, *Knight's County Store*, ME 5A.
Newry vicinity, *Lower Sunday River School*, SW of Newry on Sunday River Rd.

*Penobscot County*

Bangor, *Pond, Charles H., House*, 175 State St.
Orono, *University of Maine at Orono Historic District*, Munson, Sebec, and Schoodic Rds.

*Piscataquis County*

Sebec, *Burgess House*, off ME 11.

*Washington County*

Calais, *First Congregational Church*, Calais Ave.

*York County*

Parsonsfield vicinity, *Morison, Capt. James, House*, SE of Personsfield on South Rd.

**MARYLAND**

*Baltimore* (independent city)

*Canton Historic District*, bounded by Eastern Ave., the water front, Conkling and Chester Sts.

**MINNESOTA**

*Dakota County*

Hastings, *Dakota County Courthouse*, Vermillion St. between 3rd and 4th Sts.
Hastings, *East Second Street Commercial Historic District*, E. 2nd St.
Hastings, *Eckert, Ignatius, House*, 724 Ashland St.
Hastings, *Howes, Byron, House*, 718 Vermillion St.
Hasting, *Latto, Rudolph, House*, 620 Ramsey St.
Hastings, *Methodist Episcopal Church*, 8th and Vermillion Sts.

Hastings, *Thompson-Fasbender House*, 649 W. 3rd St.
Hastings, *Van Dyke-Libby House*, 612 Vermillion St.
Hastings, *West Second Street Residential Historic District*, W. 2nd St.

**MISSISSIPPI**

*Lowndes County*

Columbus, *Brownrigg-Harris-Kennebrew House*, 515 9th St. N. HABS.
Columbus, *Gatchell House*, 1411 College St.

*Tallahatchie County*

Crowder Vicinity, *Spivey Site*, S of Crowder.

*Tunica County*

Evansville vicinity, *Beaverdam Site*, S of Evansville.

*Union County*

Ingomar vicinity, *Ingomar Mound*, S of Ingomar.

**MISSOURI**

*Jackson County*

Kansas City, *Scarritt, Rev. Nathan, House*, 4038 Central St.

*St. Louis* (independent city)

*St. Francis de Sales Church*, 2653 Ohio St.

*St. Louis County*

Frontenac, *Des Peres Presbyterian Church*, Geyer Rd.
St. Louis vicinity, *Pappas, Theodore A., House*, 865 Masonridge Rd.

**NEBRASKA**

*Dodge County*

Fremont, *Osterman and Tremain Building*, 455 N. Broad St.

*Nemaha County*

Peru, *Majors, Thomas J., Farmstead.*

**NEW JERSEY**

*Bergen County*

Hackensack, *U.S.S. Ling*, Hackensack River at 150 River St.

*Burlington County*

Moorestown vicinity, *Cooper, Benjamin, Farm, S of Moorestown.*

**OKLAHOMA**

*Canadian County*

El Reno, *Southern Hotel*, Grand and W. London.

*Ellis County*

Arnett vicinity, *Davison Silo*, 20 mi. (32 km) SE of Arnett.

*Haskel County*

Stigler vicinity, *Mule Creek Site*, E of Stigler.

*Kiowa County*

Hobart, *Hobart City Hall*, Main and 3rd Sts.

*Oklahoma County*

Oklahoma City vicinity, *Point Eight Site*, SE of Oklahoma City.

Oklahoma City vicinity, Spencer No. 2 Site, E of Oklahoma City.

**OREGON**

*Columbia County*

Rainier, *Moeck, George F., House*, 713 B St. W.

*Jackson County*

Ashland, *Mark Antony Motor Hotel*, 212 E. Main St.
Ashland, *Walker, John P., House*, 1521 E. Main St.

*Marion County*

Salem, *Smith-Fry House*, 606 High St., SE.

*Multnomah County*

Portland, *Bank of California Building*, 330 SW. 6th Ave.
Portland, *Doernbecher, Frank Silas, House*, 2323 NE. Tillamook.
Portland, *Postal Building*, 510 SW. 3rd Ave.

*Wheeler County*

Fossil, *Hoover, Thomas Benton, House*, 1st St. between Adams and Washington Sts.

**TENNESSEE**

*Shelby County*

Memphis, T3Columbian Mutual Tower, 60 N. Main St.
Memphis, *Southwestern at Memphis Historic District*, 2000 N. Parkway.

**UTAH**

*Salt Lake County*

Salt Lake City, *McIntyre House*, 259 7th Ave.

**WISCONSIN**

*Dane County*

Madison, *Cutler, Judson C., House*, 1030 Jenifer St.

*Dodge County*

Fox Lake, *Fox Lake Railroad Depot*, Cordelia St. and S. College Ave.
Lowell vicinity, *Sock Road Bridge*, NW of Lowell over the Beaver Dam River.

*Jefferson County*

Fort Atkinson vicinity, *Hoard's Dairyman Farm*, N of Fort Atkinson.

*Lincoln County*

Merrill, *Merril City Hall*, 717 E. 2nd St.

*Milwaukee County*

Milwaukee, *Kalvelage, Joseph B., House*, 2432 W. Kilbourn Ave.
South Milwaukee, *South Milwaukee Passenger Station*, Milwaukee Ave.

*Sheboygan County*

Kohler, *American Club*, High St.

[FR Doc. 78-4845 Filed 2-27-78; 8:45 am]

[4310-03]

[INT FES 78-3]

**PROPOSED MISSOURI NATIONAL WILD AND SCENIC RIVER**

**Availability of Final Environmental Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Heritage Conservation and Recreation Service has prepared a final environmental statement for the Missouri National Wild and Scenic River in Montana.

The environmental statement considers the probable impact of establishing a 128-mile segment of the Missouri River from Coal Banks Landing to Rocky Point Historic Site as a component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Heritage Conservation and Recreation Service, Office of Communications, Room 237, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240. A limited number of copies are also available and may be obtained by writing to this address.

Dated: February 22, 1978.

LARRY E. MEIEROTTO,
*Deputy Assistant Secretary of the Interior.*

[FR Doc. 78-5202 Filed 2-27-78; 8:45 am]

[4410-01]

**DEPARTMENT OF JUSTICE**

**UNITED STATES COMMITTEE ON SELECTION OF FEDERAL JUDICIAL OFFICERS**

**Meeting**

The nominating panel for the United States Committee on Selection of Federal Judicial Officers will meet on Monday, April 3, 1978, at 8:30 a.m., in the United States Court of Claims, 717 Madison Place, NW., Washington, D.C. The purpose of the meeting will be to nominate candidates to fill two judicial vacancies.

This meeting will be closed to the public pursuant to Pub. L. 92-463, section 10(D) as amended.

(CF 5 U.S.C. 552b (c)(6))

Dated: February 15, 1978.

JOSEPH A. SANCHES,
*Advisory Committee Management Officer.*

[FR Doc. 78-5225 Filed 2-27-78; 8:45 am]





[4510-30]

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**FEDERAL-STATE EXTENDED BENEFITS**

**Ending of Extended Benefit Period in Hawaii**

This notice announces the ending of the Extended Benefit Period in the State of Hawaii, effective February 18, 1978.

BACKGROUND

The Federal-State Extended Unemployment Compensation Act of 1970 (title II of Pub. L. 91-373; 84 Stat. 695, 708) created a program of extended unemployment benefits (referred to an Extended Benefits) as a permanent part of the Federal-State Unemployment Compensation Program, for unemployed individuals who have exhausted their rights to regular unemployment benefits under State and Federal unemployment compensation laws. Extended Benefits are payable during an Extended Benefit Period, which is triggered on in a State when unemployment in the State or in all States collectively reaches the high levels set in the Act. During an Extended Benefit Period the maximum amount of Extended Benefits which is payable to eligible individuals is up to 13 weeks. An Extended Benefit Period commenced in the State of Hawaii on August 28, 1977.

The statute also provides that an Extended Benefit Period in a State will trigger off when unemployment in the State is no longer at the high levels set in the Act. A benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator. In Hawaii the Extended Benefit Period has triggered off.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Hawaii has determined in accordance with the applicable statute and regulations that the average rate of insured unemployment in the State for the period consisting of the week ending on January 28, 1978, and the immediately preceding twelve weeks, has decreased so that for that week there was an "off" indicator in that State.

Therefore, I have determined in accordance with the applicable statute and regulations, and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was an Extended Benefit "off" indicator in the State of Hawaii for the week ending on January 28, 1978, and that the Extended Benefit Period in that State terminated on February 18, 1978.

Persons who wish information about their rights to Extended Benefits in the State of Hawaii should contact the nearest Local Office of the Hawaii Department of Labor and Industrial Relations in their locality.

Signed at Washington, D.C., on February 22, 1978.

ERNEST G. GREEN,
*Assistant Secretary for Employment and Training.*

[FR Doc. 78-5389 Filed 2-27-78; 8:45 am]

[4510-30]

**POSTDOCTORAL GRANTS ANNOUNCEMENT ETA/OPER SOLICITATION 7803**

**Postdoctoral Grant Awards for Special Research Analyzing Data From the National Longitudinal Surveys**

The U.S. Department of Labor, Employment and Training Administration, Office of Policy, Evaluation and Research, announces that it will provide funding for a limited number of postdoctoral research grant awards—none to exceed $15,000/12 months—to support and encourage research analyzing data from the National Longitudinal Surveys (NLS) that are likely to have significant implications for employment and training policies and programs.

The NLS is directed by Dr. Herbert S. Parnes of the Ohio State University's Center for Human Resource Research. The data are collected by the Bureau of the Census. The National Longitudinal Surveys Handbook and related materials describing the NLS is available at university and college libraries throughout the country. Should it not be located at a particular school, however, it may be obtained from Ms. Ellen Mumma, NLS Users' Office, Center for Human Resource Research, 1375 Perry Street, Suite 585, Columbus, Ohio 43201.

The broad areas listed below are illustrative of those under which the specific proposal topics are invited:

1. What combinations of economic, personal, and institutional factors are associated with various patterns of labor force behavior, e.g., nature of job choice, job separation, early retirement?

2. What combinations of economic, personal, and sociological factors are important in influencing decisions concerning level and content of education, and character of vocational aspirations?

3. What is the impact of health on labor force behavior?

4. To what extent have workers perceived race, sex, or age discrimination when seeking employment, training, promotion, or when being laid off?

5. How reliable are persons' prospective labor force plans as indicators of their actual labor force activity over later years?

6. What is the interaction among economic, sociological, and psychological variables that permit some members of a given age/education/occupation group to succeed in their worklife while others do not?

Proposals may be submitted by colleges, universities, and public or private nonprofit organizations on behalf of members of their faculties or staff. Grants under this competition are expected to be announced on or before June 30, 1978. The deadline for receipt of proposals is May 1, 1978. Copies of the guidelines and instructions for submitting proposals may be obtained by writing to: U.S. Department of Labor/ETA, Central Procurement Staff, Attention: ETA/OPER Solicitation 7803, 601 D Street NW., Room 9432, Washington, D.C. 20213.

Please furnish two self-addressed gummed labels with request.

FRANCIS O. STANDARD,
*Chief, Central Procurement Staff.*

FEBRUARY 22, 1978.

[FR Doc. 78-5235 Filed 2-27-78; 8:45 am]

[4510-26]

**Occupational Safety and Health Administration**

**MARYLAND STATE STANDARDS**

**Approval**

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor of Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland plan and the adoption of Subpart O to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comments and public hearing. § 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated April 29, 1977 and July 12, 1977, from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry, to David H. Rhone, Regional Administrator, and incorporated as part of the plan, the State submitted amendments to the State standards identical to the additions, revi-





sions, amendments and corrections to

[4510-28]



[4510-28]

public hearing was requested and none was held.

women's shoes and women's boots at Fenton Shoe Co., Cambridge, Mass.

tion received on March 18, 1977 which was filed by the International Ladies'

sions, amendments and corrections to the Federal standards for coke oven emissions of 29 CFR 1910.1029; guarding of farm field equipment, farmstead equipment, and cotton gins of 29 CFR 1928.57, ground fault protection of 29 CFR 1910.309(c) and 1926.400(h). The Federal standards changes were published in the FEDERAL REGISTER on October 22, 1976 (41 FR 46598 and 41 FR 46741), December 21, 1976 (41 FR 55695), and January 18, 1977 (42 FR 3304). The State standards were promulgated after public comment requested February 16, 1977 and March 2, 1977, hearings held on March 9, 1977 and March 30, 1977, and resolutions adopted by the Commissioner on April 27, 1977 and July 6, 1977, pursuant to the Maryland Occupational Safety and Health Law of 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards changes are identical to the comparable Federal standards changes.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Suite 2100, Gateway Building, 3535 Market Street, Philadelphia, Pa. 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Md. 21202 and Office of the Director, Federal Compliance and State Programs, Room 149, 2100 M Street NW., Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

b. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would not be necessary.

This decision is effective February 28, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pa. this 30th day of August 1977.

DAVID H. RHONE,
*Regional Administrator.*

[FR Doc. 78-5236 Filed 2-27-78; 8:45 am]

[4510-28]

**Office of the Secretary**

[TA-W-2398]

**BRISTOL CLOTHING MANUFACTURING, INC. NEW BEDFORD, MASS.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-A-2398: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1977 in response to a worker petition received on September 28, 1977 which was filed on behalf of workers and former workers producing men's, boys', and women's outerwear at Bristol Clothing Manufacturing, Inc., New Bedford, Mass.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55314). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Clothing Manufacturing, Inc. and workers filing the petition.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from September 20, 1976 (the earliest possible impact date) to September 20, 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers have not occurred at Bristol Clothing Manufacturing, Inc., New Bedford, Mass. as required by section 222 of the trade Act of 1974.

Signed at washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5241 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2818]

**ELCO DRESS COMPANY, INC., SLENDERTONE DIVISION, NEW BEDFORD, MASS.**

**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation regarding certification of eligibility to apply for worker adjustment assistance was initiated on December 27, 1977, in response to a worker petition received on September 6, 1977, which was filed in behalf of workers and former workers producing women's, misses' and juniors' outerwear at the Slendertone Division of Elco Dress Co., New Bedford, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 10, 1977 (43 FR 15555). No public hearing was requested and none was held.

Preliminary investigation has revealed that an investigation regarding workers employed at the New Bedford facility of the Elco Dress Co., Inc., is already in progress based upon a petition received by the Department on September 6, 1977 (TA-W-2390). Notice of the ongoing investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316).

Since an investigation regarding workers at the Slendertone Division of the Elco Dress Co., Inc., New Bedford, Mass. is already in progress, further investigation under TA-W-2818 would serve no purpose. The investigation is therefore terminated.

Signed at Washington, D.C. this 14th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 78-5242 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2310]

**FAY-DEL COAT, INC., PATERSON, N.J.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2310: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 31, 1977, in response to a worker petition received on August 30, 1977, which was filed by three workers on behalf of workers formerly producing ladies' coats and jackets at Fay-Del Coat, Inc., Paterson, N.J.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47271). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Fay-Del Coat, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that manufacturers surveyed which reduced contracts with Fay-Del Coat, Inc., did not use foreign contractors nor did they purchase imported ladies' coats and jackets. Those manufacturers increased total sales in 1976 and increased contracts with other domestic contractors.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with ladies' coats and jackets produced at Fay-Del Coat, Inc., Paterson, N.J., did not contribute importantly to the decrease in sales or production and to the total or partial separation of workers at that firm.

Signed at Washington, D.C. this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5243 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2529]

**FENTON SHOE CO. CAMBRIDGE, MASS.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2529: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of workers and former workers producing women's shoes and women's boots at Fenton Shoe Co., Cambridge, Mass.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1976 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fenton Shoe Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the value of sales from Fenton Shoe, adjusted for price changes, increased 23 percent from 1975 to 1976 and increased 5 percent in the first 10 months of 1977 compared to the like period of 1976.

The quantity of production, including shoes and boots, increased 17 percent from 1975 to 1976 and increased 2 percent in the first 10 months of 1977 compared to the like period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of women's shoes and boots at Fenton Shoe Co., Cambridge, Mass. did not decline as required for certification under section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C. this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5244 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1883]

**GLEN LYON GARMENTS, INC. A SUBSIDIARY OF LESLIE FAY, INC., GLEN LYON, PA.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1883: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation initiated on March 23, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Glen Lyon garments, Inc., a subsidiary of Leslie Fay, Inc., Glen Lyon, Pa.

The notice of investigation was published in the FEDERAL REGISTER on March 23, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Glen Lyon is a subsidiary of Leslie Fay, Inc., New York, N.Y. Leslie Fay and its subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the subsidiaries. The apparel produced by the subsidiaries is sold to retail stores by Leslie Fay, Inc.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year—May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal year 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976 while the imports/production (I.P.) ratio remained constant. In each year from 1972 to 1976, imports of women's and misses' dresses were less than 5 percent of domestic production. In the January-June 1977 period, imports declined 12.4 percent compared to the same period in 1976.





Over 50 percent of Leslie Fay's dress and sportswear making operations are



The reinvestigation has revealed that all four criteria have been met.

TA-W-2391: Investigation regarding certification of eligibility to apply for

that significant total or partial separations of workers have not occurred at

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as Glen Lyon Garments, Inc. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the specific mix of fashions required by Leslie Fay at that time. The declines in production at Glen Lyon in the 2nd, 3rd, and 4th quarters of 1976 and the second quarter of 1977 resulted from a shift in styles offered by Leslie Fay to its retail customers. This resulted in a reduction in the work allocated to Glen Lyon Garments.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's dresses, suits, skirts, blouses, sweaters, pants and jackets produced at the Glen Lyon, Pennsylvania plant of Glen Lyon Garments, Inc., did not contribute importantly to the decline in production or to the total or partial separation of workers at that plant, as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5245 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2260 and TA-W-2261]

**GOLD LINE CONNECTORS, INC., NEW BEDFORD, MASS., EAST NORWALK, CONN.**

**Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2260 and TA-W-2261: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on August 16, 1977 in response to a worker petition received on August 15, 1977 which was filed on behalf of workers and former workers producing citizen's band radio accessories at the New Bedford, Mass. and East Norwalk, Conn. plants of Gold Line Connectors, Inc.

The Notice of Investigations were published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Gold Line Connectors, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

The value of imports of CB accessories in constant dollars increased each year from 0 in 1972 to $42,100,000 in 1975 and continued to increase 30.9 percent to $55,100,000 in 1976 before declining 15.1 percent from $28,500,000 in the first half of 1976 to $24,200,000 in the first half of 1977. The ratio of imports to domestic production increased each year from 0 in 1972 to 179.3 percent in 1974, then declined to 131.2 percent in 1975, increased to 160.2 percent in 1976 and continued to increase from 149.2 percent in the first half of 1976 to 196.7 percent in the first half of 1977.

CONTRIBUTED IMPORTANTLY

A Department's survey of some of Gold Line Connectors' customers indicated that some customers have decreased purchases of CB accessories from Gold Line and increased purchases of imports. Customers indicated that the Federal Communications Commission's announcement in June 1976 to increase the number of channels from 23 to 40 effective January 1, 1977, led to a drop in consumer purchases of CB accessories in the last half of 1976 in anticipation of the 40 channel units. The result of this over supply of 23 channel units was a decrease in prices. Customers further indicated that imported CB accessories are usually of the same quality but lower priced than those produced domestically. The high and rising import/consumption ratio, which was 66.3 percent in the first 6 months of 1977, indicates the dominance imported CB accessories have achieved in the domestic market.

The company increased its purchases of foreign produced CB accessories in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the CB radio accessories produced at the New Bedford, Mass. and East Norwalk, Conn., plants of Gold Line Connectors, Inc., have contributed importantly to the decline in sales or production and to the total or partial separation of workers at the two plants. In accordance with the provisions of the Act, I make the following certification:

All workers at the New Bedford, Mass. and East Norwalk, Conn. plants of Gold Line Connectors, Inc., who became totally or partially separated from employment on or after August 10, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5246 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2244]

**GREAT EASTERN TEXTILE PRINTING CO., MAHWAH, N.J.**

**Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor issued a Notice of Negative Determination on December 23, 1977, published in the FEDERAL REGISTER on January 6, 1978, (43 FR 1146), regarding eligibility to apply for adjustment assistance applicable to former workers producing printed textile fabrics at Great Eastern Textile Printing Co., Mahwah, N.J.

On the basis of additional information concerning customers of the Great Eastern Textile Printing Co., the Office of Trade Adjustment Assistance initiated a review investigation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.





The reinvestigation has revealed that all four criteria have been met.

In its original investigation, OTAA regarded imports of dyed, printed, and flocked fabric including man-made and cotton as like or directly competitive with the articles produced by Great Eastern. It found that imports of finished fabric declined in each quarter of 1976 compared to the respective previous quarters and declined 38 percent in the first half of 1977 compared to the first half of 1976.

In the course of its reinvestigation the Department revised certain of its import categories to correct deficiencies. Among the revisions were the exclusion of greige goods and flocked fabric, since flocking is a relatively specialized process, and the addition of bleached fabric.

Imports in the revised category increased from 408 million square yards in 1975 to 464 million in 1976 and from 228 million square yards in the first 6 months of 1976 to 238 million square yards in the same period of 1977. Further, an additional and important customer of Great Eastern's who had significantly switched from Great Eastern's printed fabric to imported fabric was identified in the customer survey conducted in OTAA's reconsideration.

CONCLUSION

After careful review of the facts obtained in the reinvestigation I conclude that increases of imports of articles like or directly competitive with the printed textile fabrics produced at the Great Eastern Textile Printing Co., contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I hereby issue the following revised determination:

All workers at the Great Eastern Textile Printing Co., Mahwah, N.J., engaged in employment related to production of printed textile fabrics who became totally or partially separated from employment on or after August 1, 1976 are eligible to apply for Adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of February 1978.

GLORIA G. PRATT,
*Director, Office of Foreign Economic Policy.*

[FR Doc. 78-5247 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2391]

**LANHAM CLOTHES, LAWRENCE, MASS.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2391: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 28, 1977, in response to a worker petition received on September 23, 1977, which was filed on behalf of workers and former workers producing men's and women's suits, men's sportcoats, and women's jackets at Lanham Clothes, Lawrence, Mass.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lanham Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers engaged in the production of men's and ladies' suits and sportcoats increased 43.4 percent in 1976 compared to 1975 and increased 5.7 percent in the period January through September 1977 compared to the same period in 1976.

Employment increased each quarter beginning in the second quarter of 1975 when compared to the same quarter of the previous year through the third quarter of 1977.

Officials at Lanham Clothes indicated that no layoffs occurred at the Lawrence, Mass. plant during 1976 or 1977.

The average number of hours worked increased 9.1 percent in 1976 compared to 1975 and remained constant in the first three quarters of 1977 compared to the same period in 1976.

Increased employment during 1976 and 1977 was the result of a surge in demand and greater fashion awareness by consumers in general. This translated itself to greater productivity and employment by the industry as a whole and Lanham Clothes in particular.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers have not occurred at the Lawrence, Mass., plant of Lanham Clothes Co. as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-5248 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1856]

**LESLIE FAY, INC., WILKES-BARRE, PA.**

**Negative Determination Regarding Eligibility To apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1856: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition on March 22, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's garments at Leslie Fay, Inc., Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that the Wilkes-Barre plant is a facility of Leslie Fay, Inc., New York, N.Y. Leslie Fay and its plants and subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets





and men's apparel. Leslie Fay does not maintain records covering the specific



partially separated from employment on or after July 11, 1976 and before September 1,

covering the specific types of garments produced by each of the subsidiaries.

Signed at Washington, D.C. this 21st day of February 1978.

and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the plants and the subsidiaries. The apparel produced by the plants and the subsidiaries is sold by Leslie Fay to retail customers.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year—May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dress is consistent with industry-wide data for women's and misses dresses. U.S. production of women's and misses dresses increased from 1975 to 1976 while the imports/production (I.P.) ratio remained constant. In each year from 1972 to 1976 imports of women's and misses' dresses were less than 5 percent of domestic production. In the January–June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as the Wilkes-Barre plant of Leslie Fay. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the specific mix of fashions required by Leslie Fay at that time. The decline in production at Leslie Fay, Inc., Wilkes-Barre, Pa. in 1976 and the first six months of 1977 resulted from a shift in styles offered by Leslie Fay to its retail customers. This resulted in a reduction in the work allocated to the Wilkes-Barre plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's dresses, suits, skirts, blouses, sweaters, pants and jackets produced at the Wilkes-Barre, Pa. plant of Leslie Fay, Inc. did not contribute importantly to the decline in production or to the total or partial separation of workers at that plant, as required for certification under section 222 of the Act.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5249 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2356]

**MICHAELS STERN AND CO., NASSAU STREET PLANT, ROCHESTER, N.Y.**

**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1977 in response to a worker petition received on September 12, 1977 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's suits, slacks and sportcoats at the Nassau Street plant of Michaels Stern and Co., Rochester, N.Y.

Notice of the investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

On December 8, 1975, the Department of Labor issued a certification of eligibility to apply for adjustment assistance (TA-W-185) for all workers of Michaels Stern and Co. (including the Nassau Street plant).

During the course of the investigation, it was determined that all workers at the Nassau Street plant of Michaels Stern and Co. were separated from employment before December 8, 1977 (the expiration date of the previous certification) and are therefore covered under the certification of TA-W-185 which was signed on December 8, 1975. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 8th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 78-5250 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2221]

**PROPHET AND FRIENDS, INC., NEW BRITAIN, CONN.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2221: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 21, 1977 in response to a worker petition received on July 18, 1977 which was filed on behalf of workers and former workers engaged in employment related to the production of women's and misses' jeans at the New Britain, Conn., plant of Prophet and Friends, Inc.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Prophet and Friends, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

There is no separately identifiable import category for women's and misses' jeans. They are included in the category "Women's, Misses' and Children's Slacks and Shorts, Woven." U.S. imports of "Women's, Misses' and Children's Slacks and Shorts, Woven" decreased from 5.7 million dozen in 1972 to 5.2 million dozen in 1973 and to 4.6 million dozen in 1974 before increasing to 5.4 million dozen in 1975 and to 6.9 million dozen in 1976. The ratio of imports to domestic production decreased from 29.2 percent in 1972 to 27.4 percent in 1973 and to 24.1 percent in 1974 before increasing to 31.2 percent in 1975 and to 42.2 percent in 1976.

The Office of Trade Adjustment Assistance conducted a survey of some of the firm's customers. Some of the customers that responded reported that they reduced purchases from Prophet and Friends and increased purchases of imported women's and misses' jeans in 1976 compared to 1975.

After August 1976, sales of Prophet and Friends were negligible. In the fourth quarter of 1976 and the first two quarters of 1977 a small number of employees remained to help shut down the business.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and misses' jeans produced by Prophet and Friends, Inc. contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Prophet and Friends, Inc., New Britain, Conn. who became totally or partially separated from employment on or after July 11, 1976 and before September 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-5251 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1822]

**RICKY FASHIONS, INC., A SUBSIDIARY OF LESLIE FAY, INC., WILKES-BARRE, PA.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1822: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Ricky Fashions, Wilkes-Barre, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ricky Fashions, its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That such imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Ricky Fashions is a subsidiary of Leslie Fay, Inc., N.Y. Leslie Fay and its subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the subsidiaries. The apparel produced by the subsidiaries is sold by Leslie Fay to retail customers.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces 4 to 5 seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal year 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976 while the imports/production (I.P.) ratio remained constant. In each year from 1972 to 1976, imports of women's and misses' dresses were less than 5 percent of domestic production. In the January–June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as Ricky Fashions. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the specific mix of fashions required by Leslie Fay at that time. The declines in production at Ricky Fashions in 1976 and the first 6 months of 1977 resulted from a shift in styles offered by Leslie Fay to its retail customers. This resulted in a reduction in the work allocated to Ricky Fashions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's dresses, suits, skirts, blouses, sweaters, pants and jackets produced at the Wilkes-Barre, Pa. plant of Ricky Fashions, a subsidiary of Leslie Fay, Inc., did not contribute importantly to decline in production or to the total or partial separation of workers at that plant as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-5252 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2258]

**RIVERSIDE SPORTSWEAR, INC. ELMWOOD PARK, N.J.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2258: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 10, 1977 in response to a worker petition received on August 10, 1977, which was filed by three workers on behalf of workers and former workers producing women's coats at Riverside Sportswear, Inc., in Elmwood Park, N.J.

The notice of investigation was published in the FEDERAL REGISTER on October 2, 1977 (42 FR 44298). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Riverside sportswear Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Department's investigation revealed that Riverside Sportswear, Inc. has produced women's fall and winter coats of high quality and price for five major manufacturers of women's coats. Four of these five manufacturers imported no women's coats; the fifth manufacturer reported decreasing purchases of imports and increased contracts placed with the subject firm as well as increased sales of coats during the period 1975 through 1977. None of these manufacturers utilize any foreign contractors. All manufacturers, with the exception of one, reported either increased sales of women's coats, increased contracts

placed with the subject firm, or both, in the period 1975 through 1977. While the remaining manufacturer reported decreased sales of women's coats and decreased contracts placed with Riverside Sportswear, no imports were purchased. A survey of this manufacturer's retail customers failed to evidence a shift to imported women's coats away from this particular manufacturer. These retail customers generally indicated increased domestic purchases of women's coats and evidenced no discernable shift towards import purchases away from this manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the women's coats produced under contract by Riverside Sportswear, Inc. in Elmwood Park, N.J. did not contribute importantly to the decrease in sales or production and to the total or partial separation of workers at that firm as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5253 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2278]

**SHUTZER MANUFACTURING CO., INC., LAWRENCE, MASS.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2529: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 18, 1977 in response to a worker petition received on August 17, 1977 which was filed by three workers on behalf of workers and former workers producing men's and women's coats and jackets at Shutzer Manufacturing Co., Inc., Lawrence, Mass.

The notice of investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44299). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Shutzer Manufacturing Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of leather costs and jackets for men, women, and children increased in each year from $91.7 million in 1972 to $154.3 million in 1975. Imports increased to $236.6. million in 1976, representing an increase of 53.3 percent compared to 1975. Imports increased from $195.5 million during the January-October period of 1976 to $203.7 million during the same period of 1977, representing an increase of 4.2 percent. The ratio of imports to domestic production increased from 52.7 percent in 1972 to 81.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of Shutzer Manufacturing Co., Inc. indicated that several major customers decreased purchases from the subject firm while increasing purchases of imported leather coats from 1975 to 1976 and in the first 9 months of 1977 compared to the same period in 1976. Cost advantages and styling offers from foreign producers were cited as factors influencing the decision to import leather coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and women's leather coats and jackets produced at Shutzer Manufacturing Co., Inc., Lawrence, Mass., contributed importantly to the decrease in sales and production and to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Shutzer Manufacturing Company, Incorporated, Lawrence, Massachusetts who became totally or partially separated from employment on or after December 6, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5254 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2302]

**STEDFAST RUBBER CO., INC., MATTAPAN, MASS.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2302: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 29, 1977, in response to a worker petition received on August 25, 1977, which was filed on behalf of workers and former workers producing rubber tape and friction tape at the Mattapan, Mass., plant of Stedfast Rubber Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stedfast Rubber Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of reflecting or pressure sensitive shapes or forms increased 67.2 percent in 1976 compared to 1975 and increased 13.4 percent in the first eight months of 1977 compared to the same period of 1976.

The ratios of imports to domestic production and consumption increased from 3.49 percent and 3.69 percent, respectively, in 1975 to 5.27 percent and 5.59 percent, respectively in 1976. The rising ratios of imports to domestic production and consumption indicates the increasing dominance imported friction tape and rubber tape have attained in the domestic market.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers of Stedfast Rubber Co., Inc., who purchased friction tape and rubber tape. Some of the respondants to the survey indicated that they had decreased purchases from Stedfast Rubber and increased purchases of imports. The survey further indicated that many of the customers purchased imported friction tape and rubber tape.





CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with rubber tape and friction tape produced at the Mattapan, Mass., plant of Stedfast Rubber Co., Inc., contributed importantly to the decline in sales or production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mattapan, Mass., plant of the Stedfast Rubber Co., Inc., who became totally or partially separated from employment on or after January 2, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5255 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2378]

**STRIDE RITE MANUFACTURING CORP., BOSTON, MASS.**

**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation regarding certification of eligibility to apply for worker adjustment assistance was initiated on September 26, 1977, in response to a worker petition received on September 20, 1977, which was filed in behalf of workers and former workers producing children's footwear at Stride Rite Manufacturing Corp., Boston, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

Preliminary investigation has revealed that an investigation regarding workers employed at the Boston facility of Stride Rite Manufacturing Corp. is already in progress based upon a petition received by the Department on August 24, 1977 (TA-W-2303). Notice of the ongoing investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270).

Since an investigation regarding workers at the Boston facility of Stride Rite Manufacturing Corp. is already in progress, further investigation under TA-W-2378 would serve no purpose. The investigation is therefore terminated.

Signed at Washington, D.C. this 8th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 78-5256 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2078]

**THEALINDA KNITTING MILLS, BROOKLYN, N.Y.**

**Affirmative Determination Regarding Application for Reconsideration**

On January 21, 1978, the petitioner for workers and former workers of Thealinda Knitting Mills of Brooklyn, N.Y., requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on December 23, 1977 (42 FR 64474).

The petitioner in this case raises one fundamental issue. He claims that workers at Thealinda Knitting Mills are basically in the same situation as workers in a similar knitting mill who have been previously certified as eligible to apply for adjustment assistance.

The petitioner claims that the Department of Labor considered the wrong time period when investigating his case.

CONCLUSION

After review of the application, I conclude that the claims of the petitioner are of sufficient importance to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 20th day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management, Administration, and Planning.*

[FR Doc. 78-5257 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2892]

**UNITED STATES STEEL CORP., AMERICAN BRIDGE DIVISION, TRENTON, N.J.**

**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers engaged in employment related to the production of carbon steel products at the Trenton, N.J. plant of the American Bridge Division of the United States Steel Corp.

The notice of the investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

During the course of the investigation, it was established that the Trenton, N.J. plant of the American Bridge Division of the United States Steel Corp. was permanently closed as of April 30, 1976 and that all employment at the plant was terminated on or before July 2, 1976. Section 223(b)(1) of the Trade Act of 1974 states that a certification of eligibility shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than twelve months before the date of the petition.

All workers at the Trenton, N.J. plant were separated on or before July 2, 1976 which is more than twelve months prior to the signature date of the petition which is December 15, 1977 and are therefore not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 78-5258 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1438]

**U.S. STEEL CORP., GARY WORKS, GARY, IND.**

**Revised Determinations**

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 and in accordance with section 223 of the Act, the Department of Labor issued a notice of determinations on September 12, 1977 in which all workers engaged in employment related to the production of carbon steel pipe and tubing, structural shapes and plate at the Gary Works who became totally or partially separated from employment on or after November 15, 1975 were certified eligible to apply for adjustment assistance. Workers engaged in employment related to the production of bar-size light shapes at the Gary Works were denied eligibility in the determination.

At the request of the United Steelworkers of America, the Department reopened its investigation to determine whether workers and former workers producing carbon steel railroad products, cold rolled strip and sheet, hot rolled sheet and strip, galvanized sheet, tin plated steel and stainless hot rolled sheet and strip at the Gary Works are eligible to apply for worker adjustment assistance. The

United Steelworkers also requested that the denial of workers engaged in the production of hot rolled carbon steel bar-size light shapes be reconsidered and that workers employed inthe earlier stages of production and support services be considered for eligibility.

The information upon which the determinations were made was obtained principally for the United States Steel Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the criteria have been met for workers engaged in employment related to the production of one of the following products separated on or after the dates indicated:

| *Product* | *Impact Date* |
|---|---|
| Railroad products | Jan. 1, 1977 |
| Carbon steel cold rolled strip and sheet | Mar. 27, 1977 |
| Carbon steel hot rolled strip and sheet | June 26, 1977 |
| Hot rolled bars and bar-size light shapes | June 26, 1977 |

The investigation also revealed that without regard to whether any of the other criteria have been met, the following criterion has not been met for workers engaged in employment related to the production of galvanized sheet, tin plated steel and stainless steel sheet and strip:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

### A. Railroad Products

#### INCREASED IMPORTS

The category railroad products includes rails and tie plates primarily.

Imports of rails declined from 96,200 tons in 1975 to 71,800 tons in 1976 before increasing from 48,500 tons in the first three quarters of 1976 to 53,000 tons in the first three quarters of 1977. The ratio of imports to domestic shipments declined from 7.7 percent in 1975 to 5.4 percent in 1976 before increasing from 4.8 percent in the first three quarters of 1976 to 6.2 percent in the like 1977 period.

Imports of tie plates and joint bars (approximately 90 percent of the category is tie plate) increased 203.1 percent from 3,200 tons in 1975 to 9,700 tons in 1976 and continued to increase 472.6 percent from 8,400 tons in the first three quarters of 1976 to 48,100 tons in the first three quarters of 1977. The ratio of imports to domestic shipments of tie plates and joint bars increased from 1.3 percent in 1975 to 3.6 percent in 1976 and continued to increase from 4.5 percent in the first three quarters of 1976 to 20.5 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

Plant sales and production of railroad products increased in quantity in 1976 compared to 1975.

Some of the customers of tie plates and rails of the Gary Works reported in a survey conducted by the Department that they had reduced purchases from the Gary Works and increased purchases of imported rails and tie plates in 1977 compared to 1976.

### B. Carbon Steel Cold Rolled Sheet and Strip

#### INCREASED IMPORTS

Imports of carbon steel cold rolled sheet and strip increased from 2,093,300 tons in 1975 to 2,393,200 tons in 1976 and continued to increase from 1,659,700 tons in the first three quarters of 1976 to 2,206,800 tons in the like 1977 period. The ratio of imports to domestic shipments of carbon steel cold rolled sheet and strip declined from 15.8 percent in 1975 to 12.8 percent in 1976 before increasing from 11.5 percent in the first three quarters of 1976 to 15.9 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

Plant sales and production increased in quantity in 1976 compared to 1975 and in the first quarter of 1977 compared to the first quarter of 1976.

Some of the customers of carbon steel cold rolled sheet and strip of the Gary Works reported in a survey conducted by the Department that they had reduced purchases from the Gary Works and had increased purchases of imported carbon steel cold rolled sheet and strip in 1977 compared to 1976.

### C. Carbon Steel Hot Rolled Sheet and Strip

#### INCREASED IMPORTS

Imports of carbon steel hot rolled sheet and strip increased from 1,526,700 tons in 1975 to 1,659,000 tons in 1976 and continued to increase 66.4 percent from 1,088,100 tons in the first three quarters of 1976 to 1,810,900 tons in the first three quarters of 1977. The ratio of imports to domestic shipments of carbon steel hot rolled sheet and strip declined from 13.1 percent in 1975 to 10.6 percent in 1976 before increasing from 9.0 percent in the first three quarters of 1976 to 16.1 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

Plant sales and production of carbon steel hot rolled sheet and strip increased in 1976 compared to 1975 and increased in the first six months of 1977 compared to the like 1976 period.

Some of the customers of the Gary Works reported in a survey conducted by the Department that they had reduced purchases of carbon steel hot rolled sheet and strip from the Gary works and increased purchases of imports in 1977 compared to 1976.

### D. Hot Rolled Bars and Bar-Size Light Shapes

#### INCREASED IMPORTS

Imports of hot rolled carbon bars declined 11.8 percent from 418,600 tons in 1975 to 369,000 tons in 1976 before increasing 136.2 percent from 223,900 tons in the first three quarters of 1976 to 528,000 tons in the first three quarters of 1977. The ratio of imports to domestic shipments of hot rolled carbon steel bars declined from 8.1 percent in 1975 to 6.7 percent in 1976 before increasing from 5.2 percent in the first three quarters of 1976 to 11.6 percent in the first three quarters of 1977.

Imports of carbon steel bar-size light shapes declined from 167,200 tons in 1975 to 164,300 tons in 1976 before increasing 94.3 percent from 99,100 tons in the first three quarters of 1976 to 192,600 tons in the like 1977 period. The ratio of imports to domestic shipments of carbon steel bar-size light shapes declined from 22.7 percent in 1975 to 19.5 percent in 1976 before increasing from 15.2 percent in the first three quarters of 1976 to 24.8 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

Plant sales and production of hot rolled carbon steel bars and bar-size light shapes increased in quantity in the first half of 1977 compared to the like 1976 period.

Some of the customers of bars of the Gary works reported in a survey conducted by the Department that they had reduced purchases of bars from the Gary works and increased purchases of imported bars in 1977 compared to 1976.

### E. Galvanized Sheet

Plant sales and production of galvanized sheet increased in quanitity in 1976 compared to 1975 and continued to increase in the first three quarters of 1977 compared to the like 1976 period.

### F. Tin Plated Steel

Plant sales and production of tin plated steel increased in quantity in 1976 compared to 1975 and continued to increase in the first three quarters of 1977 compared to the like 1976 period.

### G. Stainless Steel Hot Rolled Sheet and Strip

Plant sales of stainless steel hot rolled sheet and strip increased in quantity in 1976 compared to 1975 and continued to increase in the first three quarters of 1977 compared to the like 1976 period.





### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the railroad products; hot and cold rolled carbon steel sheet and strip, and hot rolled carbon steel bars and bar-size light shapes produced at the Gary Works have contributed importantly to the sales and production declines and to the total or partial separations of workers at the plant as required for certification under section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certification:

All workers at the Gary Works of the U.S. Steel Corp. in Gary, Ind., engaged in employment related to the production of one of the following products who became totally or partially separated from employment on or after the dates as listed below are eligible to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

| *Product* | *Impact date* |
|---|---|
| Railroad products | Jan. 1, 1977 |
| Carbon steel cold rolled sheet and strip. | Mar. 27, 1977 |
| Carbon steel hot rolled sheet and strip. | June 26, 1977 |
| Hot rolled bars and bar-size light shapes. | June 26, 1977 |

I further conclude that workers engaged in employment related to the production of galvanized sheet; tin plated steel and stainless steel hot rolled sheet and strip are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5259 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1837]

### VALLEY FASHIONS, A SUBSIDIARY OF LESLIE FAY, INC., KINGSTON, PA.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1837: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1977, in response to a worker petition received on March 18, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's garments at Valley Fashions, Inc., a subsidiary of Leslie Fay, Inc., Kingston, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the National Cotton Council of America, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Valley Fashions is a subsidiary of Leslie Fay, Inc., New York, N.Y. Leslie Fay and its subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the subsidiares. The apparel produced by the subsidiaries is sold by Leslie Fay to retail customers.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year—May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal year 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976 while the imports/production (I.P.) ratio remained constant. In each year from 1972 to 1976 imports of women's and misses' dresses were less than 5 percent of domestic production. In the January–June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as Valley Fashions. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the specific mix of fashions required by Leslie Fay at that time. The declines in production at Valley Fashions in the first six months of 1977 resulted from a shift in styles offered by Leslie Fay to its customers. This led to a reduction in the work allocated to Valley Fashions.

### Conclusion

After a careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's apparel produced at the Kingston, Pa. plant of Valley Fashions, a subsidiary of Leslie Fay, Inc., did not contribute importantly to the decline in production or to the total or partial separation or workers at that plant, as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of February 1978.

JAMES F. TAYLOR,
*Director, Office of Management Administration, and Planning.*

[FR Doc. 78-5260 Filed 2-27-78; 8:45 am]

[4510-28]

### INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Sec. 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligi-





ble to apply for adjustment assistance under Title II, Chapter 2, of the Act in

quest a public hearing, provided such request is filed in writing with the Di-

The petitions filed in this case are available for inspection at the Office



[4510-28]

to an absolute decline in sales or production, or both, of such firm or subdi-

rector, Office of Trade Adjustment Assistance, at the address shown below,

ble to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| A. O. Wilson Structural (workers). | Cambridge, Mass | Jan. 26, 1978 | Jan. 19, 1978 | TA-W-3,114 | Fabricated structural steel. |
| American Brush Co., Inc. (workers). | Boston, Mass | do | Jan. 23, 1978 | TA-W-3,115 | All types of paint brushes. |
| The Anaconda Co., Raritan Copper Workers (workers). | Perth Amboy, N.J | Jan. 24 1978 | Jan. 19, 1978 | TA-W-3,116 | Production of refined copper. |
| Bel Air Fashion (workers) | New York, N.Y | Jan. 23, 1978 | Jan. 15, 1978 | TA-W-3,117 | Leather coats. |
| Heaveatex Corp. (workers) | Everett, Mass | Jan. 26, 1978 | Jan. 19, 1978 | TA-W-3,118 | Adhesives and compounds. |
| Impala Textile, Inc. (company). | New York, N.Y | Jan. 31, 1978 | Jan. 27, 1978 | TA-W-3,119 | Buying, dyeing, and printing of fabrics. |
| Moody II (workers) | Waltham, Mass | Jan. 26, 1978 | Jan. 23, 1978 | TA-W-3,120 | Samples of women's clothing. |
| North Terminal, Inc. (workers). | Hingham, Mass | do | do | TA-W-3,121 | Steel parts for guns. |
| Noymer Manufacturing Co. (workers). | Boston, Mass | do | Jan. 24, 1978 | TA-W-3,122 | Men's and women's leather goods. |
| Pacific Union Metal, Division of Metal Manufacturing Co. (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers). | Fremont, Calif | Jan. 19, 1978 | Jan. 18, 1978 | TA-W-3,123 | Light steel poles. |
| Sher Lisa (ILGWU) | Keyport, N.J | Jan. 31, 1978 | Jan. 19, 1978 | TA-W-3,124 | Ladies' coats and suits. |

[FR Doc. 78-5090 Filed 2-27-78; 8:45 am]

[4510-28]

## GOODYEAR TIRE AND RUBBER CO.

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determinastion of the date on which total or partial separations began or threatened to begin and the subdivison of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1978.

Interested persons are invited to submit writen comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of January 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Goodyear Tire & Rubber Co. (URW). | Los Angeles, Calif | Dec. 27, 1977 | Dec. 22, 1977 | TA-W-3,125 | Truck air wheels and truck tires for both original equipment and replacement markets. |

[FR Doc. 78-5091 Filed 2-27-78; 8:45 am]





[4510-28]

## INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of February 1978.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| A. O. Smith Corp. (DALU) | Milwaukee, Wis | Feb. 1, 1978 | Jan. 25, 1978 | TA-W-3,126 | Automobile and truck frames and their components. |
| The Anaconda Co. Wire & Cable Division, Rod Rolling Mill (USWA). | Great Falls, Mont | Jan. 25, 1978 | Jan. 20, 1978 | TA-W-3,127 | Copper rods. |
| J. C. Manufacturing Co. (workers). | Long Branch, N.J | Feb. 1, 1978 | Jan. 18, 1978 | TA-W-3,128 | Children's coats. |
| Cities Service Co., Copper Cities Operations (workers). | Miami, Ariz | Feb. 2, 1978 | Jan. 26, 1978 | TA-W-3,129 | Copper cathodes by the solvent electrode extraction. |
| David Karp, Inc. (company) | Philadelphia, Pa | do | do | TA-W-3,130 | Distributor of industrial threads. |
| Erie Mining Co. (workers) | Taconite Harbor, Minn | do | Jan. 30, 1978 | TA-W-3,131 | Mining of iron ore. |
| General Refractories Co., U.S. division, Claysburg works (USWA). | Claysburg, Pa | do | Jan. 31, 1978 | TA-W-3,132 | Silica coke oven brick. |
| U.S. Steel Corp., Minnesota ore operations, Virginia-11th Seniority District. | Virginia, Minn | do | do | TA-W-3,133 | Mining or iron ore. |
| Paris Knitting Mills, Inc. (workers). | Queens, N.Y | Jan. 18, 1978 | Jan. 14, 1978 | TA-W-3,134 | Ladies' knitted wear. |
| Rani-Merona of New Hampshire, Inc. (workers). | Portsmouth, N.H | Feb. 2, 1978 | Jan. 16, 1978 | TA-W-3,135 | Athletic footwear. |
| Universal Cyclops Corp., Specialty Steel Division (USWA). | Pittsburgh, Pa | do | Jan. 31, 1978 | TA-W-3,136 | Specialty steel (wire, rods and bars). |
| Do | Aliquippa, Pa | do | do | TA-W-3,137 | Do. |
| Do | Bridgeville, Pa | do | do | TA-W-3,138 | Do. |
| Do | Titusville, Pa | do | do | TA-W-3,139 | Do. |
| Valley Manufacturing Corp. (Virginia Employment Commission). | Roanoke, Va | do | Jan. 27, 1978 | TA-W-3,140 | Nurses and waitresses uniforms. |
| Do | Buchanan, Va | do | do | TA-W-3,141 | Do. |
| Do | Radford, Va | do | do | TA-W-3,142 | Do. |
| Do | Saltville, Va | do | do | TA-W-3,143 | Do. |

[FR Doc. 78-5092 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-1906]

## ERMAR MANUFACTURING CO., INC., LUZERNE, PA.

### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1906: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 24, 1977 in response to a worker petition received on March 24, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses at Ermar Manufacturing Co., Inc., Luzerne, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ermar Manufacturing Co., Inc. and its contracting manufacturers, customers of these manufacturers, the U.S. Depart-

ment of Commerce, the International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met with respect to workers of Ermar Manufacturing Co., Inc. in Luzerne Pa.

Evidence developed in the Department's investigation revealed that Ermar Manufacturing Co., Inc. produces women's dresses under contract for two manufacturers of apparel. The first manufacturer, in business only since December 1976, indicated that its purchases from the subject firm have been increasing since that time and that it imports no women's dresses nor does it utilize any foreign contractors.

The second manufacturer, which has reduced contracts with Ermar, is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. This manufacturer's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 (May 1-April 30) when compared with the previous fiscal years despite a decrease in the manufacturer's total sales in fiscal year 1977 which is attributed to a decline in its sales of menswear. The increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976, while the imports/production (I.P.) ratio remained constant. In each year from 1972 to 1976, imports of women's dresses were less than 5 percent of domestic production. In the January-June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

This manufacturer contracts out nearly 50 percent of its dress and sportswear operations to other independent domestic firms such as Ermar Manufacturing Co. The manufacturer imports only a small amount of women's dresses and sportswear. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of fashions required by the manufacturer at that time. The decline in sales and production for the manufacturer by Ermar in 1977 resulted from a shift in styles offered by the manufacturer to its retail customers. This resulted in a reduction in contracts to Ermar.

### Conclusion

After careful review of the facts obtained in this investigation, it is concluded that increases of imports of articles like or directly competitive with those women's dresses produced by Ermar Manufacturing Co., Inc., in Luzerne, Pa. did not contribute importantly to the decline in sales and production or to the total or partial separations of workers of that firm as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5093 Filed 2-27-78; 8:45 am]

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[4510-28]

[TA-W-2276]

**MUTUAL MANUFACTURING CO., LAWRENCE, MASS.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2276: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 18, 1977 in response to a worker petition received on August 17, 1977, which was filed on behalf of workers and former workers producing men's coats at the Lawrence, Mass. plant of the Mutual Manufacturing Co.

The Notice of Investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44299). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Mutual Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

### Increased Imports

Imports of men's and boys' nontailored outer jackets increased from 15,551,000 dozen in 1975 to 15,736,000 dozen in 1976 and continued to increase from 11,883,000 dozen in the first three quarters of 1976 to 14,719,000 dozen in the first three quarters of 1977. The ratio of imports to domestic production declined from 26.3 percent in 1975 to 25.3 percent in 1976.

### Contributed Importantly

The Department conducted a survey of some of the customers of coats and jackets of Mutual Manufacturing Co. Some of the customers indicated that they have reduced their purchases from Mutual in 1976 and 1977 and increased purchases of imported coats and jackets.

Company sales and production of coats and jackets declined in 1976 compared to 1975 and continued to decline in the first two months of 1977 compared to the like 1976 period before increasing in the March through August period of 1977 compared to the like 1976 period.

### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and boys' outer coats produced at the Lawrence, Mass. plant of Mutual Manufacturing contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Lawrence, Mass. plant of the Mutual Manufacturing Co. who became totally or partially separated from employment on or after August 1 5, 1976 and before March 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who were separated on or after March 1, 1977 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5094 Filed 2-27-78; 8:45 am]

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[4510-28]

[TA-W-2245]; [TA-W-2246]

**ROBERT REIS & CO., WATERFORD, N.Y. AND CAMBRIDGE, N.Y.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2245 and 2246: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 8, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing men's underwear and knit shirts at the Waterford, N.Y. (Ford Manufacturing Division; TA-W-2245) and Cambridge, N.Y. (Reis Mills; TA-W-2246) plants of Robert Reis & Co.

The Notice of Investigation was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robert Reis & Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirments of section 222 of the Trade Act of 1974 must be met. The investigation has revealed that all of the requirements have been met.

### Increased Imports

Imports of men's and boys' underwear, knit and not knit, decreased annually from 1972 through 1974 and increased from 1974 through 1976. Imports increased from 1,443 thousand dozen units in 1975 to 1,507 thousand dozen units in 1976 and then decreased from 1,229 thousand dozen units in January-September 1976 to 1,145 thousand dozen units in January-September 1977. The ratio of imports to domestic production decreased from 2.2 percent in 1975 to 2.1 percent in 1976.

Imports of men's and boys' cotton knit shirts increased from 78,728 dozen units in 1975 to 148,521 dozen units in 1976. Imports declined from 103,601 dozen units in January-September 1976 to 103,417 dozen units in January-September 1977.

### Contributed Importantly

The Department of Commerce in its investigation of Robert Reis & Co. for firm assistance, determined that while Reis experienced declines in sales, production and employment for all its products, the declines in men's sportswear (knit shirts) were proportionally greater than the other declines and they accounted for a considerable amount of the firm's total sales declines. In a survey of customers of Robert Reis, the Department of Commerce determined that customers reduced purchases of knit sportswear from Reis while increasing purchases of imported knit sportswear. As a result of its investigation, the Commerce Department certified Robert Reis as eligible to apply for firm adjustment assistance.

### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with men's underwear and knit shirts produced by the Waterford, N.Y. and Cambridge, N.Y. plants of Robert Reis & Co. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Waterford, N.Y. plant and Cambridge, N.Y. plant of Robert Reis & Co. who became totally or partially separated from employment on or after August 3, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5095 Filed 2-27-78; 8:45 am]

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[4510-28]

[TA-W-2263]

**SALAMANCA YARNS, INC. SALAMANCA, N.Y.**

**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2263: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 16, 1977, in response to a worker petition received on August 16, 1977, which was filed on behalf of workers and former workers producing yarn at Salamanca Yarns, Inc., Salamanca, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Salamanca Yarns, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

Salamanca Yarns, Inc., a manufacturer of worsted spun yarn, consisted of one plant in Salamanca, N.Y. The plant was permanently shut down on November 1, 1976.

The Department's investigation revealed that major customers of Salamanca Yarns, Inc., either did not purchase imported yarn or decreased purchases of imported yarn in 1976 compared to 1975. These customers switched purchases from Salamanca to other domestic sources.

### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with yarn produced at Salamanca Yarns, Inc., Salamanca, N.Y., did not contribute importantly to the decrease in sales and production or to the total or partial separation of the workers of that firm.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5096 Filed 2-27-78; 8:45 am]

[4510-28]

[TA-W-2234]

**YANKEE MAID HEADWEAR, INC., NEW YORK, N.Y.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2234: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 29, 1977, in response to a worker petition received on July 26, 1977, which was filed by the Baby Bonnet Workers Union on behalf of workers and former workers producing baby bonnets, infants' hats, surfers, flops, rollers, and other children's hats at Yankee Maid Headwear, Inc., New York, N.Y. The Department's investigation revealed that Yankee Maid produced children's hats, including those for infants' and babies, and various styles of play hats.

The notice of investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40288). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Yankee Maid Headwear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's, boys', women's, misses', and juniors' (excluding infants) knit headwear increased in quantity 80 percent from 1975 to 1976 and increased 25 percent in the first half of 1977 compared to the first half of 1976. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1975 to 29.4 percent and 22.8 percent, respectively, in 1976.

Imports of cloth hats and caps, not knit (men's, boys', women's, girls', excluding infants) increased in quantity 13 percent from 1975 to 1976 and increased 4 percent in the first half of 1977 compared to the first half of 1976. The ratios of imports to domestic production and consumption increased from 32.8 percent and 24.7 percent, respectively, in 1975 to 34.8 percent and 25.8 percent, respectively, in 1976.

Imports of headwear of cotton, not knit increased in quantity 8 percent from 1975 to 1976, then decreased 4 percent in the first half of 1977 compared to the first half of 1976.

Industry spokespersons stated that imports of infants' headwear are in a basket category of the Tariff Schedules of the United States, and are not separately identifiable from the many diverse apparel items included in the basket category.

CONTRIBUTED IMPORTANTLY

A survey of Yankee Maid's major customers revealed that customers increased purchases of imported children's hats while decreasing purchases from Yankee Maid.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's hats produced at Yankee Maid Headwear, Inc., New York, N.Y., contributed importantly to the decline in sales or production and to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Yankee Maid Headwear, Inc., New York, N.Y., who became totally or partially separated from employment on or after July 26, 1976, and before September 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after September 1, 1977 are denied certification.

Signed at Washington, D.C., this 17th day of February 1978.

HARRY GRUBERT,
*Director, Office of Foreign Economic Research.*

[FR Doc. 78-5097 Filed 2-27-78; 8:45 am]

[1505-01]

**NATIONAL SCIENCE FOUNDATION**

**DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC)**

**Meeting**

NOTE.—This Federal Advisory Committee Act notice was inadvertedly published in the "Sunshine Act" meetings section of the FEDERAL REGISTER on Friday, February 24, 1978, 43 FR 7797.

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Same: DOE/NSF 1978 Facilities Subcommittee of the Nuclear Science Advisory Committee (NUSAC).

Date and time: March 13, 1978, 9 a.m. to 5 p.m.; March 14, 1978, 9 a.m. to 5 p.m.; March 15, 1978, 9 a.m. to 5 p.m.

Place: Conference Room 543 for March 13 and 14; Conference Room 321 for March 15; National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: March 13, 1978, closed 9 a.m. to 1 p.m.; March 13, 1978, open 1 p.m. to 5 p.m.; March 14, 1978, open 9 a.m. to 5 p.m.; March 15, 1978, closed 9 a.m. to 5 p.m.

Contact person: Dr. Howel G. Pugh, head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. 20550; telephone 202-632-4318.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: To provide advice to NUSAC on needs and opportunities for major new facilities and major modifications of existing facilities in the field of basic nuclear science in the United States.

Agenda: March 13, 1978; Closed session (9 a.m. to 1 p.m.)—Discussion of projects under consideration for funding; open session (1 p.m. to 5 p.m.)—Presentations by research groups of proposed projects, and discussion thereof.

March 14, 1978: Open session (9 a.m. to 5 p.m.)—Continuation of previous day's activities.

March 15, 1978: Closed session (9 a.m. to 5 p.m.)—Discussion of projects under consideration for funding.

Reason for closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer, pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management Coordinator.*

FEBRUARY 21, 1978.

[FR Doc. 78-5318 Filed 2-22-78; 11:03 am]

[7590-01]

**NUCLEAR REGULATORY COMMISSION**

[Docket No. PRM-50-15]

**DETROIT EDISON CO., INC., AND PUBLIC SERVICE CO. OF INDIANA**

**Denial of Petition for Rulemaking**

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has denied a petition for rulemaking submitted by letter, dated September 15, 1975, by LeBoeuf, Lamb, Leiby, and MacRae, 1757 N Street NW., Washington, D.C., on behalf of the Detroit Edison Co., Inc., and the Public Service Co. of Indiana. A notice of filing of petition, Docket No. PRM 50-15, was published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44898). Interested persons were invited to submit written comments or suggestions on the petition. Letters were received from nine industrial groups, one coordinating agency, and one private individual. All of the comments supported the petition.

The petitioners requested that the Commission amend its regulation 10 CFR Part 50 to clarify the extent of the Commission's regulatory authority over the construction and routing of transmission lines and related equipment associated with nuclear power reactors and to clarify the extent to which the environmental impact of such lines and equipment must be considered in the Commission's assessment of the environmental impact of the licensing of a particular nuclear facility pursuant to the National Environmental Policy Act of 1969.

The petitioners also requested that the Commission issue an order directing its staff to revise Regulatory Guide 4.2 (Rev. 1), "Preparation of Environmental Reports for Nuclear Power Stations," January 1975, to conform with their proposed rule.

Based upon the considerations underlying the Commission's January 12, 1977, ruling concerning the Wolf Creek nuclear generating station unit No. 1 (Docket No. STN 50-482, 5 NRC 1), this petition has been denied. In the Wolf Creek case, the legal issue can be summarized as the extent to which the National Environmental Policy Act has conferred jurisdiction on the Commission (and its licensing boards) over service facility construction which, although directly associated with and attributable to a nuclear powerplant, occurs away from its immediate location.

The Commission believes that the regulations must be interpreted broadly in light of the Commission's responsibility to comply with NEPA, and that, so interpreted, those regulations proscribe environmentally significant construction activities associated with nuclear powerplant construction—including activities beyond the site boundaries—without prior Commission approval. NEPA requires the NRC to give full consideration to environmental impacts and alternatives. Often, an important parameter in choosing between alternative sites is the impact of the proposed transmission line on the overall cost-benefit analysis. The location of transmission lines and related equipment will alter environmental assessments. Different locations will lead to different environmental impacts on land use, air and water quality, the ecological systems, fish and wildlife habitats, socioeconomics, and visual quality. Removal of this consideration from the cost benefit analysis would not result in a realistic presentation of the costs and benefits of alternatives.

The contention that the Commission not consider and seek to mitigate significant environmental impacts away from the immediate location of a proposed nuclear facility in meeting NRC's NEPA obligation has been considered and rejected in the Wolf Creek decision cited above. Also, in the matter of *Detroit Edison Co.* (Greenwood Energy Center), 8 AEC 936, it was proposed that new reactors for which licenses were requested be connected to the applicant's existing power grid by constructing a 90-mile-transmission line having a right-of-way, in some cases, over 400 feet wide. There also, it was contended that the Commission lacked authority to condition permits in order to mitigate offsite environmental effects associated with the transmission lines. The licensing board viewed such lines as an integral part of nuclear generating plants, and held that it would not be discharging its NEPA responsibilities fully were it to "blink the environmental impacts" of the transmission lines. 8 AEC 937. The appeal board agreed that "no other conclusion is reasonable" than that the transmission lines be viewed as an integral part of nuclear generating plants, 8 AEC 939, and that "[U]nder NEPA, an agency is • • • obligated to minimize to the extent reasonably practicable the environmental aftermath of its action." 9 AEO 944.

The Commission believes that those holdings should not be disturbed. To the extgent that those holdings do not cover issues which may arise in future proceedings, the Commission will allow the law to develop on a case-by-case basis.

Dated at Washington, D.C., this 22nd day of February 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc. 78-5124 Filed 2-27-78; 8:45 am]

[7590-01]

[Docket No. 50-471]

**BOSTON EDISON CO. (PILGRIM NUCLEAR POWER STATION, UNIT 2)**

**Order**

The evidentiary hearing, which is to resume on March 6, 1978, at 1 p.m., will be held in the Middlesex Bar Association Meeting Room which is located on the 4th Floor of the Middlesex Superior Courthouse, at 40 Thorndike Street, East Cambridge, Mass.

It is so ordered.

Dated at Bethesda, Md., this 22d day of February 1978.

For the Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
*Chairman.*

[FR Doc. 78-5125 Filed 2-27-78; 8:45 am]

[7590-01]

[Docket No. 50-251]

**FLORIDA POWER & LIGHT CO. (TURKEY POINT PLANT UNIT NO. 4)**

**Order for Modification of License**

I.

The Florida Power & Light Co. (the Licensee), is the holder of Facility Operating License No. DPR-41 which authorizes the operation of the nuclear power reactor known as Turkey Point Unit No. 4 (the facility) at steady state reactor power levels not in excess of 2200 thermal megawatts (rated power). The facility is a pressurized water reactor (PWR) located at the Licensee's site in Dade County, Fla.

II.

On Saturday, February 11, 1978, the licensee requested authorization to continue operation of Turkey Point Unit No. 4 with primary to secondary leakage indication in excess of 0.3 gpm (18 gph), in order to avoid shutdown for repair at a time of power shortage in the Dade County area of Florida.

Under ordinary circumstances, there is sufficient reserve in this area to permit shutdown of units for needed repairs without disruption of power supplies to users. However, the licensee informed us that on Saturday, two other units in the Dade County area were out of service for repair. Efforts were being made to return Turkey Point Unit No. 1, a fossil fired unit, to operation on Monday, February 13, 1978. Turkey Point Unit No. 3, a nuclear unit, was completing repair work and was expected to return to power early in the week of February 13, 1978.

Cold weather conditions were anticipated to impose heavy demands in the Dade County area and projected power demand for Saturday was estimated to exceed all available capacity unless Turkey Point Unit No. 4 was in operation.

The restriction on primary to secondary leakage was imposed by NRC in its Order of February 8, 1977, and continued by its subsequent Orders of August 3, 1977, and February 10, 1978.





This restriction assures that even if the leakage is associated with a single



Copies of the Safety Evaluation

report of the Group and work at draft-

promptly as possible, but interested

This restriction assures that even if the leakage is associated with a single defect, the defect will be of such a size that there is significant margin to assure that the defect will remain stable even under the sudden loads imposed by a LOCA and MSLB. The margin may be reduced somewhat for short periods of time and still provide sufficient strength to withstand potential accidents. In light of the licensee's request, the staff has reviewed the available data and has concluded that for a leakage rate of 0.35 gpm, the associated single defect size would still maintain integrity under normal operating loads and loads that may be associated with a LOCA or MSLB. Moreover, the probability of occurrence of an accident during the very short time periods involved is extremely small.

For these reasons, the staff concluded that operation of Turkey Point Unit No. 4, at a slightly increased maximum primary to secondary leakage rate (from 0.3 gpm to 0.35 gpm) could be continued, for the short periods of time involved, with reasonable assurance that public health and safety will not be endangered by continued operation. Authorization to operate at the slightly higher leak rate until Monday, February 13, 1978, was granted by telephone on Saturday, February 11, 1978, to be followed by formal action.

On Monday, February 13, 1978, the licensee requested an extension of the period of operation at the higher leak rate of 0 35 gpm because Turkey Point Unit No. 1 repairs were not completed during the weekend, Turkey Point Unit No. 3 repairs were projected to extend until Thursday, February 16, and there was further cold weather projected for Tuesday evening, February 14, 1978. After further review of the current status of Turkey Point Unit No. 4, the staff concluded that operation could continue for a limited period with reasonable assurance that public health and safety will not be endangered. The staff Safety Evaluation Report is attached. Authorization to contine to operate at the slightly higher leakage rate until Thursday, February 16, 1978, was granted by telephone to be followed by formal action.

On Tuesday, February 14, 1978, the licensee informed the staff that weather conditions had ameliorated from those projected on Monday and that repair efforts on Unit No. 3 were progressing rapidly and that the licensee had decided to shut down Unit No. 4 for repairs of the leaking tube and for inspection of the conditions of the steam generator. Unit No. 4 was removed from service at 1 p.m., February 14, 1978.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla.: (1) Memorandum, Clark to Lear, dated February 15, 1978, (2) Letter, Uhrig, FP&L, to Case, NRC, dated February 14, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Part 2 and 50, *it is ordered*, That paragraph 3.D.2 of Facility Operating License No. DPR-41, previously imposed by NRC Orders, is hereby amended as follows:

2. From Saturday, February 11, 1978, until Tuesday, February 14, 1978, primary to secondary leakage through the steam generator tubes shall be limited to 0.35 gpm per steam generator. With any steam generator tube leakage greater than this limit, the reactor shall be brought to the cold shutdown condition within 24 hours.

Dated in Bethesda, Md., this 17th day of February 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 78-5126 Filed 2-27-78; 8:45 am]

[7590-01]

[Docket No. 50-513]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS NUCLEAR PROJECT NO. 4)

### Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Richard S. Salzman, Chairman
Dr. John H. Buck
Jerome E. Sharfman

Dated: February 21, 1978.

MARGARET E. DU FLO,
*Secretary to the Appeal Board.*

[FR Doc. 78-5127 Filed 2-27-78; 8:45 am]

[7590-01]

[Docket No. 50-513]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM WASHINGTON PUBLIC POWER SUPPLY SYSTEM NUCLEAR PROJECT NO. 4

### Issuance of Construction Permit

Notice is hereby given that, pursuant to the Partial Initial Decision, dated July 30, 1975, the Initial Decision, dated December 22, 1975, and the Supplemental Initial Decision of the Atomic Safety and Licensing Board, dated February 16, 1978, the Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPPR-174 to the Washington Public Power Supply System for construction of a pressurized water reactor on a site located in Benton County, Wash. The Initial Decision, dated December 22, 1975, authorized issuance of Washington Public Power Supply System Nuclear Project No. 1.

The proposed reactor known as the Washington Public Power Supply System Nuclear Project No. 4 will operate at a core power level of 3600 megawatts thermal with a net electrical output of 1218 megawatts.

The Supplemental Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Supplemental Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in Title 10 CFR Chapter I, Code of Federal Regulations, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is December 1, 1983, and the latest date for completion is December 1, 1985. The permit shall expire on the latest date for completion of the facility.

A copy of: (1) the Partial Initial Decision for Units 1 and 4, dated July 30, 1975; (2) Initial Decision for Units 1 and 4, dated December 22, 1975; (3) the Supplemental Initial Decision, dated February 16, 1978; (4) Construction Permit No. CPPR-174; (5) the Commission's staff Safety Evaluation Report, dated May 1975; (6) the Preliminary Safety Analysis Report and amendments thereto; (7) the applicant's Environmental Report, dated July 10, 1974; and (9) the Final Environmental Statement, dated March 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Richland Public Library, Swift and Northgate Streets, Richland, Wash. A copy of the construction permit may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.





Copies of the Safety Evaluation Report and supplements thereto (Document No. NUREG-75/036, Supplement No. 1 and Supplement No. 2, respectively) and the Final Environmental Statement (Document No. NUREG-75/012) may be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 21st day of February 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
*Chief, Light Water Reactors Branch No. 3, Division of Project Management.*

[FR Doc. 78-5128 Filed 2-27-78; 8:45 am]

[7555-02]

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Energy.

DATE: March 15-16, 1978.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. William J. Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOE is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9 a.m. to 4 p.m. The meeting will be used to discuss the final report of the Group and work at drafting revisions.

WILLIAM J. MONTGOMERY,
*Executive Officer.*

[FR Doc. 78-5291 Filed 2-27-78; 8:45 am]

[4710-02]

## DEPARTMENT OF STATE

### Agency for International Development

### ANNUAL REVIEW OF ADVISORY COMMITTEES

### Request for Public Recommendations and Comments

The Agency for International Development is currently conducting the Annual Comprehensive Review of the Federal Advisory Committees for which it has responsibility. The purpose of this review is to determine whether to continue, merge, terminate or revise the responsibilities of any of these advisory committees.

Current AID advisory committees are: the Advisory Committee on Voluntary Foreign Aid; the AID Research Advisory Committee; and the Board for International Food and Agricultural Development.

The Agency seeks public participation in the annual review process, and in pursuit of this objective, is inviting comments and recommendations from all interested persons and groups regarding any of these advisory committees. Comments should be submitted to AID in writing no later than March 10, 1978, and should be addressed to: Richard F. Calhoun, Advisory Committee Management Officer, Agency for International Development, Office of Management Planning, Washington, D.C. 20523.

Dated: February 22, 1978.

D. G. MACDONALD,
*Assistant Administrator, Bureau for Program and Management Services.*

[FR Doc. 78-5174 Filed 2-27-78; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 598]

### ASSIGNMENT OF HEARINGS

FEBRUARY 23, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-13311, Whitfield transportation, Inc.—Purchase—Idaho Falls transfer & Storage Co., and MC 108461 (Sub-No. 128), Whitfield Transportation, Inc., now being assigned April 18, 1978 (14 days), at Boise, ID, in a hearing room to be later designated.

MC 117993 (Sub-No. 8), Fruitbelt Trucking, Inc., is now assigned for hearing April 18, 1978 (1 day), at Chicago, IL, at a hearing room to be later designated.

MC 119792 (Sub-No. 65), Chicago Southern Transportation, Inc., is now assigned for hearing April 19, 1978 (1 day), at Chicago, IL, at a hearing room to be later designated.

MC 119741 (Sub-No. 84), Green Field Transport Co., Inc., is now assigned for hearing April 20, 1978 (2 days), at Chicago, IL, at a hearing room to be later designated.

MC 135236 (Sub-No. 17), Logan Trucking, Inc., is now assigned for hearing April 24, 1978 (1 week), at Chicago, IL, at a hearing room to be later designated.

MC 115828 (Sub-No. 271), W. J. Digby, Inc., is now assigned for hearing March 7, 1978, at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal Courthouse, 350 South Main Street.

MC 125433 (Sub-No. 111), F-B Truck Line Co., a corporation, is now assigned for hearing March 8, 1978, at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal courthouse, 350 South Main Street.

MC-F-13219, Dodds Truck Line, Inc.—Purchase—Bennett Truck Line, Inc.; MC-F-13305, *Freightways Express, Inc.* v. *Dodds Truck Line, Inc., et al.*, and MC 79434, Bennett Truck Line, Inc., are assigned for continued hearing April 6, 1978 (2 days), at Little Rock, AR, at a hearing room to be later designated.

MC 111594 (Sub-No. 77), CW Transport, Inc., now being assigned April 11, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 128270 (Sub-No. 23), Rediehs Interstate, Inc., now being assigned April 17, 1978 (1 week), at Chicago, IL, in a hearing room to be later designated.

MC 531 (Sub-No. 351), Younger Brothers, Inc., now being assigned April 12, 1978 (3 days), at Chicago, IL, in a hearing room to be later designated.

MC 139495 (Sub-No. 263), National Carriers, Inc., now being assigned April 11, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 109736 (Sub-No. 37), Capitol Bus Co., now being assigned May 1, 1978 (1 week), at Harrisburg, PA, in a hearing room to be later designated.

MC 43867 (Sub-No. 37), A. Leander McAlister Trucking Co., now being assigned April 25, 1978 (2 days), at Denver, CO, in a hearing room to be later designated.

MC 118159 (Sub-No. 217), National Refrigerated Transport, Inc., now being assigned May 1, 1978 (1 day), at Omaha, NE, in a hearing room to be later designated.

MC 110563 (Sub-No. 202), Coldway Food Express, Inc., now being assigned May 2, 1978 (1 day), at Omaha, NE, in a hearing room to be later designated.

MC 124211 (Sub-No. 303), Hilt Truck Lines, Inc., now being assigned May 3, 1978 (1

day), at Omaha, NE, in a hearing room to be later designated.
MC 124947 (Sub-No. 70), Machinery Transports, Inc., now being assigned May 4, 1978 (1 day), at Omaha, NE, in a hearing room to be later designated.
MC 134922 (Sub-No. 239), B. J. McAdams, Inc., now being assigned May 5, 1978 (1 day), at Omaha, NE, in a hearing room to be later designated.
MC 107839 (Sub-No. 173), Denver-Albuquerque Motor Transit Transport, Inc.; MC 111375 (Sub-No. 85), Pirkle Refrigerated Freight Lines, Inc.; MC 112822 (Sub-No. 426), Bray Lines, Inc.; MC 113678 (Sub-No. 669), Curtis, Inc.; MC 115826 (Sub-No. 268), W. J. Digby, Inc.; MC 129387 (Sub-No. 31), Payne Transportation, Inc.; MC 134286 (Sub-No. 26), Illini Express, Inc.; MC 138018 (Sub-No. 36), Refrigerated Foods, Inc.; and MC 140024 (Sub-No. 73), J. B. Montgomery, Inc., now being assigned for continued hearing on April 27, 1978 (2 days), at Denver, CO, in a hearing room to be later designated.
FF-498, Chapman Freight Forwarding, Inc., is now assigned for hearing April 17, 1978 (2 weeks), at Phoenix, AZ, and will be held in Room 235, Federal Building and Post Office, 522 North Central Avenue.
MC-F-13348, Delta California Industries—Control—Thunderbird Southwest Corp. and Thunderbird Freight Lines, Inc., is now assigned for hearing April 12, 1978 (3 days), at Phoenix, AZ, and will be held in Room 235, Federal Building and Post Office, 522 North Central Avenue.
MC 83539 (Sub-No. 471), C&H Transportation Co., Inc., and MC 125433 (Sub-No. 118), F-B Truck Line Co., Inc., are now assigned for hearing April 10, 1978 (2 days), at Phoenix, AZ, and will be held at Room 235, Federal Building and U.S. Post Office, 522 North Central Avenue.
MC 117313 (Sub-No. 8), Tryon Trucking, Inc., now being assigned May 2, 1978 (2 days), at Philadelphia, PA, in a hearing room to be later designated.
MC 80289 (Sub-No. 14), Red Line Furniture Carriers, Inc., now being assigned May 1, 1978 (1 day), at Philadelphia, PA, in a hearing room to be later designated.
MC 141776 (Sub-No. 12), Foodtrain, Inc., now being assigned May 4, 1978 (2 days), at Philadelphia, PA, in a hearing room to be later designated.
MC 109689 (Sub-No. 317), W. S. Hatch Co., now being assigned March 9, 1978 (2 days), at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal Courthouse, 350 Main Street.
MC 139882 (Sub-No. 4), Glen M. Barney, d.b.a. Barney & Sons, is now assigned March 9, 1978, at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal Courthouse, 350 Main Street.
MC 139885 (Sub-No. 4), Art Robinson, d.b.a. Art Robinson & Sons, is now assigned March 9, 1978, at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal Courthouse, 350 Main Street.
MC 143379 (Sub-No. 2), Cox Transport Corp., is now assigned March 9, 1978, at Salt Lake City, UT, and will be held at Room 479, U.S. Post Office and Federal Courthouse, 350 Main Street.
MC 123872 (Sub-No. 78), W&L Motor Lines, Inc., is now assigned for prehearing conference March 7, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.
MC 142211 (Sub-No. 2), Eastern Panhandle Transit Authority—"Pantran," now being assigned May 9, 1978 (2 days), at Martinsburg, WV, in a hearing room to be later designated.
MC 8600 (Sub-No. 35), Werner Continental, Inc., is now assigned for hearing May 2, 1978 (1 day), at Chicago, IL, at a hearing room to be later designated.
MC 119741 (Sub-No. 86), Green Field Transport Co., Inc., is now assigned for hearing May 3, 1978 (1 day), at Chicago, IL, at a hearing room to be later designated.
MC 133655 (Sub-No. 99), Trans-National Truck, Inc., is now assigned for hearing May 4, 1978 (2 days), at Chicago, IL, at a hearing room to be later designated.
MC 142299 (Sub-No. 2), Truck Rail Truck Service Co., Inc., is now assigned for hearing May 8, 1978 (1 week), at Chicago, IL, at a hearing room to be later designated.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-5271 Filed 2-27-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252, ICC Order No. 50]

THE CHESAPEAKE & OHIO RAILWAY CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chesapeake & Ohio Railway Co. is unable to transport traffic over its line between Ashland, Ky., and Elkhorn City, Ky., because of damage to a bridge at Louisa, Ky.

*It is ordered,* That: (a) *Rerouting traffic.* The Chesapeake & Ohio Railway Co., being unable to transport traffic over its line between Ashland, Ky., and Elkhorn City, Ky., because of damage to a bridge at Louisa, Ky., is authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake & Ohio Railway Co., in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake & Ohio Railway Co., when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said dividions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:50 p.m., February 15, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 15, 1978.

Interstate Commerce Commission,
Joel E. Burns,
*Agent.*

[FR Doc. 78-5274 Filed 2-27-78; 8:45 am]

[7035-01]

[Rev. Service Order No. 1252; ICC Order No. 43, Amdt. No. 3]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

To all railroads:

Upon further consideration of ICC Order No. 43 (Chicago, Milwaukee, St. Paul & Pacific Railroad Co. and good cause appearing therefor:

*It is ordered,* That: ICC Order No. 43 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., February 17, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 16, 1978.

Interstate Commerce Commission,
Joel E. Burns,
*Agent.*

[FR Doc. 78-5273 Filed 2-27-78; 8:45 am]





[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

February 23, 1978.

This application for long- and short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43510, Farrell Lines, Inc.'s No. 1, on intermodal rates on general commodities, between ports in Africa and rail terminals on the U.S. Pacific Coast by way of U.S. Atlantic Coast ports, in its tariffs ICC Nos. 1 and 2, to become effective March 19, 1978. Grounds for relief—water competition.

By the Commission.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-5270 Filed 2-27-78; 8:45 am]

[7035-01]

[Docket No. AB-83 (Sub-No. 2)]

MAINE CENTRAL RAILROAD CO.

Abandonment Between Livermore Falls and Farmington, in Androscoggin and Franklin Counties, ME; Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 21, 1977, and the order of the Commission, Division 3, served November 10, 1977, as modified, adopted the report and order of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Maine Central Railroad Co. of a line of railroad between milepost 68.2 in Livermore Falls, ME, and the end of the branch line at milepost 84.34 in the town of Farmington, ME, a distance of 16.14 miles. A certificate of abandonment will be issued to the Maine Central Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc. 78-5268 Filed 2-27-78; 8:45 am]

[7035-01]

[Notice No. 17TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

February 13, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 36918 (Sub-No. 5TA) (Correction), filed January 12, 1978, published in the Federal Register issue of February 6, 1978, and republished as corrected this issue. Applicant: FASTWAY TRANSPORTATION, INC., 151 D Morristown Road, P.O. Box 383, Matawan, NJ 07747. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from the facilities of International Paper Co., at or near Ticonderoga and Corinth, NY, to points in the New York, NY commercial zone and Nassau and Suffolk Counties, NY, and points in NJ, PA, DE, MD, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., Manager Motor Carrier/Barge Rates, Room 1616, 220 East 42nd Street, New York, NY 10017. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 43038 (Sub-No. 471TA), filed January 31, 1978. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071, and E. Phillips Malone, 3800 Frederica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* except trailers, in truckaway service, from Baton Rouge and Port Allen, LA, to points in the States of IA and NE, for 180 days. Supporting shipper: Mazda Motors of America (Central), Inc., P.O. Box





66512, AMF O'Hare, Chicago, IL

service authorized herein is restricted



No. MC 104523 (Sub-No. 67TA), filed

Second Street, P.O. Box 287, Madison, SD 57042. Applicant's representative:

CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX

SON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, MN

66512, AMF O'Hare, Chicago, IL 60666, David D. Watson, Distribution and Traffic Manager. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 63417 (Sub-No. 123TA) (Correction), filed January 4, 1978, published in the FEDERAL REGISTER issue of February 6, 1978, and republished as corrected this issue. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn or fibres*, from Valley Head, AL, to the facilities of Martin Processing, Inc., at or near Fieldale, VA, for 180 days. Supporting shipper(s): Martin Processing, Inc., Fieldale, VA 24089. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 63417 (Sub-No. 125TA), filed January 31, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from the plantsite of Rock Wool Manufacturing Co., Leeds, AL, to points in FL east of the Apalachicola River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rock Wool Manufacturing Co., P.O. Box 3332-A, Birmingham, AL 35205. Send protests to: Irene W. Yost, Secreary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 67224 (Sub-No. 3TA) (Correction), filed December 27, 1978, published in the FEDERAL REGISTER issue of February 6, 1978, and republished as corrected this issue. Applicant: DALEY TRANSFER & STORAGE CO., INC., 401 North Arthur, P.O. Box 1188, Amarillo, TX 79105. Applicant's representative: Mae Bledsoe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Parmer, Bailey, Deaf Smith, Randall, Armstrong, Oldham, Potter, Caron, Hartley, Moore, Hutchinson, Dallam, Sherman, and Hansford counties in the state of TX; and Cimarron and Texas Counties in the state of OK. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporing shipper(s): Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, DC 20130. Send protests to: Haskell E. Ballard, District supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 76032 (Sub-No. 333TA), filed January 25, 1978. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (a) *Wooden cabinets and juvenile furniture*, and (b) *materials, equipment, and supplies* used in the manufacture of those commodities named in (a) above. Serving the facilities of Smith Cabinet Manufacturing Co., located at or near Salem, IN, as an off-route point in connection with carrier's operations via Louisville, KY, and/or Paoli, IN. Carrier intends to tack the authority here applied for to another authority held by it, for 180 days. Applicant has also filed an underlaying ETA seeking up to 90 days of operating authority. Supporting shipper: Smith Cabinet Manufacturing Co., East Market Street, Salem, In 47167. Send protests to: Herbert C. Ruoff, District supervisor, Interstate commerce Commission, 492 U.S. customs House, 721 19th Street, Denver, CO 80202.

No. MC 103051 (Sub-No. 422TA), filed January 31, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mustard*, in bulk, in tank vehicles, from Brundidge and Troy, AL, to Doraville, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brundidge Foods, Inc., Brundidge, AL. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 104523 (Sub-No. 67TA), filed January 30, 1978. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 87, 235 Maple Street, Friend, NE 68359. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite and bentonite* (except commodities in bulk in tank vehicles), from Missoula, MT; Belle Fourche, SD; and Upton and Lovell, WY, to points in Priarie County, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gil F. Sander, Office Manager, Davis Mud & Chemical, Inc., P.O. Box 366, Great Bend, KS 67530. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 113267 (Sub-No. 356TA), filed January 27, 1978. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs for human consumption*, in mechanically refrigerated equipment (except commodities in bulk in tank vehicles), from the facilities of Kraft, Inc., at Decatur, GA, to points in AL, LA, and MS, for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 114569 (Sub-No. 208TA), filed January 30, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Timberville, VA, to Portland, OR, and Spokane and Seattle, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shipper: American Sugar Division of Amstar Corp., 1251 Avenue of Americas, New York, NY 10020. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 114632 (Sub-No. 132TA), filed January 16, 1978. Applicant: APPLE LINES, INC., 212 Southwest





Second Street, P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the facilities of Schrafft Candy Co. at or near Boston, MA, to points in AZ, AR, CA, CO, ID, LA, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. F. Schrafft & Sons Corp., 529 Main Street Charlestown, Boston, MA 02129, S. R. Sciuto, Director of Distribution. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 116300 (Sub-No. 31TA), filed January 17, 1978. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Applicant's representative: John A Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and fish food*, in packages, from Belzoni, MS, to all points in TX and LA, except New Orleans and points in the New Orleans commercial. Applicant intends to serve points in the commercial zones of all cities, except as noted, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Mills, Inc., P.O. Drawer S, Red Bay, AL 35582. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 119493 (Sub-No. 182TA), filed January 13, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, fertilizer, and ingredients*, from Chanute and Buffalo, KS, to points in the United States in and east of MT, WY, CO, and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Super Supplement, Inc., 612 Commerce Bank Building, 922 Walnut Street, Kansas City, MO 64106. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, BOp, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119789 (Sub-No. 417TA), filed January 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment and parts* (except new household appliances), from facilities of Sangamo Weston, Inc., at or near Westminster, and Pickens, SC, to Kansas City, KS, and points in AZ, AR, CA, CO, ID, IN, MN, MI, MO, MT, NM, OK, TX, UT, WA, WI, WY, and OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sangamo Weston, Inc., P.O. Box 75, West Union, SC 29696. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 123255 (Sub-No. 134TA), filed January 16, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, from the points of entry between the United States and Canada at Port Huron and Detroit, MI, and Buffalo, NY, on the one hand, and, on the other, points in the States of IL, IN, IA, KY, MI, MN, MO, OH, WV, and WI, and those portions of PA and NY on and west of U.S. Hwy 219. Restricted to traffic originating in Canada, for 180 days. Supporting shipper: Dow Chemical U.S.A., Eastern/Central Divisions, P.O. Box 36000, Strongsville, OH 44136. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 129401 (Sub-No. 9TA), filed January 12, 1978. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Applicant's representative: Theodore Polydoroff, Suite 690, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber automotive accessories*, from the plantsite of Rubbermaid Specialty Products, Inc., LaGrange, GA, to points in AZ, CA, OR, TX, and WA, under contract with Rubbermaid Specialty Products, Inc., Redding Drive, LaGrange, GA 30240. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 133666 (Sub-No. 21TA), filed January 23, 1978. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, MN 56296. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Alexandria, MN, to points in ND and SD for 180 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133689 (Sub-No. 165TA), filed January 16, 1978. Applicant: OVERLAND EXPRESS, INC., 710 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, liquid, brown* (except in bulk), from Timberville, VA, to points in OH, IN, MI, IL, IA, NE, MO, MN, WI, KY, TN, NC, GA, SC, AL, for 180 days. Supporting shipper: Amstar Corp., 1251 Avenue of the Americas, New York, NY 10020. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133689 (Sub-No. 169TA), filed January 25, 1978. Applicant: OVERLAND EXPRESS, INC., 710 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Baltimore, MD, and Philadelphia, PA, to points in IL, IN, OH, and MI, for 180 days. Supporting shipper: Amstar Corp., 1251 Avenue of the Americas, New York, NY 10020. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133937 (Sub-No. 24TA), field January 30, 1978. Applicant: CAROLINA CARTAGE CO., INC., 1486 Willingham Drive, East Point, GA 30320. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethlene bags, flats, racks, and packs,

between points and places in GA, for 180 days. Supporting shippers: There are approximately (13) statements of support attached to the application which may be examined at the filed office named below. Send protests to: Sara K. Davis, Transportation Assistant, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 136343 (Sub-No. 126TA), filed January 27, 1978. Applicant: MILTON TRANSPORTATION, INC., Box 355, R.D. No. 1, Milton, PA 17847. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., division of H. J. Heinz Co., at Fremont, OH, to points in that part of NY State on and south of Interstate 84, points in NJ on and north of NY hwy 33, points in MA, CT, RI, ME, and NH and King of Prussia, Oaks, and Philadelphia, PA. Restricted to traffic originating at the named origin and desinted to the named destinations, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Heinz U.S.A., division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

No. MC 136511 (Sub-No. 13TA), filed January 30, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and clocks*, from Knoxville, TN, to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NV, NM, TX and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Silver Manufacturing, Inc., P.O. Box 2748, Knoxville, TN 37901. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 136511 (Sub-No. 14TA), filed January 30, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Henry and Smyth Counties, VA, to points in TX and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: American Furniture Co., Inc., Martinsville, VA 24112. Hooker Furniture Corp., Martinsville, VA 24112. Levitz Furniture Corp., 1317 Northwest 167th Street, Miami, FL 33169. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 136511 (Sub-No. 15TA), filed January 30, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, (1) from Henry County, VA, to points in CO, NM, WY, MT and ID; (2) from Smyth County, VA, to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NV and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: American Furniture Co., Inc., Martinsville, VA 24112. Hooker Furniture Corp., Martinsville, VA 24112. Levitz Furniture Corp., 1317 Northwest 167th Street, Miami, FL 33169. Send protests to: Irene W. Yost, Secretary, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC 136650 (Sub-No. 3TA), filed January 30, 1978. Applicant: FOOTE & DAVIES TRANSPORT CO., 3101 McCall Drive, Doraville, GA 30340. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dated printed matter;* from the warehouse and storage facilities utilized by Magazine Shippers Association, Inc., at or near Bridgeport, CT, to points in the states of GA, NC, FL, AL, MS, LA and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Magazine Shippers Association, Inc., 955 Union Avenue, Bridgeport, CT 06607. Send protests to: Sara K. Davis, Transportation Assistant, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 138026 (Sub-No. 13TA), filed January 20, 1978. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, 8060 East Florence Avenue, Downey, CA 92335. Applicant's representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid propylene*, in bulk, in shipper owned trailers, from the plantsite of Union Carbide Corp., at Torrance, CA, to Pierce County, WA, Multnomah County, OR, Maricopa County, AZ, and Salt Lake County, UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corp., One California Street, San Francisco, CA 94111. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138404 (Sub-No. 10TA), filed January 31, 1978. Applicant: DALE FOWLER & MERLE THRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Spragueville, IA 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and scrap*, from processing of cattle into meat, except in bulk, from Maquoketa, IA, to points in IA, IL, IN, KY, MI, MN, MO, OH, PA, WV, WI, ME, NH, NY, MA, VA, TN, SC, NC, FL, VT, and DE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hide Co., 305 Jacobson Drive South, Maquoketa, IA 52060. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 139246 (Sub-No. 4TA), filed January 30, 1978. Applicant: LEON JONES FEED AND GRAIN, INC., Route 3, Cumming, GA 30130. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish byproducts, fish meal, fish crap, and fish solubles*, from Beaufort, Morehead City and Southport, NC, to points in AL, GA, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Products of North Carolina, Inc., P.O. Box 389, Kilmarnock, VA 22482. Send protests to: Sara K. Davis, Transportation Assistant, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 139495 (Sub-No. 304TA), filed January 16, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East Eighth Street, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and door hardware, accessories and parts*, from the facilities of Jim Walter Doors, a division of the Celotex Corp., at Century, FL, to points in AZ, CA, CO, ID, IA, MN, NE, NV, OR, UT, WA, WI, and WY, for 180 days. Supporting shipper: Jim Walker Doors, division of Celotex Corp., P.O. Box 22602, Tampa, FL 33622. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.





No. MC 140880 (Sub-No. 2TA), filed January 12, 1978. Applicant: HUGH J. RITCHIE & GEORGE KROCOS, doing business as TRUCKIT, 6463 East Canning Street, Los Angeles, CA 90040. Applicant's representative: Hugh J. Ritchie, P.O. Box 89, Maywood, CA 90270. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry compounds and supplies* (except commodities in bulk), (a) from Hammond, IN, and Cleveland, OH, to City of Commerce, CA; for the account of Ashland Chemical Co., Columbus, OH, (b) from points in IL, MI, MO, NJ, NY, OH, and PA to points in CA, ID, OR, and WA; for the account of Robert A. Barnes, Inc., Seattle, WA, for 180 days. Supporting shippers: Robert A. Barnes, Inc., 151 South Michigan Street, Seattle, WA 98108. Ashland Chemical Co., P.O. Box 2219, Columbus, OH 43216. Send protests to: Edward P. Henry, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 140986 (Sub-No. 4TA) (Correction) filed December 19, 1977, published in the FEDERAL REGISTER issue of January 24, 1978, and republished as corrected this issue. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, NJ 07857. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, except in bulk, and materials and supplies used in the sale and distribution thereof on return, from Butler, PA, to points in the United States, under a continuing contract or contracts with Cozy Coal Co., Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cozy Coal Co., Inc., 2606 Middle Country Road, Center Reach, NY 11720. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102. The purpose of this republication is to correct the origin.

No. MC 141356 (Sub-No. 6TA), filed January 20, 1978. Applicant: LONE PINE TRUCKING CO., a California corporation, 11831 Vose Street, North Hollywood, CA 90701. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Agneles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale and bentonite*, in bulk, from the mine and plantsites of Lightweight Processing Co., located at or near Lake of the Woods, Frazier Park and Ventura, CA, to points in OR and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lightweight Processing, Co., 715 North Central Avenue, Glendale, CA 91203. Send protests to: Edward P. Henry, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 143152 (Sub-No. 4TA), filed January 31, 1978. Applicant: BILLY R. HODGE, doing business as HODGE TRUCKING CO., Box 386, Hoxie, AR 72433. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural Micro-Nutrient Fertilizer and fertilizer ingredients*, in bags, from the plantsites of Frit Industries in Walnut Ridge, AR, to points and places in TX, OK, KS, MO, NE, IA and IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frit Industries, Inc., P.O. Box 149, Industrial Park, Walnut Ridge, AR 72476. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 143503 (Sub-No. 8TA) (Correction), filed January 13, 1978, published in the FEDERAL REGISTER issue of February 6, 1978, and republished as corrected this issue. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between the facilities of the May Department Stores Co. in or near Washington, DC; Prince Georges, Montgomery, Anne Arundel, Howard, and Baltimore Counties and Baltimore City, MD; and Fairfax and Arlington Counties, VA; on the one hand, and, on the other, points in Washington, DC; Frederick, Clarke, Loudon, Fairfax, Arlington, Prince William, Fauquier, Stafford, King George, Spotsylvania, Orange, Madison, Culpeper, Rappahannock, and Shenandoah Counties, VA; and MD except Garrett and Allegany Counties, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The May Department Stores Co., 611 Olive Street, St. Louis, MO 63101. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los angeles, CA 90012.

No. MC 143515 (Sub-No. 4TA), filed January 31, 1978. Applicant: P & W CHARTER SERVICE, INC., 2710 S. 34th Avenue, Yakima, WA 98902. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Illegal aliens*, and their baggage consisting of illegal aliens in custody of the U.S. Immigration and Naturalization Service when being removed from the United States, from points in WA and OR to Calexico, CA, in one way charter operation, for 180 days. Supporting shipper: U.S. Immigration & Naturalization Service, 815 Airport Way South, Seattle, WA 98134. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 144097TA (second correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of February 6, 1978 and republished as corrected this issue. Applicant: PATRICK D. BEAVER, d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, MA 01915. Applicant's representative: Francis P. Barrett, Barrett and Barrett, 60 Adams Street, P.O. Box 238, Milton, ME 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural wood, structural wood products and commercial and fabricated metal hardware* when moving products, from North Billerica, MA to points in the United States in and east of WI, IL, TN, KY and MS, under a continuing contract, or contracts, with Wood Fabricators, Inc., for 180 days. Supporting shippers(s): Wood Fabricators, Inc., Iron Horse Park, N. Billerica, ME 01862. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to correct the address of the applicant which should be: Beverly, Ma.

No. MC 144114 (Sub-No. 1TA), filed January 13, 1978. Applicant: ELMER KINCAID AND SHIRLEY DAVIDSON, d.b.a. E & S TRUCKING CO., Box 45, Thorn Hill, TN 39881. Applicant's representative: Shirley Davidson, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Bell, Clay, Harlan, Knox, Laurel, and Whitley Counties in KY and Anderson, Campbell, Grainger, Morgan and Scott Counties in TN to Bumcombe, Haywood, McDowell, Transylvania and Swain Counties in NC, under a continuing contract or contracts with Elmer Kincaid Coal Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elmer Kincaid Coal Co., Inc., Thorn Hill, TN 37881. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422—U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 144226TA, filed January 26, 1978. Applicant: DAVID DEMASTER, Route 1, Cedar Grove, WI 53013. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet, spent, brewer's grains* (1) from the facilities of Pabst Brewing Co. at Milwaukee, WI, to IL and (2) from the facilities of G. Heileman Brewing Co. at LaCrosse, WI, to MN, IA and IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miracle Feeds, Inc., 518 Mill Street, Burlington, WI 53105, (L. J. Keeling). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 144227TA, filed January 26, 1978. Applicant: CARMIL, INC., Hershey, NE 69143. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (except liquid commodities in bulk), from the facilities of Farmland Industries at or near Sergeant Bluff, IA to points in CO, for 180 days. Supporting shipper: Julius Pluss, Manager, Pluss Poultry, 4041 Colorado Boulevard, Denver, CO 80216. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144228TA, filed January 25, 1978. Applicant: BAGLE TRANSPORT LINES, INC., 9632 Palo Pinto Road, Ft. Worth, TX 76116. Applicant's representative: Harry F. Horak, 5001 Brentwood Stair Road, Room 109, Ft. Worth, TX 76112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and lamp parts*, in truckload lots, between Arlington, TX; Chicago, IL; Los Angeles, CA; Miami, FL; and Philadelphia, PA, under a continuing contract or contracts with Angelo Bros. Co., for 180 days. Supporting shipper: Angelo Bros. Co., 10981 Decatur Road, Philadelphia, PA. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

No. MC 144240TA, filed January 30, 1978. Applicant: D. R. WISMER, d.b.a., Bayside Limousine Service, P.O. Box 4732, Beaufort, SC 29902. Applicant's representative: D. R. Wismer, 817 Azalea, Beaufort, SC 29902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, between points in Beaufort County, SC, on the one hand, and, on the other, Savannah, GA, and the Savannah, Georgia Airport, for 180 days. Supporting shippers: Bank of Beaufort Travel Agency, P.O. Box 1047, Beaufort, SC, Beaufort County Chamber of Commerce, P.O. Box 910, Beaufort, SC 29902. Send protestst to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 144241TA, filed January 18, 1978. Applicant: EXPRESS MARCO, INC., 336 Main Street, East-Broughton (Beauce) QUE GON 1GO. Applicant's representative: Nicolas Cliche, 836, avenue du Palais, St-Joseph de Beauce QUE 2VO. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from ports of entry on the International Boundary lines between the United States and Canada located at or near Jackman, ME, Derby Line, VT, Champlain and Ogdensburg, NY, and Detroit and Sault Ste-Marie, MI, to points in all of the United States (except AK and HI), and materials and supplies used in the manufacturing of plywood in the reverse direction, restricted to transportation performed under continuing contract or contracts with Placage Roy, Inc., for 180 days. Supporting shipper: Placage Roy Inc., Notre Dame Street, Tring (Beauce) QUE. Send protests to: District Supervisor, Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

No. MC 144242TA, filed January 31, 1978. Applicant: N/S EXECUTIVE COURIER SERVICE, INC., 498 Nassau Road, Roosevelt, NY 11575. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetic tapes and payroll cards*, between Holtsville, NY, and U.S. Postal Air Facility, LaGuardia airport, NY, restricted to shipments having an immediately prior or subsequent movement by air, under a continuing contract or contracts with Internal Revenue Service, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Internal Revenue Service, P.O. Box 902, Church Street Station, New York, NY 10008. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5275 Filed 2-27-78; 8:45 am]

[7035-01]

[Docket No. AB-163 (Sub-No. 1)]

**RARITAN RIVER RAIL ROAD CO.**

**6Abandonment Near Sayreville Junction in Middlesex County, NJ; Notice of Findings**

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated February 16, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 76 (1977), the present and future public convenience and necessity permit the abandonment by The Raritan River Rail Road Co. of its Sayreville Branch, a distance of approximately 1.61 miles of track located entirely within the Borough of Sayreville, Middlesex County, State of New Jersey. A certificate of public convenience and necessity permitting abandonment was issued to The Raritan River Rail Road Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the





carrier shall make available to the offeror the record, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5269 Filed 2-27-78; 8:45 am]

[7035-01]

[Notice No. 10]

**SPECIAL PROPERTY BROKERS**

FEBRUARY 23, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If any applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-3, filed October 31, 1977. Applicant: B & Y ELECTRONIC MOVERS, INC., 617 W. Central Boulevard, Orlando, Fla. 32804. Applicant's representative: John A. Sutton, P.O. Box 367, Orlando, Fla. 32802.

B-77-33, filed December 9, 1977. Applicant: LITTLE BROWNIE BROKER, INC., 5322 Burning Tree Drive, Orlando, Fla. 32811. Applicant's representative: James E. Wharton, Metcalf Building, Suite 811, 100 South Orange Avenue, Orlando, Fla. 32801.

B-78-8, filed January 23, 1978. Applicant: DATA TRANSPORTATION CO., INC., 3015 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: Norman S. Marshall, 1335 So. Figueroa Street, Los Angeles, Calif. 90015.

B-78-9, filed January 23, 1978. Applicant: DATA DISTRIBUTION CENTER COMPANY, INC., 3015 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: Norman S. Marshall, 1335 So. Figueroa Street, Los Angeles, Calif. 90015.

B-78-15, filed February 17, 1978. Applicant: INTERNATIONAL EXPORT PACKERS, INC., 4600 Eisenhower Avenue, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006.

By the Commission.

H. G. HOMME, Jr.,
*Acting Secretary.*

[FR Doc. 78-5272 Filed 2-27-78; 8:45 am]





# sunshine act meetings



Schall, Boudreau & Gore, Inc., San Diego, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Reports of security transactions, authority to sell securities held by the Corporation, and personnel matters.

tional Bank of Chattanooga, Chattanooga, Tenn.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320—01]

1

[M-101, Amdt. 3, Feb. 2, 1978]

NOTICE OF ADDITION OF ITEM TO THE FEBRUARY 23, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

Subject: 10a. Docket 32105, reduced fares proposed by Texas International (Memo No. 7781, BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Delta's complaint was received after the Board's staff had submitted their list of items for the February 23, 1978 calendar. Texas International's answer was received February 21. The Board must act by February 28. Accordingly, the following Members have voted that agency business requires the addition of this item to the agenda of February 23, 1978 and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-435-78 Filed 2-24-78; 9:36 am]

[6320-01]

2

[M-101, Amdt. 2, Feb. 22, 1978]

NOTICE OF DELETION OF ITEM FROM THE FEBRUARY 23, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 5. Docket 30332, IATA Agreement proposing increase in North/Central Pacific cargo rates.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff work for Item 5 has not been completed in time for the Board Members to review it prior to the February 23, 1978 meeting because of intervening priority work assignments. Accordingly, the following Members have voted that agency business requires the deletion of Item 5 from the February 23, 1978 agenda on less than seven days' notice and that no earlier announcement of the deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-436-78 Filed 2-24-78; 9:36 am]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., March 2, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

*Application for Federal deposit insurance*

Maya Bank, a proposed new bank to be located on the southwest corner of the intersection of Palomar Street and Industrial Boulevard, Chula Vista, Calif., for Federal deposit insurance.

*Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks*

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8)).

*Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets*

Case No. 43,413-NR—United States National Bank, San Diego, Calif.

Case No. 43, 414-1—American City Bank & Trust Co., National Association, Milwaukee, Wis.

*Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks*

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

*Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.*

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c),(2), (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-436-78 Filed 2-24-78; 9:36 am]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., March 2, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings

*Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets*

Case No. 43,420-L—The Drovers' National Bank of Chicago, Chicago, Ill.

*Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities*

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Schall, Boudreau & Gore, Inc., San Diego, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Parsons, Canzona, Blair & Warren, Red Bank, N.J., in connection with the liquidation of the Bank of Bloomfield, Bloomfield, N.J.

Casey, Lane & Mittendorf, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

*Recommendations with respect to the amendment of Corporation rules and regulations*

Memorandum and resolution proposing the final adoption of amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests and Submittals," so as to expand the authority of the Director of the Division of Bank Supervision and the Regional Directors to (1) consider requests for extensions of time within which to perform acts or conditions required by prior action on bank applications and (2) approve branch applications by mutual or guaranty savings banks.

Memorandum and resolution proposing the final adoption of amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, and Submittals," so as to delegate to the Director of the Division of Bank Supervision the Authority to grant applications for the supension of time deposit withdrawal penalties for depositors who have suffered disaster-related losses in presidentially-declared disaster areas.

Memorandum and resolution proposing the final adoption of amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to exempt from deposit treatment, for interest rate purposes, a nonmember bank's liability on its promissory notes that evidence purchases of funds from the United States Treasury.

Memorandum and resolution proposing the final adoption of a new Part 338 of the Corporation's rules and regulations, entitled "Fair Housing Advertising Poster, and Recordkeeping Requirements."

*Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records*

*Resolution creating an Office of Congressional Relations and establishing the office's organization and Manning Table.*

*Memorandum proposing a change in the grade level and title of the Legal Division's Administrative Officer position*

*Reports of committees and officers*

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Chief, Division of Liquidation, detailing all disbursements in excess of $10,000 and all sales of real estate properties, for the period December 16, 1977 through February 16, 1978, in connection with the liquidation of the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-438-78 Filed 2-24-78; 9:36 am]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published February 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 1, 1977.

CHANGE IN THE MEETING: The following items have been added:

*Item No., Docket No., and Company*

ER-2.—ER76-678, Maine Electric Power Co.

ER-3.—ES78-8, El Paso Electric Co.

CI-3.—CI77-657, American Natural Gas Production Co., et al.

KENNETH F. PLUMB,
*Secretary.*

[S-441-78 Filed 2-24-78; 2:08 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published February 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. March 1, 1978.

CHANGE IN THE MEETING: The following item has been added:

*Item No., Docket No., and Company*

M-2.—"Energy Actions" and Proposed Regulations under Section 404 of the DOE Act.

KENNETH F. PLUMB,
*Secretary.*

[S-442-78 Filed 2-24-78; 3:30 am]

[6210-01]

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, March 6, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed adoption of an amendment to Regulation Y (Bank Holding Companies) to establish a record system for municipal securities principals or representatives associated with bank holding companies. (Proposed earlier for public comment; docket No. R-0090).

DISCUSSION AGENDA

1. Proposed statement to be presented to the Senate Committee on Banking, Housing and Urban Affairs regarding S. 72, a bill entitled the "Competition in Banking Act of 1977".

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 24, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[S-439-78 Filed 2-24-78; 3:30 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Weeks of February 20 and 28, 1978 (additional items).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

THURSDAY, FEBRUARY 23; 3 P.M.

Affirmation of Memorandum of Understanding with the Department of Energy. (Approximately 5 minutes—public meeting.)

TUESDAY, FEBRUARY 28; 2 P.M.

Briefing by Battelle on Spent Fuel Storage. (Approximately 1 hour—public meeting.)

THURSDAY, MARCH 2; 1:30 P.M.

Item 3—Additional affirmation items: c. Review of ALAB-455 (Prairie Island). d. FOIA appeal (Gaynor).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202—634-1410.

WALTER MAGEE,
*Office of the Secretary.*

FEBRUARY 23, 1978.

[S-440-78 Filed 2-24-78; 2:08 pm]

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federal register

TUESDAY, FEBRUARY 28, 1978
PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

# EDUCATION OF THE HANDICAPPED

## Proposed Guidelines Governing Support for Research and Related Purposes



[4110-02]

DEPARTMENT OF HEALTH,

dren with Specific Learning Disabilities, expires October 1, 1978. Part G was viewed as a means of meeting the

The proposed revision to the guidelines is attached as Appendix A to the



poses and to conduct research, surveys, or demonstrations, relating to

ject components. Model programs include demonstrations, model centers,

"model", as defined under § 121h.3 (15 points).

(4) Technical soundness of the pro-

[4110-02]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

[45 CFR Part 121h]

### EDUCATION OF THE HANDICAPPED

### Proposed Guidelines Governing Support for Research and Related Purposes

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Office of Education proposes to amend Part 121h of the regulations and guidelines governing support for research and related purposes in the education of the handicapped under Part E of the Education of the Handicapped Act. In response to the Education of the Handicapped Amendments of 1977, this proposed amendment would add provisions governing support for "model programs" to the existing regulations which govern support for research and related purposes, and would establish a numerical scoring system for the selection of applications.

DATE: Comments on or before March 30, 1978.

ADDRESS: Interested persons are invited to participate in the development of the revisions to the current regulations by submitting such written data, views, or arguments as they may desire. Comments should identify the program name and be submitted to: Division of Innovation and Development, Bureau of Education for the Handicapped, 400 Maryland Avenue SW., Washington, D.C. 20202. All comments submitted will be available both before and after the closing date for comments in the Division of Innovation and Development for examination by interested persons. Comments received in response to this notice will be considered in the preparation of the final regulation.

FOR FURTHER INFORMATION CONTACT:

William Johnston/Gary Lambour and Judith Fein, telephone 202-245-9722, with regard to issues relating to model programs and demonstrations; Max W. Mueller, telephone 202-245-2275, with regard to issues regarding research and development.

SUPPLEMENTARY INFORMATION: Revision of current regulations is required because: Pub. L. 95-49, enacted June 17, 1977, amended section 641 of Part E of the Education of the Handicapped Act to include authority for the funding of model programs for handicapped children. Part G of the Education of the Handicapped Act, governing Special Programs for Children with Specific Learning Disabilities, expires October 1, 1978. Part G was viewed as a means of meeting the immediate needs of learning disabled children since the definition of "handicapped children" did not, at that time, include "children with specific learning disabilities." With the enactment of Pub. L. 94-142 (the Education of all Handicapped Children Act) on November 29, 1975, the definition of "handicapped children" was amended to include "children with specific learning disabilities." This amendment permitted potential grantees with projects concerned with research, training or model service needs of learning disabled children an opportunity to apply for funds under any of the discretionary programs authorized by the Education of the Handicapped Act. Thus, the need for a separate authority to serve the needs of children with specific learning disabilities no longer exists. There will be no funding of new projects under Part G. It is intended that this regulation, when final, will govern the existing noncompeting continuation projects originally funded under Part G as well as all activities funded under Part E. The inclusion of authorization for Model Programs for Handicapped Children under Part E of the Education of the Handicapped Act will ensure the equitable allocation of discretionary funds for model programs among different disability groups. This proposed regulation would expand the regulation to provide for the inclusion of the support for the "development and conduct of model programs designed to meet the special educational needs of such (handicapped) children." Regulations in this area will be similar to current regulations under the Education of the Handicapped Act covering model programs in early education for the handicapped (45 CFR Part 121d), and those regulations governing model centers for children with specific learning disabilities (45 CFR Part 121j), but without the obvious restrictions as to age level or category of handicapped condition. There have been changes of Departmental and Office policy regarding the processing of grant applications, and contract proposals, and applications. The Office of Education seeks comments on the relative importance of various criteria (funding criteria and priorities).

No overall priorities have been established for research activities supported under this part. Comments are requested.

Comments are welcome on these suggested areas, as well as any additional recommendations relating to implementation of the expanded authority for support of "model programs" and relating to the clarification and updating of current research regulations.

The proposed revision to the guidelines is attached as Appendix A to the proposed regulation. Comments are invited.

NOTE. The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 13.443, Handicapped Research and Demonstration.)

Dated January 18, 1978.

ERNEST L. BOYER,
*Commissioner of Education.*

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary of Health, Education, and Welfare.*

Title 45 of the Code of Federal Regulations is proposed to be amended by the following revision of Part 121h:

### PART 121h—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Sec.
121h.1 Scope.
121h.2 Purpose.
121h.3 Definitions.
121h.4 Eligible parties.
121h.5 Types of activities supported.
121h.6 Limitations on costs.
121h.7 Funding criteria.
121h.8 Priorities.

AUTHORITY: Sec. 641-644, Education of the Handicapped Act, as amended, 84 Stat. 185 (20 U.S.C. 1441-1444), unless otherwise noted.

(20 U.S.C. 1441-1444.)

**§ 121h.1 Scope.**

(a) This part applies to programs and projects assisted under Part E of the Act. Sections 121h.6 and 121h.7, and paragraph (b) of this section apply to research programs and projects assisted under sections 624(a)(1), 651(a)(2)(A), and 652 of the act.

(b) Assistance provided under this part is subject to Parts 100, 100a, and 121 of this chapter, which include definitions and requirements relating to fiscal, administrative, property management and other matters, and all revelant definitions included in Part 121a of this chapter. Procurement contracts under this authority are subject to 41 CFR Chapters 1 and 3.

(20 U.S.C. 1401, 1424, 1441, 1442, 1451, 1452.)

**§ 121h.2 Purpose.**

Payments of Federal funds under this Part may be made to eligible parties for research and related purposes and to conduct research, surveys, or demonstrations, relating to the education of handicapped children, including the development and conduct of model programs designed to meet the special educational needs of such children; and for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education and/or recreation for handicapped children.

(20 U.S.C. 1441, 1442.)

**§ 121h.3 Definitions.**

"Model Programs" are educational programs for school aged handicapped children which demonstrate a new or improved approach to educating handicapped children that can be replicated and disseminated and that will contribute to the improvement of instruction of handicapped children. For example, a model program could: (a) Apply a theoretical approach in a new way; (a) apply a proven methodology or approach to a new population; and/or (c) provide services through new or improved delivery modes.

(20 U.S.C. 1441, 1442.)

**§ 121h.4 Eligible parties.**

Parties eligible to receive assistance under this part are States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that grants may be awarded only to public or private nonprofit agencies and organizations.

(20 U.S.C. 1441, 1442.)

**§ 121h.5 Types of activities supported.**

Activities supported under this part fall into two major categories:

(a) *Research activities.* Funds provided under this Part for Research Programs provide support for projects designed to generate knowledge about the education of handicapped children and to translate such knowledge into practical techniques and materials. Research activities may address any issue relating to education of the handicapped, such as:

(1) *Policy and administration.* Includes both research and development projects relating to policy issues in education of the handicapped and administrative issues including such areas as service delivery arrangements, personnel, finance, transportation, and architectural barriers.

(2) *Child/setting studies.* Includes research activities relating primarily to handicapped subject variables and instructional variables.

(3) *Instructional development.* Includes development and validation of curricula, instructional materials, educational aids, and instructional devices.

(b) *"Model programs".* Funds provided under this part for Model Programs for Handicapped Children support projects which have the potential of serving as models for similar programs and which will disseminate and aid in the replication of successful project components. Model programs include demonstrations, model centers, and special projects designed to facilitate the infusion of model practices into ongoing education programs for handicapped children.

(20 U.S.C. 1441, 1442.)

**§ 121h.6 Limitations on costs.**

The following limitations on costs apply to all activities supported under this part.

(a) No recipient of a grant under this part may receive the entire cost of the program or project. The amount of potential contribution to the cost of the program or project will not affect the disposition of the application by the Commissioner.

(b) In the case of integrated projects (those projects combining handicapped and non-handicapped children) federal funds provided under the Handicapped Children's Model Programs shall support only those cost related to serving the handicapped children.

(c) Federal funds provided under Handicapped Children's Model Programs shall not be used to support an entire program which has operated in the past with funds from other sources. However, Federal funds may be used to add major components to a currently operating project which has only been to conduct pilot activities.

(Pub. L. 92-48, Title III, sec. 306, 85 Stat. 106, FMC73-3 (20 U.S.C. 1441, 1442).)

**§ 121h.7 Funding criteria.**

The funding criteria in § 100a.26(b) of this chapter do not apply except where noted. The Commissioner evaluates new applications under the following weighted criteria (maximum possible score: 100 points:

(a) *Research.* (1) The potential importance of the project to the education of the handicapped (20 points).

(2) The probable impact of proposed research and development products and the extent to which products can be expected to have a direct influence on the handicapped or personnel responsible for the education of the handicapped (20 points).

(3) Technical soundness of the research and development plan and adequacy of specification of procedures (30 points).

(4) Adequacy of personnel and facilities (20 points).

(5) Cost effectiveness of the proposed project and the extent to which budget items requested are appropriate research expenditures (10 points).

(b) *Model programs.* (1) The importance and relevance of the program to the education of handicapped children (10 points).

(2) The probable impact of proposed services and products (10 points).

(3) The extent to which the program is eligible for consideration as a "model", as defined under § 121h.3 (15 points).

(4) Technical soundness of the proposal as judged by § 100a.26(b) (3), (7), (8)(i), and (8)(ii) (20 points).

(5) Technical soundess of the proposal as judged by plans for assessment of a child's progress and appropriateness of program approach (15 points).

(6) The extent to which the program plans for the development and implementation of individualized education programs, as defined in § 121a.340 of this chapter (5 points).

(7) The extent of coordination with other appropriate agencies (5 points).

(8) The feasibility of the project as to adequacy of facilities and other resources and as to the reasonableness of estimated cost in relation to the anticipated cost (20 points).

(c) *"Continuation awards."* In reviewing applications for continuation awards, in addition to the criteria set forth in paragraphs (a) and (b) of this section, the Commissioner will consider the extent to which the applicant demonstrates that it has performed satisfactorily with respect to previous awards made under this part.

(20 U.S.C. 1441, 1442)

**§ 121h.8 Priorities.**

*Model programs.* Primary consideration will be given to applicants that develop educational programs that respond to one or a combination of the following priorities. The order does not indicate preference.

(a) Career education for handicapped children;

(b) Children with single handicapping conditions;

(c) Economically disadvantaged handicapped children;

(d) Handicapped children residing in rural areas;

(e) Handicapped children residing in urban areas;

(f) Multi-handicapped children;

(g) Programs to serve handicapped children in an integrated (handicapped/non-handicapped) setting;

(h) Secondary-level handicapped children;

(i) Seriously emotionally disturbed children;

(j) Severely-profoundly handicapped children.

(20 U.S.C. 1441, 1442)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART E

SECTIONS 641-644—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

PART 1—INTRODUCTION

Sec.
1.1 Scope of guidelines.

PART 2—ACTIVITIES APPROPRIATE FOR SUPPORT

2.1 Authority

PART 3—PROJECTS

3.1 Initiation of projects.
3.2 Preparation of applications.

PART 1—INTRODUCTION

§ 1.1 *Scope of guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part E, Sections 641-644. The legal requirements include the Act itself (20 U.S.C. 1441-1444) and the regulations (45 CFR Part 121h). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1444, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guidelines, in the parentheses following the guideline. For example, if the legal authority for the guidelines is section 642 of the Act (20 U.S.C. 1442, and the guidelines affects § 121h.2 of the regulation (45 CFR 121h.2), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1442; 45 CFR 121h.2).) If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—ACTIVITIES APPROPRIATE FOR SUPPORT

§ 2.1 *Authority.*

(a) The greatest part of the research responsibility of the Bureau of Education for the Handicapped falls under Part E of the Act, but other research activities are authorized under sections 624(a)(1), 651(a)(2)(A) and 652(b)(5), of the Act.

(b) . gislative authority for the activities described above is included in connection with the following parts of the Education of the Handicapped Act, Pub. L. 91-230;

(1) Part C, section 624(a)(1): Research in connection with Centers and Services for the Handicapped (20 U.S.C. 1424);

(2) Part E, section 641: Model Programs and Research and Demonstration Projects in Education of Handicapped Children (20 U.S.C. 1441);

(3) Part E, section 642: Research and Demonstration Projects in Physical Education and Recreation for Handicapped Children (20 U.S.C. 1442);

(4) Part F, section 651(a)(2)(A) and 652(b)(5): Instructional Media for the Handicapped (20 U.S.C. 1451-1452).

(c) The research activities in (b) (1) and (4) above are subject to the regulations (45 CFR 121h.1(b), 121h.6, and 121h.7, only) and guidelines for Part E of the Act.

(20 U.S.C. 1424, 1441, 1442, 1451 and 1452; 45 CFR 121h.1)

PART 4—PROJECTS

§ 3.1 *Initiation of projects.*

Participation in this program is initiated by eligible applicants responding to program announcements and/or requests for proposals generated and distributed by the Office of Education.

(a) Program announcements advertise the programs' interest in receiving applications for various activities appropriate for support under this part and establishing closing dates for receipt of applications. All program announcements are published in the FEDERAL REGISTER. Model programs applications will cover the full range of activities appropriate under this program.

(b) From time to time specific related tasks are identified by the Bureau as being especially critical and of immediate importance. At such times the Office of Education may elect to issue a request for proposals for accomplishing a particular job. These are advertised in the Commerce Business Daily and become available to all qualified offerors upon request.

(20 U.S.C. 1441, 1442)

§ 3.2 *Preparation of applications.*

(a) Applications may be jointly sponsored by more than one eligible agency in order to combine resources and coordinate efforts. If joint applications are submitted, the agency that is listed first will be considered the grantee or contractor for administrative purposes.

Model programs applications may describe in detail the services and activities envisioned for the first year and indicate general plans for two subsequent years. It is helpful for the reader or reviewer to be able to visualize the project in action as much as possible. Applicants may describe plans and the procedures to be used as completely as possible; realizing that readers can make no assumptions and must rely on the information contained in the proposal. It is helpful to those readers who are not familiar with the applicant, for the proposal to contain clear ideas concerning what is planned, how it will be accomplished and who will accomplish it. If planning is incomplete, plans may be stated in sufficient detail, or examples may be provided, which explain how the applicant intends to develop the incomplete area(s).

(b) Applications may include the following features:

(1) *Abstract.* A summary abstract of the planned activities may be included with the proposal. Its contents may contain such components as objectives, activities and expected outcomes of the project. It may also specify the number and handicapping condition(s) of children to be served, the setting in which the services will be offered, and a description of the applicant. Additional items may be included within the single page limit.

(2) *Model justification.*—(i) *Description of model program.* The general description of the program may include a discussion of the theoretical and/or practical considerations leading to the development of the proposed model, how the services will be integrated into the spectrum of those currently available in the region for handicapped children, and the potential benefits to the handicapped children served by the project and to handicapped children generally.

(ii) *Population to be served.* The applicant may provide a description of the population of handicapped children to be served; including the handicapping condition(s), degree of range of severity of handicap(s), age and other relevant demographic characteristics. The minimum number of children to be served during the first year may be determined according to the handicapping condition. A project may serve one or a variety of types of handicapped children; one or a variety of age groups.

(iii) *Justification for consideration as a model.* The applicant may specify the characteristics of the proposed project which make it eligible for consideration as a "Model" as defined under § 121h.3 of the regulations for this program. The justification may include, but is not limited to, one or more of the following forms:

(A) A review of the professional literature supporting the proposed project design on a theoretical or practical basis.

(B) A review of other similar/related programs and an analysis of their effectiveness and their applicability to the population to be served.

(C) legal or legislative citations of need for the proposed program model.

(D) A description of any special demographic, socio-economic or service delivery characteristics which indicates the need for the development of the proposed program model.

(3) *Model planning and development.*—(i) *Program objectives.* Applicants may describe the objectives of the model program and the activities which will be undertaken to obtain each objective. It is encouraged that program objectives be precise statements of measurable outcomes anticipated for each of the years of funding period and that program activities associated with each objective form logical, sequential steps leading to the attainment of the objective. It is also encouraged that objectives and related activities give clear indication of the services which will be demonstrated and that those objectives and related activities be consistent with the program description.

(ii) *Timetable.* Applicants may construct a timetable of program activities for the funding period. Beginning and ending dates may be indicated for each of the activities planned for the first year of the project and for the major phases of the project during the second and third years.

(iii) *Staff.* Applicants may describe the staffing plan for the model program. This plan may include a list of all personal positions; and the time commitment required to perform the duties associated with the position. If a person is assigned to the project less than full-time, that person's other professional responsibilities may be described. Vitae for all professional personnel, including consultants, may be appended to the proposal.

Each vita may include information about the academic background, relevant experience and competency for the position to which the person will be assigned. Personnel who have agreed to serve on the project may be identified. If specific names are not available, procedures and criteria for selection/recruitment and a timetable for recruitment may be provided. Letters of agreement may be appended for consultants.

(iv) *Staff development.* Applicants may describe a plan for staff development which is clearly related to program objectives. This plan may include a procedure for determining the training needs of the staff and an organized inservice program to meet those needs. The inservice training plan may ensure that training is continuous and coordinated, that staff members are kept aware of new developments in the project and in the field, and that staff members have the opportunity to communicate with each other and with personnel from other





agencies who are associated with the project. Inservice training activities may include: Staff meetings, seminars, workshops, demonstrations, observations, participation in state, regional and national meetings, and college and university courses. Inservice training plans may be designed to support the central objective to the model program which is the demonstration of effective educational services to handicapped children.

(v) *Record keeping system.* Applicants may describe the record-keeping system which will be used in the model programs. This description may include reference to the types of records which will be kept and how the record keeping system will be organized and used. The following types of records represent the minimum components of the record keeping system: The child's individual education plan, changes in the education plan, and data demonstrating changes in a child's performance.

(vi) *Coordination of services.* Applicants may develop a plan for coordinating the services provided through the model program with the services which other agencies provide to the children. This plan may include an exchange of services between the model program and other agencies to ensure that the children receive comprehensive services but that duplication of efforts is avoided. The plan may also include opportunities for interaction between the staff of the model program and the staff of the other agencies offering similar and/or related services. The applicants may describe the relationship of the model program to State and local plans for services to handicapped children. A description of cooperating agencies may be appended to the proposal.

(vii) *Project financial plans.* Applicants may present a long-range plan for financing the model program. This may include a description of non-Federal support to the project during the funding period. It is the intent of the Handicapped Children's Model Program to provide Federal support for projects which, after 3 years will be continued and/or replicated through State, local or other support. Therefore, applicants may describe how the project will be financed when Federal support is discontinued.

(4) *Model implementation.*—(i) *Identification and assessment of handicapped children.* The applicant may state the criteria used to determine whether a child is handicapped, identify the personnel responsible for the assessment process, and specify the criteria employed to select students for project services. This section may discuss the following items:

Approach to initial assessment.

Referral agencies and types of professionals involved in referral process.

Norm-referenced, criterion-referenced, or curriculum-based tests and/or observational procedures used to determine the entering skills or development level of the child.

Provisions for direct and frequent on-going assessment of student progress.

Guidelines for making program changes based on the on-going student performance data.

A description of the approximate level of functioning of students to be served by the program.

A description of parental/family involvement in the assessment and/or procedures for explaining the results of the assessment to the parents.

How assessment procedures will take into account cultural or language differences. Although screening, identification, and assessment of children with handicaps may be a component of the project, the demonstration of education services is the central focus.

Procedures for the identification of the handicapped children. These procedures may, where appropriate, include activities in cooperation with Child Find Programs operated through the State Department of Education.

(ii) *Instructional intervention.*—(A) *Curriculum.* The applicant may specify curriculum content. The selection of the curriculum may be justified by reference to appropriate literature citations. Any plan for curriculum development and validation may be detailed.

(B) *Methodology.* The general approach of the instructional methodology to be used in the project may be discussed. This section may focus on the techniques the teachers will be using in the direct instruction of the child. Examples of the approach may be included as part of the narrative.

(C) *Delivery of service.* The applicant may describe the service delivery model to be employed by the project. The description may identify the procedures for coordinating input from multiple disciplines and discuss the extent to which program activities interface with regular educational programs, community and home-living programs and/or vocational programs.

(iii) *Individualized Educational Programs (IEPs).* The proposal may describe the process that will be used to develop individualized educational programs and the procedures for evaluating them. Methods used for development of the plan may conform to guidelines set forth by the State Education Agency. Goals and objectives established in the IEP may be related to the results of the initial assessment. A sample individualized educational plan prepared for a child representative of the students to be served by the program may be included.

(iv) *Supplementary services.* The applicant may provide a brief description of ancillary and/or supportive services to the target population. The description may include the types of agencies providing these services, specific nature of the services, rationale for the services and financial and administrative responsibility for the services.

(v) *Special facilities, equipment, and materials.* The applicant may describe the physical facilities, equipment, and materials which are currently available to support project activities. If special facilities, adaptive equipment, prosthetic devices, and/or educational material will be required to implement the program, they may be specified. There may be a discussion of safety features of the physical facilities, the extent to which facilities meet accessibility standards, and the availability of mobility aids. If extensive equipment is to be purchased by the program funds, the proposal may include a rationale for its selection and a brief discussion of its intended use. The location of schools, bus lines, or other services which affect the project's visibility and accessibility may be noted. If facilities have not been identified, specifications of the desired type of facilities may be presented. For projects which focus on the delivery of educational or vocational services in integrated settings, there may be included a description of the regular educational or vocational environments into which students will be placed.

(vi) *Parent-family participation.* The proposal may contain plans for involvement of the parents of the handicapped child and other family members or family surrogates in the services to be provided by the project. The following services may be made available by the applicant to parents and other family members or family surrogates as needed:

Assistance in understanding and coping with the child's handicap and associated problems.

Psychological or social work services.

Information or training in special education techniques for instruction and management.

Observation and/or work with the children in the project.

Development of activities that can be implemented at home, based on home-related needs.

Assistance in obtaining services from other agencies.

Assistance in follow-up services including school, vocational, or job placement.

(vii) *Advisory committee.* Each project may establish an advisory committee which will assist actively in the project's: (1) planning, development, and operation; (2) dissemination of information; (3) evaluation of progress and success; and (4) securing of continuation funding. The proposal may describe how the advisory committee will be established, the specific functions it will perform, and the number of scheduled times it will meet annually. The membership may include parents of students to be served by the project and may include local public school personnel experts in the education of handicapped children and adults, persons from related fields such as health, social work, mental health, and medicine, as well as persons with experience in public service. The proposal may identify persons and/or positions of persons who will be available and who are qualified to perform the functions of the advisory committee. The following information may be provided by the project to each member of the advisory committee: (1) A copy of the rules and regulations pertaining to this program; (2) a copy of the project proposal; and (3) additional information relating to the project that will assist the member in performing the functions of the committee.

(5) *Project evaluation.* An evaluation plan may be developed to measure the impact and success of the project.

An applicant may list the specific areas to be evaluated, the methods and/or instruments to be used, staff responsible for evaluation, and the means by which the results of the evaluation will be fed back into the system to improve project functioning.

The evaluation activities over the award period may include measures of:

(i) Accomplishment of program objectives.

(ii) Child progress toward the goals specified in the individualized education plans.

(iii) The effectiveness of specific program components in relating to child progress.

(iv) The effectiveness of project inservice training in improving staff knowledge and/or competency.

(v) The effectiveness of steps taken to ensure parent-family participation.

(vi) The effectiveness of dissemination activities.

(vii) The effectiveness of replication activities.

If measurement devices are to be developed through the project, procedures for development and validation of the instruments may be described. Results of the evaluation efforts may be reported in continuation applications for multiple-year projects.

(6) *Model extension.*—(i) *Dissemination.* The proposal may provide a detailed description of how dissemination of the project will be accomplished. Information on the following may be included in the dissemination plan.

Kind and number of people to whom dissemination activities will be targeted.

Method(s) by which such audiences will be made aware of the project and encourged to observe it.

Steps to be taken that will result in organizing and packaging project components and/or materials so they are transportable for use in other communities. Projects planning to package such items as a handbook of project procedures, evaluation manual or parent familyn participation materials may indicate the kind of materials they anticipate will result from the project.

The dissemination component may be directly related to the program's justification for consideration as a model.

(ii) *Replication.* The description of the replication activities may include the types of agencies that would be receptive to the model program, some evidence of this receptiveness, and an estimate of the number of agencies that may adopt the modell during a 2nd and/or 3rd year of the project cycle. The proposal may contain a description of all actions to be taken and products to be developed to stimulate target agencies to replicate the model program. Federal funds may be used to initiate components of the strategy. A description of the proposed part of the replication system that could be strengthened or developed with Federal funds to facilitate the development of the model system may be included in the proposal. The application should include the approximate cost on a per year basis for the partial support of the replication strategy.

(20 U.S.C. 1441, 1442; 45 CFR 121h.7.)

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PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## National Institute of Education

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# OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION EXPERIMENTAL PROGRAM

Proposed Rules, Procedures, and Criteria Governing the Award of Grants; Closing Date for Receipt of Applications



[4110-39]

research and development efforts of the nation through ensuring that qualified mi-

time, providing research experience for predoctoral students.



Opportunities for advanced study and development within these projects

Title 45 of the Code of Federal Regulations is proposed to be amended by

(b) "Minority persons" means individuals who are black, Hispanic,

[4110-39]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**National Institute of Education**

**[45 CFR Part 1430]**

### EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

**Proposed Rules, Procedures, and Criteria Governing Award of Grants**

AGENCY: National Institute of Education, Department of Health, Education, and Welfare.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Director proposes new regulations to establish rules, procedures, and criteria governing the award of experimental grants to institutions to improve opportunities for individuals to obtain high quality expertise and experience in educational research. This program emphasizes these opportunities for minority persons and women.

DATES: Comments must be received on or before March 30, 1978.

ADDRESS: Comments should be sent to the Regulations Officer, National Institute of Education, Room 639, 1200 19th Street NW., Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT:

Senta A. Raizen, Associate Director, Dissemination and Resources Group, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208, 202-254-5940.

SUPPLEMENTARY INFORMATION: Statutory authority for this program is section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e). In that section, the Congress declares it to be "the policy of the United States to provide every person an equal opportunity to receive an education of high quality," but recognizes that inequality of opportunity exists. The Congress recognizes that there is a need for "far more dependable knowledge about the process of learning and education than now exists, or can be expected from present research and experimentation in this field;" and further declares it to be a policy of the United States "to build an effective educational research and development system." The Congress authorizes the National Institute of Education (NIE) to support training in educational research and related work, and the statutory policymaking body for the National Institute of Education, the National Council on Educational Research, declares in NCER Resolution 75-19.6 that:

> It shall be the policy of the National Institute of Education to increase the participation of minority persons and women in the research and development efforts of the nation through ensuring that qualified minority firms and individuals and qualified women are given informed opportunity to participate in NIE programs, and through efforts to increase the numbers, qualifications and performance of minority firms and individuals, and women engaged in education R. & D.

This proposed Part contains regulations for a program to carry out the foregoing mandates. The proposed regulations have been developed through meetings and consultations with representatives of groups, institutions, and organizations that will be affected. It is expected that in fiscal year 1978, $1.5 million will be available to support about 24 projects under this grant program; and that comparable amounts of funding will be available in fiscal years 1979 and 1980.

The major objective of the proposed Part is to strengthen the quality, relevance, and credibility of educational research through greater inclusion of the contributions and perspectives of women and members of minority groups that historically have been under-represented in this field. The program encourages application of concepts and methods from a variety of scholarly fields and disciplines to solve problems in the field of education. Examples of relevant fields and disciplines are: Economics, sociology, jurisprudence, management, public administration, history, information science, and communication science. Through experimental projects, a variety of opportunities will be provided for advanced study and experience in basic and applied research and in related functions, such as development, evaluation, and dissemination, that may be required in using results of research to improve education.

Awards will be made for two types of projects: (a) Institutional grants, and (b) special projects.

#### INSTITUTIONAL GRANTS

These projects will provide opportunities for research and advanced study on problems in the field of education, and, at the same time, demonstrate within the grantee institution how barriers to participation of women and minorities in education research can be removed. Institutional grants will provide support for fellows, for specified costs of research and advanced study, and for model development, evaluation, and dissemination activities. Funded projects must emphasize opportunities for women and minority persons at post-doctoral and experienced professional levels to participate in research and advanced study. Graduate research assistantships may be included where appropriate as a means of employing essential staff for research activities carried out under an institutional grant, and, at the same time, providing research experience for predoctoral students.

Assistance for full-time predoctoral graduate study is not a priority of this program, but may be included in an application where clearly justified in terms of special needs of a target population. Amounts of assistance will be paid in accordance with prevailing rates for comparable programs. As of December 1977, stipends paid to a full-time predoctoral graduate student from a single HEW training grant could not exceed $325 per month or a total of $3,900 for a 12-month year.

Applications are encouraged from diverse organizations including institutions that focus on concerns of minorities and women, traditional university sources of research in education, State and local educational agencies, research and development firms, and disciplinary and professional associations. Projects at universities and research and development organizations might, for example, emphasize the providing of opportunities in fundamental research that is grounded in disciplines underlying the study of education. Participants might typically include women and minority persons who are experienced professionals, junior or senior faculty, or post-doctoral fellows. Projects at State and local educational agencies might, for example, emphasize opportunities that are action oriented, as in applied research, policy studies, evaluation, and dissemination. Participants in such projects might typically be women and minority staff of the grantee who wish to: (a) Enter or advance within a research-related unit of the grantee, or (b) conduct research-related activities within that grantee based on disciplinary and cultural perspectives that differ from the established pattern. Associationis or other organizations might, for example, propose a decentralized type of project in which opportunities for research and advanced study would be provided in a number of locations, with the applicant providing leadership in the overall design and management of the project.

The Director anticipates funding eight Institutional Grants; however, this should not be regarded as a commitment to fund that number.

#### SPECIAL PROJECTS

These projects will support activities, such as workshops, seminars, short courses, or short-term residential programs that provide creative solutions to specific problems that commonly restrict participation and advancement of minority persons and women in educational research. Support may be requested for staff salaries, supplies, instructional costs, and other costs of developing and conducting proposed activities, including travel and stipends for participants.





Opportunities for advanced study and development within these projects must emphasize participation of minority persons and women who have acquired expertise and experience pertinent to educational research, but who are underutilized or not employed within this field. Projects must address one or more of the following objectives:

(1) To increase the inclusion of women and minorities in informal communication and sponsorship networks relevant to educational research.

(2) To assist midcareer entry and reentry into educational research.

(3) To clarify and gain acceptance for nontraditional topics and approaches for educational research.

(4) To provide for the development of specified skills that are needed in educational research.

(5) To increase publication and dissemination of results of significant educational research performed by minority persons and women.

The Director anticipates funding approximately 16 special projects; however, this should not be regarded as a commitment to fund that number.

#### NONDISCRIMINATION

This program is not exempt from any Federal statutes or regulations that prohibit discrimination, including those that prohibit discrimination against any persons on the grounds of race, color, sex, national origin, age, or handicap. A major objective of this program is to develop, within the governing framework of civil rights statutes and regulations, additional means of increasing participation of women and minorities in educational research.

All comments received in response to this notice will be available for public inspection in the office of the Regulations Officer between 8 a.m. and 4 p.m., Monday through Friday.

Application forms and additional information may be obtained from the Dissemination and Resources Group, Room 707, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

NOTE.—The National Institute of Education has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domesitc Assistance Number 13.950, Educational Research and Development)

Dated: January 16, 1978.

PATRICIA ALBJERG GRAHAM,
*Director,*
*National Institute of Education.*

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary of Health,*
*Education, and Welfare.*

Title 45 of the Code of Federal Regulations is proposed to be amended by adding a new Part 1430 to read as follows:

### PART 1430—EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Sec.
1430.1 Scope.
1430.2 Purpose.
1430.3 Definitions.
1430.4 Eligible applicants.
1430.5 Eligible projects.
1430.6 General requirements.
1430.7 Additional requirements for institutional grants.
1430.8 Additional requirements for special projects.
1430.9 Application requirements.
1430.10 Evaluation criteria.
1430.11 Nondiscrimination.
1430.12 Allowable costs.
1430.13 Duration of program assistance.

AUTHORITY: Sec. 405, General Education Provisions Act, as amended (20 U.S.C. 1221e).

**§ 1430.1 Scope.**

(a) This Part establishes procedural and substantive requirements and criteria for applications and awards under the experimental program for opportunities in advanced study and research in education.

(b) Applications submitted and assistance provided under this Part will be subject to applicable general provisions for NIE grants (45 CFR Parts 1400-1424) relating to fiscal, administrative, and other matters, except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, provisions in this Part.

**§ 1430.2 Purpose.**

(a) Awards under this Part support projects to:

(1) Demonstrate exemplary ways of providing opportunities for advanced study and experience relevant to employment and advancement in the field of educational research, emphasizing opportunities for women and minority persons; and

(2) Develop more effective ways of providing these opportunities through research and experimentation.

(b) A purpose under this grant program is to increase the quality, relevance, and credibility of work performed in the field of educational research by increasing the number of highly qualified women and minority persons who work in this field.

**§ 1430.3 Definitions.**

As used in this Part:

(a) "Educational research" means the entire range of research-related activities, including basic and applied research, planning, surveys, evaluations, investigations, experiments, developments, or demonstrations in the field of education.

(b) "Minority persons" means individuals who are black, Hispanic, American Indian, or Asian/Pacific Islander.

(c) "Experienced professional" means a person with a year or more of graduate education that is relevant to educational research and one or more years of related professional work experience.

**§ 1430.4 Eligible applicants.**

(a) A college, university, State department of education, local educational agency, other public or private agency, organization or group, or any combination of these, is an eligible applicant.

(b) Applications from for-profit organizations must be submitted in accordance with criteria specified in this Part and in Department of Health, Education, and Welfare (HEW) procurement regulations, Subpart 3-4.52 (41 CFR Part 3-4), and, if successful, are awarded contracts rather than grants.

**§ 1430.5 Eligible projects.**

Two types of projects are eligible for funding under this Part:

(a) Institutional grants; and

(b) Special projects.

**§ 1430.6 General requirements.**

Each project must:

(a) Develop and demonstrate effective ways to overcome barriers to employment and advancement of minority persons or women in educational research;

(b) Provide information and advanced study opportunities needed especially by women and minority persons who are preparing for employment in educational research or who are seeking ways to improve utilization of their educational research capabilities;

(c) Provide arrangements for obtaining advice on the application of concepts and methods from relevant scholarly fields and disciplines to strengthen educational research or other proposed activities;

(d) Provide mentors and role models who can provide advice about gaining access to essential communication channels in educational research;

(e) Ensure participation of minority group members and women in planning and continuing advice of the project;

(f) Provide a detailed report and assessment of work carried out by the project;

(g) Provide for cooperation of the grantee with a contractor to be designated by NIE to evaluate projects funded under this Part; and

(h) Prepare and disseminate information about:

(1) The nature and progress of the project;

(2) The results of the project; and
(3) Recommendations and instructions for adopting the project design in whole or in part in other locations.

**§ 1430.7 Additional requirements for institutional grants.**

Each project supported by an institutional grant must:
(a) Support opportunities for individuals at postdoctoral or experienced professional levels to conceive and conduct educational research that reflects concerns and perspectives of women and minority persons (assistance for full-time predoctoral graduate study may be supported where clearly justified by special needs of a target population but is not a priority); and
(b) Develop and implement a set of policies and practices that strengthen and enhance the involvement, professional growth, and opportunities for advancement of minority persons and women within one or more units of the grantee.

**§ 1430.8 Additional requirements for special projects.**

Each project supported by a special project grant must:
(a) Provide information and short-term advanced study opportunities, including, but not limited to, workshops, seminars, short courses, or brief residential programs, that emphasize specific needs of minority persons and women who are preparing for, entering, or advancing within careers related to educational research;
(b) Develop and demonstrate replicable, short-term activities that address one or more of the following objectives:
(1) *Increase the inclusion of women and minority persons in informal communcations and sponsorship networks.* Projects in this area must provide information about, or access to, groups or individuals who informally share knowledge of training and employment opportunities, funding sources, and substantive research developments.
(2) *Assist midcareer entry and reentry into educational research.* Projects in this area must provide methods to: (i) Create interest in educational research on the part of established researchers in other fields whose insight and disciplinary background could contribute to educational research, or (ii) enhance career opportunities for persons with appropriate academic credentials and experience who are not currently engaged in research.
(3) *Clarify and gain acceptance for nontraditional research areas or approaches.* Projects in this area must provide methods for defining and assessing priorities, and gaining acceptance of research on topics associated with the needs and status of minority persons and women.
(4) *Provide for development of specific skills needed in educational research and related work.* Projects in this area must provide specific skills to enhance opportunities for employment and advancement, emphasizing opportunities for minorities and women. Among these skills are quantitative skills and skills in the synthesis and transformation of knowledge into forms that are readily usable by educational policymakers and practitioners.
(5) *Increase the publication and dissemination of results of significant educational research performed by minority persons and women.* Projects in this area must provide information or training about completion of substantial reports, achieving publication, and assisting investigators in framing subsequent lines of inquiry or development.

**§ 1430.9 Application requirements.**

(a) An applicant must submit an application in the form and in such detail as the Director shall require.
(b) Each application must show how the project will meet the requirements in:
(1) Section 1430.6, and
(2) Section 1430.7 or § 1430.8, as appropriate.

**§ 1430.10 Evaluation criteria.**

The Director takes into account the following considerations when evaluating applications:
(a) The extent to which the funding helps to provide, as far as practicable, a wide distribution of opportunities for advanced study and research on educational problems in a variety of institutions throughout the United States, and
(b) The extent to which the proposed project ranks high on the criteria set forth below, with maximum weights for each criterion as shown:
(1) Significance of the proposed project for increasing participation and impact of women and minorities in educational research (30 percent), including potential contributions in:
(i) Assisting individuals;
(ii) Assisting the grantee and other institutions;
(iii) Developing knowledge, information, or models needed to advance the objectives of this program.
(2) Quality of design and planning for the proposed project (20 percent), including such considerations as:
(i) Adequacy and appropriateness of proposed design and methods in relation to objectives;
(ii) Likelihood that the project can be carried out successfully; and
(iii) The extent to which the applicant exhibits thorough knowledge of pertinent previous and concurrent work and relates the proposed project to it.
(3) Qualifications of project director and other key personnel (15 percent), as evidenced by:
(i) Background and successful previous experience directly relevant to requirements of the proposed project;
(ii) Quality and relevance of analysis and discussion in the application; and
(iii) Relevant academic preparation.
(4) Commitment of applicant to objectives of the program (20 percent), as evidenced by:
(i) Demonstrated commitment to equal educational opportunity and equal employment opportunity;
(ii) Specific plans for utilizing results of the proposed effort within the applicant institution;
(iii) Significant participation of relevant leadership personnel within the institution in developing and implementing the project; and
(iv) Commitment to maintain or increase existing efforts relevant to the objectives of the proposed project.
(5) Adequacy of facilities in relation to the requirements of the proposed project (5 percent).
(6) Reasonableness of the budget for the work to be done and the anticipated results (10 percent).
(c) Evaluation criteria set out in § 1403.10(b) of this chapter do not apply to this program.

**§ 1430.11 Nondiscrimination.**

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (73 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing Title VI, which is applicable to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80).
(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (see 45 CFR Part 86).

**§ 1430.12 Allowable costs.**

(a) Research activities conducted under this part by institutions of higher education are subject to cost principles set forth in Part I of Appendix D to Part 74 of this title (see § 1405.32(a)).





(b) (1) Training activities conducted under this Part by institutions of higher education are subject to the cost principles set forth in Part II of Appendix D to Part 74 of this title (see § 1405.32(b)).
(2) An overhead rate may not exceed 8 percent of total direct costs of the training activities.
(c) Cost principles for awards under this program to institutions other than institutions of higher education are set forth in §§ 1405.30–1405.35.
(d) Support is provided on the basis of approved budgets for each period of 12 months, or less, and may include:
(1) Institutional costs of conducting proposed activities, including staff salaries, supplies, and other instructional costs;
(2) Other direct costs of research and related work conducted within an institutional grant project;
(3) Stipends for participants in institutional grant projects, as follows:
(i) Assistance under this program for participants who are other than full-time predoctoral graduate students may be requested at rates up to regular salary equivalents;
(ii) Assistance under this program for participants who are full-time predoctoral graduate students will be paid in accordance with prevailing rates for comparable programs. Any deviations from those limits must be obtained prior to the award.
(4) Stipends for participants in special projects, as follows:
(i) Assistance may be requested at a rate of up to $30 for each full day of participation, but not to exceed $150 a week.
(ii) For partial days involving less than 5 hours of attendance, the payment for this attendance may not exceed the rate of $6 per hour, subject to the weekly limit of $150.
(iii) Any deviations from those limits must be obtained prior to award.
(5) Tuition costs, fee, and other necessary costs, including child care.
(e) Cost sharing is a requirement in all grant awards as set out in Part 1407.

**§ 1430.13 Duration of program assistance.**

(a) Grant awards made under this Part may be up to 3 years in duration.
(b) An application for assistance for a period longer than 12 months must be accompanied by:
(1) An explanation of the need for multiyear support;
(2) An overview of the objectives and activities proposed for each year; and
(3) Budget estimates to attain these objectives in any subsequent year.
(c) If the Director finds that the aplication demonstrates that multiyear support is needed to carry out the proposed program, she may, in the initial notification of grant award, indicate an intention to assist the program on an appropriate multiyear basis through continuation grants.
(d) Continuation grants are subject to availability of funds and, consequently, are made only in response to an application in each subsequent fiscal year and upon a determination by the Director that:
(1) The grantee has complied with the grant terms and conditions, the Act, and the regulation; and
(2) The program has met its original goals to date; or will do so as the result of constructive changes proposed by the ongoing evaluation.

[FR Doc. 78-5157 Filed 2-27-78; 8:45 am]





[4110-39]

It is expected that that there will be about 24 project awards.

C. T3Application forms and program information. Program announce-

TUESDAY, FEBRUARY 28, 1978

[4110-39]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### National Institute of Education

### EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

### Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, 20 U.S.C. 1221e, applications are being accepted for grants under the experimental program for opportunities in advanced study and research in education. A college, university, State department of education, local educational agency, other public or private agency, organization, or group, or any combination of these is an eligible applicant. Support will be provided to improve opportunities for individuals to obtain high quality expertise and experience in educational research, with emphasis upon opportunities for minority persons and women.

The program has a funding allocation of $1.5 million in fiscal year 1978. It is expected that that there will be about 24 project awards.

Closing date: June 29, 1978.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: NIE PA-78-2. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) It is received at the Clearinghouse by 5 p.m., June 29, 1978; or

(2) The application was sent by registered or certified mail not later than 5 p.m. on June 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

B. *Hand-delivered applications.* An application to be hand-delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street NW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 5 p.m., Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Hand-delivered applications will not be accepted after 5 p.m. on the closing date June 29, 1978. A receipt will be issued upon acceptance of the application package.

C. T3Application forms and program information. Program announcements with application materials may be obtained after March 20, 1978, from the Dissemination and Resources Group, National Institute of Education, Room 707, 1200 19th Street NW., Washington, D.C. 20208, telephone 202-254-5329.

D. *Applicable regulations.* The regulations applicable to this program include the National Institute of Education general provisions regulations (45 CFR, Subchapter A, Part 1400) published in the FEDERAL REGISTER on November 4, 1974, 39 FR 38992, and regulations for the experimental program for opportunities in advanced study and research in education which are published in proposed form in this issue of the FEDERAL REGISTER (20 U.S.C. 1221e).

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development.)

Dated: January 16, 1978.

PATRICIA ALBJERG GRAHAM,
*Director,*
*National Institute of Education.*

[FR Doc. 78-5158 Filed 2-27-78; 8:45 am]



federal register

TUESDAY, FEBRUARY 28, 1978
PART IV

# DEPARTMENT OF DEFENSE

## Office of the Secretary

# DISCHARGE REVIEW BOARDS (DRBs)

## Procedures and Standards



[3810-70]

2634), the 30-day period for comment was extended to January 23, 1978.

this Part prior to a final determination. The law requires that such deter-



tions governing reasons for discharge at the time the applicant was dis-

ground for finding impropriety is that the military service of which the appli-

(1) Provides for discharge review by application or on motion of a DRB:

[3810-70]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[32 CFR Part 70]

[DOD Directive 1332.28]

### DISCHARGE REVIEW BOARDS (DRBs)

### Procedures and Standards

EDITORS NOTE: The following document was published in the FEDERAL REGISTER of February 24, 1978 (43 FR 7931). It is being republished in a conventional format for the convenience of the public. As originally published the closing date for comments was unclear. That date is March 27, 1978.

AGENCY: Office of the Secretary of Defense.

ACTION: Supplemental notice of proposed rule.

SUMMARY: The Department of Defense published a proposed rule on uniform standards and procedures for discharge review to meet statutory requirements. This supplemental notice includes the provisions of Pub. L. 95-126 which provides an opportunity until January 1, 1980 for former members aministratively discharged under other than honorable conditions to make application to the Discharge Review Boards (DRBs) without regard to the normal 15-year period in which an application must be made. It also contains adoption of a number of recommendations made after the initial proposed rule was published, and reflects editorial format changes. Moreover, the Department of Defense has reevaluated both the proposed rule and the previous notice of rulemaking. Based upon that reevaluation, DOD has determined that a more detailed notice and a revised proposal should be published to provide a further opportunity for comment.

DATE: Written comments must be received on or before March 27, 1978.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), The Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Capt. E. T. Boywid, JAGC, USN or Lt. Col. G. A. Johnson, USAF, telephone 202-697-9525.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-35794 appearing in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), the Department of Defense (DOD) published a notice of proposed rulemaking to establish DOD uniform standards and procedures for discharge review to meet statutory requirements. In FR Doc. 78-1355 appearing in the FEDERAL REGISTER on January 18, 1978 (43 FR 2634), the 30-day period for comment was extended to January 23, 1978. Title 10, U.S.C. 1553 permits an individual who has been discharged or dismissed administratively in accordance with directives of the Military Departments or by sentence of a special court-martial to apply for review of that discharge or dismissal, provided that the application is made within 15 years from the date thereof. If the former member is deceased, an application may be made by the surviving spouse, next-of-kin, or legal representative, of the former member. In accordance with Pub. L. 95-126, the Department of Defense will provide an opportunity until January 1, 1980 for former members administratively discharged under other than honorable conditions to make application to the DRB without regard to the normal 15-year period in which an application must be made.

Pub. L. 95-126 amends Title 38, U.S.C. 3103 to provide that no benefits administered by the Veterans' Administration shall be provided as a result of an action by a DRB except upon a case-by-case review. This review must consider all the evidence and factors in each case under published uniform standards and procedures. The standards must be historically consistent with criteria for determining honorable service and shall not include any criterion for automatically granting or denying a change or new issuance of a discharge.

#### OTHER THAN HONORABLE DISCHARGES

In addition, the Department of Defense is required to provide a further determination in cases wherein discharges under other than honorable conditions were upgraded to general or honorable discharges in the following circumstances: (a) under the President's directive of January 19, 1977, initiating further action with respect to Presidential Proclamation 4313 of September 16, 1974; (b) under the Department of Defense's special discharge review program on or after April 5, 1977; (c) under revised standards as implemented subsequent to April 5, 1977, and not made applicable to all persons administratively discharged or released from military service under other than honorable conditions. This review is designed to insure that persons whose discharges were upgraded in these programs receive benefits only if their discharges were upgraded under historically consistent standards. If a preliminary determination is made that the upgrade was not based upon historically consistent standards, the individual will be notified of the preliminary determination by the appropriate DRB and of the right to a hearing before the DRB concerned under published standards and procedures which are set forth in this Part prior to a final determination. The law requires that such determinations be made prior to October 8, 1978, and further mandates that determinations be made on an expedited basis after the Secretary concerned is notified by the Veterans' Administration that the individual has received, is in receipt of, or has applied for such benefits, or after a written request is made by the individual for such determination.

#### STANDARDS AND PROCEDURES

The Secretary of Defense proposes to add a new Part 70 to 32 CFR Chapter I in order to publish the standards and procedures required by Pub. L. 95-126. The proposed rule will govern the Military Departments in the formulation and application of their rules concerning standards and procedures for discharge review. Discharge review is the process by which the reason for discharge, the procedures followed in accomplishing discharge, and the characterization of Service are reevaluated in order to determine whether the discharge should be changed.

The proposed rule assigns major administrative responsibility for compliance with Pub. L. 95-126 to the Secretary of the Army and the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics). The proposal sets forth the procedures to be followed in applying for a discharge review. Applicants may request a personal hearing (with or without counsel or other representative) or may have a counsel or other representative present the case in their absence. In addition, a DRB may consider a case on its own motion. The proposed rule provides procedures to govern a DRB's action in case there is a failure to appear for a hearing, a request for continuance, or a request for reconsideration. Guidance is provided on how an applicant may obtain military and other government records relevant to the discharge review. The proposal guides a DRB in addressing problems that may arise with regard to such records. Provision is also made for notification of applicants concerning records that will be considered by the DRB's. The DRB must consider contentions clearly stated by applicants and all other pertinent issues discerned by the DRB. The DRB is instructed to review cases on the basis of available records, documentary evidence submitted by the applicant, personal testimony of the applicant and witnesses, presentation of any hearing examinations, and any other relevant evidence.

When a DRB determines that an applicant's discharge was improper, it must determine the proper reason for discharge based upon the facts and circumstances properly before the discharge authority in view of the regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that a discharge was inequitable, the provisions as to characterization in the regulation under which the applicant shoud have been discharged will be considered in determining whether further relief is warranted. If the DRB determines that an applicant's discharge was inequitable, the degree of relief will be based upon an evaluation of the applicant's overall record of service and appropriate regulations of the military service in which the applicant served.

The proposed rule requires the DRB to prepare a decisional document for each case. This document contains relevant matters from the applicant's official records, reference to the evidence submitted by the applicant, and a statement of findings, conclusions, and reasons on issues upon which the decision is based or otherwise raised by the applicant. This document also contains information regarding advisory opinions, and the names and votes of the DRB members.

The proposed rule provides for the applicant to be notified in writing of the decision. The proposal specifies the contents of the record of proceedings and further provides for disposition of the records by the military service. In cases reviewed by the Secretary of a Military Department, the Secretary is bound to follow the uniform standards and to issue a decisional document similar to the document issued by the DRB's.

The proposed rule provides for the decisional document to be available for public inspection and copying, subject to appropriate deletions to protect rights of privacy, and to cover classified and other privileged material. In addition, the rule requires that an index be developed and be made available to the public. The index will enable the public to isolate from decisions that are indexed those decisions that may be similar to an applicant's case.

The proposed rule provides standards for discharge review. These standards are designed to be uniform and historically consistent with the criteria for honorable service. No factors require automatic change or denial of a change in a discharge. There are no weighted factors in the evaluation. In each case, consideration must be given to all applicable factors. The object of the review is to determine the propriety and equity of the discharge. A discharge is considered proper unless there was prejudicial error at the time of discharge. Accordingly, an error of fact, law, procedure, or discretion will render a discharge improper if there is substantial doubt that the discharge would have remained the same of the error had not been made. A further ground for finding impropriety is that the military service of which the applicant was a member has made a change in policy that has been made expressly retroactive to the type of discharge under consideration.

A discharge shall be deemed equitable unless the policies and procedures under which the applicant was discharged differ in material respects from the policies and procedures currently applicable on a service-wide basis to discharges of the type under consideration, provided that (a) such changes represent a substantial enhancement of the rights afforded a respondent in such proceedings; and (b) that there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration. A discharge may also be considered inequitable if, at the time of issuance, it was inconsistent with the standards of discipline in the military service of which the applicant was a member. A discharge may further be considered to be inequitable based upon consideration of (a) the applicant's service record, and (b) other evidence presented to the DRB viewed in conjunction with the regulations under which the applicant was discharged and factors which are listed in the proposed directive.

#### COMMENTS RECEIVED

In response to the notice of proposed rulemaking published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), as extended by 43 FR 2634 on January 18, 1978, the Department of Defense received comments from some 70 organizations and individuals. Each of the comments previously submitted, as well as those received as a result of this supplemental notice, will be considered prior to adoption of a final rule.

Accordingly, we propose to amend Part 70 as follows:

### PART 70—DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS

Sec.

70.1 Purpose.
70.2 Applicability and scope.
70.3 Definitions.
70.4 Policy and responsibilities.
70.5 Discharge Review procedures.
70.8 Discharge review standards.

AUTHORITY: Title 10, U.S.C. 1553 and Title 38, U.S.C. 101 and 3103, as amended by Pub. L. 95-126, October 8, 1977.

**§ 70.1 Purpose.**

(a) This part establishes uniform policies, procedures, and standards for the review of discharges or dismissals in accordance with Title 10, U.S.C. 1553. In furtherance of such purpose, this Part—

(1) Provides for discharge review by application or on motion of a DRB;

(2) Provides guidelines for the conduct of discharge reviews and standards to be applied in such reviews which are designed to insure historically consistent uniformity in execution of this function, as required by the provisions of Pub. L. 95-126.

(3) Assigns responsibility for administering the program.

(4) Makes provision for public inspection, copying, and distribution of DRB documents through the Armed Forces Discharge Review Board Reading Room.

(5) Provides an opportunity for former members administratively discharged under other than honorable conditions to make application to the DRB's without regard to the normal 15-year period in which an application must be made and establishes January 1, 1980 as the date by which such applications must be submitted.

(b) Nothing in this part changes or modifies in any way the portions of the separate service regulations that implement the requirements of Stipulation of Dismissal, Civil Action No. 76-530, United States Court for the District of Columbia, "Urban Law Institute of Antioch College, Inc., el al., *Plaintiffs* v. *Secretary of Defense*, et al., Defendants," January 31, 1977.

**§ 70.2 Applicability and scope.**

The provisions of this directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve Components thereof in the conduct of discharge reviews. Directives of these organizations which relate to the discharge process are hereby incorporated in this Part.

**§ 70.3 Definitions.**

(a) *Discharge Review Board (DRB).* An administrative board constituted by the Secretary concerned and vested with discretionary authority to review discharges and dismissals under the provisions of Title 10, U.S.C. 1553. It may be configured as one main element or two or more elements as designated by the Secretary concerned.

(b) *DRB Panel.* An element of a DRB, consisting of five members, authorized by the Secretary concerned to review discharges and dismissals.

(c) *Applicant.* A former member of the Armed Forces who has been discharged or dismissed administratively in accordance with the directives of the Military Departments or by sentence of a special court-martial under Title 10, U.S.C., 801 *et seq.* (Uniform Code of Military Justice) and, in accordance with statutory and regulatory provisions: (1) Whose case is heard by









the DRB concerned at the request of the former member, or, if he or she is

(c) The Secretary of the Army is designated the administrative focal point

wise eligible to make application for review may do so without regard to



the right to a personal appearance and the DRB shall complete its review of

consideration is in fact new, substantial, relevant, and was not available to

any case heard on request of an applicant, the DRB shall provide the appli-

the DRB concerned at the request of the former member, or, if he or she is dead, the surviving spouse, next-of-kin, or legal representative; or (2) whose case is heard on the DRB's own motion, which includes reviews requested by the Veterans Administration under Title 38, U.S.C. 101 and 3103, as amended by Pub. L. 95-126.

(d) *Counsel/Representative.* An individual or agency designated by the applicant who agrees to represent the applicant in a case before the DRB. It includes, but is not limited to: A lawyer who is a member of the bar of a Federal Court or of the highest court of a State; an accredited representative designated by an organization recognized by the Administrator of Veterans Affairs; a representative from a State agency concerned with veterans affairs; and representatives from private organizations or local government agencies.

(e) *President, DRB.* A person designated by the Secretary concerned and responsible for the supervision of the discharge review function and other duties as assigned.

(f) *Hearing examination.* The process by which a designated officer of a DRB prepares a presentation for consideration by a DRB in accordance with regulations prescribed by the Secretary concerned.

(g) *DRB Traveling/Regional Panel.* A DRB panel that conducts discharge reviews in a location outside the Washington, D.C. area.

(h) *Discharge.* A general term used in this Part which includes dismissal and separation or release from active or inactive military status, as well as actions which accomplish a complete serverance of all military status. This term also includes the assignment of a reason for such discharge and characterization of service.

(i) *Discharge review.* The process by which the reason for separation, the procedures followed in accomplishing separation, and the characterization of service are evaluated.

§ 70.4 Policy and responsibilities.

(a) Under the provisions of Title 10, U.S.C. 1553, the Secretaries of the Military Departments and the Secretary of Transportation (for the Coast Guard) have the authority for final decision and the responsibility for the operation of their respective discharge review programs.

(b) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to: (1) Resolve all issues concerning DRBs which cannot be resolved among the Military Departments; (2) insure uniformity among the Military Departments in the procedural rights afforded applicants in discharge reviews; and (3) modify or supplement this Part in a manner consistent with the policies set forth herein.

(c) The Secretary of the Army is designated the administrative focal point for DRB matters. In meeting this responsibility, the Secretary shall:

(1) Effect necessary coordination with other governmental agencies regarding continuing applicability of this Part and resolve administrative procedures relating thereto.

(2) Review suggested modifications to this part, including implementing directives; monitor the implementing directives of the Military Departments; resolve differences when practicable; recommend specific changes; provide supporting rationale to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) for decision; and include appropriate documentation to effect publication in the FEDERAL REGISTER.

(3) Maintain the DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, and republish as necessary with appropriate coordination of the other Military Departments, the Secretary of Transportation and the Office of Management and Budget.

(4) Respond to all inquiries from private individuals, organizations or public officials with regard to Discharge Review Board matters. In those instances where the specific Military Service concerned can be identified, such correspondence will be referred to the appropriate DRB for response. An appropriate activity may be further designated to perform this task.

(5) Provide overall guidance and supervision to the Armed Forces Reading Room with staff augmentation, as required, by the Departments of the Navy and Air Force.

(d) The preliminary determinations required by Title 38, U.S.C. 3103(e) shall be made upon majority vote of the DRB concerned on an expedited basis. Such determination shall be based upon the standards set forth in § 70.6.

§ 70.5 Discharge review procedures.

(a) *Application for review.* (1) An applicant may submit a written request for review to the DRB concerned with such other statements, affidavits, or documentation as desired. The request for review shall be made on DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, which is available at most military installations and regional offices of the Veterans Administration.

(2) A motion or request for review must be made within 15 years after the date of discharge or dismissal; except that, in accordance with Pub. L. 95-126, any former member administratively discharged under other than honorable conditions, and otherwise eligible to make application for review may do so without regard to the 15-year limitation period in Title 10, U.S.C. 1553 if such application is received prior to January 1, 1980.

(3) Written notification shall be made to each applicant whose record indicates a reason for discharge that bars receipt of benefits under Title 38, U.S.C. 3103a. This notification will advise the applicant that separate action by the Board for Correction of Military/Naval Records and/or the Veterans Administration (in case of disqualification based upon 130 days consecutive unauthorized absence) may confer eligibility for VA benefits. As regards the 180 days consecutive unauthorized absence:

(i) Such absence must have been included as part of the basis for the applicant's discharge under other than honorable conditions.

(ii) Such absence is computed without regard to the applicant's normal or adjusted expiration of term of service.

(b) *Conduct of reviews.* (1) Members. As designated by the Secretary concerned, the DRB and panels thereof, if any, shall consist of five members. One member of the DRB shall be designated as the President and may serve as a presiding officer. Other officers may be designated to serve as presiding officers for DRB panels under regulations prescribed by the Secretary concerned.

(2) Locations. Reviews by a DRB will be conducted in Washington, D.C., and such other locations as designated by the Secretary concerned.

(3) Modes of Appearance. An applicant, upon request, is entitled to appear before a DRB in person with or without counsel/representative or to have counsel/representative present the applicant's case in the absence of the applicant.

(4) Applicant's Expenses. Unless otherwise specified by law or regulation, expenses incurred by the applicant, witnesses, or counsel/representative will not be paid by the Department of Defense.

(5) Withdrawal of Application. An applicant shall be permitted to withdraw an application without prejudice at any time before the scheduled review.

(6) Failure to Appear for Hearing. Except as authorized or directed by the Secretary concerned, further opportunity for personal appearance shall not be made available to an applicant who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by representative, not having made a prior, timely request for a continuance or withdrawal of the application. In such cases, the applicant shall be deemed to have waived





the right to a personal appearance and the DRB shall complete its review of the discharge based upon the evidence of record. Further request for a personal hearing shall not be granted unless the applicant can demonstrate that the prior failure to appear or to request continuance or withdrawal of the application was due to circumstances beyond the applicant's control.

(7) Continuances and Postponements. (i) A continuance of a discharge review hearing may be authorized by the President of the DRB or presiding officer of the panel concerned, provided that such continuance is of reasonable duration and is essential to achieving a full and fair hearing. Where a proposal for continuance is indefinite, the pending application shall be returned to the applicant with the option to resubmit when the case is fully ready for review.

(ii) Postponements of scheduled reviews normally shall not be permitted other than for demonstrated good and sufficient reason set forth by the applicant in a timely manner, or for the convenience of the government.

(8) Reconsideration. A discharge review shall not be subject to reconsideration except:

(i) Where the only previous consideration of the case was on the motion of the DRB;

(ii) When the original discharge review did not involve a personal hearing and a personal hearing is now desired, and the provisions of § 70.5(b)(6) do not apply;

(iii) Where changes in discharge policy are announced subsequent to an earlier view of an applicant's discharge, and the new policy is made expressly retroactive:

(iv) Where the DRB determines that policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that such changes in policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings;

(v) Where an individual is to be represented by a counsel/representative, and was not so represented in any previous consideration of the case by the DRB;

(vi) Where the case was not previously considered under uniform standards published pursuant to Pub. L. 95-126 and such application is made before January 1, 1980 or within 15 years after the date of discharge; or

(vii) On the basis of presentation of new, substantial, relevant evidence not available to the applicant at the time of the original review. The decision as to whether evidence offered by an applicant in support of a request for reconsideration is in fact new, substantial, relevant, and was not available to the applicant at the time of the original review will be based on a comparison of such evidence with the evidence considered in the previous discharge review. If this comparison shows that the evidence submitted would have had a probable effect on matters concerning the propriety or equity of the discharge, the request for reconsideration shall be granted.

(9) Availability of Records:

(i) Prior to a review, applicants or other designated representatives may obtain copies of military records by submitting a Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Mo. 62132. The request must be submitted prior to the time the DD Form 293 is submitted, since, once the DD Form 293 is submitted, the records will be requested from the NPRC by the DRB.

(ii) If the DRB is not authorized to provide copies of documents that are under the cognizance of another government department, office or activity, applications for such information must be made by the applicant to the cognizant authority. The DRB shall advise the applicant of the mailing address of the government department, office, or activity to which the request should be submitted.

(iii) In the event that the official records relevant to the discharge review are not available at the agency having custody of the records, the applicant shall be notified of the situation and requested to provide such information and documents as may be desired in support of the request for discharge review. A period of not less than 30 days shall be allowed for such documents to be submitted. At the expiration of this time period, the review may be conducted with information available to the DRB.

(iv) A DRB may take steps to obtain additional evidence material to the discharge review under consideration beyond that found in the official military records or submitted by the applicant, if a review of available evidence suggests certain aspects of the review would be incomplete without the additional information or when the applicant presents testimony or documents which require additional information to evaluate properly. Such information shall be made available to the applicant, upon request, with appropriate modifications regarding classified material.

(v) Prior to initiation of the decision process specified in § 70.5(c), the applicant and/or counsel/representative is entitled to request access to the records to be considered by the DRB in the discharge review.

(A) At a reasonable time prior to the initiation of the decision process, in any case heard on request of an applicant, the DRB shall provide the applicant and/or counsel/representative with a description of all documents to be considered in the discharge review, except for documents in the official personnel/medical records and any documents submitted by the applicant. The DRB shall also notify the applicant and/or counsel/representative: (1) Of the right to examine such documents or to be provided with copies of the documents upon request, (2) of the date by which such requests must be received, and (3) of the opportunity to respond within a reasonable period of time to be set by the DRB.

(B) When necessary to acquaint the applicant with the substance of a classified document, the classifying authority, on the request of the DRB, shall prepare a summary of or extract from the document deleting all references to sources of information and other matters, the disclosure of which, in the opinion of the classifying authority, would be detrimental to the national security interests of the United States. Should preparation of such summary be deemed impracticable by the classifying authority, information from the classified source shall not be considered by the DRB in its review of the case.

(10) A secretary/recorder or assistant shall be designated to assist in the functioning of each DRB in accordance with the procedures prescribed by the Secretary concerned.

(11) Personal appearance hearings (including hearing examinations) shall be conducted with recognition of the rights of the individual to privacy. Accordingly, presence at hearings of individuals other than those whose presence is required will be limited to persons authorized by the Secretary concerned or expressly requested by the applicant. If in the opinion of the presiding officer, presence of other individuals would be prejudicial to the interests of the applicant or the government, such hearings may be held in closed session.

(12) Evidence and testimony:

(i) The DRB may consider any evidence obtained in accordance with this Part.

(ii) Formal rules of evidence shall not be applied in DRB proceedings. The presiding officer shall rule on matters of procedure and shall insure that reasonable bounds of relevancy and materiality are maintained in the taking of evidence and presentation of witnesses.

(iii) Applicants undergoing personal appearance hearings shall be permitted to introduce witnesses, documents, sworn or unsworn statements or other information on their behalf, all at no expense to the Department of Defense.

(iv) Applicants may also make oral or written arguments personally and/or through counsel/representatives.





(v) Applicants and witnesses may be questioned by the DRB. All testimony

hearing examination, if any, and any other relevant evidence obtained in ac-

government authority or the applicant, such as, but not limited to:



(7) The DRB decision and written minority opinions or reports, if any.

ings, conclusions, and reasons, (§ 70.5(d)(5)) except where the review-

determined by the DRB, the case number, the date, character of, reason

(v) Applicants and witnesses may be questioned by the DRB. All testimony shall be taken under oath or affirmation unless the applicant specifically requests to make an unsworn statement.

(vi) There is a presumption of regularity in the conduct of governmental affairs. This presumption can be applied in any review unless there is substantial credible evidence to rebut the presumption.

(13) Contentions.

(i) Applicants must state clearly and specifically their contentions, and/or the issues of fact, law, or discretion for a written determination to be made in accordance with § 70.5(d)(4)(ii).

(ii) In addition, the DRB shall consider such issues of fact, law, or discretion as are discerned by the DRB in the discharge review process.

(iii) The DRB shall make findings and conclusions with respect to the contentions and issues as required by § 70.5(d)(4).

(14) Decisions. On the basis of its findings and conclusions, the DRB shall record its decision as to whether relief should be granted. The nature of any change shall be specified clearly.

(15) Implementation of Discharge Review Decisions. A written notification shall be issued to implement the decision of the DRB, or that of higher authority, in each discharge review case.

(c) *Decision process.* (1) The DRB or the DRB panel, as appropriate, shall meet in plenary session to review discharges and exercise its discretion on a case-by-case basis in applying the standards set forth in § 70.6.

(2) The presiding officer is responsible for the conduct of the discharge review. The presiding officer shall convene, recess, and adjourn the DRB panel as appropriate and shall maintain an atmosphere of dignity and decorum at all times.

(3) Each DRB member shall act under oath or affirmation requiring careful, objective consideration of the application. DRB members are responsible for eliciting all facts necessary for a full and fair hearing. They shall consider all information presented to them by the applicant. In addition, they shall consider available Service and health records, together with such other records as may be in the files of the Military Department concerned and relevant to the issues before the DRB, and any other evidence obtained in accordance with this part.

(4) If the applicant does not appear in person and the designated counsel/representative does not appear in the applicant's behalf, the DRB shall review the application on the basis of available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this part.

(5) If the applicant appears in person or the designated counsel/representative appears before the DRB in the applicant's behalf, the DRB shall review the application on the basis of testimony on behalf of the applicant, available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this part.

(6) Application of Standards:

(i) When a DRB determines that an applicant's discharge was improper (§ 70.6(b)), the DRB will determine which reason for discharge should have been assigned based upon the facts and circumstances properly before the discharge authority in view of the Service regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that the discharge was inequitable (§ 70.6(c)), the provisions as to characterization in the regulation under which the applicant should have been discharged will be considered in determining whether further relief is warranted.

(ii) When the DRB determines that an applicant's discharge was inequitable (§ 70.6(c)), any change will be based on the evaluation of the applicant's overall record of service and relevant regulations of the Military Service of which the applicant was a member.

(7) Voting shall be conducted in closed session, a majority of the five members' votes constituting the DRB decision. Voting procedures shall be prescribed by the Secretary concerned.

(8) Details of closed session deliberations of a DRB are privileged information and shall not be divulged.

(9) Minority opinions may be recorded by any member in accordance with procedures prescribed by the Secretary concerned.

(10) DRB's may request advisory opinions from staff offices of their Military Departments. These opinions are advisory in nature and are not binding on the DRB in its decision making process.

(d) *Decisional document:* A decisional document shall be prepared for each review conducted by a DRB. At a minimum this document shall contain:

(1) The date, character of, and reason for the discharge or dismissal certificate issued to the applicant upon separation from military service, including the specific regulatory authority under which the discharge or dismissal certificate was issued.

(2) The circumstances and character of the applicant's service as extracted from Service records, health records and information provided by other government authority or the applicant, such as, but not limited to:

Date of enlistment.
Period of enlistment.
Age at enlistment.
Length of service.
Periods of unauthorized absence.
Conduct and efficiency ratings (numerical or narrative).
Highest rank achieved.
Awards and decorations.
Educational level.
Aptitude test scores.
Incidents of punishment pursuant to Article 15, Uniform Code of Military Justice (including nature and date of offense or punishment).
Conviction by court-martial.
Prior military service and type of discharge received.

(3) Reference to the written brief, documentary evidence, and testimony presented to the DRB by or on behalf of the applicant.

(4) A statement of findings, conclusions, and reasons consisting of:

(i) Findings on all issues of fact, law, or discretion upon which the decision on the the application is based, including those factors required by applicable Service regulations to be considered for determination of the character of and reason for the discharge or dismissal certificate in question.

(ii) Findings and conclusions on all other issues of fact, law, or discretion raised by the applicant in accordance with § 70.5(b)(13)(i), including claims by the applicant that statutory, regulatory, and/or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the DRB would have warranted greater relief than that afforded the applicant by the DRB's decision if resolved in the applicant's favor.

(iii) Conclusions as to whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal and/or the reason and authority for the discharge or dismissal; and, if so concluded, the particular changes, corrections, or modifications that should be made.

(iv) A statement of the reasons for the findings and conclusions made in accordance with subdivisions (i) through (iii) of this subparagraph.

(5) Advisory opinions, including those containing factual information, where such opinions have been relied upon for final decision or have been accepted as a basis for rejecting any of the applicant's claims. Such advisory opinions or relevant portions thereof that are not fully set forth in the statement of findings, conclusions, and reasons shall be incorporated by reference therein. A copy of such opinions shall be appended to the decision and included in the record of proceedings.

(6) A record of the DRB members' names and votes.





(7) The DRB decision and written minority opinions or reports, if any.

(8) A listing of the contentions or issues presented by the applicant, if not included elsewhere.

(9) An authentication of the document by an appropriate official.

(e) *Issuance of decisions following discharge review:* The applicant and counsel/representative, if any, shall be provided with a copy of the decisional document and of any further action in review. Final notification of decisions shall be issued to the applicant with a copy to the counsel/representative, if any, and to the Military Service.

(1) Notification to applicants, with copies to counsel/representatives, shall normally be made through the U.S. Postal Services. Such notification shall consist of a notification of decision, together with a copy of the decisional document.

(2) Notification to the Military Services shall be for the purpose of appropriate action and inclusion of review matter in personnel records. Such notification shall bear appropriate certification of completeness and accuracy.

(3) Actions on review by superior authority, when occurring, shall be provided to the applicant and counsel/representative in the same manner as the notification of the review decision.

(f) *Records of DRB proceedings:*

(1) When the proceedings in any review have been concluded, a record thereof will be prepared. Records may include written records, electro-magnetic records, videotape recordings, or a combination thereof.

(2) At a minimum, the record will include the following:

The application for review.
A record of the testimony in verbatim, summarized, or recorded form at the option of the DRB concerned.
Documentary evidence or copies thereof considered by the DRB other than the Military Service record.
Briefs/arguments submitted by or on behalf of the applicant.
Advisory opinions considered by the DRB, if any.
The findings, conclusions, and reasons developed by the DRB.
Notification of the DRB's decision to the cognizant custodian of the applicant's records, or reference to the notification document.
Minority reports, if any.
A copy of the decisional document.

(g) Cases reviewed by the Secretary concerned, or by one to whom the reviewing authority has been delegated, shall be considered in accordance with the standards set forth in § 70.6.

(1) On every decision of the DRB that is reviewed by the Secretary, or by one to whom reviewing authority has been delegated, the decision on review shall be made in writing.

(2) In every case, the decision of the DRB and the reviewing authority, if any, shall include a statement of findings, conclusions, and reasons, (§ 70.5(d)(5)) except where the reviewing authority expressly adopts, in whole or in part, the statement of findings, conclusions and reasons of the DRB. Similarly, where the reviewing authority adopts the DRB's statement of findings, conclusions and reasons, there is no requirement for duplicative publication and indexing under terms of § 70.5(i).

(h) *Final disposition of the record of proceedings.* The original record of proceedings and all apendices thereto shall in all cases be incorporated in the Service record of the applicant and the Service record shall be returned to the custody of the NPRC, St. Louis, Mo. Other copies shall be filed and disposed of in accordance with separate Military Service regulations.

(i) *Availability of Discharge Review Board documents for public inspection and copying:*

(1) A copy of the decisional document prepared in accordance with § 70.5(d) shall be made available for public inspection and copying promptly after a notice of final decision is sent to the applicant.

(2) To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from documents made available for public inspection and copying. Names, addresses, social security numbers, and Military Service numbers must be deleted. Written justification shall be made for all other deletions and shall be available for public inspection.

(3) Any other privileged or classified material contained in or appended to any documents required by this agreement to be furnished the applicant and counsel/representative or made available for public inspection and copying may be deleted therefrom only if a written statement of the basis for the deletions is provided the applicant and counsel/representative and made available for public inspection. It is not intended that the statement be so detailed as to reveal the nature of the withheld material.

(4) DRB documents made available for public inspection and copying shall be located in the Armed Forces Discharge Review/Correction Boards Reading Room. The documents shall be indexed in a usable and concise form so as to enable the public and those who represent applicants before the DRBs to isolate from all these decisions that are indexed those cases that may be similar to an applicant's case and that indicate the circumstances under and/or reasons or which the DRB or the Secretary concerned granted or denied relief.

(i) The reading file index shall include, in addition to any other items determined by the DRB, the case number, the date, character of, reason for, and authority for the discharge. It shall further include the decisions of the DRB and reviewing authority, if any, and the issues addressed in the statement of findings, conclusions and reasons.

(ii) The index need be permanently maintained only at permanent DRB regional locations. This index should be made available at sites selected for traveling board hearings or hearings examinations for such periods as the DRB is present and in operation. Applicants at such sites shall be so advised in the notice of scheduled hearings.

(iii) The Armed Forces Discharge Review/Correction Boards Reading Room shall publish indexes quarterly for all Boards. All Boards will be responsible for timely submission to the Reading Room of individual case information required for update of the indexes. These indexes shall be available for public inspection and/or purchase at the Reading Room. This information will be provided to applicants in the notice of scheduled hearings.

(iv) Correspondence relating to matters under the cognizance of the Reading Room (including requests for purchase of indexes) shall be addressed to:

Armed Forces Discharge Review/Correction Board Reading Room, The Pentagon Concourse, Washington, D.C. 20310.

(j) *Privacy Act information.* Information protected under the Privacy Act is involved in the discharge review functions. The provisions of 32 CFR Part 286a will be observed throughout the processing of a request for review of discharge or dismissal.

§ 70.6 Discharge review standards.

(a) *Objective of Review.* The objective of a discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes, if necessary. The standards of review and the underlying factors which aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable service. No factors shall be established which require automatic change or denial of a change in a discharge. Neither a DRB or the Secretary concerned shall be bound by any methodology of weighting of the factors in reaching a determination. In each case, the DRB or Secretary concerned shall give a full, fair, and impartial consideration to all applicable factors prior to reaching a decision.

(b) *Propriety.* A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

(1) There exists an error of fact, law, procedures, or discretion associated





with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such

(3) In the course of a discharge review, it is determined that relief is warranted based upon consideration of

charge proceedings or otherwise noted in Military Service records.

Record of periods of unauthorized absence.

with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such error shall constitute prejudical error, if there is substantial doubt that the discharge would have remained the same if the error had not been made; or

(2) That a change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(c) *Equity.* A discharge shall be deemed to be equitable unless;

(1) In the course of a discharge review, it is determined that the policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that:

(i) Current policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings; and

(ii) There is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration;

(2) At the time of issuance, the discharge was inconsistent with standards of discipline in the Military Service of which the applicant was a member; or

(3) In the course of a discharge review, it is determined that relief is warranted based upon consideration of the applicant's Service record and other evidence presented to the DRB viewed in conjunction with the factors listed in this subparagraph and the regulations under which the applicant was discharged, even though the discharge was determined to have been otherwise equitable and proper at the time of issuance. Areas of consideration include, but are not limited to:

(i) Quality of Service, as evidenced by factors such as:

Service history, including date of enlistment, period of enlistment, highest rank achieved, conduct or efficiency ratings (numerical or narrative).

Awards and decorations.

Letters of commendation or reprimand.

Combat service.

Wounds received in action.

Record of promotions and demotions.

Level of responsibility at which the applicant served.

Other acts of merit that may not have resulted in a formal recognition through an award or commendation.

Length of service during the service period which is the subject of the discharge review.

Prior military service and type of discharge received or outstanding post-service conduct to the extent that such matters provide a basis for a more thorough understanding of the performance of the applicant during the period of service which is the subject of the discharge review.

Convictions by court-martial.

Record of non-judicial punishment.

Convictions by civil authorities while a member of the Service, reflected in the discharge proceedings or otherwise noted in Military Service records.

Record of periods of unauthorized absence.

Records relating to a discharge in lieu of court-martial.

(ii) Capability to serve, as evidenced by factors such as:

(A) Total Capabilities. This includes an evaluation of matters such as age, educational level, and aptitude scores. Consideration may also be given to whether the individual met normal military standards of acceptability for military service and similar indicators of an individual's ability to serve satisfactorily, as well as ability to adjust to the military service.

(B) Family/Personal Problems. This includes matters in extenuation or mitigation of the reason for discharge that may have affected the applicant's ability to serve satisfactorily may have been affected.

(C) Arbitrary or Capricious Actions. This includes actions by individuals in authority which constitute a clear abuse of such authority and which contributed to the decision to discharge or to the characterization of service.

(D) Discrimination. This includes unauthorized acts as documented by records or other evidence.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, Washington Headquarters Service Department of Defense.*

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